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Informe anual del Alto Comisionado de las Naciones Unidas para los Derechos Humanos e informes de la Oficina del Alto Comisionado y del Secretario General

Órganos y mecanismos de derechos humanos

Cooperación con las Naciones Unidas, sus representantes y mecanismos en la esfera de los derechos humanos

Informe del Secretario General* **

Resumen

Este informe se presenta en cumplimiento de la resolución 12/2 del Consejo de Derechos Humanos. En él, el Secretario General pone de relieve las actividades, las novedades en materia de políticas y las buenas prácticas dentro y fuera del sistema de las Naciones Unidas para combatir los actos de intimidación y represalias contra quienes tratan de cooperar o han cooperado con las Naciones Unidas, sus representantes y mecanismos en la esfera de los derechos humanos. Se presentan las actividades de la Oficina del Alto Comisionado para los Derechos Humanos y del Subsecretario General de Derechos Humanos, en su calidad de alto funcionario encargado de dirigir los esfuerzos de las Naciones Unidas en esa esfera. También se informa sobre los presuntos actos de intimidación y represalias, en ocasiones haciendo un seguimiento de los casos incluidos en el informe precedente (A/HRC/39/41) y en otros informes anteriores. Debido al límite de palabras, en el anexo I se ofrece más información sobre casos concretos. El anexo II contiene información sobre el seguimiento dado a los casos incluidos en informes anteriores. El informe concluye con un resumen de las tendencias y recomendaciones para combatir y prevenir los actos de intimidación y represalias.

* Este informe se presenta con retraso para poder incluir en él la información más reciente.
** Los anexos del presente informe se distribuyen tal como se recibieron, en el idioma en que se presentaron únicamente.

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I. Introducción

1. En su resolución 12/2, el Consejo de Derechos Humanos expresó su preocupación por los persistentes informes sobre actos de intimidación y represalia contra los particulares y los grupos que trataban de cooperar o habían cooperado con las Naciones Unidas, sus representantes y mecanismos en la esfera de los derechos humanos. El Consejo condenó además todo acto de intimidación o represalia de los Gobiernos o los agentes no estatales y me invitó a que le presentara en su 14º período de sesiones, y anualmente en lo sucesivo, un informe con una recopilación y un análisis de toda la información disponible, de todas las fuentes pertinentes, sobre presuntas represalias, así como recomendaciones sobre la forma de hacer frente al problema. El presente informe es el décimo que se prepara en virtud de la resolución 12/2[1].

II. Actividades en respuesta a los actos de intimidación y represalia

2. En el marco de la colaboración con numerosas organizaciones de las Naciones Unidas, en la Sede y sobre el terreno, se han seguido observando actos de represalia por la cooperación en curso o pasada y actos de intimidación, destinados a desalentar la futura participación o cooperación, perpetrados tanto por agentes estatales como no estatales. Durante el período que abarca el informe, diferentes incidentes o tendencias fueron abordados en el sistema de las Naciones Unidas, tanto en la Secretaría como en las oficinas sobre el terreno y las misiones de paz, así como por la Asamblea General, el Consejo de Seguridad, el Consejo de Derechos Humanos y sus mecanismos, los órganos creados en virtud de tratados de derechos humanos, el Foro Permanente para las Cuestiones Indígenas, la Comisión de la Condición Jurídica y Social de la Mujer, el Comité encargado de las Organizaciones No Gubernamentales y el Grupo Banco Mundial.

3. De conformidad con la resolución 72/247 de la Asamblea General, el Secretario General preparó un informe sobre el 20º aniversario de la Declaración sobre el Derecho y el Deber de los Individuos, los Grupos y las Instituciones de Promover y Proteger los Derechos Humanos y las Libertades Fundamentales Universalmente Reconocidos, en el que examinó el fortalecimiento de la respuesta a incidentes de intimidación y represalias (véase A/73/230, párrs. 21 a 26 y 64 a 66). En diciembre de 2018, la Asamblea celebró una sesión plenaria de alto nivel e instó a los Estados a "prevenir y erradicar la práctica de la detención y el encarcelamiento arbitrarios de manifestantes pacíficos y defensores de los derechos humanos por ejercer sus derechos humanos y libertades fundamentales de expresión, reunión pacífica y asociación, incluidas las relativas a la cooperación con las Naciones Unidas"[2].

4. En el Consejo de Derechos Humanos se formularon respuestas y recomendaciones, en particular en las resoluciones relativas a los países y durante el tercer ciclo del examen periódico universal (2017-2021). De los 98 Estados examinados, 5 recibieron recomendaciones explícitas, 2 de ellas durante el período sobre el que se informa[3]. La Alta Comisionada de las Naciones Unidas para los Derechos Humanos expresó su preocupación por las represalias contra las víctimas, los defensores de los derechos humanos y las organizaciones no gubernamentales (ONG) que cooperaban con las Naciones Unidas[4].

5. El Consejo de Derechos Humanos reconoció la importancia de los derechos de los defensores de los derechos humanos relacionados con el medio ambiente a acceder a las Naciones Unidas y a comunicarse con la organización e invitó al Secretario General a que

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

[2] Resolución 73/173 de la Asamblea General, párr. 2.

[3] Véanse los exámenes de China (A/HRC/40/6, párr. 28.339) y Cuba (A/HRC/39/16, párr. 24.158).

[4] https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24265&LangID=E.

siguiera incluyendo los presuntos actos de intimidación y represalias contra ellos en su informe anual[5].

6. Los sucesivos presidentes del Consejo de Derechos Humanos, interponiendo sus buenos oficios, procuraron hacer frente a las presuntas represalias por parte de representantes estatales durante los períodos de sesiones del Consejo y otros actos paralelos, así como las restricciones impuestas en relación con los viajes para asistir a los períodos de sesiones del Consejo. En marzo de 2019, el Presidente destacó la "contribución crucial" de la sociedad civil y señaló que les correspondía brindarle un espacio suficiente y seguro para que pudiera aportar dicha contribución[6].

7. La Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos (ACNUDH) organizó actividades de consulta directa con los asociados y las víctimas bajo la dirección del Subsecretario General de Derechos Humanos, en su calidad de alto funcionario designado para dirigir los esfuerzos encaminados a combatir la intimidación y las represalias. En diciembre de 2018, el ACNUDH celebró una consulta en Nueva York con expertos jurídicos y académicos con el propósito de examinar las medidas legislativas y de políticas aplicadas para restringir la colaboración con las Naciones Unidas. Tras las consultas regionales celebradas con la sociedad civil en Asia Sudoriental y Asia Central en 2018, el ACNUDH se reunió con miembros de la sociedad civil de diez países de África Oriental en Nairobi, en mayo de 2019.

8. El ACNUDH se esforzó por aplicar las directrices sobre represalias e intimidación que había elaborado conjuntamente con el Programa de las Naciones Unidas para el Desarrollo (PNUD) y la Alianza Global de las Instituciones Nacionales de Derechos Humanos (véase A/74/226, párrs. 80 a 86). En el presente informe se señalan casos concretos relacionados con las instituciones nacionales de derechos humanos, y la cuestión también se mencionó en la Declaración de Marrakech, aprobada por la Alianza Global en octubre de 2018[7]. En septiembre de 2019, el Consejo de Derechos Humanos, en su resolución 39/17, reconoció el papel que podían desempeñar las instituciones nacionales de derechos humanos en "la prevención y el tratamiento de los casos de represalias como parte del apoyo a la cooperación entre los Estados y las Naciones Unidas" y destacó que dichas instituciones "no deberían afrontar ninguna forma de represalia o intimidación"[8].

9. En abril de 2019, el ACNUDH comenzó a celebrar consultas estructuradas en la Secretaría, los organismos y los fondos y programas de las Naciones Unidas a fin de mejorar la recopilación de información sobre la orientación, los recursos y las políticas existentes y debatir las recomendaciones. También adoptó medidas para mejorar el intercambio y el análisis de información interregional con organizaciones intergubernamentales regionales y bancos multilaterales de desarrollo, incluido el Consejo de Europa.

10. En respuesta a una solicitud del Foro Permanente para las Cuestiones Indígenas (véase E/2018/43-E/C.19/2018/11, párr. 14), el 24 de abril de 2019 el Subsecretario General se refirió a la intimidación y las represalias generalizadas contra los pueblos indígenas. Alentó a que se presentaran informes con mayor regularidad, se documentaran los incidentes en línea y se analizara en qué forma las leyes y las políticas nacionales afectaban a la colaboración de los pueblos indígenas con las Naciones Unidas[9]. El Foro Permanente instó a que se presentaran las denuncias pertinentes escribiendo a reprisals@ohchr.org (véase E/2019/43-E/C.19/2019/10, párr. 71).

[5] Resolución 40/11 del Consejo de Derechos Humanos, párrs. 12 y 27.

[6] http://webtv.un.org/search/decisions-and-conclusions-closing-55th-meeting-40th-regular-session-human-rights-council-/6016988741001/?term=&lan=english&cat=Regular%2040th%20session&sort=date&page=1.

[7] https://nhri.ohchr.org/EN/ICC/InternationalConference/13IC/Background%20Information/Marrakech%20Declaration_ES_%2012102018%20-%20FINAL.pdf.

[8] Resolución 39/17 del Consejo de Derechos Humanos, párr. 4; véase también la resolución 72/181 de la Asamblea General, párrs. 6 y 11.

[9] https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24513&LangID=E.

11. En octubre de 2018, el Banco Mundial y el ACNUDH organizaron conjuntamente una mesa redonda sobre las represalias para los bancos multilaterales de desarrollo y sus mecanismos independientes de rendición de cuentas —la primera de este tipo—. En abril de 2019, el ACNUDH organizó, junto con el Mecanismo Independiente de Consulta e Investigación del Banco Interamericano de Desarrollo, una mesa redonda sobre el riesgo de represalias en la financiación para el desarrollo. En la reunión, la Alta Comisionada señaló las poderosas repercusiones que podía tener la prevención mediante una política de "tolerancia cero" contra las represalias, respaldada por acciones. Subrayó que la represión se llevaba a cabo cada vez más recurriendo a la aplicación deliberada o, mejor dicho, incorrecta, de las leyes nacionales, incluso en lo referente al registro y la regulación de las ONG, las restricciones financieras, las limitaciones de la libertad de expresión, de asociación y de reunión pacífica, y la aplicación indebida de las leyes antiterroristas[10].

12. En respuesta a la petición de los presidentes de los órganos creados en virtud de tratados de que se determinaran las buenas prácticas y se reforzara la función de los coordinadores y relatores[11], el ACNUDH y el Servicio Internacional para los Derechos Humanos, junto con Amnistía Internacional y la red de ONG sobre los órganos creados en virtud de tratados de las Naciones Unidas, organizaron un taller en diciembre de 2018 en Ginebra. En abril de 2019, los órganos creados en virtud de tratados pusieron en marcha una página web común sobre represalias[12] y, en junio de 2019, los Presidentes hicieron balance de las buenas prácticas en un diálogo con el Subsecretario General[13].

13. Los procedimientos especiales del Consejo de Derechos Humanos abordaron el problema de las represalias en una serie de comunicaciones, declaraciones públicas, comunicados de prensa, informes y reuniones[14]. Subrayaron la necesidad de obtener un registro completo de los casos para una evaluación exhaustiva de las tendencias, y nombraron un nuevo coordinador para las represalias[15].

III. Novedades en materia de políticas y buenas prácticas

14. Durante el diálogo interactivo sobre el informe de 2018 (A/HRC/39/41), algunos Estados Miembros y organizaciones de la sociedad civil sugirieron que las Naciones Unidas reunieran información sobre buenas prácticas para combatir y prevenir las represalias. En febrero de 2019, el ACNUDH distribuyó un cuestionario[16] y compiló las respuestas.

15. En el plano internacional, los Estados[17] destacaron el apoyo a la labor del Consejo de Derechos Humanos, incluido el examen periódico universal, y al Subsecretario General para facilitar la participación de la sociedad civil. Varios miembros actuales se habían comprometido a oponerse firmemente a las represalias, reforzar la protección de la sociedad civil y promover la participación de esta en el Consejo[18].

[10] https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24486&LangID=E.

[11] Véanse A/73/140, párr. 78, y HRI/MC/2018/CRP.2.

[12] https://www.ohchr.org/EN/HRBodies/Pages/Reprisal.aspx.

[13] HRI/MC/2019/2 y http://www.ohchr.org/EN/HRBodies/AnnualMeeting/Pages/MeetingChairpersons.aspx.

[14] https://www.ohchr.org/Documents/HRBodies/SP/HRC40_ChairItem5_13_March2019.docx; véanse también A/73/215, párrs. 54 a 58; A/HRC/40/60, párrs. 48 a 51 y 109 b); y A/HRC/38/34, párr. 51.

[15] Sr. José Guevara Bermúdez, Presidente-Relator del Grupo de Trabajo sobre la Detención Arbitraria (véase A/HRC/40/38, seccs. IV y V.B.2).

[16] https://www.ohchr.org/EN/Issues/Reprisals/Pages/GoodPractices.aspx.

[17] Se recibieron respuestas dentro del plazo establecido de los siguientes Estados: Bosnia y Herzegovina, Croacia, Eslovaquia, Estados Unidos de América, Hungría, Irlanda, Mauricio, Países Bajos, Polonia, Suiza, Tailandia, Túnez y Reino Unido de Gran Bretaña e Irlanda del Norte.

[18] Afganistán (véase A/72/377, anexo, párr. 20 i)); Angola (véase A/72/79, anexo, párr. 10 b)); Argentina (véase A/73/387, anexo, párr. 34); Australia (véase A/72/212, anexo, párr. 15); Austria (véase A/73/339, anexo, párr. 8); Chequia (véase A/73/82, anexo, pág. 2); Dinamarca (véase A/73/130, anexo, párr. 8); Islandia (véase A/72/923, anexo, párr. 18); Reino Unido (véase A/71/572, anexo, párr. 14); y Uruguay (véase A/73/318, anexo, párr. 4).

16. En lo que respecta a la seguridad de las personas, los Estados se refirieron al apoyo financiero prestado a los fondos de las ONG, a las directrices para la protección de los defensores de los derechos humanos y a las intervenciones diplomáticas. Entre los ejemplos citados cabe mencionar las Directrices de la Unión Europea sobre el apoyo a los defensores de los derechos humanos y la asistencia de emergencia para las personas en situación de riesgo[19].

17. En el plano nacional, los Estados destacaron como buenas prácticas los sólidos marcos jurídicos que hacían de la participación de la sociedad civil una prioridad nacional, junto con el examen de los incidentes denunciados. Los miembros de la sociedad civil señalaron marcos normativos que eran explícitos en cuanto al derecho al acceso, la comunicación y la cooperación con los órganos regionales e internacionales. Algunos Estados habían incluido disposiciones o promulgado leyes específicas que garantizaban el recurso a los foros internacionales[20].

18. Por ejemplo, en Etiopía, se ha informado de avances legislativos recientes relacionados con reformas que podrían permitir la colaboración de la sociedad civil con las Naciones Unidas en materia de derechos humanos. El 17 de agosto de 2018, el Relator Especial sobre los derechos a la libertad de reunión pacífica y de asociación señaló las reformas incipientes de la legislación sobre la libertad de asociación, los medios de comunicación y el acceso a la información, la lucha contra el terrorismo y el delito informático (ETH 2/2018), que se consideraban novedades positivas que fortalecerían el estado de derecho. Antes de 2018, los asociados se mostraban reticentes a colaborar con las Naciones Unidas por temor a las represalias. En abril de 2019, los procedimientos especiales reconocieron las medidas positivas adoptadas por el Gobierno en el marco de la revisión de la Proclamación de la Sociedad Civil, a pesar de que aún subsistían algunos obstáculos en la legislación[21]. Los Estados formularon recomendaciones para ampliar las reformas en el marco del examen periódico universal, en mayo de 2019[22], y la Alta Comisionada tomó nota de tales reformas en marzo de 2019[23].

19. Se han llevado a cabo varias iniciativas para elaborar orientaciones y mejorar la presentación de informes. El Consejo de Derechos Humanos, en su resolución 39/11, presentó directrices para los Estados sobre la puesta en práctica efectiva del derecho a participar en la vida pública, en las que se abordan la intimidación y las represalias (véase, por ejemplo, A/HRC/39/28, párr. 102). El ACNUDH elaboró directrices sobre la integración de la perspectiva de género en las investigaciones de derechos humanos, que incluyen medidas para prevenir las represalias[24].

20. El Grupo Banco Mundial estableció buenas prácticas para las denuncias relacionadas con sus proyectos. Tras la publicación de sus directrices[25], la Oficina del Asesor en Cumplimiento/Ombudsman ha informado de denuncias desglosadas por región y por la fuente de la que supuestamente procedían las amenazas[26].

21. En octubre de 2018, la Corporación Financiera Internacional publicó una declaración sobre represalias contra la sociedad civil y las partes interesadas de los proyectos[27], en la que afirmaba que no toleraría acciones que constituyeran "represalia —amenazas, intimidación, acoso o violencia—". Además, está elaborando protocolos internos, entre otras cosas sobre los procedimientos de detección de riesgos.

[19] https://eeas.europa.eu/headquarters/headquarters-homepage_en/3958/EU%20Guidelines%20on%20Human%20Rights%20Defenders.

[20] https://www.ishr.ch/sites/default/files/files/final_good_practice_reprisals_submission_to_2019_sg_report_rev.pdf.

[21] https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24443&LangID=E.

[22] Véase A/HRC/42/14, secc. I.B y párrs. 163.56, 163.58 a 163.63, 163.68, 163.69, y 163.218 a 163.220.

[23] https://www.ohchr.org/SP/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=24265&LangID=S.

[24] https://www.ohchr.org/Documents/Publications/IntegratingGenderPerspective_EN.pdf.

[25] http://www.cao-ombudsman.org/newsroom/documents/CAOApproachtoReprisals.htm.

[26] https://www.cao-ar18.org/reprisals-article/index.html.

[27] https://www.ifc.org/wps/wcm/connect/715cfbf0-b423-4b10-842b-7a04f1d92574/ES_IFC_Reprisals_Statement_201810.pdf?MOD=AJPERES&CVID=mq8T.lf.

22. La Dependencia de Conformidad Social y Ambiental de la Oficina de Auditoría e Investigaciones del PNUD aprobó de manera preliminar un procedimiento operativo estándar para la gestión de los riesgos y las represalias relacionados con su labor, que estará abierto a las observaciones del público. La Dependencia también ayudó al Banco Interamericano de Desarrollo a elaborar un juego de herramientas sobre medidas para hacer frente al riesgo de represalias[28].

23. En el proyecto revisado de política sobre la protección de los civiles (2019) del Departamento de Operaciones de Paz se ordena a todos los componentes de las misiones de mantenimiento de la paz que no expongan a los civiles a riesgos ni causen daños en aras de la cooperación con una misión. En dicho proyecto se incluyen medidas para prevenir las represalias, incluidas posibles medidas de protección individual, y se exige que se lleven a cabo evaluaciones de riesgos respecto de los componentes militares y de policía antes de la ejecución de las operaciones a fin de mitigar los daños a la población civil.

24. En marzo de 2019, durante la sesión de clausura del 63er período de sesiones de la Comisión de la Condición Jurídica y Social de la Mujer, la Entidad de las Naciones Unidas para la Igualdad de Género y el Empoderamiento de las Mujeres (ONU-Mujeres)[29] y la Presidenta de la Comisión expresaron su preocupación por los incidentes relativos al presunto ciberacoso de que había sido objeto el facilitador de las conclusiones convenidas de la Comisión. ONU-Mujeres expresó su agradecimiento por la condena unánime de estos incidentes y señaló que el ciberacoso no tenía cabida en las Naciones Unidas.

IV. Asegurar el acceso a las Naciones Unidas, sus representantes y mecanismos en la esfera de los derechos humanos

25. En mi informe anterior y en su presentación al Consejo de Derechos Humanos por el Subsecretario General[30] se abordaron los obstáculos que impedían que las personas y las organizaciones hicieran uso de la palabra en los foros de las Naciones Unidas. Se sigue informando de intentos por parte de representantes estatales de bloquear o retrasar la acreditación de ciertos representantes de la sociedad civil, especialmente en la esfera de los derechos humanos.

26. El ACNUDH sigue recibiendo informes de personas que han sido filmadas o fotografiadas sin su consentimiento en reuniones de las Naciones Unidas, así como de grabaciones secretas de declaraciones formuladas en sesiones a puerta cerrada, lo que crea un clima de intimidación que puede disuadir a otros de participar en este tipo de actos. Sobre el terreno, algunos funcionarios de los componentes de derechos humanos de las misiones de paz o que participan en la protección de civiles siguieron informando de obstáculos que inhibían la colaboración con las comunidades debido al temor o la intimidación (véase A/HRC/39/41, párr. 80). El Consejo de Seguridad ha instado a que se garantice a las misiones de paz un acceso sin trabas para que puedan cumplir sus mandatos[31].

27. Los procedimientos especiales abordaron los problemas en materia de acceso. El Relator Especial sobre la situación de los defensores de los derechos humanos señaló la exclusión de los defensores de los derechos humanos como resultado de políticas estatales restrictivas que dificultaban su inscripción o la concesión de autorizaciones de viaje (véase A/73/215, párrs. 54 a 58). Abordó asimismo la situación de las defensoras de los derechos

[28] http://independentaccountabilitymechanism.net/ocrp002p.nsf/0/ce43d67170fcd8f3482583a20026ab13/$file/guide_for_iams_on_measures_to_address_the_risk_of_reprisals_in_complaints_management_february_2019.pdf.

[29] http://www.unwomen.org/en/news/stories/2019/3/speech-ed-phumzile-closing-csw63.

[30] Véase A/HRC/39/41, párrs. 20 y 21, y https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23591&LangID=E.

[31] Véanse las resoluciones del Consejo de Seguridad 2463 (2019) (República Democrática del Congo); 2423 (2018) (Malí); 2472 (2019) (Somalia); 2454 (2019) (República Centroafricana); y 2459 (2019) (Sudán del Sur).

humanos, refiriéndose al “procedimiento de aprobación tácita” de la Asamblea General, que permite a los Estados vetar la participación de cualquier organización no gubernamental sin aducir motivos para ello. Algunas defensoras de los derechos humanos han informado haber sido objeto de prohibiciones de viajar, hostigamiento, interrogatorios, detenciones arbitrarias y agresiones físicas antes y después de las reuniones (véase A/HRC/40/60, párrs. 48 a 51 y 109 b)). El Relator Especial sobre los derechos a la libertad de reunión pacífica y de asociación vinculó un “número preocupante” de presuntas represalias a un aumento de la penalización de las actividades de los defensores de los derechos humanos (véase A/HRC/38/34, párr. 51).

28. En informes sucesivos se siguen señalando el volumen de trabajo y los métodos de trabajo del Comité encargado de las Organizaciones No Gubernamentales, en su calidad de órgano encargado de examinar las solicitudes de las organizaciones que desean ser reconocidas como entidades de carácter consultivo por el Consejo Económico y Social (véanse E/2019/32 (Part I) y E/2019/32 (Part II)). El Departamento de Asuntos Económicos y Sociales de la Secretaría informó de que, a septiembre de 2018, más de 5.000 ONG estaban reconocidas como entidades de carácter consultivo general o especial o figuraban en la Lista (véase E/2018/INF/5). La demanda de este reconocimiento sigue siendo elevada. El Departamento recibió 820 solicitudes durante el ciclo de 2018, más que en ciclos anteriores[32], lo que indica la importancia del reconocimiento como entidades de carácter consultivo para las ONG en todo el mundo.

29. En enero de 2019, se eligieron 19 Estados[33] para un mandato de cuatro años en el Comité[34]. En la continuación de su período de sesiones, celebrada en mayo de 2019, el Comité recomendó la aprobación de 219 solicitudes de reconocimiento como entidades de carácter consultivo y aplazó 268 solicitudes (véase E/2019/32 (Part II)), una tasa de aplazamiento comparable a la del año anterior (véase A/HRC/39/41, párr. 22).

30. Los procedimientos especiales del Consejo de Derechos Humanos se reunieron con el Presidente del Comité en octubre de 2018 y, el 20 de junio de 2019, enviaron una carta exhaustiva con recomendaciones, en la que señalaban que se seguía considerando que un elevado y creciente número de solicitudes de reconocimiento como entidades de carácter consultivo presentadas por ONG eran aplazadas arbitrariamente por los miembros del Comité sobre la base de preguntas repetitivas y de carácter político[35]. Dado que las preguntas de un miembro se plantean en nombre de todo el Comité, los Estados Miembros abordaron estas cuestiones en el marco del examen de sus métodos de trabajo (véase E/2019/32 (Part I), párrs. 38 y 40 a 43). El Presidente del Comité anunció el establecimiento de un grupo de trabajo oficioso que estudiaría la forma de cotejar con la Lista de Sanciones las solicitudes del carácter consultivo presentadas por las ONG[36].

31. En mi informe anterior, acogí con beneplácito los esfuerzos positivos del Comité por aumentar la transparencia, en particular la transmisión web de sus deliberaciones públicas. Tomo nota asimismo de que la Asamblea General invitó al Comité a que examinara la manera de “tramitar eficazmente el número creciente de solicitudes de reconocimiento como entidades consultivas que presentan las organizaciones no gubernamentales”[37]. Como se ha señalado anteriormente, el continuo aplazamiento de las solicitudes ha supuesto en algunos casos una denegación *de facto* y parece afectar en particular a organizaciones que se ocupan de cuestiones relacionadas con los derechos humanos (véanse A/HRC/39/41, párr. 23, y A/HRC/38/18, párr. 20). Insto una vez más al Comité a que aplique los criterios para evaluar a las organizaciones de manera justa y transparente.

[32] https://www.un.org/press/en/2019/ecosoc6982.doc.htm.

[33] Los miembros del Comité son: Bahrein, Brasil, Burundi, China, Cuba, Estados Unidos de América, Estonia, Eswatini, Federación de Rusia, Grecia, India, Israel, Libia, México, Nicaragua, Nigeria, Pakistán, Sudán y Turquía.

[34] Decisión 2018/201 E del Consejo Económico y Social, disponible en https://www.un.org/ecosoc/sites/www.un.org.ecosoc/files/documents/2018/decision.2018.201.e.pdf.

[35] https://www.ohchr.org/Documents/HRBodies/SP/CC_Chair_letter_to_NGO_Committee_20062019.pdf.

[36] https://www.un.org/press/en/2019/ecosoc6982.doc.htm.

[37] Resolución 72/305 de la Asamblea General, párr. 22.

V. Información recibida sobre casos de intimidación y represalia motivados por la cooperación con las Naciones Unidas, sus representantes y mecanismos en la esfera de los derechos humanos

A. Observación general

32. El presente informe incluye datos sobre casos recopilados entre el 1 de junio de 2018 y el 31 de mayo de 2019 y, de conformidad con las resoluciones 12/2 y 24/24 del Consejo de Derechos Humanos, contiene información sobre actos de intimidación o represalia contra quienes:

a) Tratan de cooperar o han cooperado con las Naciones Unidas, sus representantes y mecanismos en la esfera de los derechos humanos, o han prestado testimonio ante ellos o les han proporcionado información;

b) Recurren o han recurrido a los procedimientos establecidos bajo los auspicios de las Naciones Unidas para la protección de los derechos humanos y las libertades fundamentales, y todos los que les han prestado asistencia jurídica o de otra índole a tal fin;

c) Presentan o han presentado comunicaciones con arreglo a los procedimientos establecidos en los instrumentos de derechos humanos de las Naciones Unidas, y todos los que les han prestado asistencia jurídica o de otra índole a tal fin;

d) Son familiares de víctimas de violaciones de los derechos humanos o de quienes han prestado asistencia jurídica o de otra índole a las víctimas.

33. La información recibida se ha cotejado con las fuentes primarias y ha sido corroborada por otras fuentes en la medida de lo posible. Se hace referencia a publicaciones de las Naciones Unidas si los casos son públicos. También se incluyen las respuestas proporcionadas por los Gobiernos, así como ejemplos positivos de medidas adoptadas por los Estados.

34. En este informe y en sus anexos no se pretende presentar una lista exhaustiva de los casos. En su preparación, se cumplió estrictamente el principio de “no hacer daño” y de obtener el consentimiento de las presuntas víctimas para revelar sus nombres, y se llevó a cabo una evaluación de los riesgos para cada caso recibido y considerado verosímil. Como resultado de ello, se decidió no incluir los casos en que se consideraba que el riesgo para la seguridad y el bienestar de las personas en cuestión o sus familiares era demasiado elevado. Además, varios casos señalados a mi atención se abordaron de manera confidencial y es posible que no figuren en el informe.

35. Debido al límite de palabras, el anexo I contiene información adicional sobre los casos resumidos en el informe principal, junto con las respuestas recibidas de los Gobiernos. El anexo II contiene información sobre los cambios que se han producido durante el período que abarca el informe en relación con los casos en curso mencionados en informes anteriores[38]. Las referencias en el presente informe a las comunicaciones de los titulares de mandatos de los procedimientos especiales del Consejo de Derechos Humanos, así como las respuestas de los Gobiernos, pueden consultarse en línea, según el número de caso que figura entre paréntesis[39].

[38] La información relativa a los siguientes países mencionados en informes anteriores en los que se produjeron acontecimientos conexos durante el período que abarca el informe figura en el anexo II únicamente: Camerún, Djibouti, Federación de Rusia, Filipinas, Kirguistán, Malí, México, Sudán del Sur y Tailandia.

[39] https://spcommreports.ohchr.org.

B. Resumen de los casos

Argelia

36. En julio de 2018, el Comité de Derechos Humanos pidió a Argelia que garantizara que las personas que cooperaran con el Comité no fueran objeto de represalias y que retirara los cargos contra las personas procesadas por haber cooperado con el Comité, las pusiera en libertad y les concediera una indemnización (véase CCPR/C/DZA/CO/4, párr. 8 b)).

Bahamas

37. El 30 de mayo de 2019, el Comité para la Eliminación de la Discriminación contra la Mujer envió una carta relativa al caso de la Sra. Alicia Wallace, una defensora de los derechos humanos que trabaja en la esfera de los derechos de la mujer y las cuestiones de género. Según se informa, ella y sus colegas habían sido objeto de comentarios despectivos por parte del presentador de un conocido programa de radio y de sus oyentes, incluso en relación con su colaboración con el Comité en octubre de 2018. El Gobierno respondió el 22 de junio de 2019.

Bahrein

38. En julio de 2018, el Comité de Derechos Humanos observó con preocupación las numerosas denuncias de represalias contra defensores de los derechos humanos y periodistas de Bahrein, en particular cuando colaboraban con los órganos creados en virtud de tratados y el Consejo de Derechos Humanos (véase CCPR/C/BHR/CO/1, párr. 59). El Comité tomó nota con preocupación de los casos del Sr. Sayed Ahmed Al-Wadaei y la Sra. Ebtesam Abdulhusain Ali-Alsaegh.

39. Se comunicó al ACNUDH que seguían en vigor las prohibiciones de viajar, que habían impedido que algunos representantes de la sociedad civil de Bahrein (los nombres se omiten por temor a nuevas represalias) participaran en el período de sesiones del Consejo de Derechos Humanos en marzo de 2019. En el anexo II se incluyen denuncias de continuas represalias contra el Sr. Sayed Ahmed Al-Wadaei, la Sra. Hajar Mansoor Hassan, la Sra. Medina Ali, la Sra. Najah Yusuf, la Sra. Ebtesam Abdulhusain Ali-Alsaegh y el Sr. Nabeel Rajab. El Gobierno respondió el 19 de junio de 2019.

Bangladesh

40. Se informó de que algunos defensores de los derechos humanos y representantes de los pueblos indígenas, en particular de Chittagong Hill Tracts, habían sido objeto de intimidación durante el período de sesiones de abril de 2019 del Foro Permanente para las Cuestiones Indígenas, celebrado en Nueva York. Habían sido seguidos y grabados en vídeo sin su consentimiento y se les había pedido que no hablaran en las sesiones públicas, por lo cual se habían abstenido de hablar con funcionarios de las Naciones Unidas. En el anexo II se incluyen denuncias sobre continuos actos de represalia contra la ONG Odhikar y sus funcionarios. El Gobierno respondió el 5 de julio de 2019.

Benin

41. En julio de 2018, el Subcomité para la Prevención de la Tortura y Otros Tratos o Penas Crueles, Inhumanos o Degradantes informó de que algunas personas privadas de libertad temían ser objeto de represalias por hablar con su delegación, en particular en la comisaría de policía de Agblangandan y en la prisión de Cotonú. El Subcomité pidió información al Gobierno sobre las medidas adoptadas para prevenir las represalias (véase CAT/OP/BEN/3, párrs. 107 y 108).

Bolivia (Estado Plurinacional de)

42. En julio de 2018, el Subcomité para la Prevención de la Tortura informó de que los miembros de su delegación no habían podido entrevistarse confidencialmente con reclusos de dos cárceles debido, entre otras cosas, al temor a represalias. Tras la visita, el Gobierno

facilitó información sobre las medidas adoptadas para abordar las denuncias (véase CAT/OP/BOL/3, párrs. 3, 14 y 126 a 131).

Burundi

43. El 15 de septiembre de 2018, la Misión Permanente de Burundi en Ginebra envió una nota verbal al ACNUDH en la que solicitaba que se retiraran las tarjetas de identificación a los defensores de los derechos humanos acreditados por el Consejo Económico y Social, incluidos los miembros de la Coalition Burundaise des Défenseurs des Droits de l'Homme. Los defensores de los derechos humanos mencionados en la nota fueron atacados posteriormente en los medios sociales. La Sra. Marie Louise Baricako, el Sr. Janvier Bigirimana, la Sra. Yvette Ininahazwe, el Sr. Pierre Claver Mbonimpa, la Sra. Eulalie Nibizi, el Sr. Alexandre Niyungeko, el Sr. Pacifique Nininahazwe y el Sr. Vital Nshimirimana aceptaron que se mencionaran sus nombres, mientras que otros no lo hicieron por temor a nuevas represalias. En el anexo II se incluyen denuncias de continuas represalias contra los Sres. Armel Niyongere, Dieudonné Bashirahishize, Vital Nshimirimana y Lambert Nigarura.

44. El 5 de octubre de 2018, el Consejo de Derechos Humanos instó al Gobierno a que pusiera fin a toda represalia contra los defensores de los derechos humanos que estaban cooperando con los mecanismos internacionales de derechos humanos, incluido el Consejo[40]. El 5 de marzo de 2019, la Alta Comisionada anunció con profundo pesar que la oficina del ACNUDH en Burundi había sido cerrada por insistencia del Gobierno y que su personal había encontrado grandes obstáculos para investigar las denuncias de vulneraciones desde la interrupción de la cooperación en octubre de 2016[41].

China

45. Varios activistas, defensores de los derechos humanos y abogados informaron al ACNUDH de que habían sido objeto de represalias por asistir a sesiones de capacitación, incluso con personal de las Naciones Unidas, o por colaborar con los mecanismos de derechos humanos de las Naciones Unidas. Según se informa, las represalias incluían medidas como la detención y la imposición de penas de prisión, malos tratos durante la privación de libertad, la confiscación de bienes y la vigilancia. Entre los afectados figuraban la Sra. Li Xiaoling, la Sra. Li Yuhan, el Sr. Liu Zhengqing, la Sra. Xu Yan y el Sr. Zhen Jianghua.

46. Se informó al ACNUDH de que miembros del personal de la ONG Chinese Human Rights Defenders habían sido objeto de intimidación y acoso por compartir información con las Naciones Unidas y organizar sesiones de capacitación en materia de derechos humanos para defensores de los derechos humanos en China. El anexo II contiene información sobre las novedades con respecto a los casos de la Sra. Chen Jianfang, la Sra. Wang Yu, el Sr. Qin Yongmin, la Sra. Zhao Suli, el Sr. Mi Chongbiao, la Sra. Li Kezhen, la Sra. Li Wenzu, la Sra. Wang Qiaoling, el Sr. Li Heping, el Sr. Jiang Tianyong y el Sr. Dolkun Isa. El Gobierno respondió el 1 de julio de 2019.

Colombia

47. El teniente Wilmer Orlando Anteliz González, un importante testigo protegido en una investigación penal de la Fiscalía General de la Nación, fue presuntamente objeto de investigaciones disciplinarias, descensos de categoría, traslados no solicitados, falta de medidas de protección adecuadas y amenazas de muerte contra él y su familia por cooperar con el ACNUDH en Colombia. El 15 de noviembre de 2018, el Subsecretario General expresó su preocupación por escrito. También se informó de que una defensora de los derechos humanos [se ha omitido el nombre] en Ituango (departamento de Antioquia) había recibido amenazas de muerte de parte de un grupo armado ilegal por reunirse con el ACNUDH y otros organismos de las Naciones Unidas, y se había visto obligada a mudarse

[40] Resolución 39/14 del Consejo de Derechos Humanos, párr. 15

[41] https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24254&LangID=E.

y a evitar todo contacto. En el anexo II se incluyen denuncias sobre continuos actos de represalia contra el Sr. Germán Graciano Posso.

Cuba

48. En agosto de 2018, el Comité para la Eliminación de la Discriminación Racial abordó las restricciones de viaje impuestas a los defensores de los derechos humanos, que habían impedido que estos participaran en su reunión sobre Cuba (véase CERD/C/CUB/CO/19-21, párrs. 13 y 14). Se informó al ACNUDH de que el Sr. Norberto Mesa Carbonell, defensor de los derechos de las personas afrodescendientes, había recibido amenazas de que se entablarían acciones judiciales contra familiares cercanos en julio de 2018 cuando preparaba una presentación ante el Comité. En agosto de 2018, el Comité abordó las denuncias por escrito y el Gobierno respondió el 15 de octubre de 2018. En el anexo II se incluyen denuncias sobre continuos actos de intimidación y represalia contra el Sr. Juan Antonio Madrazo Luna y la Sra. Dora L. Mesa. En diciembre de 2018, el Subsecretario General abordó la situación de la Sra. Mesa por escrito y el Gobierno respondió el 16 de enero y el 21 de junio de 2019.

República Democrática del Congo

49. Se informó de que, en febrero de 2019, un miembro de la sociedad civil de Kwilu Ngongo (provincia de Kongo Central) había sido vilipendiado públicamente y destituido de su cargo por una autoridad local por compartir información sobre vulneraciones con la Oficina Conjunta de Derechos Humanos de la Misión de Estabilización de las Naciones Unidas en la República Democrática del Congo (MONUSCO).

50. El 12 de abril de 2019, los titulares de mandatos de los procedimientos especiales se dirigieron al Gobierno de la República Democrática del Congo, al Gobierno de China, a la Weihai International Economic & Technical Cooperative Co., Ltd y al Banco Mundial en relación con las amenazas de muerte y los intentos de secuestro contra defensores de los derechos humanos pertenecientes al Réseau d'Aide aux Femmes et Enfants Nécessiteux por su cooperación con el Banco Mundial (COD 1/2019, CHN 2/2019, OTH 15/2019 y OTH 16/2019). Los defensores de los derechos humanos habían denunciado vulneraciones relacionadas con la construcción de la carretera entre Bukavu y Goma, en el marco del proyecto de reapertura y mantenimiento de carreteras de alta prioridad (ProRoutes). El Gobierno de China respondió el 21 de mayo de 2019[42] y el Banco Mundial, el 7 de junio de 2019[43].

Egipto

51. El 2 de noviembre de 2018, los titulares de mandatos de los procedimientos especiales abordaron las denuncias de desalojo forzoso y vulneraciones de los derechos a la integridad física, la libertad y la seguridad en lo que parecía ser “un patrón” de actos de intimidación y represalia contra personas que habían cooperado con la Relatora Especial sobre una vivienda adecuada como elemento integrante del derecho a un nivel de vida adecuado y sobre el derecho de no discriminación a este respecto, durante su visita a Egipto en 2018[44]. El Gobierno respondió el 1 de enero de 2019[45].

52. Se informó de que en marzo de 2019 representantes de la sociedad civil habían sido objeto de hostigamiento y vigilancia durante el período de sesiones del Consejo de Derechos Humanos y sus actos paralelos. En el anexo II se incluyen denuncias de continuos actos de represalia contra el Sr. Ebrahim Abdelmonem Metwally Hegazy y el Sr. Ahmed Shawky Abdelsattar Mohamed Amasha, así como contra el personal del Cairo Institute for Human Rights Studies y sus familiares, el Sr. Bahey El Din Hassan y el Sr. Mohamed Zaree, y se aborda la legislación por la que se imponen restricciones a la sociedad civil.

[42] La respuesta del Gobierno (pendiente de traducción oficial) puede consultarse en https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34713.

[43] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34732.

[44] Véase https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23671&LangID=E; EGY 16/2018; y A/HRC/40/60/Add.1 y A/HRC/40/60/Add.1/Corr.1, párrs. 585 y 593.

[45] https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34459.

Eritrea

53. La Relatora Especial sobre la situación de los derechos humanos en Eritrea informó de las dificultades para documentar una ejecución extrajudicial por temor a represalias (véase A/HRC/38/50, párr. 61) y planteó la cuestión de las represalias en su declaración ante la Asamblea General[46]. El Consejo de Derechos Humanos alentó a los Estados a proteger la seguridad de las personas que habían cooperado con la comisión de investigación sobre los derechos humanos en Eritrea y la Relatora Especial, a prestar la debida atención a este asunto y a proteger a dichas personas de las represalias[47].

Guatemala

54. En múltiples ocasiones, los titulares de mandatos de los procedimientos especiales abordaron los antejuicios y las campañas de estigmatización y denigración públicas contra los magistrados de la Corte de Constitucionalidad que cooperaban con la Comisión Internacional contra la Impunidad en Guatemala (CICIG), incluidos el Sr. Francisco de Mata Vela, el Sr. Bonerge Mejía y la Sra. Gloria Porras, y sus familiares. También expresaron su preocupación por las presuntas represalias contra magistrados con competencia en casos de corrupción de alto perfil, delincuencia organizada y flujos financieros ilícitos, incluida la Sra. Erika Lorena Aifán Dávila, la Sra. Iris Yassmin Barrios y el Sr. Miguel Ángel Gálvez Aguilar (GTM 7/2018, GTM 13/2018 y GTM 1/2019)[48], así como el Sr. Juan Pablo Xitimul de Paz.

55. El 25 de abril de 2019, el Subsecretario General presentó por escrito las denuncias mencionadas, así como las presuntas represalias contra la Sra. Claudia Samayoa, de la dependencia de protección de los defensores de los derechos humanos en Guatemala, el Sr. José Manuel Martínez, de JusticiaYa, y la Sra. Helen Mack, de la Fundación Mack, quienes también habían sido atacados por su cooperación con la Comisión Internacional. En el anexo II se incluyen denuncias de continuas represalias contra la institución nacional de derechos humanos y su Procurador, el Sr. Augusto Jordán Rodas Andrade. El Gobierno respondió el 24 de junio de 2019.

Honduras

56. Se informó de que la Sra. Glenda Ayala, del mecanismo nacional de prevención de la tortura y otros tratos o penas crueles, inhumanos o degradantes, había sufrido represalias tras su participación en el examen de Honduras llevado a cabo por el Comité contra la Desaparición Forzada en mayo de 2018. En el anexo II se incluyen denuncias de continuas represalias contra la Sra. Hedme Castro, así como información sobre la evolución positiva de la situación del Sr. Jerson Xitumul Morales.

Hungría

57. El 10 de septiembre de 2018, los titulares de mandatos de los procedimientos especiales examinaron la legislación y las prácticas que regulaban la sociedad civil (HUN 7/2018)[49]. Mencionaron la Ley de Transparencia de las ONG (HUN 2/2017), que en su opinión estigmatizaría a las ONG que recibieran financiación extranjera. Tomaron nota de la Ley núm. VI de 2018, por la que se había tipificado un nuevo delito en el Código Penal, a saber, el "apoyo y facilitación de la inmigración ilegal", así como las enmiendas al Código Tributario, incluido un impuesto del 25 % sobre la financiación de las organizaciones que "promueven la migración", ambas medidas que al parecer restringían la cooperación con las entidades de las Naciones Unidas que prestaban asistencia a los migrantes y refugiados, como la Oficina del Alto Comisionado de las Naciones Unidas para los Refugiados. Se ha informado de que las iniciativas legislativas y el discurso público estigmatizador conexo intimidan a la sociedad civil y la disuaden de cooperar con las Naciones Unidas, lo que da lugar a la autocensura y, en algunos casos, afecta a la

[46] https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23774&LangID=E.

[47] Resolución 38/15 del Consejo de Derechos Humanos, párr. 8.

[48] La respuesta del Gobierno puede consultarse en https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34634.

[49] https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23533&LangID=E.

investigación, la labor de promoción y la presentación de informes fundamentados. En el anexo II se hace referencia a las denuncias de estigmatización persistente relacionadas con la inclusión de más de 200 personas en una lista difundida en la publicación húngara *Figyelő.* El Gobierno respondió el 18 de junio de 2019.

India

58. Se informó de que el Sr. Thirumurugan Gandhi, defensor de los derechos relacionados con el medio ambiente en Tamil Nadu, había sido privado de libertad durante casi dos meses tras regresar de Europa, donde había participado en el período de sesiones del Consejo de Derechos Humanos y en actos conexos. En el anexo II se incluyen denuncias sobre continuas represalias relacionadas con la Ley de Reglamentación de las Contribuciones Extranjeras, concretamente contra Amnistía Internacional India, Greenpeace India, el Sr. Nobokishore Urikhimbam y otros trabajadores del Centre for Social Development y el Sr. Henri Tiphagne del Centre for Promotion of Social Concerns, así como continuas represalias contra el Sr. Khurram Parvez.

Irán (República Islámica del)

59. En enero de 2019, se informó al ACNUDH de que periodistas del servicio persa de la British Broadcasting Corporation (BBC) —o BBC Farsi— habían sido calificados de "antiiraníes" y de que algunos habían sido seguidos e interrogados y habían recibido amenazas contra miembros de su familia por sus declaraciones en el período de sesiones del Consejo de Derechos Humanos, un hostigamiento que había sido abordado previamente por los titulares de mandatos de los procedimientos especiales (véanse también IRN 29/2017 y A/HRC/37/68, párr. 34). El 15 de enero de 2019, la Asamblea General exhortó a la República Islámica del Irán a que pusiera fin a las represalias contra las personas, en particular las que colaboraban o trataban de colaborar con los mecanismos de derechos humanos de las Naciones Unidas[50]. En el anexo II se incluyen denuncias relativas al caso de la Sra. Raheleh Rahemipor. El Gobierno respondió el 24 de junio de 2019.

Iraq

60. El 2 de octubre de 2018, los titulares de mandatos de los procedimientos especiales expresaron su preocupación por las denuncias de detención ilegal, desaparición forzada y tortura contra el Sr. Imad Al Tamimi, y las denuncias de intimidación y amenazas contra la Sra. Israa Al Dujaili, ambos miembros de la Al Wissam Humanitarian Assembly, en relación con la documentación de desapariciones forzadas (IRQ 3/2018, y A/HRC/40/60/Add.1 y A/HRC/40/60/Add.1/Corr.1, párrs. 597, 600 y 601). También se informó de amenazas y actos de hostigamiento contra el Sr. Riyad Al Karawi. Los titulares de mandatos manifestaron su preocupación acerca de lo que parecía ser un patrón de represalias contra empleados y voluntarios de la Al Wissam Humanitarian Assembly por su colaboración con el Comité contra la Desaparición Forzada[51] y el Grupo de Trabajo sobre las Desapariciones Forzadas o Involuntarias, lo cual se aborda en el anexo II, concretamente en lo que se refiere al caso del Sr. Imad Amara.

Israel

61. El 31 de mayo de 2019, tres titulares de mandatos de los procedimientos especiales expresaron su preocupación por publicaciones estatales que, según afirmaron, parecían estigmatizar a las organizaciones de la sociedad civil por su colaboración con las Naciones Unidas y tomaron nota de las denuncias de acoso a la sociedad civil que cooperaba con los mecanismos de derechos humanos (ISR 8/2019)[52].

62. En el anexo II se incluye información relativa a un segundo incidente contra el Sr. Hagai El-Ad, así como información nueva sobre el Sr. Omar Shakir.

[50] Resolución 73/181 de la Asamblea General, párr. 13.

[51] Véase A/71/56, párrs. 55 a 58, y A/HRC/33/19, párr. 23.

[52] La respuesta del Gobierno puede consultarse en https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34808; véase también A/HRC/40/43, párr. 31.

Kazajstán

63. Se informó de que en marzo de 2019 la New Generation of Human Rights Defenders Coalition, una organización establecida para coordinar las aportaciones de la sociedad civil al examen periódico universal de Kazajstán, había sido sometida a vigilancia, sus miembros habían sido citados para ser interrogados respecto a su cooperación con las Naciones Unidas y sus canales privados de comunicación se habían visto comprometidos.

Malasia

64. El 10 de mayo de 2019, los titulares de mandatos de los procedimientos especiales se refirieron a la citación a un interrogatorio del Sr. Numan Afifi, defensor de los derechos humanos de la comunidad de personas lesbianas, gais, bisexuales, transgénero e intersexuales, en relación con su participación en el Consejo de Derechos Humanos en Ginebra (MYS 2/2019). También se informó al ACNUDH de que los Sres. Afifi y Rizal Rozhan, de Persatuan Kesedaran Komuniti Selangor (EMPOWER), habían sido acosados en línea por haber formulado una declaración durante la sesión de deliberaciones sobre el resultado del examen periódico universal de Malasia.

Malta

65. Se informó de que, durante un acto de alto nivel de las Naciones Unidas celebrado en Marrakech en diciembre de 2018, la Sra. Sarah Clarke, que en ese momento trabajaba con PEN International, había sido objeto de actos de intimidación por parte de altos funcionarios malteses (véase el documento MLT 1/2019). Posteriormente se ofrecieron una aclaración pública y una disculpa privada. El Gobierno respondió el 24 de junio de 2019.

Mauritania

66. En julio de 2018, el Comité contra la Tortura abordó la presunta detención de defensores de los derechos humanos que se proponían cooperar con el Comité en el marco del examen de Mauritania (véase CAT/C/MRT/CO/2, párrs. 26 y 27). El 27 de agosto de 2018, los titulares de mandatos de los procedimientos especiales se refirieron a la confiscación de pasaportes y las prohibiciones de viajar impuestas a las Sras. Maimouna Alpha Sy, Aissata Anne y Aissata Diallo, del Collectif des Veuves, al Sr. Sy Yaya Ousmane, del Collectif des Orphelins, y al Sr. Baba Traoré, del Collectif des Rescapés, que impidieron que viajaran a Ginebra para participar en el período de sesiones del Comité (MRT 2/2018, y A/HRC/40/60/Add.1 y A/HRC/40/60/Add.1/Corr.1, párrs. 622 y 627).

Marruecos

67. El 4 de junio de 2019, los titulares de mandatos de los procedimientos especiales abordaron las alegaciones según las cuales la Sra. Naziha El Khalidi, periodista saharaui, había sido interrogada por la Policía Judicial Nacional después de que los titulares de mandatos transmitieran una comunicación al Gobierno (MAR 1/2019) sobre su presunta detención, los malos tratos a los que presuntamente había sido sometida y los cargos penales que al parecer se habían impuesto contra ella (MAR 2/2019)[53]. En el anexo II se incluyen denuncias de continuas represalias contra los Sres. Rachid Ghribi Laroussi, Ennaâma Asfari y Ali Aarras.

Myanmar

68. El Consejo de Derechos Humanos, la misión internacional independiente de investigación sobre Myanmar y la Relatora Especial sobre la situación de los derechos humanos en Myanmar expresaron su preocupación por la intimidación y las amenazas de que eran objeto las personas que cooperaban con las Naciones Unidas, un problema que

[53] La respuesta del Gobierno puede consultarse en https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34811.

también fue señalado por la Asamblea General[54]. En el anexo II se incluyen denuncias de continuas represalias contra el Sr. Aung Ko Htwe.

Nicaragua

69. Entre junio de 2018 y mayo de 2019, el ACNUDH documentó 23 casos de hostigamiento y persecución contra personas que compartían periódicamente información sobre vulneraciones de los derechos humanos. Las siguientes personas dieron su consentimiento para que su nombre figurara en el informe: Sr. Braulio Abarca, Sr. Levis Artola Rugama, Sr. Marcos Cardona, Sr. Gonzalo Carrión, Sra. Haydée Castillo Flores, Sr. Lerner Fonseca, Sra. Sara Henriquez, Sra. Mayorit Guevara, Sr. Jonathan Francisco López, Sra. Mónica López Baltodano, Sr. Félix Alejandro Maradiaga, Sr. Medardo Mayrena, Sr. Pedro Mena, Sra. Ana Quiroz, Sra. Francisca Ramírez, Sr. Amaru Ruiz Alemán y Sr. Henry Ruiz Condega. Otras personas no autorizaron que se mencionara su nombre por temor a nuevas represalias. El 22 de febrero de 2019, la Alta Comisionada expresó su preocupación por el "arresto y encarcelamiento de líderes de la oposición, posiblemente en algunos casos como represalia por cooperar con las Naciones Unidas"[55].

70. El 7 de noviembre de 2018, los titulares de mandatos de los procedimientos especiales expresaron su preocupación por la detención arbitraria del Sr. Jonathan Francisco López, así como por los ataques, actos de intimidación y amenazas contra el Sr. Félix Alejandro Maradiaga (NIC 5/2018; y A/HRC/40/60/Add.1 y A/HRC/40/60/Add.1/Corr.1, párr. 246; y A/HRC/40/52, párr. 58) y otras personas de manera más general[56] por su cooperación con las Naciones Unidas, a lo cual el Gobierno respondió el 27 de noviembre de 2018. El 8 de octubre de 2018, el Subsecretario General transmitió al Gobierno por escrito las presuntas represalias contra el Sr. López.

71. El 8 de febrero de 2019, el portavoz de la Alta Comisionada expresó su preocupación por una redada[57], presuntamente llevada a cabo sin una orden judicial, en las oficinas de la Red Nicaragüense por la Democracia y el Desarrollo Local (Red Local), una coalición de 22 organizaciones de la sociedad civil que trabajan en todo el país, seis días después de que representantes de la sociedad civil nicaragüense, incluidos miembros de la Red Local, se reunieran con la Alta Comisionada en Ginebra. El 12 de marzo de 2019, los titulares de mandatos de los procedimientos especiales examinaron las denuncias (NIC 1/2019).

Polonia

72. El 13 de diciembre de 2018, los titulares de mandatos de los procedimientos especiales expresaron su preocupación por las denuncias de que se había prohibido la entrada en el país, a principios de diciembre de 2018, a defensores de los derechos humanos que viajaban para participar en la 24ª Conferencia de las Partes en la Convención Marco de las Naciones Unidas sobre el Cambio Climático, celebrada en Katowice[58]. El 25 de enero de 2019, el Subsecretario General detalló estas inquietudes por escrito. Se informó al ACNUDH de que la institución nacional de derechos humanos de Polonia y el Comisionado de Derechos Humanos, el Sr. Adam Bodnar, habían sido objeto de actos de intimidación y represalia.

Arabia Saudita

73. El 8 de febrero de 2019, los titulares de mandatos de los procedimientos especiales reiteraron su preocupación por la detención arbitraria y el trato degradante de los que habían sido objeto las Sras. Samar Badawi (véase el anexo II) y Loujain Al-Hathloul, defensoras de los derechos de la mujer, que habían cooperado con el Comité para la Eliminación de la Discriminación contra la Mujer (SAU 1/2019). El Presidente del Comité

[54] Véanse la resolución 40/29 del Consejo de Derechos Humanos; A/HRC/39/64, párr. 9; A/HRC/40/68, para 46; y la resolución 73/264 de la Asamblea General, párr. 8 e).

[55] https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=24193&LangID=S.

[56] https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=23919&LangID=S.

[57] https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=24148&LangID=S.

[58] https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24017&LangID=E.

y su coordinador sobre las represalias enviaron cartas el 25 de mayo, el 20 de julio, el 7 de agosto, el 13 de noviembre y el 20 de noviembre de 2018. El 9 de octubre y el 3 de diciembre de 2018, el Gobierno respondió y facilitó información sobre la Sra. Al-Hathloul[59]. El 9 de abril de 2019, el Subsecretario General transmitió las denuncias de represalias al Gobierno por escrito.

74. El 25 de junio de 2018, los titulares de mandatos de los procedimientos especiales abordaron las presuntas represalias contra el Sr. Abdulrasheed Al-Faqih y la Sra. Radhia Al-Mutawake, de la organización Mwatana for Human Rights, que respondían a órdenes supuestamente recibidas de la coalición liderada por la Arabia Saudita en el Yemen (SAU 8/2018; véase más adelante la sección sobre el Yemen). Se informó al ACNUDH de que, en marzo de 2019, el Sr. Yahya Al-Assiri, miembro de la organización ALQST, había recibido amenazas en los medios sociales debido a su colaboración en el contexto del examen periódico universal de la Arabia Saudita. En el anexo II se incluyen denuncias de continuas represalias contra los Sres. Mohammad Fahad Al Qahtani, Essa Al Nukheifi y Fawzan Mohsen Awad Al Harbi, y la Sras. Amal Al Harbi y Samar Badawi.

Sri Lanka

75. El ACNUDH informó de que se seguía acosando o vigilando a defensores de los derechos humanos y víctimas de vulneraciones, entre otras cosas mediante interrogatorios por parte de las autoridades tras los viajes para asistir a los períodos de sesiones del Consejo de Derechos Humanos y actos de intimidación (véase A/HRC/40/23, párr. 55). También se informó de que diferentes grupos habían formulado amenazas de muerte durante los períodos de sesiones del Consejo y los actos paralelos. El 2 de agosto de 2018, los titulares de mandatos de los procedimientos especiales abordaron las denuncias de acoso, incluidos los ataques en línea, contra la Sra. Sandya Ekneligoda en represalia por sus esfuerzos para averiguar la verdad sobre la suerte y el paradero de su esposo (LKA 2/2018), el Sr. Prageeth Ekneligoda, un periodista desaparecido cuyo caso fue registrado por el Grupo de Trabajo sobre las Desapariciones Forzadas o Involuntarias en 2010.

Túnez

76. Se informó al ACNUDH de que en enero de 2019 el Sindicato Nacional de Periodistas Tunecinos había sido objeto de acoso en línea por promover la utilización de los procedimientos especiales de las Naciones Unidas, en el contexto de su labor de seguimiento de los ataques contra periodistas. Se presentó una denuncia contra el representante de las fuerzas de seguridad presuntamente responsable, sobre la base del Código de Prensa revisado.

Turkmenistán

77. El 27 de noviembre de 2018, los titulares de mandatos de los procedimientos especiales abordaron las presuntas represalias contra la Sra. Daria Atdaeva por su cooperación con el Grupo de Trabajo sobre las Desapariciones Forzadas o Involuntarias en relación con la desaparición de su esposo, el Sr. Annamurad Nurmukhammedovich Atdaev, en 2017 (TKM 2/2018). El Gobierno respondió el 25 de junio de 2019.

Emiratos Árabes Unidos

78. Se denunció que el Sr. Ahmad Ali Mekkaoui, ciudadano libanés, había sido recluido en régimen de aislamiento, se habían restringido sus visitas familiares y se habían iniciado otras acciones judiciales contra él y sus familiares después de que el Grupo de Trabajo sobre la Detención Arbitraria determinara, en agosto de 2017, que su detención era arbitraria (véase A/HRC/WGAD/2017/47) y de que su caso y la opinión del Grupo de Trabajo fueran difundidos por el canal de televisión Al Araby en diciembre de 2018.

79. Se informó al ACNUDH de que las condiciones de tres mujeres —las Sras. Alya Abdulnoor, Maryam Soulayman Al-Ballushi y Amina Alabduli— habían empeorado después de que se hubiera compartido información con las Naciones Unidas. El 12 de

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

febrero de 2019, los titulares de mandatos de los procedimientos especiales habían señalado denuncias de tortura y malos tratos debido a las condiciones de detención y a la falta de tratamiento médico adecuado para las tres mujeres (ARE 2/2019). La Sra. Abdulnoor falleció en prisión el 4 de mayo de 2019, a pesar de las peticiones formuladas por las Naciones Unidas para que se le prestara asistencia[60]. En el anexo II se incluyen denuncias de continuas represalias contra los Sres. Ahmed Mansoor, Osama Al-Najjar y Mohamad Ismat Mohamad Shaker Az.

Uzbekistán

80. Se informó de que se había impedido a la Sra. Tatyana Dovlatova, defensora de los derechos humanos, y a varias otras activistas, asistir al Foro Asiático sobre Derechos Humanos celebrado en Samarcanda en noviembre de 2018, organizado conjuntamente por el Centro Nacional de Derechos Humanos, la Oficina Regional del ACNUDH para Asia Central y el equipo de las Naciones Unidas en el país.

Venezuela (República Bolivariana de)

81. En marzo y abril de 2019, personal médico, defensores de los derechos humanos y miembros de movimientos estudiantiles que habían cooperado con el ACNUDH durante su primera visita al país en marzo de 2019 fueron presuntamente objeto de ataques físicos, acoso y estigmatización pública. Entre los afectados se encontraban el Dr. Ronnie Villasmil, el Sr. Marlon Jesús Díaz Golindano, la Dra. María Auxiliadora Castillo, el Dr. Amarante Anza Maldonado, el Observatorio Venezolano de Conflictividad Social, la Sra. Liliana Ortega, del Comité de Familiares de las Víctimas de los Sucesos de Febrero y Marzo de 1989 (COFAVIC), y el Sr. Rafael Uzcátegui, del Programa Venezolano de Educación-Acción en Derechos Humanos (PROVEA). El ACNUDH transmitió las denuncias al Gobierno.

82. El 8 de octubre de 2018, el Sr. Fernando Albán falleció en prisión en Caracas después de haber sido detenido en el aeropuerto a su regreso de Nueva York, donde había participado en reuniones relacionadas con la Asamblea General sobre iniciativas que estaban siendo o que podían ser dirigidas por las Naciones Unidas, en particular por el Consejo de Seguridad, para afrontar la situación en la República Bolivariana de Venezuela. El 23 de noviembre de 2018, el Subsecretario General examinó las denuncias por escrito. En el anexo II se incluyen denuncias de continuas represalias contra la Sra. María Lourdes Afiuni.

Viet Nam

83. Se informó de que, en febrero de 2019, la Sra. Nguyen Thi Kim Thanh había sido sometida a un interrogatorio policial y se le había confiscado su pasaporte al regresar a Viet Nam tras su participación en el examen periódico universal en enero de 2019 en Ginebra, donde había pedido que se pusiera en libertad a su esposo, el Sr. Truong Minh Duc. Por otro lado, en marzo de 2019, se impuso presuntamente a la Sra. Bui Thi Kim Phuong una prohibición de viajar, ya que se proponía visitar Ginebra para señalar a la atención del Comité de Derechos Humanos el caso de su esposo, el Sr. Nguyen Bac Truyen, un defensor de los derechos humanos que había sido objeto de represalias después de la visita en 2014 del Relator Especial sobre la libertad de religión o de creencias. El 25 de marzo de 2019, el Comité de Derechos Humanos expresó su preocupación por las represalias contra los defensores de los derechos humanos en Viet Nam (véase CCPR/C/VNM/CO/3, párrs. 43, 51 y 52).

84. El 26 de septiembre de 2018, el Sr. Nguyen Van An, un católico de la parroquia de Ke Gai, fue informado de que había una orden de detención en su contra por su participación en la documentación de presuntas vulneraciones, sus declaraciones al respecto y las denuncias conexas ante las Naciones Unidas. El Sr. Nguyen Van An y su familia abandonaron el país. En el anexo II se incluyen denuncias de continuas represalias contra el

[60] https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24214&LangID=E y https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24570&LangID=E.

Sr. Nguyen Bac Truyen y contra agentes de la sociedad civil que asistieron a un acto regional, en el marco del cual colaboraron con el Relator Especial sobre la libertad de religión o de creencias. El Gobierno respondió el 26 de junio de 2019.

Yemen

85. El 25 de junio de 2018, los titulares de mandatos de los procedimientos especiales abordaron la presunta detención arbitraria del Sr. Abdulrasheed Al-Faqih y la Sra. Radhia Al-Mutawake, miembros de la organización Mwatana for Human Rights, durante sus intentos de viajar desde el aeropuerto de Sayun, en aparente represalia por su cooperación con los mecanismos de derechos humanos de las Naciones Unidas (YEM 4/2018). Las medidas adoptadas contra ellos respondían a órdenes supuestamente recibidas de la coalición liderada por la Arabia Saudita en el Yemen (véase también SAU 8/2018).

Estado de Palestina

86. En el contexto de la documentación de casos de tratos crueles, inhumanos o degradantes en centros de detención palestinos, la oficina del ACNUDH en el Territorio Palestino Ocupado recibió información según la cual, entre julio y octubre de 2018, varios detenidos en la Ribera Occidental habían sido objeto de represalias tras haber participado en entrevistas con personal del ACNUDH y otras instituciones de derechos humanos, lo cual se había abordado con las autoridades.

VI. Conclusiones y recomendaciones

87. **Durante el período que abarca el informe, recibí un gran número de denuncias de presuntos incidentes de intimidación y represalias contra personas o grupos que trataban de cooperar o habían cooperado con las Naciones Unidas en la esfera de los derechos humanos. Las denuncias presentadas a lo largo del tiempo demuestran que la intimidación y las represalias pueden ser algo más que incidentes aislados, e indicar la existencia de patrones.**

88. **Resulta particularmente evidente el uso indebido del espacio en línea para el discurso de odio, el acoso cibernético y las campañas de difamación contra personas que desempeñan papeles fundamentales en las actividades de las Naciones Unidas. Ello incluye a representantes de la sociedad civil y de las instituciones nacionales de derechos humanos, funcionarios públicos y miembros de partidos políticos, así como a expertos independientes con mandatos de las Naciones Unidas. Tales personas y grupos no deberían verse amenazados por contribuir a la labor y los principios de las Naciones Unidas.**

89. **Me preocupa especialmente el conjunto de pruebas que apunta a la creciente autocensura de las víctimas y de los agentes de la sociedad civil que deciden no colaborar con las Naciones Unidas, tanto sobre el terreno como en la Sede, al temer por su seguridad o hallarse en contextos en los que se penaliza o vilipendia públicamente la labor en pro de los derechos humanos. Al igual que en el pasado, varios casos o nombres no se han incluido en este informe debido a los riesgos para la seguridad de las personas u organizaciones afectadas, y el hecho de que no se denuncien todos los casos sigue siendo motivo de preocupación.**

90. **Me preocupa asimismo la persistente tendencia en lo que respecta a la utilización por parte de los Estados de argumentos relativos a la seguridad nacional y estrategias antiterroristas para justificar el bloqueo del acceso a las Naciones Unidas. Entre los casos denunciados figuran los de personas u organizaciones que han sido acusadas de terrorismo, culpadas de cooperar con entidades extranjeras o acusadas de menoscabar la reputación o la seguridad del Estado. Estos argumentos también se han utilizado para justificar las restricciones a la financiación extranjera. Un número desproporcionado de casos de desapariciones o detenciones forzadas, muchas de las cuales han sido consideradas arbitrarias por expertos de las Naciones Unidas, están relacionados con estos argumentos relativos a la seguridad nacional. Se trata de una**

tendencia preocupante que he abordado públicamente, incluso en mi informe anterior, y que, lamentablemente, continúa.

91. **He señalado anteriormente que las mujeres y las personas lesbianas, gais, bisexuales, transgénero e intersexuales están expuestas a barreras, amenazas y violencia motivadas por el género o la orientación sexual en el marco de su colaboración con las Naciones Unidas. Se han denunciado amenazas de violación, campañas de difamación en línea, agresiones sexuales durante la detención y tratos humillantes y degradantes. Es inaceptable que las personas que trabajan por los derechos de las mujeres y de las personas lesbianas, gais, bisexuales, transgénero e intersexuales, incluidos los derechos sexuales y reproductivos, parezcan ser particularmente objeto de ataques. En el marco de nuestros esfuerzos para mejorar la denuncia de estos hechos y prestar mayor atención a las acusaciones y las consecuencias de las represalias, debemos examinar, investigar y documentar los actos de intimidación y las represalias teniendo en cuenta las cuestiones de género.**

92. **Los Estados Miembros han preguntado a las Naciones Unidas cómo pueden hacer frente a este problema. La condición de miembro de las Naciones Unidas entraña obligaciones y responsabilidades, y los Estados deben cumplir sus compromisos. Acojo con satisfacción los compromisos contraídos explícitamente por los Estados de rechazar la intimidación y las represalias. Los Estados pueden llevar sus compromisos a la práctica mediante el mecanismo de examen periódico universal del Consejo de Derechos Humanos, cuyo pleno potencial puede alcanzarse con una mejor utilización. Quisiera alentar a los Estados a que sigan utilizando este mecanismo para hacer frente a la intimidación y las represalias. Además del examen periódico universal, apoyo la colaboración multilateral continua, así como el diálogo bilateral y la asistencia a las víctimas. En el presente informe se destaca una serie de buenas prácticas a nivel nacional e internacional.**

93. **Las Naciones Unidas siguen fortaleciendo su respuesta a nivel de todo el sistema, entre otras cosas mejorando la presentación de informes sobre las denuncias y analizando más detenidamente las respuestas normativas existentes. Ahora más que nunca, esta cuestión debe considerarse una prioridad y una responsabilidad fundamental de la Organización. Reitero mi llamamiento a todas las entidades de las Naciones Unidas a que se mantengan vigilantes y se ocupen de esta cuestión, contribuyan al seguimiento del gran número de casos y a la búsqueda de soluciones, y sigan colaborando con los Estados y los asociados para fomentar el examen y la rendición de cuentas.**

94. **Como señalé en mi informe anterior, estos incidentes son absolutamente inaceptables. Nuestros asociados son indispensables, y todos debemos intensificar nuestros esfuerzos para proteger y promover su derecho fundamental a colaborar con las Naciones Unidas.**

Annex I

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

1. Algeria

1. In July 2018, the Human Rights Committee called on Algeria, as a matter of urgency, (a) to guarantee that individuals who cooperate with the Committee are not subjected to any form of intimidation or reprisal; and (b) drop the charges against, release and compensate all individuals who are being prosecuted, either directly or by way of other charges, for having cooperated with the Committee (CCPR/C/DZA/CO/4, para. 8 (b)).

2. Bahamas

2. In October 2018, Ms. Alicia Wallace, from Equality Bahamas working on women's rights and gender-based violence, engaged with the Committee on the Elimination of all forms of Discrimination against Women (CEDAW) in the context of the review of Bahamas. Equality Bahamas submitted a public alternative report to CEDAW and Ms. Wallace travelled to Geneva to deliver an oral statement during the CEDAW session on 24 October 2019. In the following days, Ms. Wallace's statement was reportedly echoed in local newspapers and was read aloud by the host of a popular radio talk show, Freedom March. During the radio show, the host made disparaging comments about CEDAW, and about Ms. Wallace and her colleagues, including related to their engagement with the UN. The host reportedly displayed pictures of Ms. Wallace and her colleagues and criticized their advocacy. This episode reportedly worsened an already hostile environment for Ms. Wallace, who in 2014 had received death threats on Facebook in connection to her work on violence against women.

3. On 30 May 2019, CEDAW sent a letter to the State party addressing these allegations. On 22 June 2019, the Government responded and noted that, upon receipt of the allegations, the relevant authorities started an investigation, contacted Ms. Wallace to obtain more information about her situation, and offered her assistance through the Gender Based Violence Specialist, Department of Gender and Family Affairs. The Government expressed concern about the allegations stating that it will seek to protect the rights and safety of women defenders in the country.

3. Bahrain

4. In July 2018, the Human Rights Committee noted with concern a large number of reports of reprisals against Bahraini human rights defenders and journalists because of their work, particularly when they collaborate with United Nations treaty bodies and the Human Rights Council (CCPR/C/BHR/CO/1, para. 59). The Committee noted with concern the cases of Mr. Sayed Ahmed Al-Wadaei and Ms. Ebtesam Abdulhusain Ali-Alsaegh (see Annex II).

5. On 19 June 2019, the Government responded, stressing that competent authorities do not charge, arrest, imprison or take reprisal measures against anyone for working with the United Nations. It is the view of the Government that any allegations of intimidation or acts of reprisal against individuals or their families because of their human rights work are untrue and false; and anyone making such allegations is merely trying to cover up the fact that legal proceedings against them or any of their relatives are owing to violations and acts prohibited or criminalized by national law. Regarding the travel ban on Ms. Ebtesam Abdulhusain Ali-Alsaegh, the Government indicated that a judicial order was issued in April 2017 barring her from travel as part of a different case where she was charged with

taking part in an unauthorized public assembly. The ban was lifted on 13 July 2017, and the case was set aside due to insufficient evidence. With regard to the allegations that Ms. Ali-Alsaegh received threats, there has been no complaint filed through any of the relevant national remedies. The Government response also referred to the situation of Ms. Hajar Mansoor Hassan and Mr. Nabeel Rajab (see Annex II).

4. Bangladesh

6. Some human rights advocates and indigenous peoples' representatives, in particular from the Chittagong Hill Tracts, were reportedly intimidated during the 18th session of the UN Permanent Forum on Indigenous Issues in New York in April 2019, where they reported on incidents of persecution, arbitrary arrest, torture and ill-treatment, disappearances and killings in the Chittagong Hill Tracts in the first half of 2019. Participants were followed and privately videotaped without their consent, and were approached and asked not to take the floor in public meetings. As a result, some participants avoided speaking with United Nations officials out of fear of reprisals.

7. On 5 July 2019, the Government responded to the allegations, expressing its dismay at the allegations reported. However, to be able to check on the authenticity of the allegations, the Government indicated that it requires more information without which allegations are incomplete, unfounded and unjustified. The Government stated that in UN meetings it is common practice to take photos or record audio/video of speakers unless prohibited or restricted for a specific event. It states that Permanent Forum events are open to all, including side events. The Government indicated that it is not aware on any incident where "indigenous participants were approached in the corridors and asked not to take the floor in public meetings." Lastly, the Government highlighted that everyone in Bangladesh is indigenous and there are as many as 50 ethnic groups, but most of the participation at the Permanent Forum is from a single ethnic group and recommends for the Permanent Forum to be more inclusive.

5. Benin

8. In July 2018, the Subcommittee on Prevention of Torture reported that during its visit it received testimonies that detainees feared reprisals for speaking freely and engaging with members of the delegation, in particular at the Agblangandan gendarmerie station and in the Cotonou prison. The Subcommittee took note of the assurances provided by the authorities that no reprisals would take place. The Subcommittee requested the authorities to ensure that no reprisals occur after its visit, and to provide it with detailed information on the steps taken to prevent reprisals against staff or prisoners who spoke to members of the Subcommittee (CAT/OP/BEN/3, paras. 107–108).

6. Bolivia (Plurinational State of)

9. In July 2018, the Subcommittee on Prevention of Torture reported that during its visit it was unable to speak in private to persons deprived of liberty in Mocoví and San Pedro prisons due to lack of cooperation by staff and fear of reprisals against inmates. The occurrence of reprisals as a result of the Subcommittee's visit was corroborated during a follow-up visit by OHCHR, and the Subcommittee requested detailed information about measures adopted to address this. The Subcommittee recommended prompt, impartial and effective investigations so that those responsible are brought to justice and suitable redress is provided to victims (CAT/OP/BOL/3, paras. 3, 14, 126–131).

7. Burundi

10. During the 2018 September session of the Human Rights Council, the Permanent Mission of Burundi in Geneva requested the withdrawal of the badges of a number of civil society representatives with ECOSOC accreditation, including members of the Burundian

Coalition of Human Rights Defenders. The Permanent Mission, which made its request public on Twitter, denounced the interruption of a side event it had organized by "former" members of civil society who are now wanted by the Burundian justice system. The names of the defenders were made public and the individuals were later attacked on social media. Ms. Marie Louise Baricako, Mr. Janvier Bigirimana, Ms. Yvette Ininahazwe, Mr. Pierre Claver Mbonimpa, Ms. Eulalie Nibizi, Mr. Alexandre Niyungeko, Mr. Pacifique Nininahazwe, and Mr. Vital Nshimirimana consented to be named in the present report, while others did not due to the fear of further reprisals.

11. On 5 March 2019, the High Commissioner for Human Rights announced with deep regret that the UN Human Rights Office in Burundi was closed at the insistence of the Government and that its staff had been "severely hampered in their ability to look into allegations of violations" since the October 2016 suspension of cooperation.[61] The climate of intimidation, reprisals and fear in Burundi prevented OHCHR from engaging with human rights defenders, especially those based in the country. Civil society actors in the country have reportedly avoided being publicly associated with OHCHR.

12. On 5 October 2018, the Human Rights Council urged the Government of Burundi to stop any reprisal against human rights defenders who cooperate with international human rights mechanisms, including the Council (A/HRC/RES/39/14, para. 15). The Council mentioned the closure of OHCHR in Burundi and underlined the need for the Office to fulfil its mandate and to resume its activities, including its monitoring and reporting functions, with full access to persons and locations (para. 14).

8. China

13. It was reported that several activists, human rights defenders and lawyers, including Ms. Li Xiaoling, Ms. Li Yuhan, Mr. Liu Zhengqing, Ms. Xu Yan, and Mr. Zhen Jianghua, had been targeted for engaging with the United Nations human rights mechanisms or attending trainings on how to engage with United Nations human rights bodies, organized by civil society with United Nations resource persons.

14. On 27 November 2018, the Zhuhai City Xiangzhou District Court convicted activist Ms. Li Xiaoling, who had engaged with the UN human rights mechanisms, of "picking quarrels and provoking trouble" after a 14 November 2018 trial and sentenced her to three years in prison, suspended for five years. She had first been detained in June 2017 and reportedly been denied adequate medical treatment. Ms. Li was released on probation on 3 December 2018 and prevented from leaving Zhuhai. She is fitted with an electronic bracelet to track her movements and record her voice.

15. A trial hearing for human rights lawyer Ms. Li Yuhan, who had engaged with the UN human rights mechanisms, at the Shenyang City Heping District Court was scheduled for 9 April 2019 but then cancelled on 6 April 2019. She is in pre-trial detention on charges of "picking quarrels and provoking trouble" since being seized by the police on 9 October 2017 and formally arrested on 15 November 2017. Ms. Li has reportedly suffered ill-treatment and torture in detention and denied medical treatment. In August 2018, the Working Group on Arbitrary Detention determined that the detention of Ms. Li Yuhan is arbitrary and recommended that she be released and provided compensation.[62]

16. On 10 January 2019, human rights lawyer Mr. Liu Zhengqing, who had engaged with the UN human rights mechanisms, was disbarred on the grounds that his defense statements "endangered national security" and "slandered" the State. He had previously faced reprisals for representing a human rights defender's case addressed by the United Nations, and his case had been addressed by several mandate holders in 2011 (CHN

[61] OHCHR, "UN Human Rights Office in Burundi closes," (5 March 2019).

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

13/2011).[63] Mr. Liu reportedly refused to attend the hearing, which was held in absentia, following which he was notified that he had been stripped of his license to practice law.

17. On 4 January 2019, Ms. Xu Yan, who had engaged with the UN human rights mechanisms, was called for questioning by individuals allegedly associated with the police related to her campaign for the release of her detained husband, Mr. Yu Wensheng. The case of Mr. Yu was addressed by the Working Group on Arbitrary Detention[64] and the subject of a special procedures communication (CHN 5/2018).[65] He was the attorney for human rights lawyer Mr. Wang Quanzhang (subject of a Working Group on Arbitrary Detention opinion No. 62/2018 – see Annex II). Previously on 27 January 2018, Ms. Xu had been summoned by police and informed that her husband was suspected of "inciting subversion of state power," transferred to Xuzhou, Jiangsu Province (hundreds of miles away), and put under "residential surveillance at a designated location." On several occasions in 2019, Ms. Xu was reportedly subjected to surveillance and unable to leave her home.

18. On 28 December 2018, activist Mr. Zhen Jianghua, who had engaged with the UN human rights mechanisms, was convicted of "inciting subversion of state power" and sentenced to two years in prison, following a closed-door trial. He was reportedly seized from his apartment without a warrant on 1 September 2017 and denied access to a lawyer. On 29 September 2017, he was reportedly put under "residential surveillance at a designated location." Mr. Zhen's case was raised by four special procedures mandate holders in January 2018 (CHN 2/2018).[66]

19. In May 2019, it was reported that staff members of the international non-governmental organization Chinese Human Rights Defenders (CHRD) faced serious intimidation and harassment for sharing information with the United Nations and conducting trainings for China-based human rights defenders seeking to cooperate with the United Nations. Between February and July 2018, repeated anonymous emails in Chinese reportedly threatened CHRD and its staff members with "severe consequences" if the organization held its planned trainings, including physical assault and abduction at airports and forcible return to China. The last reported email was sent weeks before the Committee on the Elimination of Racial Discrimination (CERD) review of China in August 2018, and three months before the universal periodic review (UPR) of China in November 2018. It was further reported that an article published in a Chinese newspaper denounced CHRD's United Nations human rights trainings and efforts to engage the UPR and treaty body reviews.

20. On 1 July 2019, the Government responded to the allegations in writing. Regarding the case of Ms. Li Xiaoling, the Government indicated that, in April 2018, she was charged with "picking quarrels and provoking trouble" and illegal possession of a State classified document. According to the Government, since 2010, Ms. Li Xiaoling, has repeatedly created disturbances in public places by expressing solidarity for others, forming crowds of onlookers, and holding up signs and slogans. She has also shared information about these activities and maliciously sought to sensationalize and draw attention to them via on-line platforms as well as media outlets based outside mainland China. In November 2018, the first instance court found Ms. Li Xiaoling guilty of provocative and disturbing acts and sentenced her to three years imprisonment, suspended for five years. Ms. Li Xiaoling lodged an appeal, which was rejected on 11 February 2019, and she is currently on probation.

21. Concerning the situation of Ms. Li Yuhan, the Government indicated that she was taken into criminal detention on 9 October 2017 on allegations of "provocative and

[63] Response from Government: https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=30914.

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

[65] Response from Government: https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=33962.

[66] Response from Government: https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=33943.

disturbing acts." The first instance court charged her with a count of fraud and provocative and disturbing acts following allegations she had repeatedly provoked trouble and created disturbances in public places, undermining social order. Hearings on the case are ongoing and, according to the Government, the so-called "abuses" and "tortures" have not happened.

22. Regarding the situation of Mr. Liu Zhengqing, the Government indicated that he was disbarred not because of his legal defence of so-called "human rights defenders" but because his legal practice had violated relevant provisions of the Chinese Law on Lawyers. According to the Government, sanctions on a small number of lawyers, such as Mr. Liu Zhengqing, who have violated laws and regulations, serve to protect the rights and interests of the majority of lawyers practicing in accordance with the law. Sanctions also serve to encourage lawyers to practice strictly in accordance with rules and norms and in good faith, to create a favourable environment for legal practice, and to facilitate the rapid and healthy development of the legal profession in China.

23. Concerning the situation of Ms. Xu Yan, the Government indicated that the judicial authorities have not taken any compulsory measures against her. Regarding the allegations pertaining to international NGO Chinese Human Rights Defenders, the Government has inquired and found no relevant information.

24. Regarding the situation of Mr. Zhen Jianghua, the Government indicated that in September 2017 he was taken into custody and put under "residential surveillance at a designated location." In May 2018, the People's Procuratorate of Zhuhai City (Guangdong Province) filed a case against him for "inciting subversion of State power" based on rumors and slander against the Government from his repeated publication of articles and statements via websites based outside mainland China. On 16 December 2018, the court found Mr. Zhen Jianghua guilty of inciting subversion of State power and sentenced him to two years in prison and confiscation of his personal assets in the amount of 235,000 yuan (USD$ 34,000).

9. Colombia

25. Lieutenant Wilmer Orlando Anteliz Gonzalez, a key protected witness of a criminal investigation by the National Prosecutor's Office, was reportedly the subject of acts of reprisal for cooperating with OHCHR in Colombia. Lieutenant Anteliz is in contact with OHCHR in Bogotá as key witness and whistle-blower in a criminal investigation on alleged links between a criminal armed group and members of the National Police Department in Tolima. This cooperation allegedly prompted acts of intimidation and reprisals against him, including disciplinary investigations, demotions, unsolicited transfers, and lack of adequate protection measures. He and his family have also received death threats. On 15 November 2018, the Assistant Secretary-General raised concern in writing about the allegations.

26. In August 2018, during a field visit to Ituango (Antioquia), OHCHR, United Nations High Commissioner for Refugees (UNHCR), the national human rights institutions and the UN Verification Mission in Colombia met with a woman defender (name withheld) working on a program for the substitution of illicit crops. Further to this meeting, the woman received threats against her life from an illegal armed group if she was seen talking to the UN again. Due to this, the woman defender was forced to relocate. OHCHR reports that restrictions to engage with the UN in this area imposed by illegal armed groups are not limited to this one case, but rather extend to the entire community.

10. Cuba

27. Allegations of patterns of intimidation and reprisals in Cuba continued in the reporting period, both prior to engaging with the United Nations as well as upon return in the form of travel bans and restrictions.[67] In August 2018, CERD noted with concern information on travel restrictions placed on human rights defenders, preventing them from

[67] OHCHR, Press Briefing Note, Spokesperson of the High Commissioner for Human Rights (11 May 2018).

participating in the Committee's session. The Committee expressed regret that Cuba did not acknowledge that these events occurred and had not taken steps to investigate or prevent them. The Committee urged Cuba to adopt the necessary measures to ensure that rights defenders, particularly those working against racial discrimination, are not subjected to arbitrary restrictions that prevent them from participating in meetings by international human rights mechanisms (CERD/C/CUB/CO/19-21, paras. 13–14).

28. In November 2017, Mr. Norberto Mesa Carbonell, Afro-descendant and founding member of the Cofradía de la Negritud ("Black Brotherhood"), had participated in the United Nations Forum on Minority Issues and engaged with Cuba's UPR. In July 2018, Mr. Mesa Carbonell was reportedly intimidated by State security agents with legal action against a relative if he submitted information to CERD. Due to this, Mr. Mesa Carbonell decided not to submit the alternative report. On 30 August 2018, the Committee sent a letter to the authorities addressing these allegations and requesting a response with information on measures taken to prevent and address reprisals against those who cooperate with the UN. On 15 October 2018, the Government responded to the Committee. On 30 April 2019, Mr. Mesa Carbonell was arrested by the police without charges, held in a cell overnight without access to necessary medicine or to a phone call, and released the next day.

29. On 20 June 2019, the Government responded denying the allegations, including the alleged pattern of reprisals against those who cooperate with the UN. The Government asserted that allegations are taken by the UN as valid despite information put forward by the authorities that is not taken into account. In the view of the Government, this does not respect the principles of objectivity, impartiality and non-selectivity and contributes to the politicization of the issue, in particular "the selective and arbitrary use of the mechanism against developing countries." The Government stated that the defense of human rights is a noble cause that it has always supported and will continue to support, and it is not acceptable that it is manipulated as a pretext to violate the right of the peoples to self-determination.

11. Democratic Republic of the Congo

30. In January 2019, a member of civil society in Kwilu Ngongo (Central Kongo Province) reported and publicly denounced an incident to the UN Joint Human Rights Office (UNJHRO) of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), where two men had been arrested, stripped and walked naked in the street mid-day on the order of a police officer. After UNJHRO brought the incident to the attention of the relevant authorities, criminal proceedings were initiated against the police officer involved. On 8 February 2019, during a public meeting in Kwilu-Ngongo, the deputy administrator of the Mbanza-Ngungu Territory announced the suspension of the defender from his functions and appointed an interim chairman of the civil society organization. The local authority refused to give the floor to the defender in question during the meeting, calling him a whistle-blower and an informant of the UNJHRO. The decision was later announced through the local community radio, threatening legal proceedings against the defenders in case of non-compliance.

31. On 12 April 2019, five special procedures mandate holders expressed concerns at death threats and kidnapping attempts against human rights defenders working with the Réseau d'aide aux Femmes et Enfants Nécessiteux (RAFEN) as reprisals for cooperation with the World Bank (COD 1/2019; CHN 2/2019; OTH 15/2019; OTH 16/2019). Defenders reportedly documented and denounced to the World Bank and its Inspection Panel acts of gender-based violence and the use of child labour by employees of the Zhengwei Technical Cooperation Company (SZTC) in charge of building the Bukavu-Goma road, as part of the High-Priority Roads Reopening and Maintenance Project in the DRC (ProRoutes).

32. Death threats reportedly took place between September and November 2017, after a request for an evaluation of the ProRoute project to the World Bank's Inspection Panel was made public confirming that violations had occurred and announcing the suspension of reimbursements for all civil engineering works in the ProRoutes project. Kidnapping attempts were reported in early 2018 when the defenders accompanied survivors to court. It is reported that the World Bank is in regular contact with threatened stakeholders, including civil society actors.

33. On 21 May 2019, the Government of China responded,[68] stating that there is no factual basis for the allegations of the Zhengwei Congo (Golden) project, as verified by the local police investigation and the World Bank. Regarding the non-compliance of "pk99 + 800" material mining and the delay of the road construction, following negotiations, US$63,185 was paid to the landlord, who withdrew the complaint against Zhengwei Company. Regarding the complaints from the project team about sexual assault of local residents, the Government stated that local police concluded that the allegations were unfounded. Regarding the use of child labor in the project, the Government indicated that the Cong (Credit) Labor Law allows apprentices of 17 years of age to participate, as some did, but there was no use of child labor. Regarding the allegations of threats, beatings and kidnapping by Zhengwei Company, the Government states that following the compensation agreement was reached in 2017 there has been no formal or informal contact with the parties.

34. On 7 June 2019, the World Bank responded[69] to the allegations in writing, stressing that they launched a collaborative discussion to help address the allegations with the UN agencies in Eastern DRC, and they have worked with the human rights defender over the past 20 months to address concerns. These actions are consistent with the Bank's new Environmental and Social Framework, which has instituted new provisions to help protect individuals from retaliation throughout the life of a project. Regarding the Bank's interaction with the human rights defender affected, while a member of the Bank's team met the individual on many occasions, they do not have first-hand evidence of the allegations. They can, however, confirm that there has been verbal tension between relatives and members of the community dissatisfied about the suspension of the works. The Bank indicated that the decision to partially suspend the disbursement for all civil works under the project was taken, as it became clear that there was a breach of the Borrower's social and environmental obligations. The Bank lifted the partial suspension when authorities met all conditions required.

12. Egypt

35. On 2 November 2018, the Special Rapporteur on the right to adequate housing and the Special Rapporteur on the situation of human rights defenders addressed allegations of forced evictions and violations of the rights to physical integrity, liberty and security in what appeared to be "a pattern" of acts of intimidation and reprisals against individuals who cooperated with the Special Rapporteur on the right to adequate housing during her visit to Egypt from 24 September to 3 October 2018 (EGY 16/2018; A/HRC/40/60/Add.1, paras. 585, 593; A/HRC/40/61/Add.2, paras. 10–12). The mandate holders underscored that the alleged violations appeared to be in breach of the Terms of Reference for country visits by Special Procedures mandate holders of the Human Rights Council.[70] Already at the conclusion of her visit, the Special Rapporteur on the right to adequate housing expressed that "one of the most challenging aspects was to access individuals, families and organizations defending the right to housing."[71]

[68] Response from Government (official translation pending at time of publication): https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34713.

[69] Response: https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34732.

[70] See point (c) of the Revised Terms of Reference for country visits by Special Procedures mandate holders of the United Nations Human Rights Council (based on Appendix V, E/CN.4/1998/45).

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

36. Prior to the visit, individuals reported phone calls by Government officials enquiring whether they intended to meet the Special Rapporteur. After the visit, individuals reported being followed by unknown persons and photographed in their place of residence; house demolitions and forced evictions against community leaders who met the Special Rapporteur; the undisclosed detention of one resident for two days and a physical attack against one witness.[72] It was reported that one person fled Egypt for security reasons following the visit.

37. On 1 January 2019, the Government responded to the concerns of special procedures,[73] expressing that it contained "numerous unfounded allegations, including intimidations and demolition of homes, without any details about the individuals in question or the areas." It noted that the authorities were unable to verify allegations and initiate investigations as insufficient details were provided. The Government confirmed its full respect and observance of the assurances given that no one would be subject to intimidation or reprisal in relation to the visit.

38. In March 2019, several representatives of civil society reported harassment and surveillance during the Human Rights Council and its side events, including on panels related to Egypt. The targeted representatives reported being slandered in the press and on social media, including being associated with terrorism for their statements at the Council. Some individuals reported being video recorded, and believe the footage was shared with Egyptian security agencies monitoring Egyptian defenders' activities outside Egypt.

13. Eritrea

39. At its 38th session, the Human Rights Council encouraged States to protect and pay due attention to the safety of those who have cooperated with the Commission of Inquiry and the Special Rapporteur, and in particular to protect them from reprisals (A/HRC/RES/38/15, para. 8). On 25 June 2018, the Special Rapporteur on the situation of human rights in Eritrea noted that she was unable to obtain details about the killing of a young man shot dead as he tried to cross the border near a frontier town due to fear of reprisals (A/HRC/38/50, para. 61). In her statement at the 73rd session of the General Assembly,[74] the Special Rapporteur urged the Government to actualize key responsibilities associated with its membership to the Human Rights Council, including the protection of survivors, witnesses, and civil society cooperating with human rights organs both at the UN and regional levels from intimidation and reprisals.

14. Guatemala

40. It was reported to OHCHR that judges, especially those with jurisdiction in "high-risk" cases related to corruption, organized crime, and transitional justice, as well as public prosecutors, continued to face attacks, reprisals and intimidation. Such acts included spurious injunctions and requests to lift immunity in order to remove some of these judges from their posts (A/HRC/40/3/Add.1, paras. 15–18). A joint report by the national human rights institution (Procurador de los Derechos Humanos) and OHCHR, described numerous acts of intimidation and reprisals against judges, magistrates and prosecutors in cases of corruption and transitional justice which increased after November 2018, when the Government announced that it would unilaterally end the agreement with the International Commission against Impunity (CICIG).[75]

[72] OHCHR, "Egypt: UN experts alarmed by treatment of human rights defenders after visit," (4 December 2018); OHCHR, Statement by Leilani Farha at the 40th session of the Human Rights Council (4 March 2019).

[73] Response from Government: https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34459.

[74] Statement by Sheila B. Keetharuth, Special Rapporteur on the situation of human rights in Eritrea at the 73rd session of the General Assembly, New York (24 October 2018).

[75] OHCHR, "Situación de las personas defensoras de derechos humanos en Guatemala: entre el compromiso y la adversidad," Informe conjunto de la Procuraduría de los Derechos Humanos y la

41. On 30 April, 18 September 2018, and 30 January 2019, the Special Rapporteurs on foreign debt and human rights and on the independence of judges and lawyers, raised concerns about reprisals against judges from the Constitutional Court seeking to protect the work and mandate of the CICIG, in particular Mr. Francisco de Mata Vela, Mr. Bonerge Mejía and Ms. Gloria Porras and their relatives. Acts of reprisals reportedly took the form of misuse of legal impeachment proceedings ("antejuicios") as well as public stigmatization and vilification campaigns in traditional and social media (GTM 7/2018; GTM 13/2018; and GTM 1/2019).

42. The mandate holders also expressed concern about reported reprisals against a number of judges with competence in high risks cases, including Ms. Erika Lorena Aifán Dávila, Ms. Iris Yassmin Barrios, and Mr. Miguel Angel Gálvez Aguilar (GTM 7/2018, GTM 13/2018, and GTM 1/2019), as well as Mr. Juan Pablo Xitimul de Paz. These judges have jurisdiction in cases investigated with the support of the CICIG, particularly related to alleged corruption, organized crime and illicit financial flows involving powerful interest groups. Acts of reprisals against them reportedly included the use of disciplinary and professional bodies to file ill-founded complaints against judicial decisions, as well as public stigmatization and vilification campaigns in traditional and social media.[76]

43. On 25 April 2019, the Assistant Secretary-General raised the allegations above in writing. He also addressed the situation of Ms. Claudia Samayoa, president of the Unit for the Protection of Human Rights Defenders in Guatemala (UDEFEGUA) and Mr. José Manuel Martínez, of "Justicia Ya." Ms. Samayoa and Mr. Martínez are reportedly the subject of a criminal complaint filed in late March 2019 by the President of the Supreme Court of Justice connected to an "antejuicio" request they filed in January 2019 against magistrates of the Supreme Court of Justice. The Assistant Secretary-General also raised the situation of Ms. Helen Mack, Director of the Mack Foundation, who has reportedly been subject to attacks and legal actions in connection to her participation in an injunction request before the Constitutional Court regarding the unilateral termination of the agreement with the United Nations, which created CICIG.

44. On 23 April 2019, the Government responded to the communication of 30 January 2019, including to the allegations related to CICIG[77] whose presence in the country, according to the Government, created pressures or interests alien to the rule of law. Thus, after the UN Secretary-General decided not to remove Commissioner Mr. Ivan Velasquez, the Government decided not to extend the agreement establishing the CICIG. According to the Government, the CICIG was not part of the UN. It became a failed experiment in the fight against corruption and impunity with a legacy that divided society and was highly detrimental to the rule of law.

45. On 24 June 2019, the Government responded with detailed (confidential) information about the latest security assessment and protection measures provided to those individuals mentioned above, as well as on complaints received.

15. Honduras

46. In May 2018, Ms. Glenda Ayala, human rights lawyer and civil society member of the National Preventive Mechanism against torture, cruel, inhuman and degrading treatment (CONAPREV), participated in the examination of Honduras during the 14th session of the UN Committee on Enforced Disappearances. She presented a report including allegations of torture and ill-treatment during the detentions in the context of the 2017 presidential elections. Since her participation in the session, Ms. Ayala, who is up for re-election in September 2019, has reportedly been the subject of demeaning comments from public officials, including members of Congress, undermining her position and work at the

Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos en Guatemala, (2019), para. 74.

[76] OHCHR "Guatemala must ensure independent justice system in fight against corruption, say UN rights experts," (11 February 2019).

[77] Response from Government: https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34634.

CONAPREV. Moreover, it is reported that CONAPREV has been affected by budgetary restrictions without explanation. Fearing for her physical integrity, Ms. Ayala has reported to the National Protection Mechanism, the National Commissioner for Human Rights (CONADEH) and the UN Subcommittee on Prevention of Torture. At the request of CONADEH, the National Police are providing security measures for Ms. Ayala.

16. Hungary

47. On 10 September 2018, seven special procedures mandate holders raised concerns about legislation and practices impacting the activities of civil society (HUN 7/2018).[78] They referenced the NGO Transparency Law (HUN 2/2017), stating that it would stigmatize foreign funded NGOs and noting that seventeen NGOs had filed a case against the law. The legislative initiatives and stigmatizing public discourse have been reported to OHCHR as intimidating and deterring civil society actors from cooperating with the UN, resulting in self-censorship in some cases.

48. Certain sectors of civil society report having been denied cooperation by Government agencies and some have lost access to foreign funding. Their ability to provide services to groups in need, to collect reliable data and gather information has reportedly been affected, as well as their capacity to conduct research, advocacy and reporting to UN human rights bodies. Further, civil society organizations have reported being called "traitors" serving foreign interests for their engagement with the UN. The mandate holders observed that "Threats against human rights defenders in Hungary are now regular and widespread, evidently encouraged by the Government."[79]

49. The mandate holders expressed concern in particular about the public discourse on migration in this context (HUN 7/2018). Hostile rhetoric and billboards against civil society and the UN, for example around the consultations for the UN Global Compact for Safe, Orderly and Regular Migration on 13 July 2018, was previously reported (A/HRC/39/41, Annex I, para. 59). In July 2018, the Government informed OHCHR that its "rhetoric did not target any organization or individual for cooperating with the UN, but took a position and shared its view on the draft of a UN document related to migration" (A/HRC/39/41, para. 59).

50. The mandate holders drew attention to a draft bill, Act VI 2018, which amended certain laws relating to combatting illegal immigration, in particular, the creation of a new criminal offense, punishable with one year of imprisonment, in the Criminal Code of "supporting and facilitating illegal immigration" (HUN 7/2018). They noted that the "bill criminalises any 'organisational activities' to assist asylum seekers – already in Hungary or at the border – to exercise their legal rights to submit an asylum procedure or to obtain a residence permit." They also noted the bill makes it "a crime to organise border monitoring" and "to provide financial means for the above activities." The law inevitably restricts cooperation with UN entities assisting migrants and refugees, such as UNHCR. The law was found constitutional by the Constitutional Court in March 2019, with the exemption of altruistic action. However, organizations noted that this decision did not clarify how this exemption would be implemented and some reported restrictions in their work.

51. The mandate holders also raised concern about the amendments to the Tax Code adopted on 25 July 2018 (HUN 7/2018). In particular they noted the introduction of a special 25 percent tax on funding of organizations which carry out any activities that "promote migration" or for "immigration activities" which can include building networks and "propaganda activities that portray immigration in a positive light." Organizations reported to OHCHR that the tax has the effect of reducing their budgets and, consequently, their ability to conduct activities, do research, report to UN human rights bodies, and participate in UN meetings.

[78] OHCHR, "UN experts decry Hungary's tough new measures against migrants and civil society," (11 September 2018).

[79] *Ibid.*

52. On 18 June 2019 the Government responded that the allegations were false and inaccurate and based on political bias.

17. India

53. In June 2018, Mr. Thirumurugan Gandhi, an environmental human rights defender in Tamil Nadu, participated in the 38th session of the Human Rights Council where he delivered statements, was a panelist in various side events, and met two special procedures mandate holders. Mr. Gandhi denounced the killing of 13 people in May 2018 in Tuticorin City (Tamil Nadu) due to excessive use of force by police against peaceful demonstrators protesting Sterlite Industries, a copper smelter plant reportedly causing environmental pollution in the area. Upon his return to India, on 9 August 2018, Mr. Gandhi was arrested at the Kempegowda International Airport, brought before the Metropolitan Magistrate in Chennai the following day and then sent to Puzhal Central Prison, following which he was transferred to Vellore Central Prison. On 2 October 2018, he was released on bail. An incident of detention pertaining to Mr. Gandhi had previously been addressed by the Working Group on Arbitrary Detention in November 2017 (A/HRC/WGAD/2017/88). He was reportedly charged under the 'Unlawful Activities (Prevention) Act,' including for sedition.

18. Iran (Islamic Republic of)

54. In January 2019, journalists of British Broadcasting Corporation (BBC) Persian or BBC Farsi, the Persian language news channel of BBC World Service, reported patterns of harassment and threats in relation to action taken by special procedures mandate holders and the journalists' statements at the 37th, 38th and 39th sessions of the Human Rights Council. Journalists reported being called 'anti-Iranian' and being accused of undermining Iran for their statements at the UN. In March 2018 they were reportedly followed and questioned at and in relation to their participation in the Human Rights Council in Geneva. Another journalist reported threats against family members, including warnings about their son participating in the UN advocacy work related to special procedure communications.

55. It was reported that on 22 October 2018, during a presentation with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression during the Third Committee of the General Assembly, the Government of Iran accused BBC Persian of "pumping blind hate, fabricating false news and provoking disruption and destruction."[80] BBC Persian journalists were also reportedly attacked in various state media and subjected to abusive, aggressive tweets in response to coverage of BBC Persian issues being raised in UN fora, such as accusing the journalists of undermining national security, being involved in terrorism, and being puppets of the Government of the United Kingdom. The intimidation and investigation of BBC Persian staff, former staff and contributors had previously been the subject of action by two special procedures mandate holders in October 2017 (IRN 29/2017)[81] and raised in the March 2018 report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran (A/HRC/37/68, para. 34).

56. On 15 January 2019 the General Assembly in resolution 73/181 on the Situation of human rights in the Islamic Republic of Iran called upon Iran "to release persons detained for the exercise of their human rights and fundamental freedoms … and to end reprisals against individuals, including for cooperating or attempting to cooperate with the United Nations human rights mechanisms (A/RES/73/181, para. 13)."

57. On 24 June 2019, the Government responded in writing to the allegations of intimidation and reprisals against BBC Persian journalists indicating that the incidents mentioned are not related nor attributed to cooperation with the UN. The Government

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

[81] OHCHR, "UN experts call on Iran to stop intimidation of BBC staff," (27 October 2017).

rejects as untrue the allegations that the persons mentioned were subject to any punitive, restrictive, reprisal or judicial measure because of their cooperation with the UN.

19. Iraq

58. On 2 October 2018, five special procedures mandate holders raised concern over allegations of unlawful arrest, enforced disappearance and torture against Mr. Imad Al Tamimi and acts of intimidation and threats against Ms. Israa Al Dujaili, human rights defenders and volunteers for the non-governmental human rights organization Al Wissam Humanitarian Assembly, which documents cases of enforced disappearances in Iraq for their submission to the United Nations human rights mechanisms (IRQ 3/2018, and A/HRC/40/60/Add.1, paras. 597, 600–601). The mandate holders raised concern about other employees and volunteers of Al Wissam Humanitarian Assembly who have previously been subjected to acts of intimidation and reprisal, in particular related to the submission of cases and information to the Committee on Enforced Disappearances[82] and to the Working Group on Enforced or Involuntary Disappearances, which they said may represent a pattern (see below and IRQ 1/2016; IRQ 2/2018).

59. On 14 July 2018, Mr. Al Tamimi participated in a peaceful demonstration held on Mutanabbi Street in Baghdad and was reportedly abducted by members of the Special Weapons and Tactics Unit (SWAT) in the vicinity of the "Medical City" in Baghdad. He was forced into a black pick-up truck and taken to an unknown location for interrogation, where he was subjected to acts of torture for the first two weeks of his detention. He remained secretly detained until 7 September 2018 when he was released.

60. On 27 August 2018, Ms. Al Dujaili went to a copy shop near Al Nasser Square in Baghdad to collect posters advertising events organized by Al Wissam Humanitarian Assembly for the 2018 International Day of the Victims of Enforced Disappearances. After leaving the shop, men allegedly connected to the Iraqi National Intelligence Service (INIS) questioned her about the posters, and she was verbally assaulted and threatened. Ms. Al Dujaili sought refuge elsewhere for fear of retaliation.

61. It was further reported that in December 2018, Mr. Riyad Al Karawi, a representative of Al Wissam Humanitarian Assembly in Diwanyia, received threats and harassment in relation to the documentation of cases for the Working Group on Involuntary and Enforced Disappearances. Mr. Al Karawi also received threats and was intimidated in the context of his participation in a number of demonstrations in November and December 2018 against enforced disappearances. Mr. Al Karawi fled Iraq at the end of 2018 for security reasons.

20. Israel

62. On 31 May 2019, three special procedures mandate holders (ISR 8/2019) addressed a letter to the Government about State publications appearing to stigmatize civil society organizations for their engagement with international bodies, including the UN in the field of human rights, and also noted reports of harassment of civil society organizations engaging with UN human rights mechanisms. They refer to a May 2018 report[83] published by the Israeli Ministry of Strategic Affairs which lists civil society organizations working on human rights in the Occupied Palestinian Territories (OPT), which the Ministry claims promote boycotts against Israel, and calls for halting financial support from European Union (EU) institutions to these organizations. In the report, the Ministry notes the involvement of these human rights organizations in anti-Israel delegitimization and the promotion of the Boycott, Divestment and Sanctions (BDS) movement.

63. Among the activities included under the umbrella of anti-Israel delegitimization were support for the creation of a database on businesses that have enabled, facilitated and profited from the construction and growth of Israeli settlements in the OPT, as requested by

[82] A/71/56, paras. 55–58; A/HRC/33/19, para. 23.

[83] http://eipa.eu.com/publicaffairs/wp-content/uploads/The-Money-Trail_English.pdf.

Human Rights Council (resolution 31/36), and petitioning the UN Secretary-General on further issues related to business and human rights in the OPT. In January 2019, a second report[84] alleging ties between NGOs promoting BDS and terrorist organizations was published by the Ministry. It includes information on their engagement with the Human Rights Council, the 2009 UN fact-finding mission on Gaza, and their petitioning of the UN Secretary-General on issues relating to business and human rights in the OPT. The report calls on governments and donor organizations providing funds to these organizations to halt such support.

64. In their letter, the three special procedures mandate holders also raised concerns about reported harassment of staff members of a Palestinian human rights organization while participating in side events and in private meetings with OHCHR staff during the Human Rights Council in March 2019 (ISR 8/2019). The special procedures mandate holders note they were followed and photographed by staff members of an organization reportedly involved in discrediting members of Palestinian civil society.

65. On 31 July 2019, the Government responded in detail,[85] rejecting alleged attacks on civil society organizations operating in Israel and the Palestinian territories and referring to the 2017 UPR in which it emphasized the recurring opportunities for dialogue and free discourse between civil society, academia and government representatives. Regarding the alleged stigmatization, the Government noted that despite the important role NGOs play in Israeli society, they are not "immune from criticism" and stated that BDS organizations often hide behind human rights claims. It noted that the Ministry of Strategic Affairs in its reports revealed direct links between BDS-promoting NGOs and designated terrorist organizations, information which it has aimed to provide to the EU and other European countries so they could re-examine the transfer of funds and make sure they are used for their intended purpose.

66. Regarding the claims of intimidation at the March 2019 Human Rights Council, the Government stated that these are "unfounded accusations hidden behind the veil of anonymity" and it cannot respond to claims against an Israeli NGO whose identity is unknown.

21. Kazakhstan

67. In March 2019, the New Generation of Human Rights Defenders Coalition, established to coordinate civil society inputs to the third cycle of the UPR of Kazakhstan, was reportedly subject to surveillance, called for questioning related to their cooperation with the UN, and had their private channels of communication compromised. Between 20 and 30 March 2019, two National Security Service (KNB) officials reportedly called for questioning a representative of the Coalition and inquired about their activity. The two officials were privy to detailed information on the discussions of the Coalition, and specifically referred to an encrypted message exchange (through an intercepted WhatsApp chat) that the Coalition had used to coordinate input to the UPR. The questioning occurred the same week that the Coalition sent its UPR submission on Kazakhstan to the United Nations for consideration. Another member of the Coalition reported an incident of surveillance the following week.

22. Malaysia

68. On 10 May 2019, five special procedures mandate holders raised concerns about the summoning for questioning of LGBT+ human rights defender Mr. Numan Afifi in connection with his participation in the 40th session of the Human Rights Council in Geneva (MYS 2/2019). Mr. Numan Afifi is associated with the PELANGI Campaign and has worked with the Coalition of Malaysian NGOs (COMANGO) during Malaysia's UPR

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

[85] Response from Government: https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34808.

process. On 14 March 2019 in Geneva, Mr. Numan Afifi made a statement in the Human Rights Council on behalf of 12 Malaysian organizations working on sexual orientation and gender identity. On 16 April 2019, Mr. Numan Afifi was summoned for interrogation by the Classified Criminal Investigation Unit (D5) and asked to present himself to the Royal Malaysia Police (PDRM) headquarters in Bukit Aman on 26 April 2019, where he was questioned with a lawyer present.

69. It was further reported that Mr. Numan Afifi and Mr. Rizal Rozhan, of Persatuan Kesedaran Komuniti Selangor (EMPOWER), who delivered a statement on behalf of the International Service for Human Rights (ISHR) on 14 March 2019 during the deliberation of Malaysia's UPR outcome session, were harassed and criticized online for 'interfering' in issues of freedom of religion and belief in Malaysia and spreading incorrect information at the Human Rights Council. On 21 April 2019, the Islamic Development Department of Malaysia (JAKIM), a unit of the Religious Affairs Ministry under the Prime Minister's Office, released a statement denying claims made by Mr. Afifi and aligning itself with statements made by the Prime Minister to the effect that the lifestyles of LGBT+ persons will not be accepted in Malaysia.

23. Malta

70. Acts of intimidation against Ms. Sarah Clarke, at the time working for PEN International, by Maltese high level officials were reported to have taken place on 10 December 2018 during a UN High Level event in Marrakech, Morocco marking the 70th anniversary of the Universal Declaration of Human Rights. Ms. Clarke had been involved in the urging of a public inquiry into the assassination of the investigative journalist and human rights defender, Ms. Daphne Caruana Galizia (see MLT 2/2017; MLT 1/2018). She was also involved in the submission of a shadow report for the review of Malta by the UPR, including on the case of Ms. Galizia. Following the intervention by Malta at the UN High Level event, Ms. Clarke approached representatives of the Maltese Ministry for Foreign Affairs and Trade Promotion and referred to the case of Ms. Galizia. A representative reportedly told her, using abusive language, that she was biased and unaware of the facts (see also MLT 1/2019). A public clarification and a private apology were later registered by the official.

71. On 24 June 2019, the Government responded to the allegations indicating that the Maltese official's reaction did not happen in isolation but was the direct result of what had transpired immediately before, when the official felt that the actions of Ms. Clarke preceding his comments were undue and inappropriate. The Government noted that the public official publicly clarified his comments and issued a private apology directly to Ms. Clarke, offering his unreserved apologies and expressing regret for his choice of words and for having caused an offense.

24. Mauritania

72. In July 2018, the Committee against Torture noted with concern reports indicating that, on the pretext of checking their visas, the authorities detained five human rights defenders who intended to cooperate with the Committee during the review of Mauritania (CAT/C/MRT/CO/2, paras. 26 and 27). The Committee urged Mauritania to protect members of civil society who cooperated with the Committee from any possible reprisals during the consideration of the second periodic report.

73. On 27 August 2018, five special procedures mandate holders addressed the authorities about the confiscation of passports at the International Airport of Oumtounsy and travel ban against Ms. Maimouna Alpha Sy, Ms. Aissata Anne and Ms. Aissata Diallo of Collectif des Veuves, Mr. Sy Yaya Ousmane of Collectif des Orphelins, and Mr. Baba Traoré of Collectif des Rescapés. These individuals were intending to travel to Geneva to participate in the session of the Committee against Torture (MRT 2/2018; A/HRC/40/60/Add.1, paras. 622, 627).

25. Morocco

74. On 4 June 2019, three special procedures mandate holders expressed concerns at allegations that Ms. Naziha El Khalidi, Sahrawi journalist from the Equipe Media based in Laayoune, had been interrogated by the National Judicial Police (MAR 2/2019) after the mandate holders had submitted a communication to the authorities on 3 April 2019 about her reported arrest, ill-treatment, and criminal charges for her journalistic work (MAR 1/2019).[86] Ms. El Khalidi was reportedly interrogated on 17 May 2019 for three hours without the presence of her lawyer, during which time police officers informed her about the communication sent by the mandate holders. They inquired whether she was the source of the complaint, asked her to provide the e-mail address used to send the complaint, and she was compelled to sign a document with references to the special procedures communication.

26. Myanmar

75. The independent international fact-finding mission on Myanmar expressed its grave concern at the intimidation and threats faced by persons cooperating with the mechanisms of the Human Rights Council examining the situation in Myanmar and urged the Government to protect human rights defenders (A/HRC/39/64, para. 9). The mission verified instances of reprisals for engagement with the United Nations (para. 72).

76. The Special Rapporteur on the situation of human rights in Myanmar expressed concern that in late February 2019 the Parliament decided to discuss a motion urging the Government to respond to the actions of the Human Rights Council on Myanmar. A member of Parliament threatened to take legal action against people and organizations who "damage the dignity" of Myanmar by cooperating with the United Nations, which the Special Rapporteur noted could further muzzle human rights defenders (A/HRC/40/68, para. 46). It had been reported in the media on 21 February 2019 that the member of Parliament stated that any organization or person providing information considered to be false and with the intent to cause deliberation in the United Nations General Assembly will face legal action and that voting in the United Nations causes great damage to the dignity of the country.

77. In March 2019, the Human Rights Council called on the Government of Myanmar to ensure that individuals can cooperate without hindrance with the United Nations and other human rights entities, without fear of reprisal, intimidation or attack (A/HRC/RES/40/29, para. 6). In January 2019, the General Assembly reiterated its urgent call on the Government of Myanmar to allow full and unhindered access for the delivery of humanitarian assistance by humanitarian actors, including the United Nations, to affected persons and communities, without fear of reprisals, intimidation or attack (A/RES/73/264), para. 8 (e)).

27. Nicaragua

78. From June 2018 to May 2019, OHCHR documented 23 cases of harassment and persecution against those who regularly share information on human rights violations with OHCHR. Mr. Braulio Abarca, Mr. Levis Artola Rugama, Mr. Marcos Cardona, Mr. Gonzalo Carrion, Ms. Haydée Castillo Flores, Mr. Lerner Fonseca, Ms. Sara Henriquez, Ms. Mayorit Guevara, Mr. Jonathan Francisco López, Ms. Monica López Baltodano, Mr. Félix Alejandro Maradiaga, Mr. Medardo Mayrena, Mr. Pedro Mena, Ms. Ana Quiroz, Ms. Francisca Ramírez, Mr. Amaru Ruiz Aleman, and Mr. Henry Ruiz Condega consented to being named in the report, while others did not due to fear of further reprisals. Those affected have reported threats, harassments and smear campaigns on social media. Their homes and families have been under surveillance by police officers and pro-government armed elements. In some instances, their relatives suffered attacks against their life and

[86] Response from Government: https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34727.

personal integrity. On 22 February 2019 the High Commissioner expressed concern about the "arrest and jailing of opposition leaders, possibly in some cases as a reprisal for cooperating with the UN".[87]

79. In 12 of the 23 cases, victims were arrested or had arrest warrants issued against them. All cases of detention presented elements of arbitrariness or illegality. Reports received indicate a pattern of persistent infringement of the principle of the publicity of hearings. In some cases, defense attorneys were threatened with criminal prosecution by the judges during hearings, and the use of undercover witnesses hindered the exercise of the defense. On 5 November 2018, nine special procedures mandate holders raised the situation of some of the women defenders affected, expressing concerns about disproportionate and undue restrictions on them (NIC 4/2018).

80. On 14 March 2019, the European Parliament adopted a resolution (2019/2615(RSP) on the situation in Nicaragua, and strongly condemned "the persecution, arrest and intimidation of people cooperating with the UN and other international bodies." In March 2019, the Human Rights Council adopted a resolution on the human rights situation in Nicaragua expressing concern over reported acts of intimidation and reprisals (A/HRC/RES/40/2, para. 2).

81. On 23 September 2018, Mr. Jonathan Francisco López, a 20-year-old student leader from the National University of Managua, was arrested on a warrant issued on 14 July 2018, transferred to the detention centre known as "El Chipote", and held incommunicado for a number of days. Initially, he was not allowed to communicate with his family or lawyer, and was not brought before a judge. The situation of Mr. López was reported as an act of reprisals for his leading role in the students' protests and for a meeting in June 2018 with the High Commissioner for Human Rights in Geneva. On 8 October 2018, the Assistant Secretary-General addressed these allegations in writing to the Government. On 22 February 2019, the High Commissioner for Human Rights noted that the proceedings in many of the cases that have reached the courts, including that of Mr. López, "have been marked by a lack of transparency, issues relating to the credibility and independence of witnesses, undue restrictions on evidence and witnesses for the defence, and insufficient access of defendants to their lawyers."[88]

82. On 7 November 2018, four mandate holders expressed concern at the arbitrary detention of Mr. López and at attacks, intimidation and threats against Mr. Félix Alejandro Maradiaga and others more generally (NIC 5/2018; A/HRC/40/60/Add.1, para. 246; A/HRC/40/52, para. 58)[89] as reprisals for their cooperation with international bodies, including the United Nations. On 5 September 2018, Mr. Maradiaga participated in an information session on Nicaragua related to the UN Security Council in New York. A week later, on 24 September 2018, a criminal court in the district of Managua issued a warrant for his arrest on charges of organized crime and financing of terrorist activities, reportedly for his cooperation with the UN. Prior, on 9 July 2018, the Inter-American Commission for Human Rights had granted Mr. Maradiaga precautionary measures responding to a sequence of attacks, threats, death threats against him and his family, as well as stigmatization by public officials. Due to this situation, Mr. Maradiaga left the country.

83. On 27 November 2018, the Government responded. Regarding the situation of Mr. López, the Government indicated that he had been charged with obstruction and kidnapping under articles 327 and 163 of the Criminal Code. On 14 November 2018, during a preliminary hearing, it was decided to keep Mr. López in pre-trial detention during which he has received weekly visits by relatives and access to medical attention. Regarding the situation of Mr. Maradiaga, the Government informed that there was an arrest warrant against him on charges of organized crime and financing of terrorist activities, as per articles 393 and 395 of the Criminal Code. On 14 February 2019, the Fifth Criminal Court of Managua found Mr. López guilty of the crimes of disruption of public services, illegal possession and carrying of weapons, kidnapping and threats, and sentenced him to five

[87] OHCHR, "Bachelet concerned about criminalization of dissent in Nicaragua," (22 February 2019).

[88] *Ibid.*

[89] See also OHCHR, "Nicaragua must stop repression of human rights – UN experts" (22 November 2018).

years and three months in prison. On 20 May 2019, Mr. López was released, together with other 99 persons detained in the context of the 2018 protests, under "family cohabitation or other alternatives measures to deprivation of liberty."

84. On 8 February 2019, the spokesperson of the High Commissioner for Human Rights[90] expressed concerns that agents from the Ministry of Interior conducted a raid, allegedly without a warrant, on the offices of the Federación Red Nicaragüense para la Democracia y Desarrollo, known as "Red Local," a coalition of 22 civil society organizations working across the country. During the raid, documents and assets were seized, and two of Red Local's staff were detained for a few hours and subsequently released. The assault took place only six days after a group of Nicaraguan civil society representatives, including members of Red Local, met the High Commissioner for Human Rights in Geneva and shared their concerns about the increasing restrictions on civic space and expression of dissent in Nicaragua. On 12 March 2019, seven special procedures mandate holders addressed the alleged reprisals against Red Local and its members for cooperation with the UN, expressing concern that the raid was reportedly intended to obstruct the activities of the members of Red Local, as well as send a message to civil society in the country (NIC 1/2019).

28. Poland

85. On 13 December 2018, five special procedures mandate holders expressed concern about reports that human rights defenders traveling to participate in the 24th Conference of the Parties (COP 24) to the UN Framework Convention on Climate Change (UNFCCC), held in Katowice, were barred from entering the country in early December 2018.[91] They also expressed concern that the defenders were harassed, arbitrarily detained and questioned for several hours by the Polish authorities. The majority of up to a dozen individuals denied entry into the country were reportedly holding visas to enter Poland and approved UN accreditation. On 25 January 2019, the Assistant Secretary-General addressed these concerns in writing.

86. Prior, on 23 April 2018, five special procedures mandate holders addressed the adoption of a law related to the organization of the COP24 by Poland (POL 3/2018). They expressed serious concern that the law could enhance the surveillance powers of the police and secret services, allowing them to collect, obtain, process and use personal electronic and digital data without the necessary safeguards, and consequently, unduly restrict the right to privacy on environmental human rights defenders and members of the public seeking to participate in COP24 (article 17.1).

87. On 23 May 2018, the Government addressed the allegations that related to the law, providing a detailed explanation of preparatory measures the law was foreseen to facilitate in the organization of COP24. The Government noted that principally the law was aimed at efficient organization and financing of the conference and the regulation of how state institutions will cooperate to ensure full security. It also noted that the Ministry of Environment gave the assurance of the right of social partners to manifest their views freely at the conference and noted the important role of non-governmental organizations, per the Paris Agreement.[92]

88. On 1 February 2019, the Government responded to the Assistant Secretary-General stating that the scope and international character of the climate summit required additional temporary security measures to provide participants with sufficient security and ensure effective counter-terrorism protection. It stated that the Internal Security Agency cooperated with foreign partners to this end and that only those individuals identified as

[90] OHCHR, "Comment on a raid of key Nicaraguan civil society organization by UN Human Rights Spokesperson Rupert Colville," (8 February 2019).

[91] OHCHR, "Poland: UN experts condemn measures to stop human rights defenders join climate talks," (13 December 2018).

[92] Response from Government: https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34052.

previously involved in disturbing the peace and committing unlawful acts were denied entry to COP24 as a preventive tool.

89. It was reported that Poland's national human rights institution and the Commissioner on Human Rights, Mr. Adam Bodnar, have been continually subject to acts of intimidation and reprisals in connection to their work, including for their cooperation with the UN. Since 2016, there has reportedly been a reduction of the budget assigned to the Office of the Commissioner for Human Rights by the Parliament, in part because of Mr. Bodnar's international engagement. In September 2017, an unsuccessful motion for dismissal of Mr. Bodnar was put forward by two Members of Parliament invoking Mr. Bodnar's collaboration with international bodies. Despite numerous international recommendations to provide the Commissioner with appropriate resources,[93] it does not have enough to effectively fulfil its statutory obligations.

90. In October 2016, Mr. Bodnar presented an alternative report to the Human Rights Committee in Geneva during its review of Poland. In its concluding observations (CCPR/C/POL/CO/7), the Committee addressed points raised by Mr. Bodnar, who was subsequently accused in the media of having influence over the Committee's observations, including contacting them in advance. A public official accused Mr. Bodnar of a lack of objectivity, which could have constituted breaking his oath as Commissioner. On 5 March 2019, two special procedures mandate holders addressed allegations about a civil lawsuit against Mr. Bodnar by the public broadcaster, Telewizja Polska SA (TVP), in relation to advocacy against hate speech (POL 1/2019). The Government responded on 17 April 2019, detailing the circumstances of immunity of the Commissioner in Poland and providing an update on the status of the case.[94]

29. Saudi Arabia

91. On 8 February 2019, four special procedures mandate holders issued an urgent appeal with renewed concerns about the situations of several women human rights defenders, including Ms. Samar Badawi (see Annex II) and Ms. Loujain Al-Hathloul, both of whom had cooperated with the United Nations and were being held in Dhabban prison in Jeddah (SAU 1/2019).[95] They raised concerns about reports of detention, torture, sexual harassment and ill-treatment including in the form of gender-based violence committed against them. On 9 April 2019, the Assistant Secretary-General addressed these cases with the Government in writing.

92. On 27 February 2018, Ms. Loujain Al-Hathloul cooperated with CEDAW during the consideration of Saudi Arabia. In early March 2018, shortly after Ms. Al-Hathloul's return from Geneva, she was arrested in Abu Dhabi by Emirati authorities and taken to Riyadh by Saudi authorities for interrogation. After three days she was released and a travel ban was imposed. On 15 May 2018, Saudi police forces raided Ms. Al-Hathloul's home, arrested her and held her in incommunicado detention for three months. The charges against Ms. Al-Hathloul reportedly include using social media to communicate with international actors and contact with foreign entities and participating in an exam of the United Nations. The case of Ms. Al-Hathloul has been raised by several special procedures mandate holders (SAU 15/2014; SAU 7/2018 and A/HRC/40/60/Add.1, para. 637; SAU 1/2019).[96]

93. The CEDAW Chair and Committee Focal Point on Reprisals wrote confidential letters to the Government[97] related to the allegations of arbitrary detention and degrading treatment and punishment. In response, the Government provided information on the

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

[94] Response from Government: https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34630.

[95] Response from Government: https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34611. https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=32787.

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

[97] 25 May 2018, 20 July 2018, 7 August 2018, 13 November 2018, and 20 November 2018.

conditions of detention and remedies available to Ms. Al-Hathloul.[98] On 5 April 2019, the Government submitted additional information, stating that she had committed offences related to national security and cybercrimes and is detained in the General Directorate of Investigation (Al-Mabahith) with rights to medical treatment, legal representation, communications and visits. The Government stated that the investigation into her case has been conducted and concluded.

94. On 25 June 2018, three special procedures mandate holders addressed the situation of Mr. Abdulrasheed Al-Faqih and Ms. Radhia Al-Mutawake of the Mwatana Organization for Human Rights (see also Yemen), including reported arbitrary detentions during attempts to fly from Seiyun airport, in apparent reprisal for their cooperation with UN human rights mechanisms (YEM 4/2018; SAU 8/2018 and A/HRC/40/60/Add.1, para. 638). In 2017, Ms. Al-Mutawakel was the first Yemeni woman to present a briefing at the UN Security Council and Mr. Al-Faqih had actively participated in Human Rights Council sessions in 2017. The detention and confiscation of their passports at Seiyun airport by military police were reportedly based on orders received from the Saudi-led coalition in Yemen, and caused them to not be able to travel (YEM 4/2018; SAU 8/2018). On 28 June 2018, the Government responded stating that Saudi Arabia is not concerned with these cases since they are in the territories of Yemen.[99]

95. In March 2019, Mr. Yahya Al-Assiri, director of the Saudi human rights organization AlQST, which reports on the human rights situation of detainees and activists in Saudi Arabia, delivered a statement on behalf of the International Federation for Human Rights (FIDH) during the UPR adoption of Saudi Arabia, and spoke as a panellist at a side event on Saudi Arabia organised by the World Organization Against Torture (OMCT). As a result of his engagement, Al-Assiri reportedly received threats on social media. Some of the women human rights defenders detained in 2018[100] were reportedly interrogated about Mr. Al-Assiri, including explicitly regarding his engagement with the UN Human Rights Council.

30. Sri Lanka

96. A February 2019 OHCHR report notes that harassment or surveillance of human rights defenders and of victims of human rights violations continue. In 2018, rights defenders reported being questioned by the authorities after travelling to attend sessions of the Human Rights Council (A/HRC/40/23, para 55). Representatives of civil society have also reported being monitored, under surveillance, or intimidated, including receiving death threats, by different groups while participating in sessions of the Council. A former NGO worker was visited by armed men who questioned him about his activities in support of visits by diplomats and United Nations officials, including the High Commissioner for Human Rights in 2013 (para. 55). The OHCHR report further notes that such cases suggest that informal and often extra-legal intelligence gathering activities have not ceased.

97. On 2 August 2018 five special procedures mandate holders noted with concern allegations of harassment, including online attacks, of Ms. Sandya Ekneligoda in reprisal for her efforts to seek the truth about the fate and whereabouts of her husband (LKA 2/2018; A/HRC/40/60/Add.1, para. 414), disappeared journalist Mr. Prageeth Ekneligoda, whose case was registered by the UN Working Group on Enforced or Involuntary Disappearances on 3 February 2010 (case number 10002838). Ms. Ekneligoda has been the target of threats, intimidation and online attacks by supporters of the Buddhist monk leader of the group Bodu Bala Sena (BBS), Mr. Galagodaatte Gnanasara Thera. He reportedly stormed the court room during a hearing on Mr. Ekneligoda's disappearance and threatened and intimidated Ms. Eklenigoda. He was convicted for contempt of court in 2018 and granted Presidential pardon on 23 May 2019.

[98] 9 October 2018 and 3 December 2018.

[99] Response from Government: https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34154.

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

31. Tunisia

98. In January 2019, the National Syndicate of Tunisian Journalists (SNJT), which monitors attacks against journalists, was subject to online harassment for promoting the use of the United Nations special procedures. On 29 January 2019, the SNJT issued a public statement calling on the Tunisian authorities to ensure protection of journalists and accountability through immediate investigation of increasing attacks against them. The SNJT stated that in case the authorities did not respond promptly, it would alert the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. On 30 January 2019, a leader of the Tunisian regional security forces syndicate published the SNJT press release on its official Facebook page stating "The Traitors have no place between us. Back to hell and those who have problems with the Ministry of Interior should go away outside Tunisia with the United Nations."

99. Following the statement, a complaint was submitted to investigate and prosecute those responsible within the security forces on the bases of the Press Code. The case is being investigated and the security forces leader is being prosecuted for incitement to murder, per article 51 of the Decree-law number 2011-115 (revised Tunisian Press Code). As of June 2019, no judgement had yet been pronounced.

32. Turkmenistan

100. On 27 November 2018, two special procedures mandate holders addressed alleged reprisals against Ms. Daria Atdaeva, Russian national, and her husband, Mr. Annamurad Nurmukhammedovich Atdaev, for cooperation with the Working Group on Enforced or Involuntary Disappearances (TKM 2/2018, A/HRC/40/60/Add.1, paras. 548, 551). On 27 April 2017, the Working Group transmitted, under its urgent action procedure, a case to the Government concerning Mr. Atdaev, allegedly disappeared in late January 2017 from the penal colony in Tedzhen, Ahal Province (A/HRC/WGEID/112/1, para. 99). According to the information received, Mr. Atdaev was sentenced by a court in Ashgabat city on 13 December 2016 and is currently being detained at an unknown location. Ms. Daria Atdaeva filed a complaint with the Working Group in April 2017, and has since maintained contact with the Working Group in order to clarify the fate and whereabouts of her husband.

101. In July 2018, after a first denial of visa, Ms. Atdaeva was authorized to visit her husband. However, on 21 September 2018, the Russian Embassy in Turkmenistan sent Ms. Atdaeva a letter stating that her husband was denied visitation rights because he violated internal rules of the penitentiary facility. This letter was sent one week after Ms. Atdaeva met with the Working Group in Geneva, and after she spoke about her husband's case at a public side event at the Organization for Security and Cooperation in Europe (OSCE).

102. On 25 June 2019 the Government responded to the allegations, stating that Ms. Atdaeva does not have any restrictions on entry into and exit from Turkmenistan. It noted that Mr. Atdaev was sentenced to 15 years imprisonment in Ashgabat on 6 March 2017 for violating the Criminal Code, including conspiracy to seize power, appeals for a violent change of the constitutional order, incitement of social, national or religious hatred, creation of an organized group, and criminal community and other criminal structures or participation in their activities. He is currently in the correctional colony AH/E-2 of the Ministry of Internal Affairs and has had five short visits with his close relatives.

33. United Arab Emirates

103. It was reported that Mr. Ahmad Ali Mekkaoui, a Lebanese citizen, faced reprisals after his detention was found arbitrary by the Working Group on Arbitrary Detention (A/HRC/WGAD/2017/47, paras. 23, 34) during its August 2017 session. Mr. Mekkaoui had been arrested on 13 October 2014 and reportedly detained in secret detention and in solitary confinement for seven months, during which he was severely tortured and sustained injuries requiring five surgeries. On 4 December 2016, Mr. Mekkaoui was sentenced to 15 years in prison based on confessions extracted under torture. On 5 December 2018, the

Arabic television channel Al Arabi broadcasted a video segment on Mr. Mekkaoui's case, detailing his torture and prosecution in the UAE, and the Opinion issued by the Working Group. The video also featured an interview with Mr. Mekkaoui's sister and his lawyer.

104. Consequently, and as an alleged act of reprisal, on 17 December 2018 Mr. Mekkaoui was moved to solitary confinement and was put in a cell underground, without natural day light. Since then, Mr. Mekkaoui has only intermittently been able to contact his family and the last phone call he made was on 15 April 2019. Moreover, in March 2019, the Public Prosecution initiated new legal proceedings against Mr. Mekkaoui, his sister, his nephew and his lawyer, accusing them of "misrepresentation and incitement against the UAE" based on the interviews from 5 December 2018 and his nephew's Facebook page calling for Mr. Mekkaoui's immediate release. His health reportedly remains critical.

105. It is alleged that three women in detention, Ms. Alya Abdulnoor, Ms. Maryam Soulayman Al-Ballushi and Ms. Amina Alabduli, faced reprisals after information on their conditions of detention and health situations were shared in December 2018 with the United Nations special procedures, including recorded testimonies. Their conditions and the treatment of their family members while visiting prison reportedly worsened following action by three special procedures mandate holders on 12 February 2019 (ARE 2/2019). The authorities denied the allegations on 4 March 2019.[101]

106. Ms. Alya Abdulnoor was arrested in July 2015 and charged with "financing terrorism" after she helped raise funds for needy Syrian families in the United Arab Emirates and war-affected women and children in Syria. Before her transfer to Al-Wathba prison, Ms. Alya Abdulnoor was reportedly held in secret detention and in solitary confinement for six months and subjected to intense interrogation, torture, and threats. In 2015 she was re-diagnosed with cancer shortly after her arrest and despite her health condition was not provided with adequate medical treatment. After her state of health worsened significantly, she was transferred to Mafraq Hospital in November 2016 and was kept there until January 2019.

107. At the beginning of January 2019, a few weeks after a press release on her conditions, Ms. Abdulnoor was suddenly transferred to Tawam hospital where medical staff had very limited access to her and treatment was monitored and authorised by the authorities. The authorities reportedly imposed more restrictions during visits, relatives were subjected to humiliating body searches and their personal belongings were taken from them. Ms. Abdulnoor died in custody on 4 May 2019, despite pleas from the United Nations for assistance.[102]

108. Ms. Maryam Soulayman Al-Ballushi was detained on 19 February 2015 and accused of "financing terrorism" because of her donation to a Syrian family. She was transferred to a secret detention center in solitary confinement where she stayed for five months, and was reportedly interrogated and subjected to beatings on the head and threatened with rape. It is alleged that a confession was obtained under duress and, on 12 April 2016, Ms. Al-Ballushi was sentenced to 5 years prison at Al-Wathba prison. After information was submitted about the situation of Ms. Al-Ballushi and others to the United Nations special procedures, the family was reportedly contacted by a female State Security officer who threatened to bring Ms. Al-Ballushi to trial again and lay new charges against her. She also threatened to harm the family members if Ms Al-Ballushi kept denouncing her detention conditions.

109. On 4 May 2019, shortly after Ms. Abdulnoor's death, allegedly because they were seen as information sources to advocates abroad including the United Nations, Ms. Al-Ballushi and her cellmate, Ms. Amina Alabduli, were subjected to unequal treatment within the prison. Ms. Alabduli had been arrested in November 2015 and sentenced in October 2016 to 5 years charged with "inciting hatred against the State and disturbing public order; undermining the reputation of the State institutions, and publishing false information to

[101] Response from Government: https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34572.

[102] OHCHR, "UAE: Terminally ill prisoner, Alia Abdulnoor, must be released to "live final days in dignity," say experts" (26 February 2019); OHCHR, Press Briefing Note, Spokesperson of the High Commissioner for Human Rights (7 May 2019).

endanger the State's relations with its allies." Following the death in custody of Ms. Abdulnoor, six police officers reportedly entered and searched the cell of Ms. Al-Ballushi and Ms. Alabduli and stamped on and confiscated their religious books. It is reported that they are both constantly abused by other inmates, which the prison administration reportedly has not addressed. Beyond requesting protection from the prison administration, they have complained about the systematic ill-treatment they are subjected to, compared to other detainees.

34. Uzbekistan

110. According to reports received, in November 2018, Ms. Tatyana Dovlatova, a human rights defender, and several other women activists, were prevented from attending the Asian Forum on Human Rights in Samarkand. The Forum took place on 22 and 23 November 2018 organized by the National Human Rights Center, and co-organized by the OHCHR Regional Office for Central Asia, the United Nations Country Team in Uzbekistan and the Organization for Security and Cooperation in Europe. On 22 November 2018, Ms. Dovlatova and the other women were subjected to detailed questioning by the Samarkand Prosecutor and the Deputy General Prosecutor in connection with their attempts to attend the Forum without being on a list of participants approved by the Government, and for requesting to meet with United Nations officials and human rights experts attending the Forum. Following the questioning, Ms. Dovlatova and the other women were reportedly taken against their will to Tashkent in order to prevent their interaction with the United Nations. The following days, when the Forum was still ongoing, Ms. Dovlatova and the other women were under surveillance by Uzbekistan security forces reportedly to prevent their interaction with United Nations officials and to prevent them from raising human rights issues at the Forum.

35. Venezuela (Bolivarian Republic of)

111. Between 11 and 22 March 2019, an OHCHR team visited Venezuela. On 20 March 2019, in an oral update to the Human Rights Council, the High Commissioner for Human Rights noted the visit as a positive first step and underlined the importance of completely unhindered access for the OHCHR team, with no reprisals against any person who had met, or sought to meet, them.[103] According to reports received in March and April 2019, medical personnel, human rights defenders, and members of students' movements who cooperated with OHCHR during the visit suffered acts of intimidation and reprisals. OHCHR raised allegations of individual cases with the Government.

112. On 16 March 2019, the house of Dr. Ronnie Villasmil, who had engaged with OHCHR on 14 March 2019 during their visit to the Enrique Tejera Hospital in the state of Carabobo, was searched without a warrant by members of the Cuerpo de Investigaciones Científicas Penales y Criminalísticas (CICIPC). The CICIPC official reportedly left a subpoena to present himself to the police of the state of Carabobo. When asked about the incident, the Government explained that there was a complaint against Dr. Villasmil filed by a staff member of the hospital.

113. On 13 March 2019, OHCHR visited the Centro Nacional de Procesados Militares de Ramo Verde, a military detention center and a number of inmates approached the team and told them about detention conditions. A few days later, OHCHR was informed that family visits had been restricted for some of those who cooperated with the team.

114. On 14 March, Mr. Marlon Jesús Díaz Golindano, leader of a student movement from the University of Carabobo, tried to speak with OHCHR's team during their visit to Central Hospital of Valencia but a group of pro-government armed individuals (colectivos armados) physically attacked him and threatened him not to speak with OHCHR. On 17

[103] OHCHR, Oral update on the situation of human rights in the Bolivarian Republic of Venezuela, Statement by UN High Commissioner for Human Rights, 40th session of the Human Rights Council (20 March 2019).

March 2019, OHCHR visited the Dr. Pasto Oropeza Ribera Hospital accompanied by Dr. Maria Auxiliadora Castillo and Dr. Amarante Anza Maldonado. On 21 March 2019, both doctors received a notification that, as of 1 April 2019, they were to be beneficiaries of (early) retirement, which neither of them had requested.

115. On 25 March 2019, following the oral update of the High Commissioner,[104] disparaging statements were made on the pro-government news portal Aporrea against individuals and organizations who had cooperated with OHCHR during their visit. Those affected included the Observatorio Venezolano de Conflictividad Social, Ms. Liliana Ortega of Comité de Familiares de Víctimas de los Sucesos de Febrero-Marzo de 1989 (COFAVIC), and Mr. Rafael Uzcátegui of Programa Venezolano de Educación y Acción en Derechos Humanos (Provea), who were labelled as financed by foreign interests and accused of disseminating false information.

116. On 8 October 2018, Mr. Fernando Albán of the Primero Justicia party died in custody in Caracas. In September 2018, Mr. Albán had travelled to New York where he participated in meetings with diplomatic delegations to the UN attending the General Assembly as part of a delegation of members of the party. He took part in meetings about possible UN-led initiatives to address the human rights situation in Venezuela, in particular action to be taken, among others, in the Security Council.

117. On Friday 5 October 2018, upon arriving at Caracas international airport from New York, Mr. Albán was taken into custody by members of the Bolivarian National Intelligence Services (SEBIN) allegedly in connection with the failed assassination attempt against the President of 4 August 2018. The authorities did not inform Mr. Albán's family or lawyers of his detention or whereabouts, and on 8 October 2018, according to official sources, Mr. Albán killed himself by leaping from the tenth floor of SEBIN's administrative headquarters. OHCHR received reports indicating that Mr. Albán's suicide was unlikely, including related to the restrictions of movement applied to prisoners under the custody of SEBIN. On 23 November 2018, the Assistant Secretary-General addressed these allegations in writing.

36. Viet Nam

118. In August 2018, four special procedures mandate holders expressed concerns at allegations of torture, interrogation on religious activities and use of social media, as well as interdiction to report to international human rights organizations, related to Mr. Y Than Buon Dap, Mr. Y Bhuar Bdap, Mr. Ciêu Bkrông, Mr. Y Khen Nie, and Mr. Y Krit Bdap (VNM 9/2018). On 25 April 2019, the Government responded, stating that the individuals disseminated distorted information on State policies regarding ethnic minorities to mislead the local people. and defamed the State by making up stories about the Government's violation of the rights of religious and ethnic groups.[105]

119. It was reported that, in February 2019, Ms. Nguyen Thi Kim Thanh faced reprisals following her participation in Vietnam's UPR in Geneva on 21 January 2019, where she met with United Nations staff to advocate for the release of her husband, prisoner of conscience Mr. Truong Minh Duc, who was the subject of a special procedures communication in September 2017 (VNM 6/2017). Photos of these meetings were posted on Facebook. When she returned to Viet Nam, upon her arrival at the Airport in Ho Chi Minh City on 21 February 2019, she was detained by security forces who questioned her about her meetings with the United Nations. Ms. Nguyen Thi Kim Thanh was informed that she was being placed on a list of individuals barred from traveling abroad for national security reasons, her passport was confiscated, and her case referred to the Department of Immigration. She was asked to sign an official record of these directives.

120. It was reported that in March 2019, Ms. Bui Thi Kim Phuong faced a travel ban as she was planning to visit Geneva to bring the case of her husband, Mr. Nguyen Bac Truyen,

[104] *Ibid*.

[105] Response from Government: https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34638.

a human rights defender and independent Hoa Hao Buddhist who faced reprisals after the 2014 visit of the Special Rapporteur on freedom of religion and belief, to the attention of the Human Rights Committee (see Annex II). On 7 March 2019, a few days before Viet Nam was to be reviewed by the Committee at its 125th session, Ms. Bui Thi Kim Phuong was detained and questioned at Tan Son Nhat International Airport in Ho Chi Minh City and banned from traveling to Europe to meet United Nations and European government officials to advocate for the release of her husband. The authorities reportedly cited "security reasons" for the travel ban placed on Ms. Bui Thi Kim Phuong.

121. On 26 September 2018, Mr. Nguyen Van An, a Catholic from Ke Gai Parish, was informed of an arrest warrant for documenting a violent incident that took place in December 2017 involving members of "Red Flag Associations" and reporting it to the Special Rapporteur for freedom of religion or belief in February 2018. Mr. Nguyen Van An was also an official government witness for the incident, but was later persecuted for his documentation role. He was the subject of four police summons and accused of "unlawful restraint." His family was reportedly subjected to police harassment. Due to these incidents, Mr. Nguyen Van An and his family have left the country.

122. In March 2019, the Human Rights Committee expressed concern at cases of reprisals against rights defenders, including for engaging with the United Nations. It recommended the State party to allow the defenders the necessary latitude to carry out their activities, including engaging with the United Nations, without fear of restrictions or reprisal. The Committee also expressed concern that members of religious communities and their leaders face surveillance, harassment, intimidation, and physical assaults leading to death, and was disturbed by the involvement of non-State actors, such as the "Red Flag Associations," in inciting religious discrimination as well as acts of violence (CCPR/C/VNM/CO/3, paras. 43, 51–52).

123. On 26 June 2019, the Government responded to the allegations. Regarding the cases of Ms. Nguyen Thi Kim Thanh and Ms. Bui Thi Kim Phuong, the Government stated that the claims that the authorities "threaten" or "prevented individuals from travelling" are untrue and stated that the compilation and drafting of reports related to the UPR and International Covenant on Civil and Political Rights (ICCPR) are carried out in an open, transparent and inclusive manner. Regarding the situation of Mr. Nguyen Van An, the Government indicated that claims of threats against him and his family are unjustified. The Government stated that there is no "Red Flag Association" in the country and that when tension between Catholic followers and local residents erupted in December 2017, the authorities convoked the two groups requesting them not to engage in acts causing disruption to local social order and security.

37. Yemen

124. On 25 June 2018 three special procedures mandate holders addressed the situation of Mr. Abdulrasheed Al-Faqih and Ms. Radhia Al-Mutawake of the Mwatana Organization for Human Rights, including reported arbitrary detention during attempts to fly from Seiyun airport, in apparent reprisal for their cooperation with UN human rights mechanisms (YEM 4/2018 and SAU 8/2018). These restrictions occurred after Ms. Al-Mutawakel was the first Yemeni woman to brief the UN Security Council, and Mr. Al-Faqih actively participated in Human Rights Council sessions in 2017. On 14 June 2018, Mr. Al-Faqih was on his way to Say'un airport when he was detained and interrogated at Bab Al-Falaj checkpoint (Marib) by individuals believed to be members of forces loyal to the Government wearing Central Security Forces uniforms, who confiscated his passport and cell phone and took him to the security headquarters in Marib. He was unable to contact anybody for several hours and his location remained unconfirmed until his release later that afternoon. This incident prevented him from travelling abroad. On 18 June 2018, Mr. Al-Faqih and Ms. Al-Mutawakel were prevented from travelling again when they were detained at Seiyun airport by military police reportedly of the Saudi-led coalition, and their passports confiscated (YEM 4/2018 and SAU 8/2018). Mr. Al-Faqih has reportedly been able to return to Yemen but Ms. Al-Mutawakel remains at risk due to her advocacy work.

38. State of Palestine

125. In the West Bank, from July to October 2018, several detainees reported to OHCHR having faced reprisals after participating in interviews with staff from the OHCHR office in the Occupied Palestinian Territory who documented cases of cruel, inhuman or degrading treatment that may amount to torture in Palestinian detention centres. In three cases detainees declined to speak to OHCHR, and others expressed fear of revealing details regarding their treatment due to fear of reprisals. OHCHR has raised these concerns with the relevant authorities.

Annex II

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

1. Bahrain

1. The 2018 report of the Secretary-General included references by multiple United Nations actors to a general context of harassment and intimidation against Bahraini civil society representatives seeking to cooperate with the United Nations (A/HRC/39/41 paras. 29–30). Those individuals included Mr. Sayed Ahmed Al-Wadaei and some of his close relatives, Ms. Ebtesam Abdulhusain Ali-Alsaegh, and Mr. Nabeel Rajab (A/HRC/39/41, Annex I, paras. 1–6; Annex II, paras. 4–11).

2. During the reporting period, travel bans allegedly continued to be applied against those who wish to travel abroad, including to engage with the Human Rights Council. This prevented a number of civil society representatives based in Bahrain from participating in the 40th session of the Council in March 2019. Names of those affected are not put forward due to fear of further reprisals.

3. Mr. Sayed Ahmed Al-Wadaei reportedly continues to suffer disparaging public statements in pro-Government media. The deterioration of the detention and health conditions of his mother-in-law, Ms. Hajar Mansoor Hassan, and her two cellmates at Isa Town Women's detention Centre, Ms. Medina Ali and Ms. Najah Yusuf, have been reported. On 19 January 2019, the Working Group on Arbitrary Detention found the detention of Mr. Al-Wadaei's relatives, Mr. Mahmood Marzooq Mansoor and Ms. Hassan, to be arbitrary and in reprisal for their family ties with him (A/HRC/WGAD/2018/51, para. 85, 93).[106] The Opinion was reported in the media and the Ministry of Interior publicly referred to Mr. Al-Wadaei as a "terrorist fugitive" and a "criminal," and to his family members as "terrorists."

4. On 17 January 2019, five special procedures mandate holders addressed allegations concerning Ms. Ali-Alsaegh and Ms. Hassan (BHR 7/2018; A/HRC/36/31, Annex I, paras. 5, 7; A/HRC/40/60, para. 75). Concerns about Ms. Ali-Alsaegh were in relation to threats, travel restrictions and criminal charges for her cooperation with the United Nations, including the Human Rights Council. During the 38th session of the Human Rights Council, after Ms. Ali-Alsaegh posted several tweets highlighting human rights concerns in Bahrain, she received messages through Twitter and Instagram urging her to close her accounts and to stop her human rights work, under threat of public defamation and rape. Her situation was addressed by special procedures in 2016 and 2017 (BHR 9/2017;[107] BHR 8/2017;[108] BHR 4/2016[109]).

5. The mandate holders also raised concerns about further acts of reprisals, including physical abuse in detention, against Ms. Hassan, convicted under a counter-terrorism law. On 16 September 2018, Ms. Hassan was reportedly assaulted, harshly beaten, hospitalized, and then held incommunicado in Isa Town Prison from 16 to 23 September 2018. Around those dates, the 2018 report of the Secretary-General, which mentioned her case, was

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

[107] Response from Government: https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=33623.

[108] Response from Government: https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=33610.

[109] Response from Government: https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=2078. https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=2101.

presented at the 39th session of the Human Rights Council (A/HRC/39/41, Annex I, para. 5).

6. The family of Ms. Hassan has reportedly not seen her since September 2018 and in January 2019, she went on a two-day hunger strike to protest the restrictions after the publication of the Opinion of the Working Group. Reports also indicate that Ms. Hassan is being denied access to adequate medical care, in particular since August 2018 when she developed medical conditions that require specialized treatment. On 20 March 2019, the Embassy of Bahrain in London, through its Twitter account, posted private correspondence between Mr. Al-Wadaei and the Ombudsman Office of the Ministry of Interior of Bahrain, including information on the situation of his mother-in-law and private email accounts of relatives. The tweets were later deleted.

7. On 11 March 2019, the Government responded providing detailed information about the situation of Ms. Ali-Alsaegh and Ms. Hassan, including related to the claims submitted to the Ombudsman Office. It stated that allegations about retaliation against individuals or family members for their human rights activities are not true.[110]

8. The case of Mr. Nabeel Rajab, from the Bahrain Center for Human Rights, was included in the 2017 and 2018 reports of the Secretary-General (see A/HRC/36/31, para. 23 and Annex I, para. 6; and A/HCR/39/41, Annex II, para. 9). In August 2018, the Working Group on Arbitrary Detention found the detention of Mr. Rajab arbitrary, and referred the case to the Assistant Secretary-General for Human Rights.[111] On 31 December 2018, Bahrain's Court of Cassation upheld Mr. Rajab's conviction and sentence of five years' imprisonment. On 6 May 2019, the court rejected a motion submitted by his lawyers asking for an alternative punishment to the jail sentence. He has now exhausted all legal avenues and will remain in prison until 2023. On 4 January 2019, the spokesperson of the High Commissioner for Human Rights called on the Government of Bahrain to immediately and unconditionally release Mr. Rajab and to stop criminalizing dissenting voices.[112]

9. The Government in its reply of 19 June 2019 refers to the cases of Ms. Ali-Alsaegh, Ms. Hassan, and Mr. Rajab. In the case of Ms. Ali-Alsaegh, it provides detailed information and indicated that she was prevented from travelling due to charges against her for "unauthorized demonstration." Regarding the situation of Ms. Mansoor Hassan, the Government indicated that she was arrested in March 2017 on the charge of having taken part in placing an object resembling an explosive in a public roadway for the purpose of terrorism. According to the Government, over the course of interrogation, some of Ms. Hassan's fellow suspects confessed to having made an imitation explosive and planting it near a farm. On 30 October 2017, Ms. Hassan was sentenced to a three-year prison term. Concerning allegations of torture, the Government indicated that no complaint has been lodged by Ms. Hassan through any of the national remedies, nor has she complained about not receiving medical treatment.

10. Regarding the situation of Mr. Rajab, the Government indicated that the charges against him are unrelated to his human rights activities and have no bearing on the exercise of his right to freedom of opinion and expression; they are merely the application of the law which makes persons criminally responsible if they violate legislative norms.

2. Bangladesh

11. The case of human rights organization Odhikar and its Secretary Advocate, Mr. Adilur Rahman Khan, was included in the 2011 report of the Secretary-General (A/HRC/18/19 paras. 25–26). Odhikar regularly cooperates with the UN and submitted information for Bangladesh's 2009 review by the UPR. Starting in 2010, the activities of

[110] Response from Government: https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34562.

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

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

Odhikar were reportedly increasingly monitored by the authorities and its staff were threatened and harassed by government officials. In 2014, Odhikar's bank accounts were frozen by the NGO Affairs Bureau, and since then they have not been able to make bank transactions or receive any funds, severely limiting the organization's capacity to operate. Odhikar has been the subject of 13 communications by special procedure mandate holders, a number of which have not been responded by the Government. In December 2018, mandate holders raised concerns at a reported smear campaign against Odhikar as well as harassment and acts of violence against its staff (BGD 10/2018). Odhikar has been accused of anti-state and anti-government activities and of tarnishing the country's image by providing misinformation to the international community. Mr. Rahman Khan was also reportedly monitored and surveilled during and after his trip to Geneva in September 2018 to attend the Human Rights Council and related events.

12. On 5 July 2019, the Government responded, indicating that all NGOs that receive funding form outside the country are required to fulfill criteria established in national law, mainly the Foreign Donations (Voluntary Activities) Regulation Bill of 2016. If NGOs fail to comply with provisions in the law, they could be suspended. This applies to all NGOs in Bangladesh, including Odhikar.

3. Burundi

13. The cases of Mr. Armel Niyongere, Mr. Dieudonné Bashirahishize, Mr. Vital Nshimirimana, and Mr. Lambert Nigarura were included in the 2018 and 2017 reports of the Secretary-General (see A/HRC/39/41, Annex II, paras. 12–13, and A/HRC/36/31, para. 24, Annex, paras. 11–15). Three of the human rights lawyers were disbarred and one suspended allegedly for cooperating with the Committee against Torture during the review of Burundi. The Committee considered the verdict of the court an act of reprisal for their engagement with the United Nations human rights system.

14. According to new information received, the decision of the Court of Appeal has yet to be communicated to the four lawyers, thus preventing them from making an appeal. Moreover, on 15 May 2019, the Public Prosecutor reportedly issued an order requesting the seizure of real estate property and other assets in the country belonging to Mr. Armel Niyongere, Mr. Dieudonné Bashirahishize and Mr. Vital Nshimirimana.

4. Cameroon

15. The cases of Ms. Maximilienne Ngo Mbe and Ms. Alice Nkom of Central Africa Human Rights Defenders Network (REDHAC) were included in the 2018 report of the Secretary-General (A/HRC/39/41, para. 31, and Annex I, paras. 7–8). They suffered physical attacks, intimidation and harassment reportedly in connection to their cooperation with the Human Rights Committee during the review of Cameroon in October 2017. On 26 October 2017, five special procedures mandate holders addressed their situation (CMR 5/2017), and on 11 July 2018 (A/HRC/39/41, Annex I, para. 8) and 17 July 2018 the Government responded affirming that Ms. Ngo Mbe and Ms. Nkom have never been persecuted for their human rights work or cooperation with the UN and requested further detail about the allegations.[113]

16. According to new information received, between October and December 2018, Ms. Maximilienne Ngo Mbe has been closely monitored and surveilled by plain clothed officers of the intelligence services and unmarked cars outside the REDHAC offices. When traveling, Ms. Maximilienne Ngo Mbe is routinely subjected to additional questioning and anonymous phone calls welcoming her back into the country. Since November 2017, she has received harassing text messages calling her a liar, including reportedly from the Vice-President of the National Commission on Human Rights and Liberties.

[113] Response from Government: https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34200.

5. China

17. The case of Ms. Cao Shunli was included in the 2018 (A/HRC/39/41, Annex I, para.10–11), 2016 (A/HRC/33/19, para. 39), 2015 (A/HRC/30/29, Annex, para. 1), and 2014 (A/HRC/27/38, paras. 17–19) reports of the Secretary-General. On 14 March 2019, nine special procedures mandate holders issued a statement[114] renewing their call for a comprehensive and independent investigation five years after the death of Ms. Cao Shunli, a human rights defender who died in custody on 14 March 2014 following attempted engagement with the UPR.[115] They called for an investigation in 2014[116] after Ms. Cao Shunli was arrested in September 2013 at Beijing International Airport (CHN 11/2013), when her whereabouts remained unknown for five weeks until she resurfaced in custody and was charged with "provocation." On 24 January 2014, the Government noted that she had been detained on the criminal charge of disturbing public, social and administrative order and a warrant for Cao's arrest was issued on the charge of the crime of provocation.[117] During her incarceration, Ms. Cao Shunli's health seriously deteriorated, allegedly due to torture, ill-treatment, and authorities' failure to provide her access to medical care, and she died weeks after being admitted to hospital in critical condition on 19 February 2014 (CHN 13/2013).

18. The case of Ms. Chen Jianfang, a human rights activist, was included in the 2014 report of the Secretary-General (A/HRC/27/38, paras. 17–19). On 20 March 2019, Shanghai police reportedly took Ms. Chen Jianfang from her home and she has allegedly been subject to enforced disappearance since then. Days before she was taken away, she had written a tribute to Ms. Cao Shunli on the fifth anniversary of her death (see above), published online on 14 March 2019. Previously, in 2014, she was reportedly interrogated, warned about attempting to attend a human rights training program, and barred from traveling for life (CHN 11/2013).[118]

19. The case of Ms. Wang Yu, a Chinese lawyer, was included in the 2018 report of the Secretary-General (A/HRC/39/41, Annex I, paras. 10–12) concerning her legal representation on several sensitive cases, including her role in the case of Ms. Cao Shunli (see above). She was arrested and charged for "subversion of state power," reportedly tortured in custody, and forced to confess to criminal behavior (CHN 6/2015). On 31 July 2018, the Government noted that Ms. Wang was "lawfully subjected to criminal detention on suspicion of troublemaking and inciting the subversion of State power, and was subsequently put under residential surveillance in accordance with the law" (A/HRC/39/41, Annex I, para. 16). On 27 March 2019, Ms. Wang was reportedly handcuffed and taken to the Maizidian Police Station on the grounds that she failed to show an ID card while attempting to enter the Embassy of the United States of America in Beijing to attend a lecture. Embassy staff reportedly attempted to prevent police from detaining her, to no avail. She was later reportedly taken to Beijing Public Security Bureau's Chaoyang branch and held for one night for "obstructing government administration," and then released without charge.

20. The case of Mr. Qin Yongmin, democracy activist and dissident, and his wife, Ms. Zhao Suli, was included in the 2018 report of the Secretary-General (A/HRC/39/41, Annex I, paras. 13–14). In October 2018, Mr. Qin was reportedly transferred to Guanghua Prison in Qianjiang City, Hubei Province to serve a 13-year prison sentence on "subversion of state power" charges brought in July 2018. The criminal indictment reportedly accuses Mr. Qin of promotion of engagement with United Nations human rights mechanisms. On 31 July 2018, the Government stated that in March of 2015 he was "lawfully subjected to

[114] OHCHR, "China: UN experts renew calls for probe into death of Cao Shunli," (14 March 2019).

[115] OHCHR, "UN experts alarmed by reprisals against activists linked to China's international human rights review," (16 October 2013).

[116] OHCHR, "Deadly reprisals: UN experts deplore the events leading to the death of Chinese human rights defender Cao Shunli, and ask for full investigation," (18 March 2014).

[117] Response from Government: https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=32624.

[118] Response from Government: https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=32042.

criminal detention on suspicion of subverting State power" and that he was "lawfully sentenced to 13 years' fixed-term imprisonment and three years' deprivation of political rights" (A/HRC/39/41, Annex I, para. 17). Mr. Qin's wife Ms. Zhao reportedly remains under de facto house arrest, but has now been granted regular, albeit monitored, monthly visits since he was transferred to Guanghua Prison. They are both reportedly suffering health issues.

21. The cases of Mr. Mi Chongbiao and his wife Ms. Li Kezhen were included in the 2018 report of the Secretary-General (A/HRC/39/41, Annex I, paras. 15–16) after Mr. Mi posted a complaint online submitted to the Human Rights Council. Ms. Li is reportedly targeted solely on the basis of her relationship to Mr. Mi. On 31 July 2018, the Government stated that in May 2012, Mr. Mi was "lawfully subjected to criminal detention on suspicion of troublemaking subsequently changed to residential surveillance that was lifted in August 2012" and that the allegations of "disappearances" or "arbitrary detentions" are incorrect (A/HRC39/41, Annex I, para. 16). On 20 June 2018, Mr. Mi and Ms. Li were reportedly allowed to return to their home in Yunyan District, Guiyang City, Guizhou after being detained in April 2017 and held incommunicado for several months. In July 2017, they were put under "residential surveillance at a designated secret location." Mr. Mi has reportedly been subjected to ill-treatment and torture. Since returning home, the couple has remained under 24/7 police monitoring and their residence is surrounded by guards. On 27 June 2018, their lawyer attempted to visit them but was stopped by police and taken away for questioning.

22. The case of Ms. Li Wenzu was included in the 2017 report of the Secretary-General (A/HRC/36/31, Annex I, paras. 20–21) related to arbitrary arrest and detention in reprisal for her cooperation with the Special Rapporteur on extreme poverty and human rights, during his visit to China in August 2016. The Government stated that Ms. Li's freedom of movement had not been restricted and that she had not been subject to unlawful surveillance or harassment (A/HRC/36/31, Annex I, para. 21). Ms. Li is the wife of Mr. Wang Quanzhang, arrested on 10 July 2015 during the "709" incidents (CHN 6/2015) and whose case was taken up by the Working Group on Arbitrary Detention.[119] On 26 December 2018, Mr. Wang Quanzhang was tried at Tianjin No. 2 Intermediate Court, but Ms. Li Wenzu was reportedly blocked by police from leaving her apartment compound to attend the closed-door trial. Since 29 April 2019, she has been denied visitation rights with her husband, following his transfer to Linyi Prison in Shandong Province.

23. The case of Ms. Wang Qiaoling was included in the 2017 report of the Secretary-General (A/HRC/36/31, Annex, paras., 20–21) regarding alleged acts of intimidation and harassment in reprisal for her cooperation with the Special Rapporteur on extreme poverty and human rights, during his visit to China in August 2016 (A/HRC/34/75, CHN 9/2016). The Government stated that Ms. Wang's freedom of movement had not been restricted and that she had not been subject to unlawful surveillance or harassment (A/HRC/36/31, Annex I, para. 21).

24. Ms. Wang is the wife of Mr. Li Heping, arrested on 10 July 2015 during the "709" incidents (CHN 6/2015).[120] Upon arrest, Mr. Li was put under "residential surveillance at a designated location" and a criminal conviction was imposed on 27 April 2017 on charges of "subversion of state power" (CHN 3/2017).[121] Mr. Li received a three-year prison sentence, suspended for four years. He was reportedly tortured and ill-treated in prison, including forcibly medicated, and reportedly still suffers psychological trauma and long-term medical issues. On 6 June 2018, Beijing Judicial Bureau notified Mr. Li that he had been disbarred

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

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

[121] Response from Government: https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=33449.

as a result of the criminal conviction. On 2 March 2019, Luo Shan County Public Security Bureau officers "criminally summoned" Ms. Wang Qiaoling for six hours of interrogation at Lingshan Police Station in Xinyang City, Henan Province, due to her efforts to meet lawyer Mr. Jiang Tianyong after his release from prison (see below).

25. The case of lawyer Mr. Jiang Tianyong was included in the report of the Secretary-General in 2017 and 2018 (A/HRC/36/31, Annex I, paras. 22–24 and A/HRC/39/41, Annex II, paras. 14–16) and the subject of multiple actions by special procedures mandate holders (CHN 13/2016; CHN 15/2016; and CHN 3/2017).[122] He had met the Special Rapporteur on extreme poverty and human rights, during his visit to China in August 2016 (A/HRC/34/75, CHN 13/2016)[123] The mandate holders urged the Government to immediately release Mr. Jiang, who was held incommunicado and may have been subjected to torture and ill-treatment in relation to his association with the Special Rapporteur.[124] His case is registered with the Working Group on Enforced or Involuntary Disappearances (no.10006805) and his subsequent detention was found arbitrary by the Working Group on Arbitrary Detention.[125]

26. On 20 January 2017, the Government noted that Mr. Jiang had been charged with illegal possession of classified State documents with the intention of illegally transmitting State secrets abroad, among other charges to which he had admitted (A/HRC/39/41, Annex II, para. 16).[126] Mr. Jiang was reportedly released from prison on 28 February 2019 and placed in police custody. He, his family members and visitors remain under surveillance and are subject to harassment and intimidation. On 20 May 2019, six mandate holders expressed serious concern about the lasting impact of Mr. Jiang's arrest and detention on his health (CHN 9/2019).

27. The case of Mr. Dolkun Isa was included in the 2017 report of the Secretary-General (A/HRC/36/31, para. 29), in the context of his participation in the Permanent Forum on Indigenous Peoples in New York. On 28 July 2018, six special procedures mandated holders expressed serious concern regarding attempts by the Government to prevent Mr. Isa from participating in United Nations fora, which they stated may aim to "prevent the sharing of information with United Nations human rights bodies about the human rights situation of the Uyghur minority in the Xinjiang Uyghur Autonomous Region of China" (CHN 13/2018).[127]

28. On 1 July 2019, the Government responded to the allegations above. Regarding the case of Ms. Cao Shunli, the Government indicated that judicial organs handled the case in accordance with the law, and guaranteed her legal rights. She died of illness on 14 March 2014. Regarding the case of Ms. Chen Jianfang, the Government indicated that she is a suspected criminal and the judicial authorities are handling the case according to law. As for Ms. Wang Yu, the Government indicated that, in accordance with the law, she was summoned for investigation in March 2019 and her legal rights have been protected. To date, no criminal compulsory measures have been taken against Ms. Wang Yu.

29. Regarding the case of Mr. Qin Yongmin, the Government indicated that after his release from prison in 2010, he continued to engage in activities aimed at the subversion of State power by writing articles, publishing books, and using the Internet and media outlets based outside mainland China. In July 2018, he was found guilty of subversion of State power and establishing an illegal organization under his leadership, and sentenced to 13 years in prison and deprivation of political rights for three years. His appeal was rejected in

[122] Response from Government: https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=33355.

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

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

[125] *Ibid*.

[126] Response from Government: https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=33355.

[127] Response from Government: https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34273.

September 2018. According to the Government, his health is in good condition and "the house arrest" of his wife Ms. Zhao Suli never happened.

30. Regarding the situation of Mr. Mi Chongbiao the Government denied allegations of torture and indicated that he is not under house arrest. Concerning the situation of Ms. Li Wenzu, the Government informed that judicial authorities have not taken any compulsory measures against her, and the so-called harassment and arbitrary detention never happened. Regarding the situation of Ms. Wang Qiaoling, the Government indicated that the Chinese judicial authorities have not taken any compulsory measures against her, and there has not been intimidation or harassment.

31. Regarding the case of Mr. Jiang Tianyong, the Government indicated that he was accused of inciting subversion of State power, as he had long been influenced by anti-China forces including on "sensationalized high-profile case incidents." He publicized statements defaming the Government on websites outside of mainland China and on several occasions travelled abroad to take part in training for overthrowing the State power. He also sought funds from outside mainland China to be used to sensationalize incidents relating to high-profile cases. Mr. Jiang Tianyong was sentenced in November 2017, released in February 2018, and is currently in the three-year period of deprivation of political rights.

32. Concerning the case of Mr. Dolkun Isa, the Government indicated that he is a designated terrorist by the Chinese Government, seriously threatening national security and spreading international terrorist activities. The World Uyghur Congress of which he is chairman has incited the "East Turkistan Islamist movement" to carry out violent and extremist activities in the Xinjiang region and has arranged for individuals in China to travel abroad illegally to Syria and elsewhere to join the "jihad." It is the view of the Government that he, in the guise of "human rights" and "ethnic independence," incited extremism and hatred and engaged in separatist activities, undermining China's sovereignty and territorial integrity, which is against the purposes and principles of the UN Charter.

6. Colombia

33. The case of Mr. Germán Graciano Posso, member and legal guardian of the Peace Community of San José de Apartadó, was included in the 2018 report of the Secretary-General (A/HRC/39/41, para. 33 and Annex I, para. 18) regarding death threats and an assassination attempt against him by a paramilitary group following his participation in the United Nations Forum on Business and Human Rights in Geneva in 2017. On 1 February 2018, five special procedures mandate holders addressed these allegations (COL 1/2018).

34. On 5 December 2018, Mr. Graciano Posso won the prestigious national award on human rights for 2018, as "Defender of the Year," along with other renowned defenders. On 14 December 2018, the 17th Brigade of the Colombian Army launched a legal action ("desacato de tutela") against the Peace Community of San José de Apartadó for publicly denouncing alleged criminal behaviour by the armed forces, including collusion with illegal armed actors and criminal groups. This action can have direct implications for Mr. Graciano Posso as he is the legal guardian of the Peace Community.

35. The Special Rapporteur on the situation of human rights defenders expressed deep concern about the legal action in his statement at the end of his visit to Colombia in December 2018.[128] On 28 January 2019, the Constitutional Court requested a review of the legal action and, in parallel, the local court requested the temporary suspension of the ruling. Until the Constitutional Court rules on the matter, no legal action can be taken against the Peace Community or its legal representative.

[128] End of mission statement, Special Rapporteur on the situation of human rights defenders, Michel Forst, Visit to Colombia, 20 November to 3 December 2018 (page 7).

7. Cuba

36. The case of Mr. Juan Antonio Madrazo Luna, member of the Comité Ciudadanos por la Integración Racial (CIR), was included in the 2018 report of the Secretary-General (A/HRC/39/41, Annex I, para. 25) due to travel restrictions that prevented him from travelling to Geneva to attend the UPR session. According to new information received, in August 2018, Mr. Madrazo Luna was the subject of a 21-day travel ban preventing him from participating in the Committee on the Elimination of Racial Discrimination review of Cuba. On 30 August 2018, the Committee sent a letter to the State party addressing these allegations and requesting a response with information on measures taken to prevent and address reprisals against those who cooperate with the UN. On 15 October 2018, the Government responded to the Committee.

37. Reports received indicate that, in December 2018 and January 2019, Mr. Madrazo Luna and members of CIR were subject to a number of police operations preventing them from carrying out different events, including the celebration of Human Rights Day and presentation of CERD's observations. On 21 January 2019, Mr. Madrazo Lunas was arrested and held in a police station for eight hours.

38. The case of Ms. Dora L. Mesa, of Asociación Cubana para el Desarrollo de la Educación Infantil (ACDEI), was included in the 2018 report of the Secretary-General (A/HRC/39/41, Annex I, paras. 24–25). According to new information, Ms. Mesa continues to be the subject of harassment, intimidation and threats, including death threats. Ms. Mesa has been threatened at her home by a man who identified himself as a member of State Security, with severe consequences including to her physical integrity, should she not cooperate with them. She does not leave home for fear of being attacked. Her attempts to appeal to the Supreme People's Court for the return of her passport failed. She has been interviewed by police officers who have told her not to have contact with any official from the OHCHR or do research on child rights in Cuba.

39. The Assistant Secretary-General addressed the allegations of reprisals against Ms. Mesa on 27 December 2018. On 16 January 2019, the Government responded categorically denying the allegations and rejecting that, without new elements, allegations previously responded to are taken up again. The Government reiterated elements of its previous response of 10 May 2018 (A/HRC/39/41, Annex I, para. 26), including that the individuals mentioned in the letter pretend to be human rights defenders when they commit illegal acts aimed at overthrowing constitutional order established in the country following instructions and funding from foreign governments. The Government expressed concern that there are no safeguards to prevent the politization, selectivity and arbitrariness of the use of the reprisals mandate against developing countries.

8. Djibouti

40. The case of Mr. Kadar Adbi Ibrahim, professor, journalist and human rights defender, was included in the 2018 report of the Secretary-General (A/HRC/39/41, para. 37 and Annex, para. 31) because he was unable to participate in the UPR review of Djibouti in May 2018. Four Member States expressed their concern during the UPR session (see A/HRC/39/10, paras. 54, 64, 84 and 104). In July 2018, three special procedures mandate holders raised concerns about his arrest and the confiscation of his passport upon his return to Djibouti from Geneva in April 2018, where he had conducted advocacy activities ahead of the UPR of Djibouti (DJI 1/2018, and A/HRC/40/60/Add.1, paras. 19, 50). On 24 September 2018, the Government responded indicating that Mr. Ibrahim had been placed under surveillance due to his close connections with extremist movements in the country and that in 2016 Mr. Ibrahim was convicted in violation of national legislation.[129]

41. On 15 March 2019, the Assistant Secretary-General addressed allegations of continued reprisals against Mr. Ibrahim as it was reported he continued to be unable to

[129] Response from Government: https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34341.

travel with his passport confiscated by the Service de Documentation et Sedimentation (SDS). Mr. Ibrahim has brought concerns to the attention of the National Prosecutor's Office, the National Human Rights Commission, and the Office of the Mediator of the Republic to no avail.

9. Egypt

42. The case of Mr. Ebrahim Abdelmonem Metwally Hegazy, of the Association of the Families of the Disappeared, was included in the 2018 report of the Secretary-General (A/HRC/39/41 para. 38 and Annex I, paras. 32–35) concerning his initial disappearance and later detention while he was on his way to meet the Working Group on Enforced and Involuntary Disappearances in Geneva in September 2017 (EGY 14/2017, A/HRC/WGEID/109/1, para. 35 (p), and see also A/HRC/WGEID/114/1, para. 56).[130] He was charged with founding and leading an illegal terrorist organization, conspiracy with foreign entities or organizations to harm state security, and spreading false information. He has been detained in Aqrab prison (Tora) and reportedly subjected to ill-treatment and torture in detention.

43. The Government responded on 8 November 2017[131] with assurances of Mr. Metwally's conditions of detention and access to a lawyer. On 31 July 2018, the Government informed that he was charged with leading a terrorist group and spreading false news, statements and rumors abroad about the situation in the country.

44. It was reported in May 2019 that Mr. Metwally continues to be held incommunicado from the time of his arrest in Aqrab prison, where he is subjected to systematic physical and psychological abuse that could amount to torture. Since February 2019, the prison administration has not allowed family visits, despite permission by the prosecution. During this period, abuses against Mr. Metwally have reportedly intensified and his conditions of detention are extremely poor. Despite suffering from acute medical problems, he has been denied examination by medical specialists. Mr. Metwally has not had a trial, as he is still being investigated before the Supreme State Security Court (case No. 900/2017). Mr. Metwally's lawyers were notified with adjournment dates that differed from the days when he was physically present in the courtroom affecting both his right to prepare his defense and the possibility for the lawyers to enquire about treatment in detention. The proceedings have reportedly been adjourned to an unspecified date.

45. The case of Dr. Ahmed Shawky Abdelsattar Mohamed Amasha was included in the 2017 and 2018 reports of the Secretary-General (A/HRC/36/31, para. 33 and Annex I, para. 34; A/HRC/39/41, Annex II, paras. 17–18, 21) concerning his reported abduction, detention, torture and ill-treatment in retaliation for his work documenting cases of enforced disappearances for special procedures (EGY 5/2017). In November 2017, the Working Group on Arbitrary Detention found the detention of Dr. Amasha arbitrary and requested the Government to ensure his immediate release.[132]

46. On 31 July 2018, the Government noted that Dr. Amasha was still in pre-trial detention on charges of joining a group established contrary to law, calling for demonstrations without authorization, incitement to violence and other charges. He was recommended to undergo medical treatment in the prison's clinic. According to information received in May 2019, his family and lawyer have not been allowed to visit him in prison since his initial abduction in March 2017. His lawyers are able to see him only when he is presented to the prosecutor for the renewal of his pre-trial detention, during which time he is held in a glass cage in the presence of the prosecutor. Dr. Amasha reportedly suffers from

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

[131] Response from Government: https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=33769.

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

urgent medical issues without adequate care, his conditions of detention are poor and he is frequently subjected to ill-treatment.

47. On 28 September 2018, several special procedures mandate holders drew attention to the misuse of counter-terrorism legislation against individuals peacefully exercising their right to freedom of expression and association, which they said "should not be used as an excuse to suppress dissent or curtail human rights work."[133]

48. The 2017 (A/HRC/36/31, para. 32 and Annex I, para. 33) and 2018 (A/HRC/39/41, Annex I, paras. 19, 22) reports of the Secretary-General addressed legislation adopted on 24 May 2017 (Law 70 of 2017 for Regulating the Work of Associations and Other Institutions Working in the Field of Civil Work). The former High Commissioner for Human Rights noted the crucial function of NGOs in Egypt had been "severely hampered already through asset freezes, travel bans, smear campaigns and prosecutions." He noted the new law further restricted space for human rights work by NGOs, including closer scrutiny of acquiring foreign funding[134] (see also EGY 14/2016). Previously, in September 2017, the Assistant Secretary-General expressed concern that some provisions under the law could undermine civil society's ability to engage freely with the UN, including provisions that would require them to seek Government permission before working with international organizations or experts.

49. In November 2018, it was reported that the Government was considering revisions to Law 70/2017. Discussions have reportedly taken place in 2019 for a new draft law for submission to the House of Representatives for consideration. The draft was not made public or subjected to scrutiny. In the meantime, the existing law and its application reportedly remain a threat to NGOs' ability to fully function, with many organizations allegedly declining to submit information to UN human rights mechanisms or otherwise self-censoring to prevent prosecution and intimidation. Many organizations have reported an inability to access foreign funding as an impediment to participating in international advocacy as well as related obstacles to research and travel. These circumstances have affected many civil society organization's preparations for Egypt's UPR review in November 2019. Reprisals for engagement in Egypt's UPR in 2014 were addressed in the 2014 report of the Secretary-General (A/HRC/27/38, para. 23; EGY 19/2013).

50. The 2017 (A/HRC/36/31, para. 30) and 2018 (A/HRC/39/41, Annex II, paras. 19, 22) reports of the Secretary-General addressed allegations of reprisals against civil society members in the form of asset freezes and travel bans. Several civil society representatives were prohibited from travelling outside of Egypt under case 173/2011, impacting their cooperation with the UN. On 20 December 2018, it was reported that over 40 civil society activists and human rights defenders were acquitted in case 173/2011, many of whom had been targeted for allegedly receiving foreign funds, inter alia. Despite this significant development, case 173 remains open and many civil society representatives have been brought in for questioning. As of May 2019, 31 human rights defenders were reportedly banned from travel, and around 60 summoned for investigation. Seven NGOs and ten human rights defenders were still subject to asset freezes including several cases in the 2017 and 2018 reports of the Secretary-General, such as staff members of the Cairo Institute for Human Rights Studies (CIHRS) and members of their families, Mr. Bahey El Din Hassan (EGY 16/2017), and Mr. Mohamed Zaree (EGY 16/2017), among others.

10. Guatemala

51. The case of Mr. Jerson Xitumul Morales, a journalist who regularly collaborated with OHCHR, was included in the 2018 report of the Secretary-General (A/HRC/39/41, para. 40, Annex I, paras. 40–41). He was arrested on charges of threats, instigation to commit a crime, illicit association, illicit meetings and demonstrations, damages and illegal detention related to his reporting on the demonstrations in May 2017 by fishermen against

[133] OHCHR, "Egypt: UN experts condemn "systematic targeting" of human rights defenders," (28 September 2018).

[134] OHCHR, "Repressive new NGO law deeply damaging for human rights in Egypt – Zeid," (1 June 2017).

the pollution of Lake Izabal by the mining activities of the Guatemalan Nickel Company (CGN). According to new information received, the trial of Mr. Morales was closed on 24 July 2018 at the request of the Public Ministry, due to the lack of evidence.

52. The situation of the national human rights institution (Procurador de los Derechos Humanos) and that of its Ombudsperson, Mr. Augusto Jordán Rodas Andrade, was included in the 2018 report of the Secretary-General (A/HRC/39/41, para. 41 and Annex I para. 42). Allegations included attempts to undermine the independence of the institution because of its support for the CICIG, as well as smear campaigns against Mr. Rodas Andrade and threats to his family. According to new information received, attacks against the institution have continued due to its cooperation with the CICIG. The institution is reportedly facing a reduction of its 2019 budget, which may lead to its closure in October 2019. Moreover, there have been multiple attempts to remove Mr. Rodas Andrade from office by impeachment.

11. Honduras

53. The case of Ms. Hedme Castro, from ACI-PARTICIPA, was included in the 2018 report of the Secretary-General (A/HRC/39/41, para. 44 and Annex I, paras. 45–47). According to new information received, on 6 April 2019, a member of the national police launched tear gas at individuals connected to ACI-PARTICIPA and relatives of Ms. Castro in the city of Choluteca. On 16 May 2019, four special procedures mandate holders addressed these allegations, expressing serious concerns about the physical and psychological integrity of Ms. Castro and her relatives (HND 2/ 2019). On 17 July 2019, the Government responded[135] on the protection measures taken for Ms. Castro. In April 2017, the case was admitted to the national protection mechanism and a risk assessment was initiated for Ms. Castro and ACI-PARTICIPA. According to the Government, the assessment was not completed due to the lack of availability of Ms. Castro. The protection mechanism has followed up on the complaint affecting Ms. Castro's relatives.

54. Acts of intimidation and harassment against those sharing information with the UN in the fight against impunity for the killing of Ms. Berta Cáceres, a prominent indigenous Lenca leader and environmental human rights defender killed in March 2016, were reported in the 2018 report of the Secretary-General (A/HRC/39/41, para. 45 and Annex I, paras. 48–49). On 14 July 2018, the CERD expressed concern about the difficulties that rights defenders encounter in obtaining access to justice, as well as the persistence of high levels of impunity for violations of their rights. While noting that seven persons were convicted of the assassination of Ms. Cáceres, the Committee recommended awareness-raising campaigns on the crucial work undertaken by rights defenders to foster a climate of tolerance where they can work free from intimidation, threats and reprisals (CERD/C/HND/CO/6-8, para. 24, 25 (d)). Following their official visit to Honduras in November 2018, the Working Group on discrimination against women in law and practice expressed concern about the trial for Berta Caceres' murder, which they see as "emblematic of the lack of transparency and unfair legal processes faced by women's human rights defenders."[136] On 7 December 2018, UN experts welcomed the conviction of the murderers of Berta Cáceres but reiterated their concern that the "masterminds" remain at large.[137]

12. Hungary

55. The 2018 report of the Secretary-General (A/HRC/39/41, paras. 55–56) noted the listing by the Hungarian publication Figyelő of more than 200 individuals who were accused of being part of a group regarded by Prime Minister Orbán as "mercenaries paid by

[135] Response from Government: https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34786.

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

[137] OHCHR, "Honduras: Masterminds of Berta Cáceres killing still at large, say UN experts," (7 December 2018).

George Soros to topple the Government." The list included people who had been publicly intimidated for reporting to or about the UN. The Government informed OHCHR in July 2018 that the allegations are not attributable to the Government given that Figyelő is not a State publication (A/HRC/39/41, Annex, para. 59). During the reporting period, OHCHR was informed that the "Figyelő list" has continued to contribute to increased stigma on and threats to human rights defenders, civil society organizations, investigative journalists, certain segments of academic community and other critical and independent voices. In addition, family members of those on the list report being fired from employment or being threatened to be fired.

13. India

56. The 2018 report of the Secretary-General drew attention to concerns about the application of the Foreign Contribution (Regulation) Act of 2010 (FCRA) to civil society for their cooperation with the UN (A/HRC/39/41, para. 50 and Annex I, paras. 60–67). On 20 December 2018, three special procedures mandate holders addressed the detrimental impact of the FCRA for Indian organizations' ability to access foreign funding and expressed concern that that, under the FCRA, Amnesty International India and Greenpeace India and some of its affiliates have had their offices raided, bank accounts frozen or registration suspended or cancelled (IND 28/2018).

57. In the 2018 report of the Secretary-General (A/HRC/39/41, para. 50 and Annex I paras. 63–65), it was reported that the Centre for Social Development (CSD) and its staff had been surveilled for submitting information to and meeting with the UN on uranium mining and cement factories in Meghalaya, and consequently the organization's bank account was frozen for 6 months on claims that it violated the FCRA. In April 2019, the CSD reportedly filed a case against the Ministry of Home Affairs in the Manipur High Court, which is currently ongoing. In May 2019, the organization received notification from the Ministry of Home Affairs indicating that under the FCRA its bank account was de-frozen and activities could be resumed. It is reported that the Secretary of the organization, Mr. Nobokishore Urikhimbam, has reportedly been surveyed by military intelligence officials at his office premises and at his home in Imphal. In November 2018 as well as in April and May 2019, the CSD and some of its staff were also reportedly under surveillance by individuals who questioned the staff, including at their places of residence, about their activities and sources of funding.

58. The situation of Mr. Henri Tiphagne, from the Centre for Promotion of Social Concerns (also known as People's Watch), was included in the 2018 report of the Secretary General (A/HRC/39/41, para. 50, and Annex I, paras. 61–62). Special procedures mandate holders expressed concern at the use of the FCRA to restrict the work of non-governmental organizations seeking to cooperate with the UN (OTH 27/2017). Independent experts noted that the non-renewal of CPSC's license was a clear case of reprisal for his cooperation with the United Nations (IND 14/2018). The refusal to renew the organization's license to receive foreign funding was upheld by the High Court of New Delhi in January 2017, and the case was adjourned to 31 August 2018. According to information received in May 2019, the High Court of New Delhi held a last hearing on 2 May 2019 and the matter is still pending. The case had been posted to 30 July 2019.

59. The situation of Mr. Khurram Parvez, Chairperson of the Asian Federation Against Involuntary Disappearances and Program Coordinator of the Central Jammu and Kashmir Coalition of Civil Society (JKCCS), was included in the 2017 and 2018 reports of the Secretary-General (A/HRC/36/31, paras. 36; A/HRC/39/41, Annex II, paras 23–24). Mr. Parvez was reportedly subjected to travel bans, arbitrary arrest and detention in relation to his cooperation with the Human Rights Council, the Working Group on Enforced and Involuntary Disappearances, and the UPR. Mr. Parvez was a source of information collected for an OHCHR report published in June 2018 on the human rights situation in the

State of Jammu and Kashmir[138] and has reportedly suffered reprisals for this. The police filed "First Information Reports" before a court in Srinagar for three cases, for which hearings were held in March 2019, April 2019, and May 2019. At the time of writing, it was reported that no witnesses had been produced and the outcomes of the hearings were pending.

14. Iran (Islamic Republic of)

60. The case of Ms. Raheleh Rahemipor was included in the 2017 (A/HRC/36/31, para. 37 and Annex, paras. 41–42) and 2018 (A/HRC/39/41, Annex II, paras. 25–27) reports of the Secretary-General concerning allegations of continuous judicial harassment for her efforts in seeking the truth about the fate and whereabouts of her brother, Mr. Hossein Rahemipor, and his infant daughter, raised by special procedures mandate holders (IRN 9/2018). Their disappearances have been registered with the Working Group on Enforced and Involuntary Disappearances since June 2016. In 2017, Ms. Rahemipor was sentenced to a year in prison "for spreading propaganda against the system" and arrested while her first case was under appeal. During interrogation, she was allegedly pressured to withdraw the complaints to the Working Group, which she refused. The situation was addressed by several special procedures (IRN 23/2016; IRN 29/2016; IRN 3/2017; IRN 27/2017) as well as in the February 2018 Secretary-General's report on the human rights situation in Iran (see A/HRC/37/24, para. 47).

61. The Government responded on 4 September 2018 stating that the allegations were false and that Ms. Rahemipor had circulated fabricated claims with the help of a terrorist group. However, her sentencing had not been finalized and she was not in prison.[139] According to reports, on 9 April 2019 Ms. Rahemipor was informed that her previously imposed prison sentence had been changed to a fine.

15. Iraq

62. The situation of Mr. Imad Amara of Al Wissam Humanitarian Assembly was included in the 2016 (A/HRC/33/19, para. 24), 2017 (A/HRC/36/31, Annex II, para. 4), and 2018 (A/HRC/39/41, Annex II, para. 28) reports of the Secretary-General in relation to his arbitrary arrest, interrogation and ill-treatment for his and others' documentation of cases of enforced disappearances and submission of information to the UN human rights mechanisms. In May 2019, it was reported that Mr. Amara was continually prevented from carrying out his peaceful human rights work. He and two other Al Wissam Humanitarian Assembly volunteers were arrested by plain-clothes officers during a peaceful demonstration against corruption in Tahrir Square in Baghdad. The officers handcuffed and blindfolded them before taking them to an unknown location. The three men were then insulted, severely beaten and questioned about their involvement with Al Wissam Humanitarian Assembly. They were released a few hours later after being forced to sign the pledge. It is reported that Mr. Amara faces serious risks to suffer further reprisals should he resume his activities.

16. Israel

63. The case of Mr. Hagai El-Ad, the Director-General of B'Tselem was included in the 2017 report of the Secretary-General (A/HRC/36/31, para. 38 and Annex I, para. 43). On 20 December 2018, seven special procedures mandate holders addressed a new incident in October 2018 where Mr. El-Ad again briefed the Security Council about the human rights situation in the OPT and faced harassment (ISR 14/2018). They noted that many in the

[138] OHCHR, Report on the Situation of Human Rights in Kashmir: Developments in the Indian State of Jammu and Kashmir from June 2016 to April 2018, and General Human Rights Concerns in Azad Jammu and Kashmir and Gilgit – Baltistan (14 June 2018).

[139] Response from Government: https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34541.

Israeli political leadership had denounced B'Tselem, calling the organization unpatriotic, traitors and political outcasts. The mandate holders stated that "the labelling of Mr. El-Ad as "traitor" and "collaborator" may serve to stigmatize his work as harmful to national security, including by disparaging them in the eyes of the public, and creating an atmosphere of harassment that could lead to physical violence."

64. The March 2019 report of the High Commissioner for Human Rights (A/HRC/40/43, para. 30) also noted that a number of senior Israeli officials publicly condemned Mr. El-Ad. The High Commissioner's report noted that the Permanent Representative of Israel to the United Nations had accused Mr. El-Ad of defaming his Government, called him a "lousy collaborator" and said that if he had been Palestinian or Bolivian he would "likely end up dead."[140]

65. The case of Mr. Omar Shakir, Director of Human Rights Watch, was included in the 2018 report of the Secretary-General (see A/HRC/39/41, para. 53 and Annex I, para. 68). In April 2019, three special procedures mandate holders expressed grave concern at the revocation of the work visa for Mr. Shakir, urging "Israel to reverse the order, to allow Mr. Shakir and Human Rights Watch to continue unimpeded with human rights advocacy, and to fully respect its human rights obligations in its relationships with Palestinian, Israeli and international human rights organizations."[141] It was reported to OHCHR that in June 2019 the Israeli Supreme Court issued an interim injunction (administration petition 367759-05-18) suspending the deportation order for the duration of legal proceedings, and a hearing would be held 25 July 2019.

17. Kyrgyzstan

66. The situation of civil society organizations Anti-Discrimination Centre Memorial and Bir Duino Kyrgyzstan was included in the 2018 report of the Secretary-General (A/HRC/39/41, para. 54 and Annex I, paras. 69–70) regarding the designation as extremist material of an alternative report they submitted to the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW) in April 2015. The report addressed the obligations of the Government to protect the rights of Kyrgyz migrant workers. The CMW Chair and Focal Point for Reprisals addressed the Government for further clarification on 25 June 2018, 14 August 2018 and 10 September 2018.[142] It was reported that Kyrgyz authorities had failed to notify either organization of the decision, leaving Anti-Discrimination Centre Memorial and Bir-Duino without the right to defend themselves in court or appeal the decision.

67. On 22 October 2018, the Supreme Court reportedly lifted the 'extremist materials' designation, at least temporarily, reinstating the right of ADC Memorial to carry out its activities in Kyrgyzstan. The matter was remanded to the Oktyabrski Court which, on 16 January 2019, considered the case again but did not make a decision. As of May 2019, ADC Memorial is reportedly able to act legally in the country.

18. Mali

68. Allegations of cases and trends of reprisals were included in the 2018 report of the Secretary-General (A/HRC/39/41, para. 56 and Annex, paras. 73–76) regarding retaliation by State actors and non-State armed groups against individuals who collaborated with the Multidimensional Integrated Stabilization Mission in Mali (MINUSMA). Individuals and organizations affected by intimidation and reprisals in the reporting period did not give consent to be named due to the fear of further reprisals. In January 2019, the Independent

[140] UN Security Council, 8375th meeting, the situation in the Middle East, including the Palestinian question, 18 October 2018, http://webtv.un.org/meetings-events/watch/part-1-the-situation-in-the-middle-east-including-the-palestinian-question-security-council-8375th-meeting/5850529585001/?term=.

[141] OHCHR, "UN experts call on Israel not to overturn deportation Human Rights Watch director" (25 April 2019).

[142] Letters available publicly at UN Treaty Body Database, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&CountryID=93&TreatyID=7&DocTypeID=130.

Expert on the situation of human rights in Mali, reported that the number of verified serious violations of children's rights had significantly increased but that many were underreported for several reasons, including the difficulty of verification and access to some geographical areas, fear of reprisals, and the lack of protection and other services for victims and witnesses (A/HRC/40/77, para. 53).

19. Mexico

69. The 2018 (A/HRC/39/41, Annex II, paras. 33–36) and 2017 (A/HRC/36/31, para. 41, and Annex I, paras. 49–52) reports of the Secretary-General included alleged acts of reprisals against the complainants in the case *Ramirez et al. v. Mexico* (2015) where the Committee against Torture found a violation of different provisions of the Convention against Torture (CAT/C/55/D/500/2012). In 2017 and 2018, the CAT requested protective measures in relation to the allegations of reprisals and made several attempts to follow up on the case with the Government.[143]

70. On 30 January 2019, the State party informed the Committee that criminal investigations were reopened to bring the perpetrators to justice but no significant progress in establishing accountability had been achieved. There has been no further update on the two victims that were sent back to prison shortly after their release, who are reportedly experiencing serious health issues as a result of their alleged torture and conditions of detention. The State party's submission does not contain any update on access to medical treatment required by the victims, including one that reportedly has hearing loss as a result of torture. Complaints have been filed with the State Human Rights Commission. The Committee decided to keep the follow-up dialogue open (CAT/C/66/3, paras. 12–14).

20. Morocco

71. The detention of Mr. Rachid Ghribi Laroussi was found arbitrary by the Working Group on Arbitrary Detention in 2015 (A/HRC/WGAD/2015/34, para. 29, 31). According to information received, Mr. Laroussi's family sent the 2015 Opinion of the Working Group to the Ministry of Justice and to the National Human Rights Council (Conseil National des Droits de l'Homme – CNDH), following which, in August 2016, Mr. Laroussi was transferred from Tangiers, where his family lives, to a prison in Fes (approximately 300km away). He was placed in solitary confinement and prevented from continuing his legal studies. It is reported that Mr. Laroussi keeps a copy of the Opinion in Arabic in his cell and that his insistence in requesting his release has played a part in the decisions to transfer him.

72. On 8 April 2019, Mr. Laroussi reportedly started a hunger strike to call the attention of the authorities to the Working Group's Opinion and, as a result, was put in solitary confinement without light for four days. On 16 April 2019, the local branch of the CNDH visited Mr. Laroussi and on 30 April 2019 he was transferred again, without any prior notice or explanation, to Meknes Toulal II prison and detained in solitary confinement with restricted visits and calls.

73. The case of Mr. Ennaâma Asfari, a Sahrawi human rights defender, was included in the 2018 report of the Secretary-General (A/HRC/39/41, para. 57 and Annex I, para. 77) regarding the deterioration of his conditions of detention and transfer following the decision of the Committee against Torture about his case (CAT/C/59/D/606/2014). On 13 July 2018, the Committee wrote to the Government emphasizing the need to refrain from reprisals (G/S0 229/3 MAR(8) 606/2014). On 31 July 2018, the Government responded and met with the Committee on 3 December 2018.[144] On 5 December 2018, the Government responded to the allegations of reprisals, including limited visits by family members and entry ban against Mr. Asfaris' wife, Ms. Claude Mangin-Asfari, into the Moroccan territory. On 14 and 15 January 2019, it was reported that Ms. Mangin-Asfari was able to

[143] CAT/C/63/3, paras. 7–8 and CAT/C/65/3, paras. 10–11.
[144] CAT/C/65/3, paras. 8–9.

visit her husband in Kenitra prison following a campaign she led, including a hunger strike. However, Mr. Asfari reportedly continues to be deprived of other family visits and those of his lawyers, and still suffers from harsh detention conditions. The Committee decided to keep the dialogue with the State party open, including by requesting another meeting with a representative in Geneva in July 2019 (CAT/C/66/3).

74. The case of Mr. Ali Aarrass was included in the 2013 report of the Secretary-General (A/HRC/24/29, para. 27) regarding threats and prison transfer reportedly in connection to his cooperation with the Special Rapporteur on torture during his visit to the country. His situation was addressed by a number of special procedures mandate holders (MAR 11/2012 and A/HRC/23/51; MAR 2/2013, and A/HRC/25/74; and MAR 7/2015). The Government responded to the allegations in 2013 and 2015. In a decision of 14 May 2014, the Committee against Torture reported that it is of the view that the information before it disclosed a violation of article 2, paragraph 1, and articles 11, 12, 13 and 15 of the Convention against Torture in the case of *Aarrass v. Morocco* (CAT/C/52/D/477/2011, para. 11; Communication 477/2011, para. 7.4).

75. On 3 December 2018, in light of the absence of updates by the State party, the Committee met with the Permanent Mission in Geneva and sent reminders for observations on 6 August and 30 November 2018, due by 31 December 2018. On 11 January 2019, the State party submitted observations. In May 2019, in the absence of a meaningful progress in implementation of the decision, the Committee decided to keep the follow-up dialogue open, and to request another meeting with the Permanent Mission in Geneva in July 2019 (CAT/C/66/3, paras. 9–11, and CAT/C/65/3, paras. 8–9). Mr. Ali Aarrass has reportedly suffered further reprisals while at Salé II prison, and continues to be held in solitary confinement. In December 2018, while the prison director was on leave, two prison officials took him by force, undressed him while spitting on him, and threatened to rape him. They also insulted him and his family. He was reportedly deprived of food for ten days.

21. Myanmar

76. The 2018 report of the Secretary-General (A/HRC/39/41, para. 59 and Annex I, para. 79) noted that the Special Rapporteur on the situation of human rights in Myanmar had received information about violent reprisals taken by the armed forces against civilians with whom she had met following her visit to Rakhine State in January 2017, including a reported killing, beatings and a rape (see A/HRC/37/70, para. 63). The Special Rapporteur has been denied entry into Myanmar since January 2018, and has not been able to visit the area to follow up on these reports.

77. The 2018 report of the Secretary-General (A/HRC/39/41, para. 60 and Annex I, paras. 80–82) noted that the Governing Body of ILO remained concerned about cases of apparent reprisal against complainants in forced labour cases, including that of Mr. Aung Ko Htwe (see GB.332/INS/8, para. 16),[145] which were also raised by the Special Rapporteur (see A/HRC/37/70, para. 15). Mr. Aung Ko Htwe had been forcibly recruited into the army in 2005 at age 14 and should receive continued protection as a complainant with ILO, according to the 2007 agreement between the ILO and Myanmar."[146] However, on 28 March 2018, the Dagon Seikkan Township Court sentenced him to two years in prison with hard labor.

78. It was reported that on 30 October 2018 Mr. Aung Ko Htwe was tried and acquitted of "causing destruction of the whole or any part of the Union Seal" by Yangon's Botataung Township Court for his conduct during the trial when he allegedly stepped on a copy of Myanmar's Constitution. In December 2018, three special procedures mandate holders raised concerns about Mr. Aung Ko Htwe's trial (MMR 6/2018). On 4 and 25 March 2019,

[145] ILO, Follow-up to the resolution concerning remaining measures on the subject of Myanmar adopted by the Conference at its 102nd Session, 2013 (7 February 2018).

[146] ILO, Supplementary Understanding between the Government of Myanmar and ILO, 2007.

the Government responded, addressing his charges and trial.[147] At the time of writing, Mr. Aung Ko Htwe remains in Yangon's Insein prison, where he has been since his arrest on 18 August 2017.

22. Philippines

79. Allegations of reprisals against the Commission on Human Rights of the Philippines (PHL 12/2017) were included in the 2018 report of the Secretary-General (A/HRC/39/41, paras. 61–62 and Annex I, paras. 84–85). As of May 2019, it was reported that members of the Commission continue to be under surveillance by State agents and threats have been made against their lives and security, amid calls for their resignation. Chairperson Mr. Chito Gascon has been particularly targeted as head of the Commission, with a State agent reportedly assigned to follow his movements. Mr. Gascon was also reportedly under surveillance during a side event at the Human Rights Council in March 2019.

80. Regarding the former Chair of the Commission, Ms. Leila M. de Lima, on 24 August 2018 the Working Group on Arbitrary Detention adopted an opinion[148] which highlights, among other things, that the detention is deemed arbitrary (para. 61 and 67) and recommends that Ms. De Lima be released immediately, afforded compensation (para. 81), and that her detention be investigated (para. 82). Ms. de Lima has been in prison since February 2018 on allegations of drug-related charges, deemed "politically motivated" by several special procedures mandate holders (PHL 5/2017; A/HRC/40/60/Add.1, para. 403; A/HRC/40/52, para. 58).

81. In the 2018 report of the Secretary-General it was noted that multiple actors expressed concern at the February 2018 petition of the Department of Justice to a Manila court which sought to declare the Communist Party of the Philippines (CPP) and the New People's Army (NPA) as "terrorist" organizations (A/HRC/39/41, para. 62 and Annex I, paras. 86–89). In particular, they noted that the petition included a list of over 600 individuals labelled as de facto "terrorists," among them recognized human rights defenders, indigenous peoples' representatives, and representatives of community-based organizations, a number of which had been long-standing partners of the United Nations.

82. In July 2018, the Manila Regional Trial Court reportedly requested the removal of multiple names from the list based on a petition, and in January 2019, the Department of Justice amended the original petition to an abridged list. Multiple individuals still report being targets for having previously been listed, including subjected to harassment, surveillance and stigmatization.

83. Among this list were past and current human rights defenders of the Karapatan Alliance for the Advancement of People's Rights, a national alliance of human rights organizations and individuals. In April 2019, Karapatan members reportedly were subjected to continued threats, harassment and intimidation against them and their partners. They noted in particular the "red-tagging" (Executive Order No. 70), which attempted to discredit the reports Karapatan sends to the UN as a basis for smear and vilification campaigns, and the terrorist-labelling of organizations in line with the Government's counterinsurgency program. Karapatan cited defamatory propaganda materials circulated in public places and online, most recently in December 2018 and February 2019. They also noted public statements by officials calling for the defunding of organizations to halt their advocacy work.

84. Several indigenous peoples' representatives and human rights defenders advocating for the rights of indigenous peoples were on the petition of the Department of Justice, addressed by CERD on 8 May 2018 under its early warning and urgent action procedures,

[147] Response from Government: https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34553. https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34576.

[148] Opinion No. 61/2018 adopted by the Working Group on Arbitrary Detention at its eighty-second session, concerning Leila Norma Eulalia Josefa De Lima (Philippines), 20–24 August 2018.

and in a follow up letter on 30 August 2018.[149] The Committee urged the Government to stop the targeting of indigenous leaders and human rights defenders, including incumbent and former United Nations special procedures mandate holders, as terrorists, which could amount to intimidation and reprisals. In August 2018, UN experts urged further action to remove names on the Government's "terror list."[150]

85. On 21 June 2019, the Government responded to the allegations. Regarding the situation of the Commission on Human Rights, the Government stated that contrary to the allegations of reprisals, it has further cultivated enabling conditions and environment for the work of the Commission with the unprecedented increase of its 2017 budget by over 60% from its regular budget. With reference to the statement by the Presidential spokesperson, the Government indicated that it exercises full rights to legitimately respond to public statements by other actors and that labelling Government's statements as acts of reprisals and intimidation is a curtailment of the role of State actors in any democratic process. Regarding the case of Senator de Lima, the Government provided detailed information on the legal proceedings and the status of the ongoing cases against her, indicating that it is improper to intervene with regard to her detention and prosecution in light of concerns for the independence and impartiality of the judicial process.

86. Concerning the situation of Karapatan, the Government indicated that it is unlawfully operating since its corporate existence and registration have long been ordered revoked for the non-filing of reports. In view of the Government, Karapatan has failed to substantiate its figures concerning human rights violations or present evidence before an independent domestic body created to look into the allegations. Regarding the creation of the National Task Force to End Local Communist Armed Conflict, the Government states that some indigenous peoples and rights defenders have been exploited by terrorist organizations and misuse the international system and its sympathies, calling State efforts to uphold the rule of law, bring perpetrators to justice, and put an end to atrocities these groups commit with impunity as "acts of reprisals."

23. Russian Federation

87. Reported acts of harassment, surveillance, threats, and intimidation against Ms. Yana Tannagasheva and Mr. Vladislav Tannagashev and their families, representatives of the Shor indigenous peoples from South West Siberia, as reprisals for cooperation with the CERD, were included in the 2018 report of the Secretary-General (A/HRC/39/41, para. 63, Annex I, paras. 90–91). In April 2018, as a consequence of the threats, they left Russia with their children. In May 2018, CERD raised their situation with the State party and, in June 2018, special procedures mandate holders raised concerns with the authorities (RUS 11/2018;[151] OTH 34/2018; A/HRC/40/60/Add.1, paras. 512 and 677). On 12 September 2018, the Government responded to the allegations by special procedures and noted a preliminary investigation into the harassment and a criminal case was refused on 28 April 2018 on the basis of "absence of a crime." On 26 July 2018 this decision was overturned by the supervising procurator, and further investigations were ongoing. On 24 July 2019 the Government provided an update to OHCHR and noted that the investigation was ongoing.

88. In September 2018, in the context of the UPR of the Russian Federation, States made recommendations regarding restrictive legislation, in particular, laws on "foreign agents" and "undesirable" organizations (A/HRC/39/13, paras. 147.61–67; 147.83–95). Since 2012, the Russian Federation has adopted a number of laws and amendments that have reportedly had a direct impact on the willingness and ability of civil society actors to engage with international bodies, in particular with the UN. Human rights organizations have been impacted primarily by the application of laws and policies such as N 121-FZ

[149] https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/PHL/INT_CERD_ALE_PHL_8761_E.pdf.

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

[151] Response from Government: https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34329.

Foreign Agent Law for Non-Commercial Organizations, adopted in July 2012 and amended in June 2016 (N 147-FZ and N 179-FZ). Since 2013, authorities have carried out multiple inspections of human rights organizations under suspicion of being an "NGO – foreign agent." Such criteria have included the existence of foreign funding from any charitable foundation, including the UN, and "engagement in policy."

89. The case of the Anti-Discrimination Centre Memorial (ADC Memorial) was included in the 2013 report of the Secretary-General when the Committee against Torture raised concerns at reported reprisals faced for providing information to the Committee in December 2012 (A/HRC/24/29, para. 31). The Government responded to the allegations, stating that activities of Russian law enforcement authorities regarding ADC Memorial, or any other non-profit organization, were carried out in accordance with the law and have nothing to do with reprisals (HRC/NONE/2013/102).[152] In August 2018, the Committee against Torture recalled the administrative case against ADC Memorial, regretting that the prosecutor's office had reportedly referred to alternative reports sent to the Committee as a political activity justifying their registration as "foreign agents." The Committee reiterated its recommendation that rights defenders, journalists and lawyers should not be subjected to reprisals for their communication with or provision of information to the United Nations treaty bodies, including the Committee (CAT/C/RUS/CO/6/ paras. 28 and 29 (c)).

90. On 24 July 2019, the Government provided an update to OHCHR. Regarding ADC Memorial, it noted that in 2013 the St. Petersburg Prosecutor's Office reviewed the organization's compliance with laws governing non-commercial organizations. It was found to have engaged in political activity while in receipt of foreign funding and to have failed to register with the justice authorities as a non-commercial organization performing the functions of a foreign agent. The Government stated that ADC Memorial did not agree with the measures taken in response and ceased operations on 11 April 2014.

91. As regards the recurrent criticism of Russian laws on foreign agents, the Government referred to the position taken in its national report to the May 2018 UPR and stated that the legislative requirements' purpose was to ensure greater transparency. It noted that the obligation of a non-commercial organization performing the functions of a foreign agent to submit an application for inclusion in the relevant register did not: prevent it from receiving financial support from foreign and international organizations, foreign citizens or stateless persons; preclude it from participating in political activities in the Russian Federation; or discriminate against it by comparison to non-commercial organizations that do not receive foreign funding. It was also emphasized that Russian laws regulating the activities of non-commercial organizations performing the functions of foreign agents have recently undergone a significant revision in terms of what constitutes "political activity," with more legal precision and several exclusions.

24. Saudi Arabia

92. The case of Mr. Mohammad Fahad Al Qahtani, lawyer and co-founder of the Saudi Association for Civil and Political Rights (ACRPA) was included in the 2012 and 2013 reports of the Secretary-General (A/HRC/21/18, paras. 35–37; A/HRC/24/29, para. 42) concerning his sentencing to 10 years of imprisonment and a 10-year travel ban for inter alia having provided false information to outside sources, including the human rights mechanisms of the United Nations. On 17 December 2018, Mr. Al Qahtani reportedly started a hunger strike and was subsequently punished with solitary confinement for two days. On 20 March 2019, he was moved from the wing of political prisoners inside Al Hai'r Prison to the wing hosting regular criminals despite his complaints.

93. The case of Mr. Essa Al Nukheifi, a human rights defender, was included in the 2018 report of the Secretary-General (A/HRC/39/41, para. 65 and Annex I, paras. 95–96, 98) regarding charges, imprisonment, and bans on travel and the use of social media for cooperation with the visit of the Special Rapporteur on extreme poverty and human rights

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

to Saudi Arabia in January 2017 (SAU 2/2017).[153] On 8 April 2019, Al Nukheifi requested to be transferred to Jizan prison to be able to see his family, but his request was reportedly denied.

94. The case of Mr. Fawzan Mohsen Awad Al Harbi, human rights defender and member of ACPRA was included in the 2014 report of the Secretary-General (A/HRC/27/38, para. 30) and addressed by special procedures mandate holders (SAU 1/2014) regarding travel restrictions and a request to sign a pledge to terminate ACPRA in connection to his cooperation with the UN. In December 2013, he was arrested and detained at Al Malaz prison in Riyadh and charged with, among other things, "co-founding an unlicensed organization" and "ignoring judicial decisions ordering its dissolution." In June 2014, he was sentenced to one year in prison and an additional six-year suspended prison sentence. In November 2014, the Court of Appeal increased his sentence to a 10-year prison term followed by a travel ban of 10 years. On 30 July 2018, Mr. Al Harbi's wife, Ms. Amal Al Harbi, was reportedly arrested. She had been vocal in campaigning for the release of her husband and is currently being held at Dhahban Prison pending the finalization of the trial.

95. The case of Ms. Samar Badawi was included in the 2015 annual report of the Secretary-General (A/HRC/30/29, para. 36) concerning threats and subsequent interrogation for a statement she made at the Human Rights Council in September 2014. On 30 July 2018, it was reported that Ms. Badawi was arrested without a warrant in Jeddah and transferred to an unknown location where she was detained incommunicado for a month before being allowed contact with her family. In early 2019, it was alleged that Ms. Badawi was among other women reported in the media who faced sexual harassment, torture and other forms of physical and psychological ill-treatment during interrogation. Ms. Badawi has been the subject of several special procedures communications (SAU 16/2014), (SAU 1/2016), (SAU 11/2018), and (SAU 1/2019) and a public statement.[154] The Government responded,[155] indicating that the facts pertaining to the allegations of reprisals were inaccurate and that Ms. Badawi was subject to criminal charges. On 5 April 2019, the Government provided information that Ms. Badawi is detained at a prison in Jeddah Governorate Makkah Province. According to information received, she is allowed regular contact with her family at Dhahban Prison but has been denied her right to legal counsel and has not been informed of the charges against her.

25. South Sudan

96. In the 2018 report of the Secretary-General, the United Nations Mission in South Sudan (UNMISS) and OHCHR reported instances of restrictions by national authorities against individuals whose opinions were perceived as critical of the Government or the reputation of the country and who cooperated with the United Nations (A/HRC/39/41, paras. 67–68 and Annex I, paras. 100–102).[156] During the reporting period, UNMISS received reports of at least eight incidents, including arbitrary arrests, detention, and acts of intimidation and harassment. For instance, former detainees who were being released from detention facilities, were ordered not to share information with the United Nations on their experiences during their detention.

97. National authorities continued to target individuals and organizations perceived as sharing information regarding possible human rights violations or specifically contributing to UNMISS public reports. The perpetrators were identified among the elements of the

[153] Response from Government: https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=33466.

[154] OHCHR "Saudi Arabia must immediately release all women's rights defenders, say UN experts," (12 October 2018).

[155] On 13 May 2015, 25 May 2016, 29 October 2018, and 29 January 2019: https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34383. https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34518.

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

South Sudan National Security Service, pro-Government forces and personnel of State administration. As a result, growing self-censorship is reported.

98. In March 2019, Security Council Resolution 2459 (2019) strongly condemned obstructions of UNMISS by the Government of South Sudan and opposition groups, including severe restrictions on freedom of movement and constraints on the Mission's operations, and requested UNMISS to continue reporting violations of the Status of Forces Agreement (SOFA) between the Government and the UN. In particular they requested UNMISS to continue to compile monthly the access denials/blockage of UNMISS patrols with UNMISS human rights officers attempting to visit or access areas where violations of human rights may have occurred, and obstructions of UNMISS human rights officers to police stations/detention facilities and similar Government establishments where human rights violations are reported.[157]

26. Thailand

99. The case of Mr. Maitree Chamroensuksakul, a Lahu indigenous human rights defender, was included in the 2018 report of the Secretary-General (A/HRC/39/41, para. 69 and Annex I, paras.103–104). Special procedures mandate holders raised concern at harassment and death threats against him following a meeting with the Special Rapporteur on the situation of human rights defenders (THA 4/2017), to which the Government responded.[158] Mr. Chamroensuksakul had documented and publicly raised violations against the Lahu community by law enforcement officers, and in particular the death of a 17-year old Lahu youth activist shot by military personnel in March 2017 during an alleged anti-drug operation. In May 2019, it was reported that Mr. Chamroensuksakul and his family continue to face intimidation and threats and are unable to return to their home. On 22 October 2018, the Government provided additional information to OHCHR, stating that the search of Mr. Chamroensuksakul's home took place with a warrant and was unrelated to the visit of the Special Rapporteur. The Government further noted that Mr. Chamroensuksakul is entitled to file a complaint for any damages incurred, and is eligible for witness protection concerning the death of the youth activist.

100. The case of Ms. Sirikan Charoensiri, of Thai Lawyers for Human Rights, was included in the 2018 report of the Secretary-General (A/HRC/39/41, para.70 and Annex paras. 105–106) regarding criminal charges reportedly linked to her participation at the Human Rights Council in September 2016. Four special procedures mandate holders raised concerns (THA 2/2017) to which the Government responded.[159] Ms. Charoensiri also participated in the March 2017 session of the Human Rights Committee, where she publicized the case of 14 student activists arrested for their alleged participation in peaceful protests following the military coup in May 2014. It was reported that, if found guilty, Ms. Charoensiri could face up to 15 years in jail and could be tried in a military court for sedition. During the reporting period, Ms. Charoensiri's trial was postponed for the 11th time. On 22 October 2018, the Government provided information that the three criminal complaints against Ms. Charoensiri were still being investigated. It noted that she was not being charged in her capacity as a lawyer or human rights defender but on the possible basis of being one of the principal offenders or accomplices in the alleged offenses. It also noted that there was currently no legal proceeding against Ms. Charoensiri in the Military Court.

101. The 2017 (A/HRC/36/31, para. 57 and Annex I, paras. 80–81) and 2018 (A/HRC/39/41, Annex II paras. 51–53) reports of the Secretary-General noted that grant

[157] S/2019/191, paras. 45–52 and 72–75; S/2018/1103, paras. 34–44 and 57–61; S/2018/831, paras. 37–50 and 63–68.

[158] Response from Government: https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=33567. https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34373.

[159] Response from Government: https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=33464. https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=33629.

recipients of the United Nations Voluntary Fund for Victims of Torture were subject to a legal complaint filed by the Royal Thai Army, dismissed in October 2017, for publishing a report on cases of torture and ill-treatment by military in the Southern Border Provinces. They were also harassed online. In September 2018, following the presentation of the 2018 report of the Secretary-General to the Human Rights Council (A/HRC/39/41), it was reported that Ms. Anghkhana Neelapaijit and other defenders were subjected to smearing on social media. For example, a photo of Ms. Neelapaijit was circulated and she was accused of manipulating the truth.

102. On 28 June 2019, the Government responded to the allegations providing detailed comments. The Government requested further details on the intimidation and threats against Mr. Chamroensuksakul and his family, in order to better understand how they relate to his cooperation with the UN. The Government also noted that the Ministry of Foreign Affairs has asked relevant agencies to verify this case and is waiting for more information. Regarding the situation of Ms. Sirikan Charoensiri, the Government further updated that the case had been postponed eleven times due to the procedures of the Office of the Attorney General, in particular its criminal procedure codes. The next hearing of the indictment decision is scheduled for late June 2019. Regarding the reported online smear campaign against Ms. Angkhana Neelapaijit, the Government shared that she filed two libel complaints on 7 June 2017 and 18 September 2017. The Royal Thai Police instructed the competent authorities to treat them as urgent cases, which are still under investigation. Preliminary findings suggest that the incidents involve fake Facebook accounts.

27. United Arab Emirates

103. The case of Mr. Ahmed Mansoor, advisor to the Gulf Centre for Human Rights and Human Rights Watch's Middle East and North Africa Division, was included in the 2018 (A/HRC/39/41, Annex, para. 55), 2017 (A/HRC/36/31, para. 60 and Annex, paras. 86–87) and 2014 (A/HRC/27/38, para. 38) reports of the Secretary-General related to his collaboration with the Human Rights Council, the special procedures, the UPR and the treaty bodies. Mr. Mansoor was detained and experienced physical assaults, death threats, and government surveillance. He had been subject to a travel ban from 2011 to prevent him from engaging in person with United Nations human rights mechanisms. On 6 July 2018 the Government provided information to OHCHR, stating that Mr. Mansoor "was tried, convicted and sentenced to ten years' imprisonment" and is serving his sentence at the Al Sadr penal institution with the right to an appeal.

104. On 4 January 2019, the spokesperson for the High Commissioner for Human Rights expressed concern that the Court of State Security Chamber of the Federal Supreme Court had upheld a 10-year prison sentence and one-million dirham fine (about USD272,000) against Mr. Mansoor. The spokesperson urged the Government "to promptly and unconditionally release Mansoor and to ensure that individuals are not penalised for expressing views critical of the Government or its allies."[160] In April 2019, it was reported that Mr. Mansoor was on a hunger strike to protest an unfair trial and the conditions in which he is detained. On 7 May 2019, seven special procedures mandate holders expressed grave concern over Mr. Mansoor's physical well-being and the poor conditions of his detention.[161]

105. The case of Mr. Osama Al-Najjar was mentioned in the 2018 and several previous reports of the Secretary-General (A/HRC/39/41, Annex II, paras. 57–58; A/HRC/33/19, para. 44; A/HRC/30/29, para. 6; and A/HRC/27/38, para. 37) and raised by five special procedures mandate holders (ARE 2/2015). He was alleged to have been subject to reprisals after meeting with the Special Rapporteur on the independence of judges and lawyers during her visit to the country in 2014. According to information received, Mr. Al-Najjar was arrested, tortured and held incommunicado in March 2014, was then transferred to Al

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

[161] OHCHR, "UAE: UN experts condemn conditions of detention for jailed activist Ahmed Mansoor," (7 May 2019).

Wathba prison, to be released on 17 March 2017, following the completion of his three-year sentence. However, in March 2017 the Federal Supreme Court reportedly refused to release him and, requested by the Public Prosecution, transferred him to a counselling center (Munasaha) for guidance and reform.

106. In 2017, the court extended his placement in this center twice. In May 2018, seven special procedures mandate holders expressed serious concern over the continued arbitrary detention of Mr. Al-Najjar beyond the term of his sentence on the basis of broad and vague anti-terrorism legislation (ARE 1/2018).[162] On 6 July 2018 the Government provided follow up information, noting that Mr. Al-Najjar is going therapy and treatment at a counselling centre called a Munasaha Centre which "consists of psychological, social and religious sessions to uproot terrorist and extremist ideologies" based on "concern that he might commit a terrorist offence after leaving the prison" and a "threat to public security." In March 2019, it was reported that Mr. Al-Najjar was still being held in a counselling center despite having completed his sentence and treatment.

107. The case of Mr. Mohamad Ismat Mohamad Shaker Az was included in the 2018 report of the Secretary-General (A/HRC/39/41, Annex, para. 56 and 58) concerning his treatment following an Opinion issued by the Working Group on Arbitrary Detention who found his detention arbitrary (ARE 6/2017).[163] Mr. Shaker Az was placed in solitary confinement on 2 July 2017 for two months allegedly in retaliation after the issuance of Opinion of the Working Group. It was further reported that the prosecutor would ask for an increased penalty, from 15 years to life imprisonment. On 6 July 2018 the Government provided information that Mr. Shaker Az is "currently serving his sentence of imprisonment at the Al Wathba penal institution, where he receives appropriate health care, and is permitted to communicate with his family in accordance with the regulations and procedures applicable to penal and correctional institutions."

108. In May 2019, it was reported that Mr. Mohammed Shaker Az was allowed phone calls to his family on a monthly basis, but the last time they heard from him was on 14 February 2019. Concerns are reported that this might constitute further acts of reprisals for his engagement with the United Nations and that, while being denied access to his family, he might be subjected to acts of torture or other forms of ill-treatment.

28. Venezuela (Bolivarian Republic of)

109. The case of judge Ms. Maria Lourdes Afiuni was included in multiple reports of the Secretary-General since 2010 (A/HRC/14/19, paras 45–47; A/HRC/27/38, para. 46; A/HRC/30/29, para. 7; A/HRC/33/19, para. 45). On 23 March 2019, the Special Rapporteur on the independence of judges and lawyers issued a statement[164] on the ruling of the court in Caracas sentencing Judge Afiuni to five years imprisonment for corruption, which he noted with grave concern was another act of reprisal against her. Ms. Afiuni had been arrested and imprisoned in 2009 for deciding on the conditional release of businessman Mr. Eligio Cedeño in accordance with a decision of the UN Working Group on Arbitrary Detention (No. 10/2009). While in detention, she was reportedly subject to ill-treatment that could amount to torture, and refused medical treatment. Ms. Afiuni was held in prison for 14 months. In 2011, she was granted house arrest for health reasons, and two years later released under the conditions of not leaving the country or using social media. On 5 July 2019 it was noted by the High Commissioner for Human Rights that Ms. Afiuni was

[162] Response from Government: https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34161.

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

[164] OHCHR, "Venezuela: UN expert condemns further sentence against Judge Afiuni, says clearly act of reprisal," (23 March 2019).

provided a conditional release.[165] Her release was conditional based on one of the measures of her sentence and she is reportedly still at risk of being detained.

29. Viet Nam

110. The case of Mr. Nguyen Bac Truyen was included in the 2016 report of the Secretary-General (A/HRC/30/29, para. 42) due to his arrest, incommunicado detention and charges, allegedly in reprisals for his support to the 2014 visit of the Special Rapporteur on freedom of religion and belief to the country. Mr. Nguyen Bac Truyen has been the subject of several special procedures communications (VNM 4/2014; VNM 11/2014; VNM 8/2016; VNM 6/2017). He is currently serving an 11-year sentence at An Diem Prison, Quang Nam province, 1,600 kilometers away from his hometown. The Government has responded to allegations in June 2014, March 2015, January 2017, and January 2018. Mr. Nguyen Bac Truyen reportedly submitted a petition on 11 February 2019 requesting to be transferred to a prison near Ho Chi Minh City to allow for visits by his family and lawyer, and on 12 March 2019 his request was denied. He was also reportedly denied access to letters of support from international organizations. A member State requested the immediate release of Mr. Truyen in the context of the UPR of Vietnam in January 2019 (A/HRC/41/7, para. 38.145).

111. Special procedures mandate holders expressed grave concern about surveillance, intimidation and travel bans against rights defenders and some members of the independent religious communities for their cooperation with the Special Rapporteur on freedom of religion of belief during his visit to Viet Nam in July 2014 (VNM 11/2014). Despite concerns raised during and after the visit,[166] individuals and groups reportedly continue to face severe restrictions in sharing information and meeting with United Nations experts and staff members.

112. A number of representatives of civil society, human rights defenders and religious organizations reportedly faced acts of reprisals after attending the NGO-organized August 2018 Southeast Asia Conference on Freedom of Religion or Belief in Bangkok, which included engagement with the United Nations Special Rapporteur on freedom of religion of belief. Of the 28 advocates invited from Viet Nam, two received police warnings against attending the conference, five were prevented from leaving Vietnam at border checkpoints or at the airport, two were detained and interrogated at the airport and their passports and cell phones were confiscated, and eight participants were summoned to the police station or visited by the police for questioning about their participation in the conference. Additionally, the police harassed family members of three participants while they were at the conference.

113. On 26 June 2019, the Government responded to the allegations. Regarding the situation of Mr. Nguyen Bac Truyen, the Government indicated that Mr. Truyen has participated in establishing an organization aimed at overthrowing the Government and his conviction was because he broke the law, not because of reprisals after the 2014 visit of the Special Rapporteur. The Government indicated that Mr. Truyen is currently detained in An Dien prison, his health is normal and he has access to healthcare, family visits and letters. The reply informs that his request for transfer could not be considered. Regarding the civil society representatives that attended or tried to attend the 2018 Southeast Asia Conference on Freedom of Religion or Belief, the Government stated that allegations are untrue, and that authorities do not “intimidate” or “harass” any individuals because they attend an international workshop.

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

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