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

Organismes et mécanismes de protection des droits de l'homme

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

Rapport du Secrétaire général

Résumé

Le présent rapport est soumis en application de la résolution 12/2 du Conseil des droits de l'homme. Le Secrétaire général y présente les faits nouveaux survenus dans le système des Nations Unies et ailleurs en ce qui concerne la lutte contre les actes d'intimidation et les représailles visant les personnes qui cherchent à coopérer ou ont coopéré avec l'Organisation des Nations Unies (ONU), ses représentants et ses mécanismes dans le domaine des droits de l'homme. Il expose les activités menées par le Sous-Secrétaire général aux droits de l'homme en tant que haut responsable chargé de diriger les activités menées par l'ONU dans ce domaine. Le présent rapport contient des informations sur des actes d'intimidation et de représailles qui auraient été commis, notamment sur la suite donnée à des affaires mentionnées dans le précédent rapport (A/HRC/36/31) et les rapports antérieurs. En raison de la limite fixée au nombre de mots, on trouvera de plus amples informations sur certaines affaires à l'annexe I. Les informations sur la suite donnée aux affaires mentionnées dans les rapports précédents figurent à l'annexe II. Le rapport se termine par un récapitulatif des tendances observées et des recommandations formulées en ce qui concerne la prévention des actes d'intimidation et de représailles, et la lutte contre ce phénomène.

* Les annexes au présent rapport sont distribuées telles qu'elles ont été reçues.

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I. Introduction

1. Dans sa résolution 12/2, le Conseil des droits de l'homme s'est déclaré préoccupé par la persistance des cas signalés d'intimidation et de représailles contre des particuliers et des groupes qui cherchent à coopérer ou ont coopéré avec l'ONU, ses représentants et ses mécanismes dans le domaine des droits de l'homme. Le Conseil a également condamné tous les actes d'intimidation ou de représailles commis par des gouvernements et des acteurs non étatiques et m'a invité à lui soumettre à sa quatorzième session, puis tous les ans, un rapport contenant une compilation et une analyse de tous renseignements disponibles, émanant de toutes sources appropriées, sur les représailles qui auraient été commises, ainsi que des recommandations sur la manière de traiter ce problème. Le présent rapport est le neuvième établi conformément à la résolution 12/2[1].

II. Faits nouveaux en ce qui concerne la lutte contre les actes d'intimidation et de représailles

2. La lutte contre les actes de représailles et d'intimidation visant les personnes qui coopèrent avec l'ONU dans le domaine des droits de l'homme reste une priorité et une responsabilité centrale de l'Organisation tout entière. Au cours de la période considérée, j'ai continué de recevoir des informations alarmantes faisant état de représailles, de formes de rétorsion dirigées contre les personnes ayant coopéré avec l'ONU et d'actes d'intimidation visant à décourager toute coopération future avec l'Organisation ou participation à ses travaux.

3. L'Assemblée générale, le Conseil économique et social, le Conseil des droits de l'homme et le Conseil de sécurité se sont penchés sur la question des actes d'intimidation et de représailles, notamment sous l'angle de la coopération. Au sein du système des Nations Unies, notamment du Secrétariat, de ses bureaux extérieurs et des opérations de maintien de la paix, du Programme des Nations Unies pour le développement (PNUD), de l'Organisation internationale du Travail (OIT), de la Conférence des États parties à la Convention des Nations Unies contre la corruption, de la Banque mondiale et du Fonds monétaire international, de nombreux acteurs ont continué de dialoguer avec les gouvernements au sujet d'affaires les concernant et se sont efforcés de les sensibiliser à la gravité de ce problème.

4. Le 24 décembre 2017, à sa soixante-douzième session, l'Assemblée générale a adopté par consensus la résolution 72/247 pour marquer le vingtième anniversaire de la Déclaration sur le droit et la responsabilité des individus, groupes et organes de la société de promouvoir et protéger les droits de l'homme et les libertés fondamentales universellement reconnus (Déclaration sur les défenseurs des droits de l'homme), et promouvoir la mise en œuvre de ce texte. L'Assemblée générale a condamné tous les actes d'intimidation et de représailles commis par des représentants de l'État ou des acteurs non étatiques, notamment envers les défenseurs des droits de l'homme, leurs représentants légaux, leurs proches et les membres de leur famille et a demandé instamment à tous les États de permettre à chacun d'exercer, de façon individuelle ou en association avec d'autres, le droit d'accéder sans entrave à l'ONU et de communiquer avec elle. Elle s'est déclarée vivement préoccupée par « le nombre considérable et croissant de graves allégations et communications reçues par les titulaires de mandat au titre des procédures spéciales » au sujet d'actes d'intimidation et de représailles.

5. Le 29 septembre 2017, à sa trente-sixième session, le Conseil des droits de l'homme a adopté la résolution 36/21 sur la « Coopération avec l'Organisation des Nations Unies, ses représentants et ses mécanismes dans le domaine des droits de l'homme » dans laquelle il a réaffirmé « le droit de chacun, individuellement ou en association avec d'autres, d'accéder sans entrave [...] à l'Organisation des Nations Unies, à ses représentants et à ses

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

mécanismes dans le domaine des droits de l'homme [...] et de communiquer avec eux ». Dans sa résolution, le Conseil a également exhorté tous les États à empêcher et à s'abstenir de commettre tout acte d'intimidation ou de représailles et à prendre des mesures pour que les auteurs d'actes de représailles aient à rendre des comptes. Il a pris note de la désignation du Sous-Secrétaire général aux droits de l'homme et décidé que la présentation du présent rapport à la trente-neuvième session serait suivie d'un dialogue. Aux trente-sixième, trente-septième et trente-huitième sessions du Conseil, des États et des organisations non gouvernementales ont également fait des déclarations sur la question des représailles.

6. Au cours de la période considérée, les présidents successifs du Conseil des droits de l'homme ont usé de leurs bons offices en 2017 et 2018 par la voie de réunions bilatérales ou de lettres dans huit affaires de représailles en lien avec la participation aux sessions du Conseil. Ces affaires concernaient notamment des interdictions de voyager, des mises en détention avec confiscation de passeport, des arrestations, interrogatoires et incarcérations dans le pays d'origine suite à la participation aux sessions du Conseil, et des actes d'intimidation commis par des représentants d'États lors de manifestations parallèles organisées par le Conseil.

7. Le Haut-Commissaire aux droits de l'homme a plusieurs fois condamné fermement les représailles exercées par des agents de l'État, notamment dans ses déclarations liminaires à l'occasion des trente-sixième et trente-huitième session du Conseil des droits de l'homme, le 11 septembre 2017[2] et le 18 juin 2018[3]. À de nombreuses occasions, il a appelé l'attention sur les nouvelles lois et politiques adoptées et les modifications apportées aux lois et politiques existantes dans le but de restreindre les activités de la société civile, notamment sur les mesures visant spécifiquement à entraver les actions de plaidoyer menées par des ONG au niveau international sur des questions données. Ces mesures consistent par exemple à limiter ou à interdire les financements étrangers que les ONG utilisent pour présenter des rapports de recherche et se rendre aux réunions organisées par l'ONU.

8. Le Sous-Secrétaire général aux droits de l'homme, qui est chargé de diriger l'action menée au sein du système des Nations Unies pour lutter contre les actes d'intimidation et de représailles, a poursuivi sa collaboration de haut niveau avec les États, notamment sur les tendances et les affaires urgentes, et a entrepris de consulter directement les victimes et les organisations de la société civile au sujet des mesures prises par l'ONU pour lutter contre les représailles. En plus d'avoir pris part aux réunions organisées à New York et à Genève, il s'est entretenu avec des participants du monde entier dans le cadre de la Plateforme de Dublin pour les défenseurs des droits humains 2017, organisée par Front Line Defenders[4], et avec des défenseurs des droits de l'homme de 16 pays d'Asie lors d'une consultation régionale organisée à Bangkok par le Haut-Commissariat des Nations Unies aux droits de l'homme (HCDH) en mai 2018[5]. Il a également participé à une rencontre sur la sécurité des défenseurs des droits de l'homme pour l'Asie centrale organisée à Bichkek[6].

9. Le Sous-Secrétaire général a traité des situations spécifiques et des cas individuels avec les États Membres dans les instances intergouvernementales et par la voie de la diplomatie discrète avec les États concernés, notamment avec les représentants permanents auprès des Nations Unies et lors de ses missions sur le terrain. Il a collaboré avec le Président du Conseil des droits de l'homme, le Président du Comité chargé des organisations non gouvernementales, les titulaires de mandat au titre des procédures spéciales et leur Comité de coordination, les organes conventionnels, les représentants spéciaux du Secrétaire général et les coordonnateurs résidents, les représentants de la Banque mondiale, les responsables des présences sur le terrain et les coordonnateurs de plusieurs organismes des Nations Unies au siège et sur le terrain. Il a également coopéré

[2] Disponible à l'adresse www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22041.

[3] Disponible à l'adresse www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23206&LangID=E.

[4] Voir ww.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?LangID=E&NewsID=22251.

[5] Voir www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23106&LangID=E.

[6] Voir www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23109&LangID=E.

avec l'Alliance globale des institutions nationales des droits de l'homme au sujet des actes visant spécifiquement les institutions nationales en raison de leur coopération avec l'ONU.

10. Le 18 avril 2018, à la dix-septième session de l'Instance permanente des Nations Unies sur les questions autochtones, le Sous-Secrétaire général a souligné l'ampleur des actes d'intimidation et de représailles dont étaient victimes les peuples autochtones, notamment ceux qui coopéraient avec l'ONU[7]. L'Instance permanente a demandé au Secrétaire général, par l'entremise du Sous-Secrétaire général et en consultation avec d'autres organes de l'ONU, de lui faire rapport, à sa dix-huitième session en 2019, sur les tendances observées concernant les actes d'intimidation et de représailles dirigés contre les peuples autochtones qui cherchent à collaborer avec l'Organisation (voir E/2018/43-E/C.19/2018/11, par. 14).

11. Dans le rapport de la vingt-quatrième réunion annuelle des rapporteurs et représentants spéciaux, experts indépendants et présidents des groupes de travail des procédures spéciales du Conseil des droits de l'homme, les titulaires de mandat au titre des procédures spéciales ont pris note des différentes mesures prises pour combattre les actes d'intimidation et de représailles qui, selon les constatations, gagnaient en gravité. Ils ont également souligné la nécessité de procéder à une analyse et à une évaluation globale des tendances et de renforcer la coordination avec d'autres entités du système des Nations Unies, notamment le Sous-Secrétaire général (voir A/HRC/37/37, par. 66 et 67)[8].

12. Dans une déclaration faite le 1er juin 2018 à l'occasion du vingtième anniversaire de la Déclaration sur les défenseurs des droits de l'homme, des experts ont réaffirmé que tous les individus devaient pouvoir collaborer avec les organes conventionnels sans subir aucune forme d'ingérence, d'intimidation, de mauvais traitement, de menace, de violence, de représailles ou de restriction indue[9].

13. Le PNUD, le HCDH et l'Alliance globale des institutions nationales des droits de l'homme continuent de soutenir la mise en œuvre de leurs principes directeurs sur les représailles et autres actes d'intimidation visant les institutions nationales des droits de l'homme, leurs membres et leur personnel, notamment en recueillant des informations sur les cas signalés et en y donnant rapidement suite, et en soutenant collectivement les institutions nationales des droits de l'homme victimes de tels actes.

14. Afin d'assurer la visibilité et l'accessibilité des travaux concernant les actes d'intimidation et de représailles et des activités menées par les mécanismes des Nations Unies relatifs aux droits de l'homme, le site Web lancé en juin 2017 est actuellement traduit dans les six langues officielles et les documents d'information disponibles, dont une vidéo d'animation et un document d'une page à l'intention de la société civile expliquant comment soumettre des informations, ont été mis en ligne[10]. Des pages Web sont aussi consacrées aux titulaires de mandat au titre des procédures spéciales[11] et à certains organes conventionnels.

III. Informations sur les politiques et les meilleures pratiques

15. Les méthodes de travail et les pratiques des organes conventionnels ont évolué, notamment en ce qui concerne la mise en œuvre des Principes directeurs relatifs à la lutte contre l'intimidation ou les représailles (Principes directeurs de San José, HRI/MC/2015/6), adoptés lors de la réunion des présidents des organes conventionnels en 2015. À leur trentième réunion annuelle, les présidents des organes conventionnels ont encouragé les coordonnateurs et les rapporteurs des différents comités à collaborer entre les sessions, selon que de besoin, pour traiter des affaires et à mettre en ligne, sur leur site Web, des informations concernant les actes de représailles. Ils ont en outre demandé au secrétariat

[7] Voir www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22955&LangID=E.

[8] Voir également www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22828&LangID=E.

[9] Voir www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23154&LangID=E.

[10] Voir www.ohchr.org/EN/Issues/Reprisals/Pages/ReprisalsIndex.aspx.

[11] Voir www.ohchr.org/EN/HRBodies/SP/Pages/Actsofintimidationandreprisal.aspx.

d'établir pour 2019 un document sur le rôle des coordonnateurs et des rapporteurs, y compris sur les bonnes pratiques (A/73/140).

16. À sa quatre-vingt-quinzième session, le Comité pour l'élimination de la discrimination raciale a mis en place une pratique consistant à envoyer des lettres aux États parties au sujet de cas présumés d'actes d'intimidation et de représailles, et à les publier sur sa page Web. Il a été demandé au Coordonnateur chargé de la question des représailles du Comité d'élaborer des principes directeurs relatifs aux représailles.

17. Dans le domaine du développement, le Groupe de la Banque mondiale a progressé dans l'élaboration de lignes directrices concernant la lutte contre les actes de représailles commis suite à des plaintes se rapportant à certains de ses projets. En octobre 2017, le Bureau du Conseiller-Médiateur pour l'application des directives a publié des principes directeurs relatifs aux représailles[12]. Avant cela, en mars 2016, le Panel d'inspection de la Banque mondiale avait publié des principes directeurs sur la lutte contre les représailles, qui étaient les premiers émanant d'un mécanisme de responsabilisation indépendant relevant d'une institution financière internationale[13]. Le Sous-Secrétaire général a entamé un dialogue avec ces entités dans le but de partager des informations et des bonnes pratiques.

18. Le Groupe chargé du respect des normes environnementales et sociales, mécanisme public de responsabilisation du PNUD relevant du Bureau de l'audit et des investigations, recense les actes de harcèlement, d'intimidation et de violence visant les personnes qui cherchent à coopérer ou ont coopéré dans le cadre de projets financés par le PNUD. Il a entrepris d'élaborer un arsenal de mesures de lutte contre les représailles à l'intention des mécanismes internationaux de responsabilisation, en collaboration avec la Banque interaméricaine de développement. De plus, il procède à des contrôles du respect des obligations et au suivi de plusieurs cas d'actes d'intimidation et de représailles faisant suite à des contacts avec le PNUD, notamment en Bosnie-Herzégovine, au Malawi, au Panama et en Ouganda[14].

19. Dans le domaine de la protection des civils, le Département des opérations de maintien de la paix a réaffirmé son attachement au principe de « ne pas nuire » dans sa coopération avec les communautés et la société civile. Les commandants des forces, en coopération avec les composantes civiles, sont tenus de faire en sorte que l'évaluation de la menace et l'appréciation de la situation soient basées sur une collaboration régulière avec les communautés et les groupes de la société civile, comme les groupes de jeunes et de femmes ; ils ont donc la responsabilité de veiller à ce que personne ne soit exposé à des risques en raison de cette collaboration.

IV. Accès à l'Organisation des Nations Unies, ses représentants et ses mécanismes dans le domaine des droits de l'homme

20. Les organisations de la société civile apportent une contribution indispensable aux travaux et aux objectifs de l'ONU, ce qui leur serait impossible si elles n'avaient pas accès aux réunions internationales dans les locaux de l'Organisation et si elles ne pouvaient pas collaborer directement avec les mécanismes des droits de l'homme. Le Conseil économique et social reconnaît d'ailleurs l'étendue de leurs compétences et des moyens dont elles disposent pour appuyer l'ONU dans ses travaux (voir la résolution 1996/31).

21. Le Sous-Secrétaire général s'est penché sur le problème de l'utilisation des procédures d'accréditation et de sécurité pour empêcher des personnes de s'exprimer dans plusieurs instances au siège de l'ONU. Certains diplomates ont tenté d'empêcher des représentants de la société civile de participer à des activités, des réunions ou des conférences organisées par l'Organisation, notamment en faisant obstacle de diverses

[12] Voir Bureau du Conseiller-Médiateur pour l'application des directives "CAO approach to responding to concerns of threats and incidents of reprisals in CAO operations", disponible à l'adresse www.cao-ombudsman.org/documents/CAO-Reprisals-web.pdf 2017.

[13] Voir Banque mondiale, "Inspection panel guidelines to reduce retaliation risks and respond to retaliation during the panel process".

[14] Voir https://info.undp.org/sites/registry/secu/SECUPages/SECUSummary.aspx.

manières à l'accréditation d'ONG, en particulier celles œuvrant dans le domaine des droits de l'homme. En outre, le HCDH a reçu à maintes reprises des informations selon lesquelles des personnes participant aux réunions de l'ONU ont été filmées ou photographiées à leur insu ; leurs déclarations faites lors de séances à huis clos auraient également été enregistrées. Cela crée un climat d'intimidation, qui pourrait dissuader les membres de la société civile de participer aux procédures.

22. Selon le Département des affaires économiques et sociales, qui fournit des services de secrétariat au Comité chargé des organisations non gouvernementales, auquel il revient d'examiner les demandes d'admission au statut consultatif auprès du Conseil économique et social, on compte en 2018 plus de 4 800 organisations dotées du statut consultatif, et les demandes d'admission à ce statut, qui ont augmenté de 19 % en 2017, restent élevées (voir A/HRC/38/18, par. 19). À la reprise de sa session en mai 2018, le Comité était saisi de 472 demandes d'admission, dont 244 étaient des demandes dont il avait différé l'examen lors de sessions antérieures. Il a recommandé d'octroyer le statut consultatif à 209 ONG et a reporté l'examen de 233 demandes. Il a clos l'examen de 27 autres demandes au motif que les ONG candidates n'avaient pas répondu aux questions.

23. Le statut consultatif donne accès à l'ONU et à nombre de ses mécanismes, et plusieurs parties prenantes ont fait part de leur préoccupation quant au grand nombre de renvois et au manque apparent de transparence dans les décisions relatives à l'octroi de ce statut. Le report constant de l'examen de certaines demandes constituait parfois un refus de fait et visait des organisations de la société civile qui travaillaient sur des questions relatives aux droits de l'homme (voir A/HRC/38/18, par. 20).

24. Dans mes rapports précédents, j'ai abordé le rôle du Comité chargé des organisations non gouvernementales et salué les efforts que le Comité a accomplis pour ce qui est d'accroître la transparence, notamment en retransmettant certaines de ses délibérations sur le Web. Je prends note de la première consultation organisée en juin 2018 entre les membres du Comité et les ONG dotées du statut consultatif auprès du Conseil économique et social. Cette consultation a porté sur la contribution des ONG aux travaux du Conseil et de ses organes subsidiaires, et notamment sur l'amélioration de l'accès des ONG à l'ONU. J'invite à nouveau le Comité à appliquer les critères d'évaluation des organisations d'une manière équitable et transparente. À l'heure où l'espace accordé à la société civile se réduit dans plusieurs domaines, il est essentiel que les Nations Unies encouragent la collaboration avec la société civile.

V. Informations reçues sur des cas d'intimidation ou de représailles pour coopération avec l'Organisation des Nations Unies, ses représentants et ses mécanismes dans le domaine des droits de l'homme

A. Observation d'ordre général

25. Le présent rapport porte sur les informations recueillies entre le 1er juin 2017 et le 31 mai 2018 et, conformément aux résolutions 12/2 et 24/24 du Conseil des droits de l'homme, contient des renseignements sur les actes d'intimidation ou de représailles contre ceux qui :

a) Cherchent à coopérer ou ont coopéré avec l'Organisation des Nations Unies, ses représentants et ses mécanismes dans le domaine des droits de l'homme, ou leur ont apporté des témoignages ou des renseignements ;

b) Recourent ou ont recouru aux procédures mises en place sous les auspices de l'Organisation des Nations Unies pour assurer la protection des droits de l'homme et des libertés fondamentales, et tous ceux qui leur ont fourni une assistance juridique ou autre à cette fin ;

c) Soumettent ou ont soumis des communications en vertu de procédures établies conformément à des instruments relatifs aux droits de l'homme, et tous ceux qui leur ont fourni une assistance juridique ou autre à cette fin ;

d) Sont des proches de victimes de violations des droits de l'homme ou de ceux qui ont fourni une assistance juridique ou autre aux victimes.

26. Les informations reçues ont été vérifiées et corroborées par des sources primaires et autres, dans la mesure possible. Il est fait mention des différentes publications des Nations Unies dans les cas où les affaires évoquées dans le présent rapport ont été rendues publiques. Le rapport comprend également les réponses communiquées par les États au 31 juillet 2018 au sujet des mesures prises par différents acteurs du système des Nations Unies dans plusieurs affaires. À cela s'ajoutent des précisions sur les affaires citées dans les rapports précédents lorsque des éléments nouveaux ont été communiqués au cours de la période à l'examen (voir annexe II).

27. Le présent rapport et ses annexes ne cherchent pas à rendre compte de toutes les affaires. Ils ont été élaborés dans le strict respect du principe de « ne pas nuire » et sous réserve que les victimes alléguées aient donné leur consentement pour être désignées nommément. Une étude de risque a également été réalisée pour chaque cas notifié et réputé crédible. En conséquence, la décision a été prise de ne pas inclure les affaires pour lesquelles le risque de nuire à la sécurité et au bien-être des individus concernés ou des membres de leur famille était considéré trop élevé. En outre, un certain nombre d'affaires qui ont été portées à mon attention ont été traitées de manière confidentielle et ne figurent pas dans le rapport.

28. On trouvera de plus amples renseignements sur les affaires énumérées ci-après à l'annexe I. Les informations concernant les affaires en cours mentionnées dans les rapports antérieurs et pour lesquelles des éléments nouveaux ont été communiqués au cours de la période à l'examen figurent à l'annexe II. Le terme « titulaires de mandat au titre des procédures spéciales » fait référence aux titulaires de mandat au titre des procédures spéciales du Conseil des droits de l'homme. Toutes les communications des titulaires de mandat mentionnées dans le présent rapport peuvent être consultées en ligne en effectuant une recherche au moyen des cotes de document, qui sont indiquées entre parenthèses tout au long du rapport[15]. Il est également possible de consulter les réponses des gouvernements en utilisant cette méthode.

B. Résumé des affaires

Bahreïn

29. Divers acteurs des Nations Unies se sont déclarés vivement préoccupés par les actes persistants de harcèlement et d'intimidation visant les représentants de la société civile du Bahreïn qui cherchent à coopérer avec l'ONU, par les interdictions de voyager radicales imposées à une vingtaine de personnes et par les arrestations, les détentions, les agressions sexuelles et les actes de torture et autres formes de mauvais traitement dont certaines personnes ont été la cible (BHR 8/2017, BHR 9/2017 et BHR 13/2017)[16]. Des interdictions de voyager imposées de longue date sont restées en vigueur pendant plusieurs sessions successives du Conseil des droits de l'homme et ont empêché la participation de nombreux représentants de la société civile entre juin 2017 et juin 2018. Plusieurs personnes qui avaient collaboré avec le Conseil par le passé ont également signalé qu'elles avaient été victimes de menaces de violence et d'actes d'intimidation psychologique, notamment de menaces de violence physique, de diffamation publique et de viol, qui visaient à les dissuader de s'exprimer à nouveau. De plus, plusieurs défenseurs des droits de l'homme parmi lesquels des membres de la famille de M. Sayed Ahmed Al-Wadaei, de M^me^ Ebtesam Al-Alsaegh et de M. Nabeel Rajab auraient fait l'objet de poursuites pénales et été accusés d'infractions liées au terrorisme (voir annexes I et II).

[15] Voir www.ohchr.org/EN/HRBodies/SP/Pages/CommunicationsreportsSP.aspx.

[16] Voir également HCDH, « Bahreïn doit mettre fin à l'aggravation de la répression contre les droits de l'homme déclare un expert des Nations Unies » (16 juin 2017).

30. Le Sous-Secrétaire général a transmis ces allégations par écrit le 15 juillet 2017 et le 29 mai 2018. Le Gouvernement a répondu le 25 juin 2018.

Cameroun

31. Le 26 octobre 2017, des titulaires de mandat au titre des procédures spéciales se sont déclarés préoccupés par la nature de plus en plus menaçante des agressions physiques et des actes d'intimidation et de harcèlement dont étaient victimes M^me^ Maximilienne Ngo Mbe, du Réseau des défenseurs des droits humains en Afrique centrale, et M^me^ Alice Nkom, membre de ce même réseau ainsi que d'une association de défense des droits des lesbiennes, gays, bisexuels, transgenres et intersexes, en raison de leur participation à l'examen du Conseil des droits de l'homme concernant le Cameroun, qui a eu lieu à Genève (CMR 5/2017). Le Gouvernement a répondu aux allégations le 17 juillet 2018.

Chine

32. Le 18 juin 2018, dans la déclaration liminaire qu'il a prononcée à la trente-huitième session du Conseil des droits de l'homme, le Haut-Commissaire aux droits de l'homme a appelé l'attention sur les efforts constants que la Chine déployait pour empêcher les membres indépendants de la société civile de collaborer avec les mécanismes des Nations Unies relatifs aux droits de l'homme, entre autres dans le cadre des examens conduits par les organes conventionnels, de l'Examen périodique universel du Conseil des droits de l'homme et des activités de nombreux titulaires de mandat au titre des procédures spéciales, et a encouragé les autorités à permettre à tous les acteurs de contribuer à tous les mécanismes internationaux relatifs aux droits de l'homme. D'après les informations recueillies, plusieurs militants, défenseurs des droits de l'homme et avocats auraient été soumis à des interdictions de voyager, auraient fait l'objet de surveillance, de mauvais traitements ou de torture, ou auraient été détenus, parfois au secret, en raison de leur collaboration avec l'ONU (voir annexes I et II). Le Gouvernement a répondu aux allégations le 31 juillet 2018.

Colombie

33. Le 1^er^ février 2018, des titulaires de mandat au titre des procédures spéciales ont appelé l'attention sur les allégations de menaces de mort proférées par des groupes paramilitaires contre M. Germán Graciano Posso, membre de la Communauté de paix de San José de Apartadó, en raison de sa participation au Forum des Nations Unies sur les entreprises et les droits de l'homme à Genève en 2017 (COL 1/2018).

Cuba

34. Le 11 mai 2018, la porte-parole du Haut-Commissaire aux droits de l'homme a déclaré que le HCDH avait reçu des informations inquiétantes indiquant que les autorités cubaines avaient empêché des défenseurs des droits de l'homme et des représentants de la société civile de prendre des vols pour aller assister à des réunions à l'étranger, y compris des réunions de l'ONU, sous prétexte qu'elles devaient procéder à des contrôles d'identité plus approfondis. Ainsi, 14 citoyens cubains ont été informés par les autorités que le système informatique exigeait qu'ils se soumettent à un contrôle supplémentaire, ce qui leur a fait manquer leur vol, et donc la réunion. Les titulaires de mandat au titre des procédures spéciales ont évoqué plusieurs cas individuels (CUB 1/2018). Le Gouvernement a répondu aux allégations le 4 avril 2018.

35. Le Sous-Secrétaire général a transmis ces allégations par écrit le 11 avril 2018. Le Gouvernement y a répondu le 10 mai 2018.

République démocratique du Congo

36. La Mission de l'Organisation des Nations Unies pour la stabilisation en République démocratique du Congo a signalé de multiples actes d'intimidation et de représailles contre des personnes qui avaient coopéré avec elle, en particulier avec son équipe conjointe de spécialistes des droits de l'homme, au sujet d'incidents impliquant l'Agence nationale de

renseignements, les Forces armées de la République démocratique du Congo, la police locale et d'autres entités.

Djibouti

37. Il a été signalé au HCDH que M. Kadar Abdi Ibrahim, défenseur des droits de l'homme, n'a pas pu participer à l'examen du Groupe de travail sur l'Examen périodique universel concernant Djibouti, qui a eu lieu le 10 mai 2018. Durant la session, quatre États Membres ont fait part de leur préoccupation au Gouvernement de Djibouti (voir A/HRC/39/10, par. 54, 64, 84 et 104).

Égypte

38. Divers acteurs des Nations Unies ont pris des mesures concernant la disparition initiale puis la mise en détention de M. Ebrahim Abdelmonem Metwally Hegazy, de l'Association des familles des disparus, alors qu'il se rendait à une réunion du Groupe de travail sur les disparitions forcées et involontaires à Genève en septembre 2017. L'affaire a été examinée à plusieurs reprises par des titulaires de mandat au titre des procédures spéciales (EGY 14/2017, A/HRC/WGEID/109/1, par. 35. Voir également A/HRC/WGEID/114/1, par. 56)[17] et par le Sous-Secrétaire général[18].

39. Plusieurs titulaires de mandat au titre des procédures spéciales se sont penchés sur la détention provisoire prolongée de M^me^ Hanane Baderraddine Abdalhafez Othman, de l'Association des familles de disparus, qui avait fourni pendant neuf mois des informations concernant plusieurs affaires au Groupe de travail sur les disparitions forcées ou involontaires, ainsi que sur les allégations selon lesquelles elle aurait été privée de soins médicaux lorsqu'elle était en prison (EGY 4/2018 et A/HRC/WGAD/2017/78, par. 89 à 93). Le Gouvernement a répondu aux allégations le 31 juillet 2018.

Guatemala

40. Le 30 novembre 2017, des titulaires de mandat au titre des procédures spéciales ont fait part de leurs préoccupations concernant les accusations pénales qui auraient été portées contre le journaliste Jerson Xitumul Morales, qui avait collaboré avec le Bureau du HCDH au Guatemala en lui fournissant des informations sur la situation des droits de l'homme à Izabal (GTM 6/2017). Le Gouvernement a répondu le 15 janvier 2018.

41. Le Haut-Commissaire aux droits de l'homme a exprimé son soutien à l'institution nationale de défense des droits de l'homme (le Bureau du Procureur des droits de l'homme)[19], dont le Gouvernement aurait tenté de compromettre l'indépendance parce qu'elle soutenait la Commission internationale contre l'impunité au Guatemala. Le Procureur des droits de l'homme, M. Augusto Jordán Rodas Andrade, a fait l'objet de campagnes de dénigrement et sa famille a été victime de menaces.

Guyana

42. Le 18 octobre 2017, le Groupe de travail d'experts sur les personnes d'ascendance africaine s'est déclaré préoccupé par les actes de représailles que les autorités pénitentiaires et les gardiens de la prison auraient commis contre une personne (identité non révélée par le Groupe de travail) incarcérée à la prison de Lusignan, avec laquelle il s'était entretenu lors de sa visite au Guyana en octobre 2017. Par la suite, il a été informé que cette personne avait été menacée verbalement par les autorités pénitentiaires et les gardiens parce qu'elle avait coopéré avec lui (GUY 1/2017).

[17] HCDH, « Des experts des Nations Unies consternés par l'arrestation de l'avocat égyptien Ibrahim Metwally alors qu'il se rendait à une réunion avec eux » (15 septembre 2017).

[18] HCDH, « Un rapport signale des représailles en hausse contre les défenseurs des droits de l'homme qui coopèrent avec les Nations Unies » (20 septembre 2017).

[19] Déclaration du Haut-Commissaire aux droits de l'homme à l'issue de sa mission au Guatemala (19 novembre 2017).

Honduras

43. Le 12 mai 2018, à l'issue de sa visite officielle au Honduras, le Rapporteur spécial sur la situation des défenseurs des droits de l'homme s'est déclaré extrêmement préoccupé par le nombre croissant d'actes d'intimidation et de représailles commis contre des défenseurs des droits de l'homme en raison de leur collaboration avec l'ONU. Ces représailles prenaient la forme de campagnes de dénigrement, d'actes de harcèlement et d'intimidation, de menaces, d'agressions physiques et d'assassinats.

44. Le 7 juin 2017, des titulaires de mandat au titre des procédures spéciales se sont déclarés préoccupés par les menaces de mort, les attaques et les actes de représailles dont aurait été victime M^me^ Hedme Castro, de l'Asociación para una Ciudanía Participativa (Association pour une citoyenneté participative) (HND 3/2017) en raison de sa coopération avec le HCDH et le Conseil des droits de l'homme. Le Gouvernement a répondu le 29 juin 2017.

45. Le 24 juillet 2017, le Comité des droits de l'homme s'est déclaré préoccupé par les déclarations faites par des hauts responsables gouvernementaux dans les médias dans le but de discréditer des individus et des organisations de la société civile qui avaient soumis des informations en vue de l'examen du deuxième rapport périodique du Honduras (voir CCPR/C/HND/CO/2, par. 42), notamment au sujet du meurtre de M^me^ Berta Cáceres (voir A/HRC/36/31, annexe II, par. 1 à 3). Le 18 juillet 2018, le Président du Comité s'est entretenu avec le Gouvernement.

46. Le Sous-Secrétaire général a effectué une visite au Honduras en juillet 2017 et a appelé l'attention du Gouvernement sur plusieurs cas d'actes de représailles présumés.

Hongrie

47. Le 21 juin 2017, des titulaires de mandat au titre des procédures spéciales se sont penchés sur le cas de Validity (anciennement Mental Disability Advocacy Centre), une ONG internationale de défense des droits des personnes handicapées basée à Budapest, qui a été prise pour cible après la publication d'un rapport contenant des allégations de violations des droits de l'homme dans l'établissement de protection sociale Topház (HUN 3/2017), que le Comité des droits de l'homme a examinées en mars 2018 (voir CCPR/C/HUN/CO/6, par. 21, CCPR/C/SR.3464 et CCPR/C/SR.3465). Validity estime avoir été visée en grande partie en raison de ses activités de plaidoyer auprès des mécanismes des Nations Unies relatifs aux droits de l'homme.

48. Il a été signalé que l'opposition de certains États Membres à la participation d'ONG à la Conférence des États parties à la Convention des Nations Unies contre la corruption de Vienne en novembre 2017 visait notamment à empêcher la participation de l'ONG hongroise de lutte contre la corruption K-Monitor. Cette tentative s'inscrivait dans une stratégie visant à faire obstacle à la participation des organisations travaillant sur la question de la corruption au sein des autorités. Le Bureau a rejeté l'objection de l'État concerné (voir CAC/COSP/2017/14, par. 25) et K-Monitor a pu reprendre sa participation.

49. Deux organisations qui ont participé à l'examen du rapport périodique de la Hongrie par le Comité des droits de l'homme en mars 2018, le Comité Helsinki hongrois et Amnesty International Hongrie, ont été prises pour cible, au moins partiellement en raison de leurs activités de défense des droits des migrants auprès des Nations Unies. Le Gouvernement a répondu aux allégations le 3 août 2018.

Inde

50. Le 9 novembre 2017, des titulaires de mandat au titre des procédures spéciales ont noté avec inquiétude que la loi de 2010 sur la réglementation des contributions étrangères était utilisée pour restreindre les activités des ONG qui coopéraient avec l'ONU, notamment par le rejet des demandes d'autorisation ou de renouvellement d'autorisation, comme cela avait été le cas pour M. Henri Tiphagne, du Centre for Promotion of Social Concerns (OTH 2/2017 et IND 14/2018). Le même problème a été signalé concernant M. Nobokishore Urikhimbam, du Centre for Promotion of Social Concerns.

51. Le 20 juin 2017, le Rapporteur spécial sur la situation des défenseurs des droits de l'homme s'est déclaré préoccupé par les informations faisant état d'actes de représailles contre un membre de la Coalition de la société civile du Jammu-et-Cachemire, M. Kartik Murukutla, en raison de sa coopération avec les mécanismes de l'ONU relatifs aux droits de l'homme (IND 4/2017).

52. Le Sous-Secrétaire général a transmis ces allégations par écrit le 7 juin 2018. Le Gouvernement a répondu le 2 juillet 2018.

Israël

53. En mai 2018, le Ministre de l'intérieur israélien n'a pas renouvelé le permis de travail du directeur de l'ONG Human Rights Watch, Omar Shakir, et a ordonné son expulsion[20]. M. Shakir se trouve toujours dans le pays, car la décision du Ministre est actuellement examinée par un tribunal de district. Cette décision était fondée, entre autres, sur les allégations selon lesquelles M. Shakir était favorable au boycott d'Israël. M. Shakir aurait notamment déclaré qu'il appuyait la création par l'ONU d'une base de données recensant les entreprises ayant des activités dans les colonies de peuplement israéliennes, comme prévu dans la résolution 31/36 du Conseil des droits de l'homme.

Kirghizistan

54. Le 25 juin 2018, le Comité des travailleurs migrants a pris contact avec le Gouvernement au sujet du rapport parallèle qualifié de matériel extrémiste qui lui avait été soumis en avril 2015 par les organisations de la société civile Anti-Discrimination Centre Memorial et Bir Duino Kyrgyzstan avant l'examen du rapport du Kirghizistan[21]. En mai 2018, lors d'une visite au Kirghizistan, le Sous-Secrétaire général a appelé l'attention du Gouvernement sur ces allégations.

Maldives

55. Le 20 avril 2018, des titulaires de mandat au titre des procédures spéciales se sont dits préoccupés par l'ouverture d'enquêtes sur Shahindha Ismail, du Maldivian Democracy Network, au motif que celle-ci avait utilisé Twitter et participé à une manifestation parallèle organisée en marge de la session de juin 2017 du Conseil des droits de l'homme (MDV 3/2018). M^me^ Ismail continue de faire l'objet de menaces et d'actes de violence fondée sur le genre, y compris de menaces de viol, en ligne. Le Gouvernement a répondu aux allégations le 23 juillet 2018.

Mali

56. Selon la Mission multidimensionnelle intégrée des Nations Unies pour la stabilisation au Mali (MINUSMA), des actes de représailles ont été commis par des acteurs étatiques et des groupes armés non étatiques contre des personnes qui collaboraient avec la Mission, y compris la Division des droits de l'homme et de la protection[22]. L'intimidation et les menaces de mort sont des stratégies qui ont été utilisées par les groupes armés terroristes et extrémistes pour menacer les personnes qui collaboraient avec les forces nationales et internationales, notamment la MINUSMA.

Maroc

57. Dans une décision du 15 novembre 2016, le Comité contre la torture a conclu à des violations de la Convention par le Maroc dans l'affaire *Naâma Asfari* c. *Maroc*, dans

[20] HCDH, « UN experts urge Israel not to deport Human Rights Watch official Omar Shakir » (19 mai 2018).

[21] Voir communications des organisations de la société civile à la vingt-deuxième session du Comité des travailleurs migrants.

[22] MINUSMA et HDCH, « Droits de l'homme et processus de paix au Mali (janvier 2016-juin 2917) » (février 2018), disponible à l'adresse suivante : https://minusma.unmissions.org/malgr%C3%A9-la-mise-en-%C5%93uvre-de-l%E2%80%99accord-pour-la-paix-la-situation-des-droits-de-l%E2%80%99homme-demeure.

laquelle le requérant, M. Asfari, était un défenseur des droits de l'homme sahraoui qui se trouve toujours en détention (CAT/C/59/D/606/2014). Depuis la décision du Comité, la manière dont M. Asfari est traité en détention se serait détériorée et son épouse se serait vu refuser l'entrée sur le territoire marocain à quatre reprises. M. Asfari a été placé à l'isolement du 13 février 2018 au 13 mars 2018. La rapporteuse du Comité pour le suivi de la question des représailles a écrit au Gouvernement le 13 juillet 2018.

Myanmar

58. Lors de leur exposé sur la mission du Conseil de sécurité au Myanmar, les membres de la mission ont signalé que les forces de sécurité du Myanmar avaient menacé les villageois rohingya de représailles s'ils s'entretenaient avec la délégation pendant la visite et leur avaient dit que ceux qui l'avaient fait étaient désormais recherchés. Un membre du Conseil de sécurité a relevé qu'il était inacceptable que quiconque puisse avoir peur de s'entretenir avec des membres du Conseil (voir S/PV.8255, p. 6).

59. La Rapporteuse spéciale sur la situation des droits de l'homme au Myanmar a indiqué au Conseil des droits de l'homme en mars 2018 qu'elle avait reçu des informations faisant état de violents actes de représailles commis par les forces armées contre des civils qu'elle avait rencontrés lors de sa visite dans l'État rakhine en janvier 2017 (voir A/HRC/37/70, par. 63).

60. Le Conseil d'administration de l'OIT a indiqué le 7 février 2018 qu'il restait profondément préoccupé par les cas de M. Aung Ko Htwe et de M. Khaing Myo Htun, des plaignants dans des affaires de travail forcé qui auraient fait l'objet de représailles (voir GB.332/INS/8, par. 15-16)[23]. Ces cas ont également été mentionnés par la Rapporteuse spéciale dans son rapport au Conseil des droits de l'homme en mars 2018 (voir A/HRC/37/70, par. 15). Le Sous-Secrétaire général a transmis ces allégations par écrit le 2 juillet 2018.

Philippines

61. Le 2 octobre 2017, des titulaires de mandat au titre des procédures spéciales ont fait part de leur préoccupation concernant les déclarations publiques diffamatoires et intimidantes visant la Commission philippine des droits de l'homme, ses membres et son Président, M. Chito Gascon (PHL 12/2017), en raison entre autres de leur coopération avec l'ONU. L'ancienne Présidente de la Commission, M^me^ Leila M. de Lima, est détenue depuis février 2018 pour infraction présumée à la législation relative aux stupéfiants, accusation qui selon plusieurs titulaires de mandats est « fondée sur des motifs politiques » (PHL 5/2017).

62. Plusieurs acteurs des Nations Unies ont abordé la question des représailles contre les défenseurs des droits de l'homme et les représentants des peuples autochtones inscrits de fait sur la liste des terroristes en février 2018. Certaines de ces personnes sont des partenaires de longue date de l'ONU et ont indiqué qu'elles pensaient que leur inscription sur la liste résultait en partie de leur coopération avec ses mécanismes. Le Sous-Secrétaire général a transmis ces allégations par écrit le 4 mai 2018 et les a évoquées publiquement le 18 mai 2018[24]. Le 8 juin 2018, des titulaires de mandat au titre des procédures spéciales ont fait part de leurs préoccupations au Gouvernement (PHL 5/2018).

Fédération de Russie

63. Le 10 mai 2018, le Président et le Coordonnateur chargé de la question des représailles du Comité pour l'élimination de la discrimination raciale ont écrit au Gouvernement au sujet d'actes de harcèlement, de menace et d'intimidation que les autorités auraient commis contre M^me^ Yana Tannagasheva, M. Vladislav Tannagashev et

[23] BIT, Suivi de la résolution concernant les autres mesures sur la question du Myanmar adoptées par la Conférence à sa 102^e^ session (2013), 7 février 2013.

[24] HCDH, "Human rights advocates in Asia under attack," (18 mai 2018).

leur famille. Ces deux défenseurs des droits de l'homme avaient coopéré avec le Comité en août 2017 sur la question des droits des Chors, peuple autochtone du sud de la Sibérie[25].

Rwanda

64. Le 20 octobre 2017, le Sous-Comité pour la prévention de la torture a annoncé publiquement qu'il avait suspendu sa visite au Rwanda en raison d'obstacles à l'accès à certains lieux de détention, du manque de confidentialité des entretiens et du risque de représailles. En février 2018, le Sous-Comité a annoncé qu'il avait l'intention de reprendre sa visite au Rwanda[26]. Le 1er juin 2018, le Sous-Secrétaire général a écrit au Gouvernement au sujet de l'absence de garanties assurant le Sous-Comité que les personnes interrogées ou contactées au cours de la visite ne feraient pas l'objet d'intimidation et de représailles. Le 18 juin 2018, le Haut-Commissaire des Nations Unies aux droits de l'homme s'est déclaré préoccupé que la visite ait été suspendue. Pendant sa session du 18 au 22 juin 2018, le Sous-Comité a décidé de mettre fin à la visite en raison de l'absence de coopération des autorités[27]. Le Gouvernement a répondu aux allégations le 27 juin 2018.

Arabie saoudite

65. Le 28 février 2018, M. Essa Al Nukheifi, défenseur des droits de l'homme qui avait été consulté en décembre 2016 dans le cadre des préparatifs de la mission du Rapporteur spécial sur les droits de l'homme et l'extrême pauvreté en Arabie saoudite en janvier 2017 et qui avait fait l'objet d'une communication des titulaires de mandat au titre des procédures spéciales (SAU 2/2017), a été condamné à six ans de détention et à une interdiction de voyager et d'utiliser les médias sociaux pendant une durée équivalente après sa libération.

66. Le 1er juin 2017, le Groupe de travail sur la détention arbitraire a rendu un avis sur la détention arbitraire de Salim Abdullah Hussain Abu Abdullah, qui a été arrêté en décembre 2014 sans mandat et n'a pas été informé des motifs de son arrestation (A/HRC/WGAD/2017/10, par. 31 à 33). Depuis que l'avis a été rendu, il a été signalé qu'à titre de représailles suite à l'examen de son cas par le Groupe de travail, M. Abu Abdullah a été placé à l'isolement de manière répétée pendant de longues périodes et privé de contacts réguliers avec sa famille (voir A/HRC/39/45, par. 28). Le Gouvernement a répondu aux allégations le 24 juillet 2018.

Soudan du Sud

67. Dans un rapport de février 2018, la Mission des Nations Unies au Soudan du Sud (MINUSS) et le HCDH ont indiqué que des restrictions étaient imposées par les autorités nationales aux personnes dont les opinions étaient considérées comme critiques à l'égard du Gouvernement ou de la réputation du pays et qui coopéraient avec l'ONU en participant à des réunions, en diffusant des informations sur des atteintes aux droits de l'homme et en facilitant l'accès des populations touchées à la MINUSS (voir S/2017/505, S/2017/784, S/2017/1011 et S/2018/163).

68. Dans le cadre du suivi de la visite qu'il avait effectuée au Soudan du Sud en février 2017[28], le Sous-Secrétaire général a évoqué, dans un courrier adressé au Gouvernement le 21 juillet 2017, les allégations d'actes d'intimidation et de menaces commis contre des personnes au motif qu'elles avaient coopéré avec la MINUSS et d'autres entités des Nations Unies en-dehors du Soudan du Sud, et notamment le cas de personnes qui avaient été contraintes de quitter le pays.

[25] Voir http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/RUS/INT_CERD_ALE_RUS_8683_E.pdf.

[26] HCDH, "UN torture prevention experts announce resuming visit to Rwanda," 28 février 2018.

[27] HCDH, "UN torture prevention body to visit Burundi, Costa Rica, Senegal and Switzerland; terminates Rwanda visit", 4 juillet 2018.

[28] Voir HCDH, « Soudan du Sud : un haut-représentant des droits de l'homme de l'ONU condamne la situation déplorable des droits de l'homme » (17 février 2017).

Thaïlande

69. Le 30 juin 2017, des titulaires de mandat au titre des procédures spéciales se sont déclarés préoccupés des actes de harcèlement et des menaces de mort dont M. Maitree Chamroensuksakul, défenseur des droits du peuple autochtone lahu, avait fait l'objet suite à son entretien avec le Rapporteur spécial sur la situation des défenseurs des droits de l'homme pendant la visite de ce dernier en Thaïlande en mai 2017 (THA 4/2017).

70. En août 2017, M[me] Sirikan Charoensiri, membre de Thai Lawyers for Human Rights, a été accusée d'avoir donné de fausses informations concernant une infraction pénale, ce qui pourrait être directement lié à sa coopération avec les mécanismes de l'ONU relatifs aux droits de l'homme. Elle avait été accusée précédemment de sédition (THA 2/2017).

71. Le Sous-Secrétaire général a fait part de ces allégations au Gouvernement pendant sa visite en Thaïlande en mars 2018 et lui a ensuite adressé une lettre le 27 avril 2018.

Trinité-et-Tobago

72. Le 21 juillet 2017, des titulaires de mandat au titre des procédures spéciales se sont déclarés préoccupés par la privation de liberté de Zaheer Seepersad, qui était interné au St. Ann's Psychiatric Hospital, ainsi que d'autres personnes présentant un handicap psychosocial (TTO 2/2017). Ils ont fait part de leur vive préoccupation concernant les actes de harcèlement et d'intimidation et les menaces dont M. Seepersad avait constamment fait l'objet depuis qu'il avait porté ses griefs à l'attention du Groupe de travail sur la détention arbitraire (voir A/HRC/WGAD/2017/68, par. 34-35).

Turquie

73. D'après des renseignements reçus le 20 août 2017, les pages Web gérées par Housing and Land Rights Network − Habitat International Coalition auraient subi une série de cyberattaques, qui se seraient répétées en septembre 2017 et en avril 2018. L'organisation visée pense qu'il s'agit de représailles consécutives à la diffusion du rapport qu'elle a soumis à la Conférence des Nations Unies sur le logement et le développement urbain durable (Habitat III).

74. Après l'adoption le 16 juin 2017 par le Groupe de travail sur la détention arbitraire d'un avis concernant Kursat Çevik, commissaire de police turc, les médias turcs progouvernementaux ont diffusé de faux renseignements dénaturant l'avis du Groupe de travail et contenant plusieurs accusations contre M. Çevik, qui aurait aussi subi des représailles sur son lieu de détention (voir A/HRC/39/45, par. 28). Le Gouvernement a répondu aux allégations le 31 juillet 2018.

Turkménistan

75. Le 18 mai 2018, lors d'une réunion régionale au Kirghizistan, le Sous-Secrétaire général s'est entretenu avec des défenseurs des droits de l'homme venus de quatre pays d'Asie centrale, mais il a dit regretter que l'ONU ne se soit pas sentie en mesure d'inviter des représentants du Turkménistan à cette réunion de crainte qu'ils ne soient victimes d'intimidation ou de représailles de la part des autorités turkmènes en raison de leur coopération avec l'ONU[29].

Venezuela (République bolivarienne du)

76. Selon les informations reçues, des représentants du Gouvernement vénézuélien auraient menacé et harcelé des représentants de la société civile qui avaient animé une manifestation parallèle pendant la trente-cinquième session du Conseil des droits de l'homme le 6 juin 2017.

77. Le 19 janvier 2018, le Sous-Secrétaire général a transmis ces allégations par écrit au Gouvernement.

[29] Voir www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=2310 9&LangID=E.

VI. Conclusions et recommandations

78. **Quand je me suis exprimé devant le Conseil des droits de l'homme en février 2018, j'ai affirmé que nous devrions tous être profondément choqués et révoltés de l'ampleur des actes de représailles, d'intimidation et d'agression que subissent les acteurs de la société civile en raison de leurs activités, y compris lorsqu'ils collaborent avec le système des Nations Unies (SG/SM/18912-HRC/26). Comme le montre le nombre d'allégations recensées dans le présent rapport, les actes d'intimidation et les représailles contre les personnes cherchant à coopérer ou ayant coopéré avec l'ONU sur la question des droits de l'homme se poursuivent et demeurent extrêmement préoccupants. Dans le même temps, l'ONU est consciente que les cas d'intimidation et de représailles dont il est fait état dans le présent rapport ne sont qu'une partie de ceux qui surviennent régulièrement. Plusieurs affaires ont été omises pour des raisons de sécurité et pour protéger la personne ou l'organisation concernée, et de nombreux actes de ce type ne sont vraisemblablement pas signalés.**

79. **Les effets des actes d'intimidation et de représailles ne se limitent pas aux personnes et aux groupes qui sont directement visés. Ces actes sont aussi alarmants en raison du message qu'ils font passer aux autres personnes et acteurs, qu'ils relèvent de l'État ou appartiennent à la société civile, qui souhaitent collaborer avec l'ONU et exprimer leur opinion librement. Malheureusement, l'ONU constate que, dans toutes les régions, il existe des signes d'autocensure en ce qui concerne la coopération avec ses institutions aux niveaux local, national, régional et international. Les conséquences de la crainte de représailles ne sont pas uniquement manifestes sur le terrain, où les membres du personnel des Nations Unies rencontrent souvent des personnes qui ont trop peur pour leur parler, mais aussi au Siège à New York et à Genève.**

80. **Les Présences sur le terrain ont aussi signalé des tendances inquiétantes liées aux actes d'intimidation et de représailles qui entravent leurs travaux. Dans les situations de conflit, la crainte de représailles empêche l'ONU de s'acquitter de son mandat consistant à fournir une aide humanitaire et à protéger les civils. Par exemple, au niveau local, des collègues ont déclaré avoir constaté en arrivant sur place que la population n'était pas disposée à parler ou ne viendrait pas à la réunion prévue pour ne pas être vue en train de donner des renseignements à l'ONU. Les membres des communautés locales ne sont pas les seuls visés ; leurs représentants légaux, intermédiaires, témoins et interprètes le sont aussi. Dans le contexte du développement, il est fréquent, dans bon nombre de pays, que ceux qui s'expriment sur les projets liés à l'exploitation des terres et des ressources vivent dans un climat d'hostilité. Les peuples autochtones, en particulier, continuent d'être victimes de représailles quand ils cherchent à participer aux processus de développement.**

81. **Il ressort en outre des cas signalés à l'ONU que les femmes et les lesbiennes, gays, bisexuels, transgenres et intersexes font face à des obstacles, des menaces et des actes de violence liés au genre ou à l'orientation sexuelle. Des femmes qui coopèrent avec l'ONU ont indiqué avoir fait l'objet de menaces de viol et de campagnes de dénigrement sur Internet. Au moins un cas d'agression sexuelle en détention a été signalé l'année passée. Des femmes et des lesbiennes, gays, bisexuels, transgenres et intersexes ont aussi fait savoir qu'ils avaient subi des fouilles corporelles et des traitements humiliants et dégradants. L'ONU sait que ces faits sont rarement dénoncés en raison des obstacles liés au genre qui empêchent les victimes de se manifester. Nombre de femmes et de lesbiennes, gays, bisexuels, transgenres et intersexes en butte à des représailles du fait de leurs activités de plaidoyer indiquent qu'ils sont mis à l'écart dans leur communauté et que leur famille est menacée. L'ONU doit redoubler d'efforts pour recueillir des informations sur le vécu de ces personnes et faire en sorte que celles-ci soient ventilées et dûment analysées, afin d'éviter que ces personnes ne soient exposées à des risques supplémentaires.**

82. **L'éventail des actes d'intimidation et de représailles reste large, et ces actes sont souvent déguisés en obstacles juridiques, politiques et administratifs. Aux mesures telles que les interdictions de voyager, les arrestations et détentions arbitraires et les campagnes de surveillance et de diffamation, s'ajoutent par exemple**

les coupes budgétaires et l'application sélective de lois, anciennes ou nouvelles, qui restreignent les activités des organisations susceptibles de coopérer avec l'ONU. Les mesures qui portent atteinte à la légitimité juridique des organisations ou à leur capacité d'obtenir et de conserver un financement, en particulier de la part de donateurs étrangers, sapent leur capacité de coopérer avec l'ONU. De telles mesures peuvent aussi dissuader des organisations de coopérer avec l'ONU et contribuer à la réduction de l'espace civique.

83. **Une autre tendance inquiétante est l'utilisation par les États des arguments relatifs à la sécurité nationale et des stratégies de lutte contre le terrorisme pour justifier le fait que des groupes et des organisations de la société civile soient empêchés d'accéder à l'ONU. Au cours de l'année passée, un certain nombre d'organisations non gouvernementales et de défenseurs, de militants et d'experts dans le domaine des droits de l'homme ont été qualifiés de « terroristes » par leur gouvernement. On dénombre parmi les cas signalés des personnes ou des organisations officiellement accusées de terrorisme, mises en cause pour avoir coopéré avec des entités étrangères, ou accusées de porter atteinte à la réputation ou à la sécurité de l'État.**

84. **Les États ont souvent invoqué la lutte contre le terrorisme pour justifier le fait qu'une organisation ou une personne soit empêchée de participer aux travaux de l'ONU. Si réelle que soit la menace mondiale du terrorisme, cette question doit être abordée sans préjudice du respect des droits de l'homme, car les droits de l'homme et la souveraineté nationale ne sont pas contradictoires mais vont de pair. Comme je l'ai déjà souligné, le terrorisme est, en substance, la négation et la destruction des droits de l'homme et ce n'est pas en suivant le même chemin que la lutte contre le terrorisme aboutira. Lorsque nous protégeons les droits de l'homme, nous nous attaquons aux causes profondes du terrorisme**[30]**. Les stratégies de lutte contre le terrorisme ne peuvent justifier que certaines personnes et organisations soient empêchées d'accéder à l'ONU sur le seul fondement d'allégations de liens avec le terrorisme.**

85. **La majeure partie des cas décrits dans le présent rapport démontrent que les actes d'intimidation et de représailles sont généralement commis par des représentants de l'État ou, à tout le moins, avec l'accord tacite de l'État. Cela étant, les violations perpétrées par des acteurs non étatiques doivent être prises au sérieux. Je réaffirme que les États doivent mettre un terme à de tels actes, enquêter sur toutes les allégations portées à leur connaissance, offrir des recours utiles et adopter et mettre en œuvre des mesures préventives afin d'éviter que de tels actes ne se reproduisent. Je demande à tous les États de donner suite aux cas cités dans le présent rapport et dans les rapports précédents et d'apporter des réponses concrètes à ceux qui demeurent en suspens. Les personnes privées, les entreprises et les groupes non étatiques doivent également être tenus de rendre des comptes.**

86. **L'ONU s'emploie à améliorer l'action menée à l'échelle du système, mais il reste encore beaucoup à faire. Je demande à toutes les entités des Nations Unies d'être prêtes à réagir si elles sont empêchées de contacter leurs partenaires et de signaler immédiatement de tels cas. L'ONU doit renforcer la collecte d'informations sur les actes d'intimidation et de représailles en encourageant tous les organismes du système des Nations Unies à échanger plus régulièrement des informations sur ces cas et à prendre les mesures qui s'imposent. En outre, j'engage toutes les parties prenantes à signaler dès qu'elles en ont connaissance les actes présumés d'intimidation et de représailles liés à la coopération avec l'ONU dans le domaine des droits de l'homme, afin de permettre un suivi et une réaction appropriés. De telles mesures, prises dans l'ensemble du système, contribueront à accroître l'attention portée à ces affaires et encourageront les gouvernements à agir de manière positive.**

[30] Voir l'exposé fait par le Secrétaire général à la School of Oriental and African Studies, Université de Londres, sur le sujet "Counter-terrorism and human rights: winning the fight while upholding our values" (lutte contre le terrorisme et droits de l'homme : gagner le combat tout en défendant nos valeurs) (16 novembre 2017).

87. **Comme je l'ai affirmé dans mon précédent rapport (A/HRC/36/31), tout acte d'intimidation ou de représailles contre des personnes ou des groupes cherchant à coopérer ou ayant coopéré avec l'ONU dans le domaine des droits de l'homme est absolument inacceptable. De tels actes sont contraires aux principes mêmes de l'ONU et doivent cesser. Le monde a le devoir de veiller au respect du droit de participation des personnes qui défendent les droits de l'homme avec courage et qui ont répondu aux demandes d'information et de collaboration avec l'ONU. Sanctionner des personnes au motif qu'elles coopèrent avec l'ONU est une pratique honteuse, que chacun doit s'employer plus résolument encore à éradiquer.**

Annexe I

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

1. Bahrain

1. Ten special procedure mandate holders expressed grave concern about an ongoing trend of harassment and intimidation against Bahraini civil society representatives seeking to cooperate with the United Nations. Reprisals have taken the form of sweeping travel bans for at least 20 selected individuals, and the arrest, detention, sexual assault and torture and other forms of ill-treatment of other targeted individuals (see 4 July 2017, BHR 8/2017 (the Government responded on 2 August 2017); 13 July 2017, BHR 9/2017 (the Government responded on 2 August 2017); and 13 December BHR 13/2017 (at the time of writing the Government had not responded).[1]

2. Long-standing travel bans remained in effect for many civil society representatives during successive sessions of the Human Rights Council, preventing them from participating between June 2017 and June 2018.[2] A number of individuals have also reported the use of intimidation because of their past engagement with the Council to discourage them from speaking out again, including threats of physical violence, public defamation and rape.

3. Three family members of Mr. Sayed Ahmed Al-Wadaei, of the Bahrain Institute for Rights and Democracy who has engaged with the Human Rights Council, were sentenced on terrorism-related charges on 30 October 2017. In March 2017, while Mr. Al-Wadaei was attending the 34th session of the Human Rights Council in Geneva, Mr. Al-Wadaei's brother-in-law Mr. Sayed Nazar Al-Wadaei, cousin by marriage, Mr. Mahmoud Marzooq Mansoor and mother-in-law Ms. Hajar Mansoor Hassan were arrested in Bahrain, subjected to different forms of ill-treatment and torture, and faced terrorism-related charges. Bahraini authorities also reportedly targeted Mr. Al-Wadaei's wife, Ms. Duaa Al-Wadaei in March 2018 when she was sentenced in absentia to two months prison for "insulting a police officer." It was reported that Ms. Hajar Mansoor Hassan faced further reprisals in her place of detention, the Isa Town Prison Center, based on the raising of her and her family's case and conditions in the Prison Center by civil society at the Human Rights Council on 2 July 2018 and at the review of Bahrain by the Human Rights Committee from 2 to 4 July 2018.

4. The Assistant Secretary-General for Human Rights addressed allegations in writing to the Government of Bahrain on 25 July 2017 and 29 May 2018. On 25 June 2018 the Government responded to the allegations of travel bans that freedom of movement in Bahrain is guaranteed by law, and that Ms. Ebtesam Al-Alsaegh, Mr. Nabeel Rajab, Ms. Neda Al-Salman (see Annex II of the present report), and the family members of Mr. Al-Wadaei's were not subject to reprisals for cooperation with the United Nations but rather responsible for criminal offenses.

5. With regard to Mr. Sayed Ahmed Al-Wadaei's family members (Mr.Nazar Al-Wadaei, Mr. Mahmoud Marzooq Mansoor, and Ms. Hajar Mansoor Hassan), the Government stated they were faced reprisals for committing criminal offences and not because of Mr. Al-Wadaei's cooperation with the United Nations. Regarding Mr. Nazar Al-Wadaei, according to the Government, two persons who investigated in relation to a 30-person attack on a public order patrol on 3 January 2017 confessed that Mr. Nazar Al-Wadaei was involved. The Office of the Prosecutor referred the case to the court, and Mr.

[1] OHCHR, "Bahrain must end worsening human rights clampdown, UN experts say," 16 June 2017.

[2] Individuals included in the travel ban include: Mr. Mohamed al Tajer, Ms. Enas Oun, Mr. Ahmed al-Saffar, Ms. Fatima al-Mutawa, Ms. Rula al-Saffar, Ms. Jalila al-Salman, Ms. Nidal al-Salman, Mr. Radhi al-Musawi, Ms. Fatima al-Halwachi, Mr. Ebrahim Sharif, Mr. Ahmed Radhi, Mr. Mohamed Jawad, Dr. Taha al-Durazi, Mr. Faisal Hayat, Mr. Munthur al-Khour, Ms. Masooma al-Sayed, Ms. Rihanna al-Musawi, Sayed Talal al-Musawi and Mr. Ali al-Ghadeer, among others.

Al- Wadaei was sentenced to seven years in prison. The decision is awaiting appeal at the Supreme Appeal Court, to resume on 5 June 2018.

6. Regarding Mr. Nazar Al-Wadaei, Mr. Mahmoud Marzooq Mansoor and Ms. Hajar Mansoor Hassan, according to the Government they were arrested for planting explosives in public places on 28 January 2017 and confessed to committing the act. Regarding Mr. Nazar Al-Wadaei and Mr. Younes Abdel Aziz, they were arrested for planting explosives in public places on 8 March 2017. According to the Government, Mr. Nazar confessed that he was instructed by Mr. Younes to commit the act. On 29 November 2017, Mr. Al-Wadaei and Mr. Abdel Aziz received a three-year prison sentence. On 8 February 2018, the Appeal Court accepted the case on a procedural basis, and the session took place on 13 June 2018. Regarding Ms. Duaa Al-Wadaei, the Government stated that she was not arrested because of her husband's activities, but arrested and charged with insulting a public servant. According to the Government, when Ms. Al-Wadaei was leaving the country, when the passport officer asked for her boarding pass she threw her boarding pass in a provocative manner and spoke to the officer in a demeaning manner. On 21 March 2018, the Court sentenced Ms. Al-Wadaei in absentia to two months of imprisonment.

2. Cameroon

7. On 26 October 2017, five special procedures mandate holders expressed concern about allegations of physical attacks, intimidation, and harassment against Ms. Maximilienne Ngo Mbe and Ms. Alice Nkom, following their participation in the review of Cameroon by the Human Rights Committee (CMR 5/2017). Ms. Ngo Mbe is the Executive Director of a coalition of Central Africa Human Rights Defenders – Network, and Ms. Nkom, is President of a Lesbian Gay Bisexual Transgender and Intersex (LGBTI) persons association, and also a member of the Network. It is alleged that both women are being targeted for their human rights advocacy - Ms. Ngo Mbe in relation to her efforts to bring attention to human rights violations committed in the English-speaking areas of southwest and northwest Cameroon, and Ms. Nkom for her advocacy against the criminalization of homosexuality in Cameroon. Both women human rights defenders have been the subject of previous communications by the special procedures, on 8 April 2010 an urgent appeal concerning Ms. Ngo Mbe (CMR 1/2010), on 5 August 2011 an urgent appeal concerning Ms. Ngo Mbe (CMR 1/2011), on 5 November 2012 an urgent appeal concerning Ms. Nkom (CMR 5/2012), on 13 August 2013 an urgent appeal concerning Ms. Ngo Mbe and Ms. Nkom (CMR 3/2013), and on 27 April 2015 an urgent appeal concerning Ms. Ngo Mbe and Ms. Nkom (CMR 1/2015). At time of writing, the Government has not responded to the special procedures' urgent appeals.

8. Both women had contributed to a joint alternative report on Cameroon for its review to the Human Rights Committee, and the special procedures expressed serious concerns about the increasingly threatening nature of the physical attacks, acts of intimidation and harassment against them, and the further risk of reprisals as a result of their meetings with the Committee.. On 11 July 2018, the Government responded to the special procedures' communication of 26 October 2017, stating that the complainants should provide detailed evidence justifying the allegations, in order to allow and facilitate action by Cameroon. The Government emphasized that Cameroon is a state of law and not a police state, with regard to measures aimed at ensuring the full enjoyment of their freedom of association, including protective measures against any form of reprisal for their cooperation with the human rights mechanisms. According to the Minister of External Relations neither the gendarmerie nor by the police have ever been questioned Ms. Ngo Mbe and Ms. Nkom in relation to their human rights activities or their cooperation with human rights mechanisms. According to the Ministry of Foreign Affairs, it is a priority of Cameroon to ensure the protection of all persons and all individuals living on its national territory in accordance with the principle of equality of before the law, therefore it is the Government's view that neither Ms. Ngo Mbe and Ms. Nkom can benefit from sui generis protection. During the universal period review of Cameroon on 16 May 2018, one Member State recommended that the Government take all necessary measures to enable human rights defenders and civil society to conduct their legitimate activities without fear of reprisal (see A/HRC/39/1, para. 121.125)..

3. China

9. On 18 June 2018, in his opening statement to the thirty-eighth session of the Human Rights Council, the High Commissioner for Human Rights highlighted the continuing efforts of China to prevent independent members of civil society from engaging with United Nations human rights mechanisms, including treaty body reviews, the universal periodic review, and many special procedures mandate holders. The High Commissioner encouraged the authorities to enable all actors to contribute to all the international human rights mechanisms and to cooperate with them in a spirit of open and mutual partnership.[3]

10. In July 2017, police officially lifted bail conditions on Ms. Wang Yu, a Chinese lawyer working in defense of the rights of Chinese citizens, including high profile human rights defenders cooperating or seeking cooperate with the United Nations. Ms. Wang had reportedly been targeted for her legal representation on several sensitive cases, including her role in the case of Ms. Cao Shunli, a human rights defender who died in custody in 2014 following engagement with the second universal periodic review cycle of China (see A/HRC/33/19, para. 39; A/HRC/27/38, paras. 17-19; and A/HRC/30/29, Annex, para. 1).[4]

11. In July 2015, Ms. Wang was at the centre of the "709" incidents concerning human rights lawyers, legal assistants and law firm staff, and activists across the country, named for the date on which it took place (9 July 2015) and her situation was addressed in a prior communication by four special procedures mandate holders (CHN 6/2015) and in a statement by the High Commissioner for Human Rights.[5] Upon her arrest Ms. Wang at first disappeared, then was subsequently charged with inciting "subversion of state power." In the early hours of 9 July 2015, police reportedly abducted Ms. Wang from her home in Beijing and, in January 2016, following six months of incommunicado detention in "residential surveillance at a police-designated location," Ms. Wang's family received a notice stating she had been formally arrested and was being held at Tianjin No. 1 Detention Center. Ms. Wang was reportedly tortured in custody and forced to confess to criminal behaviour. According to Ms. Wang, a police officer referenced the situation of Ms. Shunli's death during her own interrogation, noting that if she died in custody, she would become "another Cao Shunli."

12. After a video was released on 1 August 2016 where Ms. Wang gave a reportedly coerced televised confession, she and her family were held under house arrest in an apartment in Inner Mongolia, with 24-hour police guards and escorts if they left the residence. She was subsequently released on bail. In July 2017, police officially lifted bail conditions on Ms. Wang and her husband, but the family reportedly continues to live under surveillance.

13. According to information received, on 11 May 2018 Mr. Qin Yongmin, democracy activist and dissident, was prosecuted in part for his advocacy of the use of United Nations human rights mechanisms amongst civil society in China, including the Working Group on Arbitrary Detention, and for promotion of the implementation of United Nations human rights treaties to which China is a party. Mr. Qin had also appealed to the special procedures to intervene on behalf of his wife, Ms. Zhao Suli, who has been held incommunicado while under "residential surveillance" (de facto house arrest) since February 2018, following over three years of enforced disappearance in police custody. Like Mr. Qin, Ms. Zhao has been in State custody since January 9, 2015, when they were both disappeared by police in Wuhan.

14. The Wuhan City Intermediate People's Court in Hubei Province charged Mr. Qin for "subversion of state power" (Criminal Law, Article 105(1)), and on 11 July 2018 sentenced him to 13 years in prison. The criminal indictment against Qin, which was issued by Wuhan City People's Procurorate on 17 June 2016, states that Qin was being prosecuted due to his promotion of engagement with United Nations human rights mechanisms, and

[3] OHCHR, "Opening statement and global update of human rights concerns by UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein at 38th session of the Human Rights Council," 18 June 2018.

[4] 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.

[5] OHCHR, "UN Human Rights Chief deeply concerned by China clampdown on lawyers and activists, 16 February 2016.

that his "fundamental method of his [advocacy] work is based on using the Constitution and various UN human rights treaties, leading those around him to strive for human rights protections, organizing them in accordance with the law, uniting various spontaneously created organizations, and coordinating the work on various fronts," as a way to allegedly form a "powerful political opposition group."

15. According to information received, Guizhou activist Mr. Mi Chongbiao and his wife, Ms. Li Kezhen have been forcibly disappeared since April 2018. They were detained incommunicado by State agents in May 2012 in Guiyang City, Guizhou Province, after Mr. Mi posted online a complaint that he had submitted to the United Nations Human Rights Council about rights violations that his family has suffered. Officers from Guizhou Public Security Bureau have mainly held the elderly couple (Mr. Mi is currently 78 and Ms. Li is around 67) in "black jails," makeshift facilities used to illegally detain dissidents, activists, and petitioners. Mr. Mi has reportedly been subjected to ill-treatment and torture. Ms. Li has not been involved in human rights advocacy and is being persecuted solely on the basis of her relationship to Mr. Mi.

16. On 31 July 2018 the Government responded to the allegations. Regarding the case of Ms. Wang, the Government stated that in July of 2015, she 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." Regarding the case of Mr. Mi Chongbiao, the Government stated that in May of 2012, he was "lawfully subjected to criminal detention on suspicion of troublemaking, which was subsequently changed to residential surveillance that was lifted in August 2012. The Government further noted that allegations of "disappearances" or "arbitrary detentions" are at odds with the facts.

17. Pertaining to Mr. Qin, the Government stated that in March of 2015, he was "lawfully subjected to criminal detention on suspicion of subverting State power; his arrest was approved by the procuratorial authorities in May of 2015, and [his case] was referred for prosecution in June of 2016." The Government noted that the Wuhan Municipal Intermediate People's Court held an open trial on 11 July 2018, which held that Mr. Qin had committed the crime of subverting State power and lawfully sentenced him to 13 years' fixed-term imprisonment and three years' deprivation of political rights. The Government stated that, "following his release on the completion of his term of imprisonment [for that crime], and motivated by his dissatisfaction with State power and the socialist system, he continued to engage in activities subversive of State power, advocating his ideas on subverting State power and proposing the goal, strategies and methods of subverting it through written essays, published books and the use the Internet and foreign media." The Government stated that to "achieve the goal of subverting State power, Mr. Qin sought out members, drafted regulations and established the structure of an unlawful organization that he set up with himself as its head, and raised funds by levying membership fees, soliciting donations and accepting financial subsidies, to be used for undertaking activities subversive of State power." The Government did not address the allegation of reprisals.

4. Colombia

18. On 1 February 2018, five special procedures mandate holders addressed allegations of death threats by paramilitary groups to Mr. Germán Graciano Posso, a member of the Peace Community of San José del Apartadó, following his participation in the United Nations Forum on Business and Human Rights in Geneva in 2017 (COL 1/2018). On 27 and 28 November 2017, Mr. Graciano Posso gave two speeches as a panellist at the Forum, where he denounced the incursions, aggressions, and repeated death threats from paramilitary groups against members of the Peace Community, because of their work highlighting the illicit financing of Chiquita Brands by paramilitary groups. On 29 December 2017, five paramilitaries broke into a warehouse with the intention of assassinating him. Three of the attackers managed to flee, and two were captured and handed over by the community to government authorities who reportedly released them 24 hours after the event, whereby they continued to threaten the community in retaliation for the events that took place. At the time of writing the Government had not responded to the special procedures' urgent appeal.

5. Cuba

19. On 11 May 2018, the spokesperson for the High Commissioner for Human Rights stated that OHCHR had received worrying reports that officials in Cuba have prevented a number of human rights defenders and civil society representatives from boarding flights to travel to meetings abroad on the pretext of requiring more detailed identity checks. Those measures have resulted in passengers missing their flights, and therefore the meetings, which in many cases, were organized by a United Nations entity. At the time of writing OHCHR had received direct information relating to 14 cases of Cuban human rights defenders who were told by officials that the computer system required extra screening.

20. There have also been reports that dozens of other people may have been stopped in this way from travelling, allegedly with no explanation by the Cuban authorities as to why they were held up nor on whose orders. Civil society organizations reported that the numbers of such instances have increased since 2016 and some human rights organizations were even informed that they would be banned from travelling outside Cuba until June 2018.

21. The spokesperson called on the Cuban authorities to respect everyone's right to freedom of expression and to freedom of movement, and to ensure that human rights defenders and civil society representatives are not unjustifiably prevented from travelling, including those planning to attend United Nations meetings, in particular its universal periodic review on 16 May 2018 in Geneva.

22. On 9 February 2018, two special procedures mandate holders expressed their concern to the Government about allegations of interrogation, threats and unofficial travel bans in individual cases, including Mr. José Ernesto Morales Estrada of Consejería Jurídica e Instrucción Cívica (CUB 1/2018). Mr. Morales Estrada has collaborated with the United Nations on different occasions, mainly the Human Rights Council and treaty bodies. Mr. Morales Estrada travelled to Geneva at the end of November 2017 to take part in the 94th session of the Committee on the Elimination of Racial Discrimination and the 10th session of the United Nations Forum on Minority Issues.

23. On 18 December 2017, Mr. Morales Estrada received a summons to appear before the local police in Pinar del Río. During his interrogation, he was allegedly threatened and informed that from that day he would be prohibited from traveling outside of Cuba due to his human rights advocacy with the United Nations. The official-in-charge is alleged to have said that his participation in United Nations forums had negative effects for Cuba at the international level. In a letter dated 6 April 2018, the Government categorically rejected the allegations, stating that Cuba does not detain, threaten or harass people for peacefully exercising their rights and that Mr. Morales Estrada is free to leave the country.

24. According to information received on 18 February 2018, Ms. Dora L. Mesa, of Asociación Cubana para el Desarrollo de la ducación Infantil (ACDEI), was advised at the passport office (Oficinas de la Dirección de Inmigración y Extranjería) that an indefinite travel ban had been imposed on her due to 'public interest.' Ms. Mesa has no past criminal or judicial charge pending, and there is concern that this *de facto* travel ban has been imposed as a reprisal in relation to her previous engagement with United Nations human rights mechanisms and to prevent her from engaging with the universal periodic review. She has reportedly been subject to surveillance and harassment at her home.

25. Ms. Mesa, Mr. Juan Antonio Madrazo Luna and Ms. Marthadela Tamayo González, had planned to participate in pre-meetings related to the universal periodic review. On 7 April 2018, Mr. Madrazo Luna and Ms. Tamayo González both members of the Comité Ciudadanos por la Integración Racial (CIR), were subject to intense scrutiny at the airport by customs and immigration officials, and were prevented from being able to board the plane to travel to Geneva. On 12 May 2018, Mr. Madrazo Luna was traveling to attend the universal periodic review session and intercepted at Havana airport and detained by the police for two hours for a "verification of (his) documents" which ensured he missed his flight to Geneva (via Madrid). It was also reported that the taxi driver driving Mr. Madrazo Luna to the airport was fined by the police, detained and driven to a police station where he was interrogated. During the universal periodic review of Cuba in May 2018, a Member State recommended that Cuba allow human rights defenders and civil society to engage with the United Nations and its mechanisms (see A/HRC/39/16, para. 24.158).

26. The Assistant Secretary-General for Human Rights addressed these allegations in writing to the Government of Cuba on 11 April 2018. On 10 May 2018 the Government responded that the individuals mentioned in the letter do not merit the categorization of 'human rights defender' because of the large monetary sums received for their work from undue foreign influence intent on regime change. The Government stated that these individuals should be more appropriately called 'foreign agents,' and rejected categorically the allegations of reprisals.

6. Democratic Republic of the Congo

27. The United Nations Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), reported that on 25 September 2017, in Lubumbashi, Haut-Katanga province, a human rights defender who had sent a letter alleging human rights violations committed in Kambove territory, became a victim of threats and harassment by an Agence Nationale de Renseignement (ANR) provincial agent. It is alleged that the agents formally reprimanded the human rights defender for sending such a letter to MONUSCO.

28. On 28 October 2017, in Luebo, Kasai province, a United Nations team of joint human rights officers, accompanied by their MONUSCO military escort, was threatened by soldiers of the Forces Armées de la République Démocratique du Congo (FARDC) soldiers. FARDC soldiers and Police Nationale Congolaise agents were posted outside the hotel where the United Nations team stayed, presumably to monitor the team's movement and to identify persons coming to visit the team. It is alleged that two persons who wanted to speak with the United Nations team were arrested by FARDC soldiers and released the following day. A note verbale was sent by MONUSCO to the Congolese authorities addressing this particular incident.

29. On 20 December 2017, in Nyiragongo, North Kivu province, a representative of a local development NGO was abducted by unknown individuals who mistreated and hit him while asking questions. He managed to flee after nine days in captivity. This incident is allegedly linked to a World Bank visit in early 2017 when the NGO representative denounced the embezzlement of World Bank funds by the NGO's coordinator and agents of the Fonds Social de la République, an institution attached to the Presidency of the Republic in charge of managing funds for development projects brought by international partners such as the World Bank. Since the World Bank's visit, the NGO representative has been receiving threats through anonymous calls and text messages. In a meeting in March 2017 with the Antenna (sub-office) of the Fonds Social de la République in North Kivu, the coordinator of the NGO and his collaborators allegedly threatened the NGO representative if he continued to denounce their misbehaviour, and fired him.

30. On 24 April 2018, in Kimpese, Kongo central province, a human rights defender was allegedly threatened by a police commissioner following his advocacy for the release of six detainees, including one child. The police commissioner, who was armed, allegedly intimidated him publicly for sharing reports on allegations of human rights violations with MONUSCO.

7. Djibouti

31. In April 2018, Mr. Kadar Abdi Ibrahim, a professor, journalist and human rights defender, conducted advocacy activities in Geneva, and presented a joint NGO submission prior to the universal periodic review of Djibouti. On 15 April 2018, two days after returning from Geneva, it was reported that he was briefly detained and had his passport confiscated by Secret Service agents who raided his home. The Secret Service agents gave no reason for his arrest and confiscation of his passport. Mr. Ibrahim has since been unable to leave the country. As a result, he was unable to participate in the review of Djibouti by the Working Group on the universal periodic review held on 10 May 2018. Four Member States expressed their concern to the Government of Djibouti during its examination by the universal periodic review in May 2018.[6]

[6] Report of the Working Group on the Universal Periodic Review Djibouti (see A/HRC/39/10, paras. 54 (Croatia), 64 (Germany), 84 (Ireland) and 104 (The Netherlands)).

8. Egypt

32. Various United Nations actors addressed the situation of Mr. Ebrahim Abdel Moneim Metwally Hagazy, one of the founders of the Association of the Families of the Disappeared. Mr. Metwally was traveling on 10 September 2017 from Cairo to Geneva to attend a meeting with the United Nations Working Group on Enforced and Involuntary Disappearances on 15 September 2017.[7] Mr. Metwally had submitted a complaint on 3 April 2016 to the Working Group on behalf of his son, Mr. Amr Ibrahim Abdel Moneim Metwally, who was arrested on 7 August 2013 in Kafr El-Sheikh Governorate by police and army security forces and who has been reported as disappeared (see A/HRC/WGEID/109/1, para. 35). The Assistant Secretary-General for Human Rights addressed this case in writing to the Government on 15 September 2017 and to the Human Rights Council on 20 September 2017.[8] On 3 October 2017, seven special procedures mandate holders expressed concern about his arrest and incommunicado detention (EGY 14/2017). The Government of Egypt replied to the Working Group (see below) and addressed the Human Rights Council on 20 September 2017.

33. Mr. Metwally was charged with founding and leading an illegal terrorist organisation, conspiracy with foreign entities or organizations to harm state security, and spreading false information. He was detained in Aqrab Prison for 15 days, pending the investigation, and reportedly subjected to ill-treatment and torture in detention. The Government responded to the special procedures on 8 November 2017, available online, but information has been received that he is still being held in solitary confinement in pre-trial detention and cannot exercise his right to *habeas corpus*.

34. The Working Group on Enforced and Involuntary Disappearances expressed its continued concern that the cases and charges against Mr. Metwally may relate to his documentation of cases of enforced disappearance in Egypt, including for submission to the Working Group, and requested an update from the Government on outstanding questions raised, including whether an OHCHR letter confirming a meeting with the Working Group is part of the criminal file of Mr. Metwally and is being used as evidence against him (see A/HRC/WGEID/114/1, para. 56). The Government replied that it was not yet possible to confirm whether Mr. Hegazy had been holding a letter from OHCHR as the items found in his possession at the time of his arrest were still being inspected, and the Working Group on Enforced and Involuntary Disappearances has subsequently requested an update on this matter.

35. On 31 July 2018 the Government provided an update to OHCHR, reiterating its previous communications with the Working Group, including its response to special procedures (EGY 14/2017) on 8 November 2017. The Government noted that Mr. Metwally was charged with leading a terrorist group (in association with the Muslim Brotherhood) and spreading false news, statements and rumours abroad about the internal situation in the country. It noted the case is still being investigated as Mr. Metwally is still being interrogated and his seized assets are being examined. The examination report of Mr. Metwally's e-mail, phone, and CDs is still pending. The officer who conducted the investigation and who was responsible for his arrest and search still needs to be interviewed. The Government noted that Mr. Metwally was presented upon his request more than once to the prison hospital, where he was subjected to medical examination and care, was allowed to telephone his family and was given clothes, food, and medicine in his cell. The Government did not address the allegations of reprisals.

36. On 21 February 2018, five special procedures mandate holders addressed the prolonged nine-month pre-trial detention of Ms. Hanane Baderraddine Abdalhafez Othman, of the Families of the Forcibly Disappeared Association, as well as allegations of her being denied medical attention while in prison (EGY 4/2018; and see A/HRC/WGAD/2017/78, paras 89-93). Ms. Othman began to advocate for justice for victims of enforced disappearance and their families after her husband, Mr. Khaled Mohamed Hafez Mohamed Azzedine, disappeared on 27 July 2013 following his arrest by state security forces during a demonstration in Nasr City, Cairo district. She has documented cases of enforced

[7] OHCHR, "UN rights experts dismayed by arrest of Egyptian lawyer Ebrahim Metwally en route to meet them," 15 September 2017.

[8] OHCHR, "Report highlights rising reprisals against human rights defenders cooperating with the UN," 20 September 2017.

disappearances for submission to the Working Group on Enforced and Involuntary Disappearances.

37. Ms. Othman was the subject of a previous communication by four special procedures mandate holders on 6 July 2017 (EGY 9/2017) that concerned her arrest on 6 May 2017 at the Al Qanater Al Khayriyah Prison in the Governorate of Qalyubiya, where she went to enquire about the fate and whereabouts of her husband. Following her arrest, she was brought to the Public Prosecutor of Shubra El Kheima in the Governorate of Qalyubiya, and charged with "belonging to a banned group" and "forming a women's organization." She is currently held at the Al Qanater Al Khayriyah Prison for women in reportedly inhuman conditions. The Government responded to the special procedures' communication of 6 July 2017 on 30 October 2017. However, nearly six months after being detained, Ms. Othman remains in pre-trial detention, without being charged. There is concern that her detention may be an act of reprisal for her cooperation with the Working Group on Enforced and Involuntary Disappearances.

38. During its eightieth session in November 2017, the Working Group on Arbitrary Detention rendered its opinion that the detention of Ms. Othman and other individuals was arbitrary, and requested the Government of Egypt to immediately release her and others and accord them an enforceable right to compensation and other reparations. The Working Group also referred the case to the Coordinating Committee of special procedures and the Assistant Secretary-General for Human Rights (see A/HRC/WGAD/2017/78, paras. 89-93). There has been no Government response to the communication of the special procedures of 21 February 2018.

39. In an update to OHCHR on 31 July 2018, the Government noted that the investigations indicated that the accused is involved in a number of women's groups, which aim to monitor officers and individuals, as well as the cars they use for transportation for the purpose of targeting them through terrorist operations. The Government confirmed that the accused is currently in Qanatar prison for women and is charged with joining a terrorist organisation in case number 5163 of 2017, Administrative Qanatar Khayreya Police Station. She has been provided with medical treatment. The Government did not address the allegations of reprisals.

9. Guatemala

40. On 30 November 2017, five special procedures mandate holders raised concerns regarding allegations of criminal charges against Mr. Jerson Xitumul Morales, a journalist who regularly collaborated with OHCHR Guatemala by providing information on the human rights situation in Izabal (GTM 6/2017). On 11 November 2017, Mr. Xitumul Morales was arrested in the city of El Estor, and accused of threats, instigation to commit a crime, illicit association, illicit meetings and demonstrations, damages and illegal detention. These accusations were related to demonstrations in May 2017 organized by fishermen from El Estor to protest against the alleged pollution of Lake Izabal by the mining activities of the Guatemalan Nickel Company (CGN). The participation of Mr. Xitumul Morales in the protests was limited to covering the events in his capacity as a journalist, narrating the facts and denouncing alleged excessive use of force.

41. The arrest of Mr. Xitumul Morales took place four days after personnel from the OHCHR office in Guatemala met with the mayor of El Estor to discuss the problems of the protests against mining activity in the region. During the meeting, the mayor reportedly accused Mr. Xitumul Morales, another journalist and seven fishermen of being part of organized crime.

42. At the end of his visit to Guatemala on 12 November 2017, the High Commissioner expressed support for the national human rights institution (Procuraduría de Derechos Humanos).[9] The statement followed reprisals faced by the human rights Ombudsman (Procurador de los derechos humanos), Mr. Augusto Jordán Rodas Andrade, allegedly due to his support to the International Commission against Impunity in Guatemala (CICIG). In particular, following the President's declaration of the head of the Commission as *persona non grata* in August 2017, Mr. Rodas Andrade filed an injunction order to prevent his

[9] OHCHR, Statement by UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein at the end of his mission to Guatemala, 12 November 2017.

removal from the country. Subsequently, Mr. Rodas Andrade became the victim of smear campaigns, including by authorities in the executive and legislative branches, and there have been attempts to remove him from his position. Mr. Rodas Andrade and his family have received threats and on 27 October 2017 they were granted precautionary measures by the Inter-American Commission on Human Rights. The Commission concluded that they are in a serious and urgent situation, with their rights to life and personal integrity at risk.

10. Guyana

43. On 18 October 2017, the Working Group of Experts on People of African Descent sent an urgent appeal to the Government of Guyana concerning alleged reprisals by prison authorities and guards against an individual [name withheld by the Working Group] incarcerated at Lusignan Prison (GUY 1/2017). The Working Group had interviewed the individual on 4 October 2017, and heard allegations that he was verbally threatened by prison authorities and guards for having cooperated with them during their official visit to Guyana from 2 to 6 October 2017. The Working Group expressed serious concern at the safety and well-being of the individual and requested the Government, as a matter of urgency, to investigate the allegations and ensure that no detainees would be subjected to harm, threats, harassment or punishment for being in contact with the Working Group. At the time of writing the Government had not responded to the Working Group's urgent appeal.

11. Honduras

44. Following the end of his official visit to Honduras on 12 May 2018, Mr. Michel Forst, the Special Rapporteur on the situation of human rights defenders, was "extremely concerned with the increasing number of acts of intimidation and reprisals against human rights defenders in connection with their engagement with the United Nations and its human rights mechanisms or with regional human rights organizations. These reprisals take the form of smear campaigns, harassment, intimidation, threats, physical attacks and killings."[10]

45. On 7 June 2017 four special procedures mandate holders sent a joint communication to the Government concerning allegations of death threats, attacks and reprisals against Ms. Hedme Castro (HND 3/2017), of the Asociación para una Ciudanía Participativa (ACI-PARTICIPA). The allegations related to surveillance and interference with her online correspondence, and her being held on 2 March 2017 at Toncontin international airport in Tegucigalpa, which prevented her from being able to board a plane to Geneva for a Human Rights Council side-event. Airport security allegedly conducted a "random" inspection of her luggage and interrogated her as to the purpose of her visit to Geneva, as well as to why she was carrying information regarding the situation of human rights in the country.

46. On 21 April 2017, a car without plates and with tinted windows was allegedly parked outside the office of ACI-PARTICIPA. On 1 May 2017, Ms. Castro and other members of ACI-PARTICIPA were reported to have been verbally and physically attacked during a demonstration by members of a company that operates in a region where ACI-PARTICIPA is helping the local indigenous community who are opposing actions by the company.

47. On 29 June 2017, the Government responded to the special procedures' communication of 7 June 2017, noting that no request was found by the Department of Human Rights in the Ministry of Security to implement protection measures for Ms. Castro or other members of ACI-PARTICIPA, but the Human Rights Defenders section, Special Attorney for Human Rights is investigating her and others' concerns regarding the airport security forces. The Government said it was impossible to contact Ms. Castro because she had left the country, therefore no risk assessment could be made on her behalf.

48. On 24 July 2017, the Human Rights Committee raised concern about reports that senior government officials made disparaging statements in the media about individuals and civil society organizations who had submitted information for the second periodic report of Honduras (see CCPR/C/HND/CO/2, para. 42). In July 2017 Honduran defenders

[10] OHCHR, End of mission statement by Michel Forst, United Nations Special Rapporteur on the situation of human rights defenders said at the end of his visit to Honduras, 12 May 2018.

from Coalición contra la impunidad travelled to Geneva to take part in the review of Honduras by the Human Rights Committee. The defenders provided information to the Committee regarding the murder of well-known environmental and human rights defender, Ms. Berta Cáceres in March 2016. In response the head of the Honduran delegation discredited the information and later made public statements, including to Honduran media outlets, that the information provided by civil society to the Human Rights Committee on the death of Ms. Cáceres was false and misleading.

49. On 6 July 2017, the President of the Supreme Court of Justice read a public statement on behalf of the Government, whereby it accused 50 civil society organizations[11] of having delivered false information to experts of the Human Rights Committee on the progress in the investigation of Ms. Cáceres' murder, and that it does not accept, "that bad Hondurans and national and foreign organizations…bring false or misrepresented information to damage the country with dangerous interests." The same communication was delivered by the Ministry of the Presidency in Honduras on 6 July 2017. On 18 July 2018 the Chair of the Committee met with the Government, who assured the Chair that no reprisals would occur.

50. The Assistant Secretary-General for Human Rights visited Honduras in July 2017 and raised allegations of reprisals with the Government.

12. Hungary

51. On 21 June 2017, three special procedures mandate holders addressed the alleged targeting of Budapest-based international disability rights non-governmental organisation Validity (formerly Mental Disability Advocacy Centre) following the release of a public report in May 2017 on allegations of human rights violations at the Topház social care institution (HUN 372017). Validity also brought these issues to the attention of OHCHR and to the Human Rights Committee when it considered the sixth periodic report of Hungary held in March 2018 (see CCPR/C/HUN/CO/6 para. 21 and CCPR/C/SR.3464 and 3465. Since the release of the report, the Government has reportedly tried to delegitimize the work conducted by Validity, threatening the organization that it would open criminal proceedings as well as intimidating its staff members. On 17 July 2017 a Validity representative was reportedly summoned by police in connection with the investigation. Validity are of the view that their targeting is related in large part to their advocacy with the United Nations human rights mechanisms.

52. Further, it was reported that among objections by Member States to non-governmental organisations participation in the Conference of States Parties to the United Nations Convention against Corruption in Vienna in November 2017, was an attempt to block the participation of K-Monitor, a Hungarian anti-corruption non-governmental organisation. There were reported efforts to place obstacles in the way of the participation by the conference of organizations working on issues related to corruption by authorities. The Bureau of States Parties of the Conference, voted against the objection of the State and applied rule 17 paragraph 2 of the Rules of Procedure of the Conference in relation to the participation of non-governmental organizations (see CAC/COSP/2017/14, para. 25). While K-Monitor was able to resume their participation, there are concerns that the objection seemed to be a reprisal for cooperation with the United Nations in regard to its anti-corruption advocacy.

[11] Coalición Contra la Impunidad integrated by: Asociación Arcoiris - Asociación de Jueces por la Democracia (AJD) - Asociación Intermunicipal de Desarrollo y Vigilancia Social de Honduras (AIDEVISH) - Asociación por una Ciudadanía Participativa (ACI-PARTICIPA) - Centro de Derechos de Mujeres (CDM) - Centro de Estudios de la Mujer Honduras (CEM-H) - Centro de Investigación y Promoción de Derechos Humanos (CIPRODEH) Colectivo Gemas - Colectivo Unidad Color Rosa - Comité de Familiares de Detenidos Desaparecidos de Honduras (COFADEH) - Comité por la Libre Expresión C-Libre - Comunidad Gay Sampedrana para la Salud Integral - Convergencia por los Derechos Humanos de la Zona Nor Occidental Crisálidas de Villanueva - Equipo de Reflexión, Investigación y Comunicación (ERIC) - Feministas Universitarias Frente Amplio del COPEMH - Foro de Mujeres por la Vida - Foro Social de la Deuda Externa y Desarrollo de Honduras (FOSDEH) - Movimiento Amplio por la Dignidad y la Justicia (MADJ) - Movimiento de Mujeres por la Paz Visitación Padilla - Red de Mujeres Jóvenes de Cortés Red de Mujeres Unidas de Colonia Ramón Amaya Amador - Red Nacional de Defensoras - Tribuna de Mujeres contra los Femicidios.

53. It was reported that two organizations that participated in the review of Hungary by the Human Rights Committee during the consideration of the Government's periodic report in March 2018, the Hungarian Helsinki Committee and Amnesty International Hungary, have been targeted, at least in part, for their advocacy on migrants' rights at the United Nations.

54. It was reported that the Governing Fidesz party have used language such as calling for "cleaning out [the country]" with reference to civil society. In 2018, there has been a targeted campaign of putting stickers on the doors of NGOs reading 'organization supporting illegal migration,' reportedly carried out by coalition partner KDNP (Christian Democrats) or Fidelitas (the youth wing of Fidesz). The Hungarian Helsinki Committee received a sticker on their door on 27 June 2018, while Amnesty International received such a sticker on 12 June 2018.

55. Further, on 12 April 2018, *Figyelő,* a publication in Hungary, published more than 200 names of people part of a group regarded by Prime Minister Orbán as "mercenaries paid by George Soros to topple the Government." The list included members of human rights and anti-corruption organizations, refugee advocates, investigative journalists and faculty and officials from the Central European University, a number of which have cooperated with the United Nations and have been publicly intimidated for reporting to or about the United Nations. A number of media outlets have accused some of the names on this list of making complaints to the United Nations against the Government. The campaign by the ruling party Fidesz prior to the April 2018 elections featured hostile rhetoric and billboards against civil society and the United Nations, in particular with regard to the ongoing consultations around the Global Compact for Safe, Orderly and Regular Migration.

56. On 3 August 2018 the Government responded to the allegations. It noted that the Mental Disability Advocacy Centre (Validity) was not authorized to prepare and publish the documentation they made at the unit of Pest County Social Institution (Topház) without the guardians' permission. As several photographs of the report were published on the internet, the "Pest County Police Headquarters launched an investigation procedure on account of the criminal report of the state authority responsible for the maintenance of the Institution," which the Government should not be regarded as a form of retaliation in connection with any monitoring activity. The Government referred to its detailed position on the subject matter in response to the 21 June 2017 communication by special procedures (HUN 372017), available online.

57. Pertaining to the participation of K-Monitor in the 2017 Conference of States Parties to the United Nations Convention against Corruption, the Government stated that the objection was related to the organization's non-compliance with Hungarian legislation, and that making objections in compliance with the provisions of the Conference's Rules of Procedure are legitimate and should not be considered a reprisal.

58. Regarding the targeting of the Hungarian Helsinki Committee and Amnesty International Hungary, the Government notes it is of the position that "putting stickers on the doors of NGOs does not in any way prevent organizations from availing themselves of UN procedures in the field of human rights." Further, the Government notes that in the review of the Human Rights Committee, the Minister for Foreign Affairs and Trade of Hungary only remarked that "serious debates on this issue [migration] were taking place with non-governmental organizations, which exerted their voices in the international space" and that this should not be interpreted as a "call for cleaning out the country" with reference to civil society.

59. With regard to the allegations attributed to the publication *Figyelő*, the Government affirms that the "impugned acts are not attributable to the Government" given that *Figyelő* is not a publication of the Government, and that it "does not see how reporting about the activity of an NGO by the independent press would prove that the *Figyelő* publication is a result of the complaints filed with the UN." Further, the Government notes that the domestic courts are available for redress in the case of infringements by media outlets. Regarding the Government's rhetoric in the election campaign, in particular the ongoing consultations around the Global Compact for Safe, Orderly and Regular Migration, the Government notes 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."

13. India

60. On 9 November 2017 two special procedures mandate holders expressed concern at the use of the Foreign Contribution Regulation Act of 2010 to restrict the work of non-governmental organizations who seek to cooperate with the United Nations, for example, by refusing to renew or grant licenses (OTH 27/2017).

61. They drew attention to the revocation of the license of the Centre for Promotion of Social Concern (also known as People's Watch) under the Foreign Contribution Regulation Act, which was also addressed by three special procedures mandate holders on 31 May 2018 (IND 14/2018). On 29 October 2016 the Ministry of Home Affairs reportedly refused to renew the organization's license to receive foreign funding under Article 6 of the FCRA and CPSC's bank accounts were frozen. The refusal was subsequently upheld by the High Court of New Delhi in January 2017. The case is still pending before the court following a 13 April 2018 hearing, and has been adjourned to 31 August 2018.

62. The Executive Director of the Centre for Promotion of Social Concern, Mr. Henri Tiphagne was accused of using foreign contributions in his international advocacy "to the detriment of India's image," including in his engagement with United Nations special rapporteurs to whom he submitted information "portraying India's human rights record in negative light." Mr. Tiphagne has also made recommendations to the universal periodic review. The special procedures mandate holders noted that the non-renewal of CPSC's license is a clear case of reprisal for his cooperation with the United Nations (IND 14/2018).

63. Additionally, on 1 January 2018, it was reported that the Centre for Social Development, which promotes the land and resource rights of indigenous peoples in Manipur, received a six months suspension. According to reports, the suspension was based on claims that the Centre for Social Development violated the Foreign Contribution Regulation Act by using foreign funding for purposes other than intended by the law, including drawing attention to Uranium mining in Meghalaya at "several global platforms." The Centre for Social Development submitted a report in October 2017 to the United Nations Working Group on Business and Human Rights and to the Committee on the Elimination of Racial Discrimination which included inquiries related to uranium mining and cement factories in Meghalaya. According to the Centre for Social Development, it has submitted nine reports to the United Nations since 2006 concerning violations of the rights of indigenous peoples in northeast India in relation to large-scale development projects, mining operations, and implementation of the Armed Forces (Special Powers) Act. They have requested the Committee's action under its early warning procedure.

64. It is alleged that the Centre for Social Development has been targeted by Indian authorities since August 2017, when surveillance of its premises and staff's movements began. The offices of the organization were reportedly visited by the Central Reserve Policy Force and others to question the staff about their work, and staff have been harassed. One staff member was physically attacked on 18 August 2017. In November 2017, one staff member and two volunteers of the organization were called in for questioning by the police.

65. The Secretary of the Centre for Social Development, Mr. Nobokishore Urikhimbam, has been surveyed by military intelligence officials from the State of Manipur as well as those outside of the state at his office premises and at his home in Imphal, Manipur. When he travelled to Shillong, State of Meghalaya in January 2018, the Intelligence Department of Meghalaya contacted the hotel and interrogated its staff about his actions and contacts. The hotel staff was asked to provide detailed information on his activities, including a list of the people he interacted with. These incidents were reportedly brought to the attention of the Superintendent of Police, Imphal East District and Patsoi Policy Station, Imphal West District, to no avail.

66. On 20 June 2017, Mr. Michel Forst, the Special Rapporteur on human rights defenders expressed his concern about reports of reprisals against a member of the Jammu and Kashmir Coalition of Civil Society, Mr. Kartik Murukutla (IND 4/2017). Mr. Murukutla represents victims of human rights violations before local courts and engages with United Nations human rights mechanisms, particularly the universal periodic review and the special procedures. In September 2016, while traveling to Geneva, Mr. Murukutla was informed that he was subject to a "Look Out Circular," a measure taken where a case

has been registered against an individual by a police authority in order to verify whether a travelling person is wanted by the police. They are used by the police authorities to prevent and monitor the entry or exit of persons who may be required by law enforcement agencies, and there is concern that this measure was taken against Mr. Murukutla as a reprisal for his cooperation with United Nations human rights mechanisms in Geneva. It was reported in May 2018 Mr. Murukutla was not subject to restrictions during his most recent travels, but he had not been informed about the status of the Look Out Circular nor its implications for his future travel.

67. On 7 June 2018 the Assistant Secretary-General for Human Rights addressed the allegations of intimidation and reprisals to the Government of India. On 2 July 2018 the Government responded that the Foreign Contribution Regulation Act of 2010 prohibits acceptance and utilization of foreign contribution for activities detrimental to national interest. It noted that the revocation of the license for the Centre for Promotion of Social Concern before the Delhi High Court, is adjourned until 31 August 2018, and that the Centre for Social Development "needs to conform to the legal framework and the requirements under FCRA." The Government noted that Mr. Khurram Parvez's detention is well grounded according to the provisions of the Jammu and Kashmir Public Safety Act (1978) based on his activities prejudicial to public order. At the time of writing, the Government had not responded to the communications by special procedures of 9 November 2017 (OTH 2/2017), 20 June 2017 (IND 4/2017), or 31 May 2018 (IND 14/2018).

14. Israel

68. In May 2018, the Minister of the Interior in Israel did not renew the work permit of the Director of Human Rights Watch, Mr. Omar Shakir, and ordered his deportation. Mr Shakir remains in the country, as the order is under review by a district court. According to information received, the revocation was based on a dossier compiled by the Ministry of Strategic Affairs and Public Diplomacy alleging that Mr. Shakir supports a boycott of Israel. Among the allegations cited are statements by Mr. Shakir supporting the creation of a database of businesses that operate in Israeli settlements, pursuant to Human Rights Council resolution 31/36. The Government highlighted this allegation in its 77-page response to a lawsuit filed by Mr. Shakir and Human Rights Watch challenging the deportation decision. An amicus brief filed by the group NGO Monitor and accepted by the court also points to social media posts highlighting Human Rights Watch's support for the database and their more general advocacy at the United Nations Human Rights Council. The allegations were discussed at a first court hearing in June 2018.

15. Kyrgyzstan

69. On 25 June 2018 the Committee on Migrant Workers (CMW) addressed the Government regarding the designation as extremist material of a submission by civil society organizations Anti-Discrimination Centre Memorial and Bir Duino Kyrgyzstan. The decision came from the Oktyabrsky District Court in Bishkek following their submission of an alternative report to the Committee ahead of its review of Kyrgyzstan in April 2015. The report addressed the obligations of the Government to protect the rights of Kyrgyz migrant workers.

70. In May 2018 during a visit to Kyrgystan the Assistant-Secretary General raised the allegations with the Government.

16. Maldives

71. On 20 April 2018, four special procedures mandate holders raised concerns about the launching of investigations against Ms. Shahindha Ismail, of the Maldivian Democracy Network, for the legitimate exercise of her freedom of expression on Twitter and for having participated in a side event at the 35th session of the Human Rights Council in June 2017 (MDV 3/2018). On 2 April 2018, the police summoned Ms. Ismail to question her for criticising Islam "with the intention to cause disregard for Islam" under Section 617 (a) 1 and 2 of the Penal Code, which prescribes up to four months and 24 days of imprisonment for first time offenders. She was also accused by the police of attempting to "disrupt the religious unity and create religious discord in the Maldives" through Twitter. Ms. Ismail has categorically denied the accusation. Ms. Ismail has been, and continues to be, subject to

online threats and online gender-based violence, including rape threats. A Twitter account has repeatedly tweeted to Ms Ismail saying that they would rape her and violently harm her if they saw her on the road. The special procedures expressed concern that the investigations launched against her may constitute acts of reprisals for her cooperation with the Human Rights Council, and for her human rights work through the exercise of her right to freedom of expression.

72. . The Government addressed the allegations on 23 July 2018 and confirmed that the Maldives police service launched a criminal investigation against Ms Ismail for allegations of attempting to disrupt the religious unit of the citizens of Maldives and conversing and acting in a manner likely to cause religious segregation amongst the people. After completing the investigation, the police forwarded the case to the Prosecutor General's office where the Office determined that they could not find enough grounds to pursue a criminal charge against Ms Ismail or to have the charge proven in a court of law. The case has since been filed by the police. With regard to the allegations of death threats and intimidation through social media, a police investigation is ongoing and the case is being treated as serious, but the investigation is facing difficulties in obtaining the information because the Facebook and Twitter accounts were fake. The Government also reported that Ms Ismail is no longer being provided with personal security services by the Internal Security Command of the Maldives Police Service pursuant to her request in writing of 11 March 2018.

17. Mali

73. According to the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), there have been cases of reprisals perpetrated by state actors as well as non-state armed groups against individuals who collaborate with the United Nations.[12] Intimidation and death threats are strategies that have been used by terrorist and extremist armed groups to threaten populations for any collaboration with national and international forces as well as State actors, including MINUSMA.

74. On 26 October 2017, the chief of Boulkessi village (close to the Burkina Faso border, Mondoro commune, Douentza cercle, Mopti region) who is a source of information for the MINUSMA Human Rights and Protection Division, reported that he had received threats relating directly to his cooperation with them regarding an investigation into allegations of extra-judicial executions committed by Forces Armées Maliennes (FAMa). It is alleged that he received three threatening phone calls from unknown callers whose voices were disguised, and who referred to his collaboration with the investigation. The chief had reported the location of a mass grave containing bodies of four individuals killed by armed forces in an extrajudicial execution then he began to receive these threats.

75. On 2 December 2017, six unidentified armed elements shot and killed the Secretary-General of the Mayor of Dioungani commune (Koro cercle, Mopti region), and it is believed that the victim may have been targeted for being an informer to the armed forces and/or international forces, including MINUSMA. At the time of writing an investigation was ongoing.

76. Between 9 and 11 April 2018, MINUSMA conducted a special mission to Ménaka to meet with representatives of civil society and victims of human rights abuses during "counter-terrorism operations" conducted by elements of the Mouvement pour le Salut de l'Azawad (MSA) and the Groupe autodéfense touareg Imghad et alliés (GATIA), in the region since June 2017. The village chief of Akabar who met with the MINUSMA team reported that on 13 April 2018 he was contacted by the MSA Chief of Staff and was questioned and intimidated because of his cooperation with MINUSMA.

18. Morocco

77. In a decision of 15 November 2016 (CAT/C/59/D/606/2014) the Committee against Torture found that Morocco was responsible for violations of Art. 1 and 12 to 16 of the Convention against Torture in the case of *Naâma Asfari v. Morocco*, in which Mr. Ennaâma Asfari, a Sahrawi human rights defender currently in detention, was the

[12] MINUSMA, "Malgré la mise en œuvre de l'Accord pour la paix, la situation des droits de l'homme demeure préoccupante au Mali, Bamako, le 1er février 2018".

petitioner. Since the decision by the Committee Mr. Asfari's treatment in detention has reportedly deteriorated. His wife has been denied entry into Morocco on four occasions. On 13 February 2018, Mr. Asfari was placed in solitary confinement until 13 March 2018. On 13 July 2018 the Committee's Rapporteur on Reprisals and Follow-up wrote to the Government emphasizing the need to refrain from reprisals (G/S0 229/3MAR(8) 606/2014). On 31 July 2018 the Government responded, and the Committee decided to keep the follow-up dialogue on this case open, emphasizing the need for the full implementation of remedies requested. Another meeting was suggested during the Committee's session from 12 November to 7 December 2018.

19. Myanmar

78. During a briefing by members of the Security Council on their mission to Myanmar, it was reported that Myanmar security forces had threatened Rohingya villages with reprisals if they talked with the Security Council delegation during the visit and told the villagers that those who had done so were being looked for. A Security Council member noted that it was unacceptable that anyone should feel intimidated about speaking with the Council (see S/PV.8255, page 6).[13] Reports indicate that Rohingya villagers from Pan Taw Pyin, Rakhine State who met with the delegation on 1 May 2018, have been forced into hiding after being targeted by Myanmar's security agencies. Tatmadaw, including members of Military Security Affairs, reportedly requested local authorities to submit a list of all the villagers who had spoken with the delegation. While young villagers were interacting with the delegation, members of the military reportedly took video footage of the youth and then chased them and scolded them after the interviews. Villagers who participated in the meeting reportedly fear intimidation, harassment, and arrests. Furthermore, before the Security Council delegation visited Rakhine, authorities in Maungdaw township had reportedly warned the Rohingya in the surrounding villages against telling members of the Security Council anything adverse about the government or security forces.

79. Ms. Yanghee Lee, United Nations Special Rapporteur on the situation of human rights in Myanmar, reported to the Human Rights Council in March 2018 that she had received information about violent reprisals committed by the armed forces against civilians who she had met with following her visit to Rakhine State in January 2017 (see A/HRC/37/70, para. 63). These include a killing, beatings, and rape. The Special Rapporteur received credible information that the armed forces attacked a village in Rakhine a couple of days after her 2017 visit as a reprisal against those in the community who spoke to her. The armed forces reportedly gathered the village men and women together, and subjected them to severe mistreatment, beatings and assaults, and in another village, one man was killed.

80. The Governing Body of the ILO reported on 7 February 2018 that it remained concerned about two cases of apparent reprisal against complainants in forced labour cases (see GB.332/INS/8, para. 15).[14] The two cases were also raised by the Special Rapporteur on the situation of human rights in Myanmar, in her March 2018 report to the Human Rights Council (see A/HRC/37/70, para. 15).

81. The ILO expressed concern about the detention on 18 August 2017 of Mr. Aung Ko Htwe, who had been forcibly recruited into the army in 2005 at age 14 (see GB.332/INS/8, para. 16). He receives continued protection according to the 2007 agreement between the ILO and Myanmar that gives victims the right to lodge complaints alleging the use of forced labour and to seek redress without "retaliatory action."[15] In 2009, Mr. Htwe's family filed a complaint about his underage recruitment with the ILO and, under its agreement of Supplementary Understanding, is entitled to continued protection from reprisals related to his forced recruitment complaint. At the time he was serving a commuted 10-year prison sentence for allegedly being implicated in a murder with two other child soldiers when he was attempting to flee the army in 2007, a case that had been addressed by the ILO to no avail.

[13] UN Security Council, Briefing by Security Council mission to Bangladesh and Myanmar (28 April to 2 May 2018), 8255th meeting, S/PV.8255m 14 May 2018.

[14] 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.

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

82. A month after his release in July 2017, Mr. Htwe was re-arrested by Myanmar security forces after he gave an interview to Radio Free Asia detailing his forced recruitment into the army as a child, and charged under section 505(b) of the Penal Code for speaking publicly about his experience. The ILO appealed for the charges to be dropped and noted that in the past several years, other underage recruits have spoken publicly about their experience without facing such reprisals, which has helped to reinforce the Government's policy to end underage recruitment and forced labour. On 9 October 2017, the Government responded to the ILO indicating that it had previously responded to ILO in 2010 that it had taken measures to close the case. However, on 28 March 2018, the Dagon Seikkan Township Court sentenced Mr. Aung Ko Htwe to two years in prison with hard labor, despite his status as a complainant with ILO.

83. Human Rights Council resolution of 18 March 2018 (see A/HRC/RES/37/32, para. 22) expressed serious concern about reported cases of reprisal for cooperation with the Special Rapporteur on the situation of human rights in Myanmar, and emphasized that no one should face reprisals, monitoring, surveillance, threats, harassment or intimidation for cooperating or speaking with the special procedures of the Human Rights Council, including the Special Rapporteur, the independent international fact-finding mission or the United Nations. The Human Rights Council called on the Government of Myanmar to take appropriate measures to prevent such acts and to combat impunity by investigating promptly and effectively all allegations of intimidation and reprisal in order to bring perpetrators to justice and to provide victims with appropriate remedies.

20. Philippines

84. On 2 October 2017, five special procedures mandate holders expressed concern about the defamatory and intimidating public statements directed at the Commission on Human Rights of the Philippines (Commission), its members and its Chairperson Mr. Chito Gascon (PHL 12/2017), because of its human rights monitoring work and cooperation with the United Nations. The Commission submitted information to the universal periodic review of the Philippines in 2017 (see A/HRC/WG.6/27/PHL/3, paras. 2-9), 2012 (see A/HRC/WG.6/13/PHL/3, paras. 1-13) and 2008 (see A/HRC/WG.6/1/PHL/3, paras. 1-18). The Commission has received threats of being defunded or abolished and has been vilified in the media as a hindrance to the implementation of government policies. When commissioners travel for work purposes they are reportedly monitored, which has affected their engagement with the United Nations. There has been no Government response to the communication of the special procedures of 2 October 2017.

85. The Commissioner's former Chairperson, Ms. Leila M. de Lima, has been in prison since February 2017 on allegations of drug-related charges. In March 2018 it was reported that Ms. De Lima had not been arraigned in any of the three most serious drug-related cases for which she was charged. On 27 March 2017, six special procedures mandate holders raised concerns that her arrest may be "politically motivated" (PHL 5/2017). In addition to her arrest and detention, Ms. De Lima has been subject to intimidation, threats and judicial harassment in connection with her criticism of government policies surrounding the war on drugs, such as the extrajudicial killings of suspected criminals and drug users and President Duterte's proposal to reinstate the death penalty, including when she was Chair of the Commission.

86. Multiple actors have expressed concern at the February 2018 petition of the Department of Justice to a Manila court in February 2018, seeking to declare the Communist Party of the Philippines (CPP) and the New People's Army (NPA) as "terrorist" organizations under the Republic Act 9372 or the Human Security Act 2007 (the anti-terrorism law). The petition includes a list of over 600 individuals who are labelled as *de facto* "terrorists." It is reported that among these are least 80 recognized human rights defenders, indigenous peoples' representatives, and representatives of community-based organizations. This is the first time the Human Security Act of 2007 has been used against numerous activists.

87. A number of these individuals have been long-standing partners of the United Nations who believe their inclusion on this list is in part due to their international advocacy with the United Nations, including the Human Rights Council, the universal periodic review, the treaty bodies, and the special procedures. Among this list are past and current human rights defenders of the Karapatan Alliance for the Advancement of People's Rights,

which includes a national alliance of human rights organizations, institutions and individuals in the Philippines,[16] which was the subject of a joint communication by three special procedures, regarding vilifying and threatening public statements made by President Rodrigo Duterte (PHL 4/2018).

88. Several indigenous peoples' representatives and human rights defenders advocating for the rights of indigenous peoples in the Philippines are on this list. In addition to the above-mentioned United Nations human rights mechanisms, several of these individuals have engaged with the former United Nations Working Group on Indigenous Populations, the United Nations Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples, the World Conference on Indigenous Peoples, and the United Nations Forum on Business and Human Rights.[17]

89. In a letter to the Government on 4 May 2018, the Assistant Secretary-General for Human Rights expressed concerned that placing these individuals on a "terrorist" list may constitute a reprisal for their engagement with the United Nations human rights system, and he also addressed the matter publicly on 18 May 2018.[18] On 8 May 2018 during its 95th session, the Committee for the Elimination of Racial Discrimination, under its early warning and urgent action procedures, urged the Government to remove indigenous leaders and human rights defenders, including incumbent and former United Nations special procedures mandate holders from the petition list, and recommended that the Government adopt effective measures to prevent acts of violence against indigenous peoples, defenders of the rights of indigenous peoples and other human rights defenders. It requested the Philippines to provide information no later than 16 July 2018 (see CERD Decision 1/95). On 8 June 2018, five special procedures mandate holders raised their concerns (PHL 5/2018). At the time of writing there had been no response from the Government.

21. Russian Federation

90. On 10 May 2018, the Chair and the Focal Point for Reprisals for the Committee on the Elimination of Racial Discrimination wrote to the Government about allegations of reprisals by the authorities against Ms. Yana Tannagasheva and Mr. Vladislav Tannagashev, human rights defenders advocating for the rights of the Shor indigenous people of southern Siberia.[19] They had engaged with the Committee in relation to the twenty-third and thirty-fourth periodic reports of the Russian Federation in August 2017.

[16] These include Ms. Elisa Tita Lubi, member at large of the Karapatan National Executive Committee and former interim Regional Coordinator of the Asia Pacific Forum on Women, Law and Development (APWLD); Mr. Arnold Evangelista and Erlindo Baes, officers of the Batangas Human Rights Alliance -Karapatan chapter, QRT; Ms. Zara Alvarez, Research and Advocacy Officer of the Negros Island Health Integrated Program (NIHIP) and former Campaign and Education Director of Karapatan-Negros chapter; and Mr. Sherwin de Vera, Regional Coordinator of DEFEND Ilocos, member of the Save The Abra River Movement (STARM) and former Secretary General of the Ilocos Human Rights Alliance-Karapatan.

[17] These include representatives associated with the Cordillera People's Alliance, an independent federation of organizations promoting indigenous communities' rights in the Cordillera Region, Philippines: Ms. Joan Carling, an indigenous leader from the Kankanaey Igorot people of the Cordillera Region, current Member and Co-Convenor of the Indigenous Peoples Major Group for the Sustainable Development Goals, former Secretary-General of the Asian Indigenous Peoples' Pact (AIPP), former member of the UN Permanent Forum on Indigenous Issues, former Chairperson of the Cordillera Peoples Alliance and current member of the CPA Advisory Council; Ms. Beverly Longid, an indigenous leader from the Kankanaey Igorot people of the Cordillera Region, current global coordinator of the International Indigenous Peoples Movement for Self-Determination and Liberation (IPMSDL), and former CPA Chair and current Advisory Council member; Mr. Jose Molintas, an Ibaloi human rights lawyer, former Asia representative to the UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) and former CPA Chair and current Advisory Council member; Ms. Joanna Cariño, an Ibaloi member of the CPA Advisory Council and Co-Chair of the SANDUGO Movement of Moro and Indigenous Peoples for Self Determination; Mr. Windel Bolinget, a Kankanaey-Bontok who is the current Chairperson of the CPA and National Co-convenor of KATRIBU national alliance of indigenous peoples; and Ms. Jeanette Ribaya-Cawiding, a Kankana-ey, former Chairperson of CPA-Tongtongan ti Umili and current Regional Coordinator of the Alliance of Concerned Teachers – Cordillera.

[18] OHCHR, "Human rights advocates in Asia under attack," Andrew Gilmour, 18 May 2018.

[19] See http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/RUS/INT_CERD_RLE_RUS_8683_E.pdf.

91. Following their collaboration with the Committee, Ms. Tannagasheva and Mr. Tannagashev were subject to harassment and intimidation by authorities of the Kemerovo district and representatives of Yuzhnaya coal company. They were urged by the police to renounce their activities, and were placed under surveillance by the police and security service, and had their phones tapped. Threats were made by security service agents concerning their children, and their relatives and friends were summoned for questioning. Further, Ms. Tannagasheva was dismissed from her job as a teacher at a local school and her house was burned down in a suspected arson attack, following which no investigation took place. As a result, both fled the country with their children out of fear for their safety. The Committee expressed their grave concern for the allegations of reprisals against Ms. Tannagasheva and Mr. Tannagashev, which appear to be a direct consequence of their engagement with the Committee. At the time of writing the Government had not responded to the Chair and the Focal Point for Reprisals of the Committee.

22. Rwanda

92. On 20 October 2017, the Subcommittee on the Prevention of Torture (SPT) announced publicly that it had suspended its visit to Rwanda "due to a series of obstructions imposed by authorities, such as accessing some places of detention, confidentiality of certain interviews and over concerns that some interviewees could face reprisals."[20] The Subcommittee reported that during its visit the experts encountered an especially difficult environment to undertake private interviews with detainees and many detainees expressed to them a fear of reprisals for cooperating with them. In some cases, detainees refused to be interviewed at all for fear of subsequent retaliation against them. Before the suspension of the visit, the Subcommittee and OHCHR Secretariat made several attempts to address the above-mentioned concerns with the Ministry of Justice, to no avail. According to its mandate under the Optional Protocol to the Convention against Torture (OPCAT), the Subcommittee can make unannounced visits at any place where people are or might be deprived of their liberty in countries which are a party to the Protocol, including prisons, police stations, detention centers for migrants, juveniles' detention centers, interrogation facilities, and psychiatric hospitals.

93. At its thirty-fourth session in February 2018, the the Subcommittee announced its intention to resume the visit to Rwanda.[21] However, due to the lack of cooperation of the authorities in the resumption of the visit, at its thirty-fifth session in June 2018, the Subcommittee decided to terminate the visit as there was no prospect of the visit being successfully resumed or concluded. It is the first time in 11 years and more that 60 country visits that the Subcommittee had to terminate a visit before its completion.[22]

94. On 1 June 2018 the Assistant Secretary-General for Human Rights wrote to the Government expressing concern about the lack of assurances given to the SPT that those interviewed or contacted during the visit would not face intimidation and reprisals for cooperating with the SPT members and OHCHR Secretariat, and requesting information on the welfare of the detainees involved in the visit. On 18 June 2018 the High Commissioner for Human Rights expressed concern by the suspension of the visit, and called on Rwanda to provide full cooperation so that the Subcommittee can fulfil its mandate.[23] On 27 June 2018 the Government responded to the Assistant Secretary-General that the SPT had "full and unimpeded access to places of detention and detainees" and has put in place "prevention and investigatory measures to respond to allegations of reprisals." The Government noted that it had underwent its own investigation into the conditions that led to the suspension of the visit, including the allegations of reprisals, and found them without base. The Government further referred to its letter of 23 October 2017 to the SPT which noted that technical issues that arose during the five-day visit were resolved.

[20] OHCHR, "Prevention of Torture: UN human rights body suspends Rwanda visit citing obstructions," 20 October 2017.

[21] OHCHR, "UN torture prevention experts announce resuming visit to Rwanda," 28 February 2018.

[22] OHCHR, "UN torture prevention body to visit Burundi, Costa Rica, Senegal and Switzerland; terminates Rwanda visit", 4 July 2018

[23] OHCHR, "Opening statement and global update of human rights concerns by UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein at 38th session of the Human Rights Council," 18 June 2018.

23. Saudi Arabia

95. It was reported that on 28 February 2018, Mr. Essa Al Nukheifi was sentenced to six years in prison by the Specialized Criminal Court. Mr. Al Nukheifi is a human rights defender with whom Mr. Philip Alston, the Special Rapporteur on extreme poverty and human rights consulted in December 2016 during the preparations of his mission to Saudi Arabia in January 2017. Mr. Al Nukheifi was also banned from travelling and using social media for an equivalent amount of time after his release. He had been the subject of a previous communication by four special procedures (SAU 2/2017) and there is concern that his current detention is related to his cooperation with the Special Rapporteur and that he expressed his willingness to meet with the mandate's team. On 20 April 2017 the Government replied that Mr. Al Nukheifi was arrested in December 2016 on criminal charges and was afforded due process.

96. In August 2017 Mr. Al Nukheifi was charged with "seeking to destabilise the social fabric and national cohesion" (Royal Decree 16820 see para. 8), "communicating with, and receiving money from foreign groups considered to be enemies of the state" (Royal Decrees 16820 and A/44) and "using a personal phone and the internet to store and transfer information considered harmful to the public order" (article 6 of the Anti-Cyber Crime Law, Royal Decree M/17). On 30 December 2016 Mr. Al Nukheifi had been transferred to Mecca General Prison where he remains in detention. It is alleged that he does not have a bed to sleep on and must sleep on the cold floor without any blanket, that he has been repeatedly threatened with torture, and that he is not allowed to receive visits from his family.

97. On 1 June 2017 the Working Group on Arbitrary Detention issued an opinion about Mr. Salim Abdullah Hussain Abu Abdullah (A/HRC/2017/10), who was arrested on 11 December 2014 without an arrest warrant and not provided with a reason for his arrest. He was taken to Dammam Central Prison and held incommunicado for six months and placed in solitary confinement. He was reportedly subjected to severe psychological and physical torture, and forced to sign a statement he was not allowed to read beforehand. In addition, some family members of Mr. Abu Abdullah were reportedly intimidated and threatened. The Working Group considers the detention of Mr. Abu Abdullah to be arbitrary and requested the Government to take steps to remedy the situation (see A/HRC/WGAD/2017/10, para. 31-33). At the time of writing, more than three years after his initial arrest, he has not been officially charged and, no court date has been set for a trial. Since the opinion was issued, it has been reported that Mr. Abu Abdullah has repeatedly been placed in solitary confinement for prolonged periods of time and been denied regular contact with his family, as an act of reprisal for having his case considered by the Working Group (see A/HRC/39/45, para. 28).

98. On 24 July 2018 the Government responded to the allegations. Concerning the case of Mr. Al Nukheifi, the Government stated he was arrested on 18 December 2016 and charged under articles 2 and 112 of the Statute of Criminal Procedures after his wife called the police claiming he had threatened to kill her and that he is affiliated to Daesh. s. The Government reported that he was allowed to call a lawyer and that his family visited him on 24 February 2017 (26/5/1438 Hijri). The General Prosecutor referred his case to the relevant court which ruled that Mr Al Nukheifi committed crimes involving national security, spying for foreign entities, receiving financial support and cyber crimes. The court of first instance sentenced him to six years imprisonment with a travel ban for the same amount of time as his release. His case is still under consideration with the court.

99. Regarding the allegations about Mr. Abu Abdullah, the Government stated a warrant for his arrest was issued pursuant to articles 35 and 103 of the Statute of Criminal Procedures and he was accused of committing many crimes, including killing several persons, shooting security officers, possessing arms and providing terrorists with weapons. Mr. Abu Abdulla's arrest was pursuant to article 2 of the Statute on Terrorism Crimes and Funding of 2013 and his detention was extended pursuant to article 5 of the same statute, and his case is referred to the specialized criminal court. According to the Government he was not subjected to torture or ill-treatment nor forced to confess, and was provided medical treatment. Additionally he was not forced to sign a confession. His case is still pending.

24. South Sudan

100. In a report in February 2018, [24] the United Nations Mission in South Sudan (UNMISS) and OHCHR noted instances of restrictions imposed by national authorities, including the National Security Service and pro-government forces as well as among the personnel of Central and State administration, against individuals whose opinions were perceived as critical of the Government or the reputation of the country and who cooperated with the United Nations by attending meetings, sharing information on human rights violations, and facilitating access of UNMISS to affected populations (see S/2017/505, S/2017/784, S/2017/1011, and S/2018/133).[25]

101. UNMISS received reports of at least 12 incidents which included arbitrary arrests and detentions, restrictions of movements and acts of intimidation and harassment, mostly targeting human rights defenders cooperating with the United Nations. Some individuals were ordered by security officials to cease sharing information with the United Nations. In addition, UNMISS received credible reports of intimidation against three South Sudanese human rights defenders living in neighboring countries or travelling outside the country who were accused of collaborating with the United Nations and being critical of the human rights situation in South Sudan. Human rights defenders were also reportedly threatened by government representatives after holding meetings with United Nations personnel in Upper Nile and Equatoria regions, in September and November 2017, respectively. At least two victims have sought refuge elsewhere in the country and abroad.

102. In follow up to his visit to South Sudan in February 2017, the Assistant Secretary-General for Human Rights sent a letter to the Government on 21 July 2017 and stressed the absolute need to avoid reprisals and threats against human rights defenders, including those who have cooperated with the United Nations.[26] In the letter he addressed specific cases of intimidation and threats against individuals for having cooperated with UNMISS and other United Nations entities outside South Sudan, including cases of individuals who were forced to leave the country.

25. Thailand

103. On 30 June 2017, three special procedures mandate holders raised urgent concerns about allegations of intimidation against Mr. Maitree Chamroensuksakul, a Lahu indigenous human rights defender from a hill tribe group in the border between the north of Thailand and Myanmar (THA 4/2017). According to information received, Mr. Chamroensuksakul was subject to harassment and death threats following a meeting he had with Mr. Michel Forst, the Special Rapporteur on the situation of human rights defenders, on 27 May 2017during his academic visit to Thailand. Mr. Chamroensuksakul had been documenting and publicly raising concerns of human rights violations committed against the Lahu community by law enforcement officers. In particular, he was seeking justice for the killing of Chaiyaphum Pasae, a 17-year old Lahu youth activist who was shot dead by military personnel on 17 March 2017 during an alleged anti-drug operation in Ban Kong Phak Ping village. Mr. Chamroensuksakul posted a photo of himself with the Special Rapporteur on his Facebook page.

104. On 29 May 2017, two days after Mr. Chamroensuksakul met with the Special Rapporteur, the police from Provincial Region 5 and Chiang Mai conducted a joint large-scale search operation of Ban Kong Phak Ping village, with a warrant issued by Chiang Mai Provincial Court, supposedly aimed at searching for drugs. The authorities searched nine houses, including Mr. Chamroensuksakul's house, which they raided while he was not home. Two of his family members were arrested and charged with drug possession, and both were denied access to a lawyer during their interrogation by the police. At the time of writing the Government had not responded to the special procedures' urgent appeal of 30 June 2017.

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

[25] Report of the Secretary-General on South Sudan, February 2018.

[26] OHCHR, "South Sudan: Senior UN human rights official condemns deplorable rights situation, calls for perpetrators to be held to account," 17 February 2017.

105. It was reported that in August 2017, Ms. Sirikan Charoensiri, of Thai Lawyers for Human Rights, was charged with the offences of giving false information regarding a criminal offence. Four special procedures mandate holders had raised concerns on 11 April 2017 that the charges she received, sedition and gathering five or more people for political purposes under the criminal code, may be directly linked to her cooperation with the United Nations, particularly her participation in the thirty-third session of the Human Rights Council in September 2016 (THA 2/2017). It is reported that, if found guilty, she could face up to 15 years in jail and could be tried in a military court for a sedition charge.

106. Ms. Charoensiri also participated in the March 2017 session of the Human Rights Committee, where she publicized her legal advocacy efforts. She had represented 14 student activists arrested by the Thai authorities for their alleged participation in peaceful protests in June 2015, following the military coup in May 2014. She is also engaged in awareness-raising on law and human rights issues related to the enforcement of martial law and the orders of the National Council for Peace and Order (NCPO). In February 2016, Ms. Charoensiri had been charged with the offences of refusing to comply with the order of an official and concealing of evidence and, in September 2016, upon return from the Human Rights Council, she was further charged under the National Council for Peace and Order and with sedition. The Government responded on 10 August 2017 to the special procedures' communication of 11 April 2017, stating that Ms. Charoensiri was not charged due to her capacity as a lawyer or human rights defender, but on the basis of the possibility of her being one of the principals or accomplices in committing alleged offenses under article 12 of the NCPO Order No. 3/2015 and article 16 of the Criminal Code.

107. During his visit to Thailand in March 2018, the Assistant Secretary-General for Human Rights addressed allegations of intimidation and reprisals to the Government, and wrote a follow up letter on 27 April 2018. At the time of writing no response had been received from the Government.

26. Trinidad and Tobago

108. On 21 July 2017, three special procedures mandate holders raised concerns about the deprivation of liberty of Mr. Zaheer Seepersad in St. Ann's Psychiatric Hospital and other patients living with a psychosocial disability (TTO 2/2017). Mr. Seepersad was born in 1987 with dystonia, a physical impairment due to a neurological movement disorder. On 20 November 2017, the Working Group on Arbitrary Detention issued Opinion No. 68/2017 concluding that the detention and subsequent internment of Mr. Seepersad in St. Ann's Psychiatric Hospital on 8 January 2015 for a period of two months, and on 4 May 2016 for 16 days, were arbitrary without any legal basis justifying the deprivation of liberty, and was made purely on the basis of his physical impairment, constituting a violation of international law on the grounds of discrimination based on disability (see A/HRC/WGAD/2017/68, paras. 34-35).

109. The Working Group on Arbitrary Detention expressed its most serious concern at allegations of reprisals, such as persistent harassment, intimidation and threats which Mr. Seepersad has been subjected to, for bringing his claims to their attention. The Working Group requested the Government to ensure that all acts of intimidation against Mr. Seepersad cease and that an impartial and effective investigation is carried out in relation to such acts and those responsible brought to justice. The Working Group recommended that the Government remedy the situation and provide compensation to Mr. Seepersad, and referred the case for further action to the focal point on reprisals of the Coordination Committee of Special Procedures and to the Assistant Secretary-General for Human Rights (see A/HRC/WGAD/2017/68, paras. 34-35, 37-39, 41).

110. On 6 September 2017, the Working Group on Arbitrary Detention transmitted the allegations to the Government under its regular communications procedure. The Working Group did not receive a response from the Government nor request for an extension of the time limit for its reply. It is reported that Mr. Seepersad still remains under pressure to dissuade him from engaging with regional or United Nations mechanisms to seek a legal remedy.

27. Turkey

111. Information was received that on 20 August 2017, the web pages administrated by the Housing and Land Rights Network of Habitat International Coalition (HIC-HLRN), suffered a series of alleged cyber-attacks over two weeks, which were repeated on 25 September 2017 for two days and on 16 April 2018. The attacks disabled its websites www.hic-mena.org and www.hlrn.org for two weeks, and obliged the organization to deploy exceptional human and financial resources for two months in order to ensure the web pages' security and data protection. The Network believe that the cyber-attacks were a reprisal following the publicity of their report at the United Nations Conference on Housing and Sustainable Urban Development (Habitat III), which took place in Quito, Ecuador, October 2016.

112. In October 2016, when HIC-HLRN presented a report "Turkey: Forced Eviction and Urban Transformation as a Tool of War" at Habitat III, it is alleged that the Turkish delegation scolded HIC-HLRN officers. The report was also distributed to numerous United Nations special procedures and to OHCHR.

113. The origins of the attacks are unknown. The first attack to the HIC-HLRN web page was reportedly perpetrated by a hacking group self-identified as Yarma Security Team and the second attack to their Middle East/North Africa website was perpetrated by an unknown hacker. The second cyber-attack displayed a political message in the hacked frontal page reading "Hayali Kürdistan Olanın Mekanı Kabristan Olur" (The Imaginary Place Kurdistan becomes a Cemetery). HIC-HLRN had been monitoring the expropriations, evictions and demolitions taking place in Diyarbakır, in the Kurdish region of southeast Turkey.

114. Mr. Kursat Çevik, a Turkish police superintendent, was the subject of an opinion adopted on 16 June 2017 by the Working Group on Arbitrary Detention. Mr. Çevik was arrested, together with 15 of his colleagues, on 21 July 2016. He is allegedly suspected of being a member of a terrorist organization (the Gülen movement) and of treason, and is classified as an opponent to the Justice and Development Party. However, Mr. Çevik is being held in secret, without a confirmed charge, and his lawyer does not have access to his file. The Working Group noted in its opinion that it considered his detention to be arbitrary as it had not received convincing information that Mr. Çevik was informed of the charges against him after his arrest, nor was he informed promptly after the judicial order that justified his detention, was issued (see A/HRC/WGAD/2017/38, para. 73-76).

115. Following the issuance of the opinion, Turkish pro-Government media circulated information distorting the opinion of the Working Group containing various accusations against Mr. Çevik. On 4 August 2017, the Turkish pro-government media accused Mr. Çevik of having acted as an intelligence officer for the French government, and accused "the United Nations" of requesting his release "because he had been set to leave Turkey for holidays" on 16 July 2016. The Working Group opinion also triggered reprisals at Mr. Çevik's place of detention, where his cell was reportedly moved to separate him from his friends and colleagues, and he was denied food and purchases from the prison mess (A/HRC/39/45).

116. On 31 July 2018 the Government responded to the allegations. With regard to the reported hacking of the websites of the Housing and Land Rights Network - Habitat International Coalition, the Government noted that the "perpetrators and/or sponsors of the attacks in question could be any source, based anywhere in the world" and that Turkish authorities are not in the possession of any previous record or information about the "Yarma Security Team." The Government further noted that it has committed to international efforts to identify cyber threats and build a more secure network, and will continue to work with United Nations agencies to this effect.

117. Pertaining to the case of Mr. Kursat Çevik, the Government affirmed it had submitted to the Working Group on Arbitrary Detention information on the procedures and remedies available, and that it rejected the conclusion that his detention was arbitrary. It further noted that Mr. Çevik was moved from Mardin Penitentiary to Sanhurfa Penitentiary on 17 July 2016, before the release of the report on 16 June 2017, and that subsequently "his cell was changed three times, in accordance with administrative needs." The Government stated he was not subject to solitary confinement, separated from other

detainees with similar charges, or denied food or purchases from the prison mess. The Government further noted that there is no government media outlet in Turkey other than the Turkish Radio and Television Corporation, and any publication or broadcast by private media outlets reflect their own opinion.

28. Turkmenistan

118. On 18 May 2018 at the end of his visit to Kyrgyzstan, the Assistant Secretary-General for Human Rights attended the Human Rights Defender Platform Security Meeting for Central Asia and engaged with human rights defenders from four countries, but said he regretted that the OHCHR regional office had not felt able to invite representatives from Turkmenistan for fear that they might face intimidation or reprisals from their Government for cooperation with the United Nations.[27]

29. Venezuela (Bolivarian Republic of)

119. According to information received, representatives of the Government of Venezuela allegedly threatened and harassed four civil society representatives at a side event of the thirty-fifth session of the Human Rights Council on 6 June 2017. Mr. Alonso Medina Roa (Foro Penal), Mr. Julio Henriquez (Refugee Freedom Program), Ms. Laura Louza (Acceso a la Justicia) and Ms. Mercedes De Freitas (Transparencia Venezuela) were participating in a panel co-sponsored by the United States of America and were reportedly threatened that their passports would be confiscated.

120. Several civil society representatives are alleged to have been targeted by Mr. Diosdado Cabello Rondon, then member of the National Constituent Assembly and Vice-President of the United Socialist Party of Venezuela (PSUV). According to the allegations received, Mr. Diosdado Cabello Rondon has used his programme "Con el Mazo Dando," a weekly broadcast on Venezuelan public television, to launch a smear campaign against human rights defenders, including those that have cooperated with the Human Rights Council and OHCHR.

[27] OHCHR, "Kyrgyzstan: Ethnic minorities need equal treatment, says senior UN official; salutes Central Asian rights defenders," 18 May 2018.

Annexe II

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

1. Algeria

1. The case of Mr. Rafik Belamrania was included in the 2017 report of the Secretary-General (see A/HRC/36/31, para. 20 and Annex I paras 1-3). Mr. Belamrania, founding member of the Association pour les enfants des disparus forcés en Algerie – Mish'al, is the author of communication No. 2157/2012 against Algeria to the Human Rights Committee regarding the abduction, torture and summary execution of his father, Mr. Mohammed Belamrania, by the Algerian army in 1995. Three special procedures mandate holders raised concerns with the Government over alleged reprisals against Mr. Belamrania for publishing on Facebook on 14 February 2017, the decision of the Human Rights Committee, regarding the summary execution of his father in 1995 (A/HRC/36/25, DZA 2/2017). He was charged with "apology of terrorism," and accused of circulating photos and expressing his support for terrorist organizations, including Daesh.

2. On 15 November 2017, Mr. Belamrania was sentenced to five years in prison for "incitement to terrorism" and fined 100,000 Algerian dinars (860 USD). On 5 February 2018, he was sentenced on appeal to one year in prison followed by a two-year suspended sentence, and released on 16 February 2018. He was not granted any reparation or rehabilitation.

3. On 6 December 2018 the Assistant Secretary-General for Human Rights addressed the allegations of reprisals to the Government, who responded on 12 February 2018, reiterating their response of 29 May 2017 to special procedures that the allegations of arbitrary detention of Mr. Belamrania were unfounded as he was indicted for the "criminal offense of apology of terrorism," and that he benefited from all guarantees during his hearing and while in custody. The Government did not address the allegations of reprisals.

2. Bahrain

4. The case of Ms. Ebtesam Al-Alsaegh, of SALAM for Democracy and Human Rights, was included in the 2017 report of the Secretary-General (see A/HRC/36/31, Annex, para. 7) related to a travel ban imposed on her and others for their cooperation with the Human Rights Council and the universal periodic review, in particular their participation in the thirty second session in June 2016 (A/HRC/34/75, BHR 4/2016).

5. On 20 March 2017, after attending the Human Rights Council, Ms. Alsaegh was detained for several hours at Bahrain International Airport by agents of the National Security Agency and interrogated at length about her participation in the Council; she was searched, threatened and had her passport subsequently confiscated. On 26 May 2017, she was allegedly subjected to seven-hours of physical and psychological torture while she was interrogated by officers of the National Security Agency, and sexually assaulted. On 4 July 2017, two special procedures mandate holders raised concerns regarding her alleged arbitrary arrest and incommunicado detention in an apparent reprisal for her cooperation with United Nations human rights mechanisms (BHR 8/2017).

6. On 13 July 2017 four special procedures mandate holders raised urgent concerns when information was received that on 4 July 2017, Ms. Al-Saegh was again detained by security forces who raided her home (BHR 9/2017). She was reported to have been held in solitary confinement at Isa Town women's prison and transported daily to an unknown location where she was interrogated for up to 14 hours without access to a lawyer. There were fears she would be tortured and sexually abused. While in detention she went on a hunger strike on 12 July 2017. On 18 July 2017, she was charged under the anti-terrorism law and subsequently released, although the charges have not been dropped. On 8 August 2017 the Government responded that an investigation into the activities of Ms. Al-Saegh noted that she was associated with establishing the "Manama Human Rights Observatory" and was "hiding behind human rights activities" while supporting an operation that impeded law enforcement activities and promoted the commission of acts of terrorism,

including colluding with the Alkarama Foundation to which she was sending false and misleading information to bring the Kingdom of Bahrain into international disrepute. The Government notes that Ms. Al-Saegh was arrested on 4 July 2017 in accordance with the law and charged with "membership in an unlawful terrorist group." The Government detailed the procedures of arrest, detention and treatment of Ms. Al-Saegh, including that she had been sent to the prison clinic in relation to the hunger strike. The Government did not address the allegations of reprisals.

7. On 25 June 2018 the Government, in a reply to the Assistant Secretary-General for Human Rights, stated that Ms. Al-Alsaegh was charged with six criminal offences: affiliation and participation in acts of terrorist organization, spying for a foreign terrorist organization to commit terrorist acts, accepting donations from a foreign terrorist organization for committing terrorist acts in the Kingdom, funding and donating to organizations which knowingly commit terrorist acts, spreading false news that may harm national security and public order, and participation in a demonstration with the intention of assaulting security forces, public property and destabilising public security. A travel ban was issued against her on 19 April 2017 and lifted on 13 July 2017.

8. During the thirty-eighth session of the Human Rights Council in June 2018 it was further reported that Ms. Al-Saegh published a series of tweets highlighting a range of human rights concerns in Bahrain. An account called @godkingcountry responded to her tweets by making threats against her, including referencing the sexual assault that she suffered previously during her arrest and torture and threatening further rape should she not end her human rights work on social media and with international mechanisms. Following the responses from @godkingcountry on Twitter, a second account (@turkialmajed7) began sending additional threatening messages to Ms. Al-Saegh on Instagram's direct messenger service, which was sent to a third party who was told to forward the messages to Ms. Al-Saegh. The messages claimed responsibility in the death of Ms. Al-Saegh's neighbor and threatened Ms. Al-Saegh that she would share his same fate. The messages also explicitly noted to "inform Ebtesam" that they would publish videos taken of her while in security custody in May 2017 when security officers filmed her in various states of undress during her interrogation, sexual assault, and torture.

9. Mr. Nabeel Rajab, of the Bahrain Center for Human Rights, was mentioned in the 2017 report of the Secretary-General (see A/HRC/36/31, para. 23 and Annex, para. 6). On 21 June 2016, the Spokesperson of the High Commissioner for Human Rights expressed deep concern that Mr. Rajab was arrested on 13 June 2016 for "spreading false news and rumours about the internal situation in a bid to discredit Bahrain." He had been subject to a travel ban since at least January 2015. The High Commissioner for Human Rights expressed concern that these and subsequent actions against Mr. Rajab were connected to his engagement with the Human Rights Council. He was reportedly denied medical treatment by prison administrations while he awaited the results of his appeal trial in ill-health until a 5 June 2018 hearing which decided on an additional five-year sentence. He is now expected to pursue a final appeal before Bahrain's Court of Cassation. On 25 June 2018 the Government stated that freedom of movement in Bahrain is guaranteed by law, and that Mr. Nabeel Rajab was not subject to reprisals for his cooperation with the United Nations, but that he is responsible for criminal offenses. Regarding the claims that Mr Rajab has not received medical care during his prison sentence, the Government stated that the Kingdom ensures and guarantees the safety and health of all citizens.

10. On 19 December 2017, three special procedures mandate holders expressed concern that Ms. Nedal Al-Salman, of the Bahrain Center for Human Rights, was prevented from leaving Bahrain multiple times in 2017 due to travel bans, including while on her way to speak at meetings related to the Human Rights Council (BHR 13/2017). On 19 September 2017 Ms. Al-Salman was summoned and charged by the Public Prosecution of Bahrain for "illegal gatherings" under charges stemming from the Anti-Terrorism Law, and placed under a formal travel ban. In August 2016, Ms. Al-Salman was prevented from travelling to Geneva to participate in meetings during the 33rd session of the Human Rights Council, and was the subject of an allegation letter on 25 November 2016 by three special procedures mandate holders (BHR 7/2016). At the time of writing the Government had not responded to the special procedures' communications of 25 November 2016 or 19 December 2017.

11. On 25 June 2018 the Government responded to the letter of the Assistant Secretary-General and stated that Ms. Al-Salman was banned from travel in 2016 according to the procedure of investigations of the General Prosecutor, and that the ban was lifted immediately once the investigations were over. On 30 August 2017, another travel ban was issued to her, due to an investigation relating to her participation and demonstration in a non- authorized march.

3. Burundi

12. The cases of Mr. Armel Niyongere, Mr. Dieudonné Bashirahishize, Mr. Vital Nshimirimana, and Mr. Lambert Nigarura were included in the 2017 report of the Secretary-General (see A/HRC/36/31, para. 24 and Annex, paras. 11-15). The four lawyers had contributed to an alternative report submitted to the Committee against Torture for the consideration of the special report of Burundi, and Mr. Niyongere, Mr. Bashirahishize, and Mr. Nigarura had attended the interactive dialogue between Burundi and the Committee on behalf of the civil society organisations they represented.. . On 29 July 2016, during the second day of the dialogue between the Committee and the Government, the Government suspended its participation at the session and the delegation was absent. The Committee was immediately informed of a letter from the Attorney General of Bujumbura, dated 29 July 2016, requesting that the Bujumbura Bar Association disbar the four lawyers.

13. On 16 January 2017, the Bujumbura Court of Appeal disbarred Mr. Niyongere, Mr. Dieudonné Bashirahishize and Mr. l Nshimirimana, and suspended Mr. Nigarura for a period of one year and denied him participation in the Conseil du l'Ordre des Avocats for a period of five years. However the Court decision has not been communicated to the victims, thus denying them a right of appeal and without any further recourse or remedy.

The Committee noted in a letter of 27 February 2017 that it considers the verdict of the court as an act of reprisal for the individuals' engagement with the Committee and the United Nations human rights system. At the time of writing no response had been received from the Government.

4. China

14. The 2017 report of the Secretary-General (see A/HRC/36/31, Annex paras. 22-24) referred to the disappearance of Mr. Jiang Tianyong, a prominent human rights lawyer who had met with Mr. Philip Alston, Special Rapporteur on extreme poverty and human rights during his visit to China in August 2016. On 2 December 2016, four special procedures mandate holders raised concerns regarding actions taken against Mr. Jiang, including that his disappearance may have occurred, at least in part, in reprisal for his cooperation with the Special Rapporteur (A/HRC/34/75, CHN 13/2016).

15. On 6 September 2017 four special procedures mandate holders called on the Government to immediately release Mr. Jiang, who was on trial for inciting subversion of the State's power and expressed concerns over a lack of fair trial standards.[1] They expressed concern that he had been detained and under surveillance at an unknown location for more than nine months, without access to his family or a lawyer of his own choosing, and that he may have been subjected to torture and ill-treatment. The special procedures mandate holders stated that "Mr. Jiang's 'crime' apparently included communications with foreign entities, which potentially include the United Nations human rights mechanisms, giving interviews to foreign media, and receiving training on the Western constitutional system, all of which have been carried out in the course of his work as a lawyer."[2]

16. Mr. Jiang was found guilty of inciting subversion of the State's power on 21 November 2017 by the Changsha Intermediate People's Court and sentenced to two years jail. On 23 November 2017, four special procedures mandate holders condemned the verdict and appealed to the Government to unconditionally release Mr. Jiang, noting that "Mr. Jiang's trial clearly fell short of international standards and his conviction represents an unfair and arbitrary punishment of a human rights lawyer and defender, whose only

[1] OHCHR, "UN experts urge China to release lawyer Jiang Tianyong currently on trial for subversion," 6 September 2017.

[2] *Ibid.*

crime was to exercise his rights to free speech and to defend human rights."[3] They had previously expressed concern that his confession may have been coerced by the use of torture. On 23 March 2018, five special procedures mandate holders issued another statement regarding Mr. Jiang's deteriorating health conditions while in detention and called on the authorities to give him urgent medical attention.[4] The Government in its response to the special procedures' communications of 2 December 2016 (CHN 13/2016) and 28 December 2016 (CHN 15/2016) respectively stated that Mr. Jiang had been charged with illegal possession of classified State documents with the intention of illegally transmitting State secrets abroad. It further noted that he has also received long-term funding and support from abroad and has identified himself as a "citizen agent," interfering in several sensitive cases. The Government noted that he fabricated and disseminated rumours online, incited petitioners of the Government and the family members of persons involved in the cases to oppose State authorities, interfered with the administration of justice, and disturbed public order. The Government stated that Mr. Jiang has admitted to committing offences. The Government did not address the allegations of reprisals.

5. Egypt

17. It was reported in the 2017 report of the Secretary-General that on 3 May 2017, four special procedures mandate holders expressed concerns about the abduction, detention, torture and ill-treatment of Dr. Ahmed Shawky Abdelsattar Mohamed Amasha (see A/HRC/36/31, para. 39), reportedly in retaliation for his human rights work documenting cases of enforced disappearances for the special procedures (A/HRC/36/25, EGY 5/2017). On 10 March 2017, Dr. Amasha was allegedly abducted by police officers in Cairo, and no information was given about his whereabouts until 1 April 2017. He was charged on 13 April 2017 with "belonging to a banned group" under the Anti-Terrorism Law of Egypt and transferred to the Tora prison of Cairo. It was alleged that following his abduction on 10 March 2017, he was secretly detained at the Central Police station of Abbasiya in the Cairo Governorate and subjected to torture and ill-treatment. On 27 April 2017, his detention was prolonged. There are serious concerns that the acts committed against Dr. Amasha constitute acts of reprisals against him for documenting cases of enforced disappearances for the special procedures (see A/HRC/39/31, para. 39).

18. During its eightieth session in November 2017, the Working Group on Arbitrary Detention rendered its opinion that the detention of Mr. Amasha and other individuals was arbitrary, and requested the Government of Egypt to ensure his and others' immediate release and to take steps to remedy their situation, including, by according them an enforceable right to compensation and other reparations. The Working Group also referred the case to the Coordinating Committee of the Special Procedures and the Assistant Secretary-General for Human Rights (see A/HRC/WGAD/2017/78, paras. 89-93).

19. The 2017 report of the Secretary-General addressed allegations of reprisals against civil society members in the form of asset freezes (see A/HRC/32/52/Add.1, para. 662 and A/HRC/36/31, para. 30). Staff members of the Cairo Institute for Human Rights Studies (CIHRS) and members of their families are alleged to have been targeted for their cooperation with United Nations mechanisms and their meetings with United Nations representatives, and are being subject to asset freezes. Mr. Mohamed Zaree, who has been banned from travelling outside Egypt in relation to this legislation (case 173/2011), was interrogated on 24 May 2017 by a judge as part of the ongoing prosecution of the foreign funding case, and has reportedly been accused of submitting information to the United Nations. He had also been accused of intending to harm Egypt through his role in preparing for the universal periodic review in 2014. Reportedly, Mr. Zaree was questioned for allegedly receiving foreign funds for an unregistered entity (CIHRS) and using them for unlawful activities with the intent of harming national security and interests. In May 2017 the judge pressed three charges, including two felonies, and set his bail at 30,000 Egyptian pounds. Mr. Bahey El-Din Hassan and his family have been subject to asset freezes, and most recently to death threats in relation to a memo sent by seven Egyptian civil society organizations to the United Nations Secretary-General regarding the presidential elections.

[3] OHCHR, "China: UN experts condemn jailing of human rights lawyer Jiang Tianyong," 23 November 2017.

[4] OHCHR, "China: UN experts concerned about health of jailed rights lawyer Jiang Tianyong," 23 March 2018.

These death threats were reportedly made on television on 21 March 2018 and, prior, on 25 May 2017.

20. On 1 June 2017, the High Commissioner for Human Rights 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),[5] noting that the work of non-governmental organisations has been severely hampered already through asset freezes, travel bans, smear campaigns and prosecutions, and he expressed serious concern that the new legislation imposes severe restrictions on civil society and impinges on the exercise of the rights to freedom of expression and freedom of association. This was addressed previously on 23 November 2016 by three special procedures (A/HRC/34/75, EGY 14/2016). The Assistant Secretary-General for Human Rights sent a letter to the Government on 28 April 2017 where he addressed concerns about some provisions under the then draft law that would undermine civil society's ability to engage freely with the United Nations, including provisions that would require them to seek Government permission before working with international organizations or experts, and that would defer administration of such international engagement to the Government.

21. On 31 July the Government provided an update. Regarding the case of Mr. Amasha, the Government noted that the accused is in pre-trial detention based on case number 316 of 2017 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 and to follow up with the medical consultant in the prison's clinic.

22. Regarding the case of the Cairo Institute for Human Rights Studies and its staff members, the Government noted that Decision number 325 of 2011 assigned a Judge to investigate the legal violations of foreign funding received by associations and non-governmental organizations operating in Egypt in violation of the provisions of the Law on Associations and NGOs, including this organization, its founder, Mr. Hassan and its director, Mr. Zaree. The Judge requested that the relevant individuals be prohibited from making use of their real estate as well as movable and liquid assets in accordance with the provisions of Article 208 of the Criminal Procedure Code, to ensure that the court's decision is complied, in case the court decides to impose fines or order compensation for the charges attributed to them, which are punishable by the Penal Code and Law No. 84 of 2002 on associations and civil institutions. The Government noted that the Cairo Institute for Human Rights Studies is not registered with the Ministry of Social Solidarity, and that financial transfers from abroad were received illegally in violation of the provisions of Law No. 84 of 2002, which governs the work of associations and civil institutions. Regarding the allegations that Mr. Hassan and his family were subjected to threats, the Government noted that they could submit a communication to the Public Prosecutor's Office, since such a threat, if it has occurred, is unacceptable in breach of the law.

6. India

23. In the 2017 report of the Secretary-General, intimidation and reprisals against 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), were reported in relation to his cooperation with the Human Rights Council, the Working Group on Enforced and Involuntary Disappearances and the universal periodic review. These reprisals took the form of a travel ban and arbitrary arrest and detention, reportedly because Mr. Parvez was fomenting an "anti-India narrative," propagating separatism, and inciting others to violence. Reprisals were apparently taken against him for documenting and sharing information with the United Nations on human rights violations in Jammu and Kashmir, including on behalf of victims. At the time of his preventive detention of 76 days in 2016, he was accused in four criminal cases, which were subsequently dropped by the Jammu and Kashmir High Court who held that he had been detained arbitrarily. However, the police have still filed "First Information Reports," before a court in Srinagar for three cases, for which he is awaiting hearings.

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

24. Mr. Parvez was a source of information collected from June 2016 to April 2018 for an OHCHR report published in June 2018 on the human rights situation in the State of Jammu and Kashmir[6] and has reportedly suffered reprisals for his assistance. Defaming content against the JKCCS and Mr. Parvez is reportedly being circulated by a group that claims to have ISIS affiliation. The group has publicly incited death threats against Mr. Parvez and his family, and used slanderous language against the work of the JKCCS.

7. Iran (Islamic Republic of)

25. The case of Ms. Raheleh Rahemipor was referred to in the 2017 report of the Secretary-General (see A/HRC/36/31, para 37 and Annex, paras. 41-42. On 16 May 2018, four special procedures mandate holders raised concerns over allegations of reprisals in the form of continuous judicial harassment for her efforts in seeking the truth about the fate and whereabouts of her brother and his infant daughter (IRN 9/2018). Ms. Rahemipor is a 65 year-old human rights defender, the sister of Mr. Hossein Rahemipor and the aunt to his infant daughter, whose disappearances have been registered with the Working Group on Enforced and Involuntary Disappearances since June 2016.

26. In February 2017, Ms. Rahemipor was sentenced by the Branch 15 of the Revolutionary Court in Tehran to a year in prison "for spreading propaganda against the system." In September 2017, she was arrested while her first case was still pending in the court of appeal. During her interrogation, she was allegedly pressured to withdraw the complaints that stand before the Working Group and in return the prosecution against her, would be stopped, which she refused. She was released on bail after being held in detention for one month. Similar concerns were raised in previous communications sent by the special procedures on 5 August 2016 (IRN 23/2016), on 22 November 2016 (IRN 29/2016), on 26 January 2017 (IRN 3/2017) and on 18 September 2017 (IRN 27/2017). A reference to her case was included in the February 2018 report of the Secretary-General on the situation of human rights in Iran (see A/HRC/37/24, para.47). A response by the Government was received on 27 October 2017 but it did not address the allegation that Ms. Rahemipor is being judicially harassed as a form of reprisal because she registered the disappearance of her brother and niece with the Working Group on Enforced and Involuntary Disappearances.

27. On 5 May 2018, it was further reported that Ms. Rahemipor was tried by the Branch 28 of Tehran Revolutionary Court on the same charge as in February 2017, of "spreading propaganda against the system" for informing the Working Group about the cases of her relatives and for participating in peaceful protests with other activists, where she held a poster reading "You killed my brother. What did you do with his child?" During the court session, the judge humiliated and verbally abused her for having communicated with organizations outside Iran including United Nations bodies. The judge said that the authorities made a mistake by releasing her on bail in the first case against her, and that she should have been kept in prison. While she is awaiting the outcome of this new trial, her other case in the appeal court is still pending.

8. Iraq

28. In the 2016 report of the Secretary-General (see A/HRC/33/19, para. 24), it was noted that on 13 April 2016, three special procedures mandate holders raised concerns over allegations of reprisals against Mr. Imad Amara and Mr. Faisal al-Tamimi, of Al Wissam Humanitarian Assembly, an NGO that documents cases of enforced disappearances in Iraq and submits them to the United Nations human rights mechanisms (see A/HRC/33/32, IRQ 1/2016). On 6 March 2016, Iraqi military forces stopped and searched Mr. Amara and Mr. Al-Tamimi's car while the two men were on their way to meet families of disappeared persons. Both men were informed that a warrant had been issued for their arrest, before being handcuffed, blindfolded and taken to an unknown location. Mr. Amara and Mr. Al-Tamimi were severely beaten, insulted and threatened while being interrogated about their work for around two hours, before being released. The special procedures also raised concerns over reports that other employees of Al Wissam had previously been subjected to

[6] 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.

intimidation and reprisals relating to the submission of cases to the Committee on Enforced Disappearances, and some had left the country out of fear for their security.

29. On 10 April 2018, three special procedures mandate holders raised allegations of death threats and attempted killing against Mr. Al Tamimi and Mr. Al Roumy in what appears to be direct retaliation for their legitimate human rights work against enforced disappearances in Iraq and for urging the State to join the International Criminal Court (IRQ 2/2018). While recognising the independent judicial character of the International Criminal Court, the Court is regarded as a related organization in the United Nations System. The men were threatened after attending a preparation meeting for a conference aimed at calling on Iraq to join the Court, following which three cars stopped next to them and one of the men inside made the following threat "Iyad and Faisal, either your life or the conference." On 5 February 2018, two days after the conference, both individuals were approached by a car near the Sheikh Maruf Square in Baghdad. One of the persons in the car opened fire on them and shot five times. Mr. Al Tamimi was injured and was brought to the Medical City Hospital in Baghdad, where he received medical treatment. On 4 March 2018, both Mr. Al Roumy and Mr. Al Tamimi received threats through Facebook messages. At the time of writing no response has been received.

9. Japan

30. In the 2016 report of the Secretary-General (see A/HRC/33/19, para. 25), reference was made to an urgent appeal to the Government by three special procedures mandate holders on 30 May 2016 alleging the monitoring and surveillance of Ms. Kazuko Ito, of non-governmental organisation Human Rights Now. Ms Ito had facilitated and organised meetings for Mr. David Kaye, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, with representatives of civil society during his visit to Japan in April 2016 (see A/HRC/34/52/Add. 1, paras. 399 and 400; JPN 4/2016). These allegations stemmed from a magazine that reported information obtained through a leaked memo allegedly produced by Japanese intelligence agency members ordering the surveillance of Ms. Ito's movements ahead of the Special Rapporteur's visit to Japan. They expressed concern that the allegations of surveillance of Ms. Ito could be an act of intimidation and reprisal for her cooperation with the United Nations. Human Rights Now has been cooperating with the United Nations mechanisms since 2013, including the universal periodic review and the Commission on the Status of Women (CSW).

31. The 2017 report noted the Government's response of 16 June 2016 that, the allegations were investigated by the Public Security Intelligence Agency and the National Police Agency, who each confirmed that they "had neither received such instructions nor conducted such research activities as were reported by the media" (see A/HRC/36/31, Annex, para. 5).

32. In May 2018 it was reported that Ms. Ito and Human Rights Now continue to be targeted due to their cooperation with the United Nations. On 9 March 2018, during a videotaped session of the House of Representatives Committee on Cabinet, a member of the Diet and Liberal Democratic Party addressed government representatives where she characterized Human Rights Now as "(a)n organization that makes use of the United Nations and other [international forums] to spread around the world the fabricated information that the "comfort women" of the Japanese army were sex slaves, and does that with lots of enthusiasm; that's what Human Rights Now is." Human Rights Now had organised a side event on "comfort women" at the Commission on the Status of Women. The Diet member also reportedly requested the Diet to "control NGOs' international forms of speech" in their collaborative activities with the United Nations and said, "it is obvious that there are people trying to use propaganda to discredit Japan," which was reiterated on social media. Human Rights Now sent two letters to the Chairman of the House of Representatives Committee on Cabinet and to the Liberal Democratic Party on 27 March 2018 regarding these allegations. The Government of Japan responded on 15 August 2018 that "it asked both the Liberal Democratic Party and the Secretariat of the House of Representatives about the letters mentioned. The Liberal Democratic Party replied that it cannot confirm if it received the letter because it has no information on which department of the Party the letter was addressed to. The Secretariat of the House of Representatives replied that the chairman has not responded to the letter from that organization."

10. Mexico

33. As reported in the 2017 report of the Secretary-General (see A/HRC/36/31, para. 41 and Annex 47-50), on 4 August 2015 the Committee against Torture, in *Ramirez et al. v. Mexico*, found a violation of articles 1, 2 (1), 12-15 and 22 of the Convention against Torture and Other Cruel or Degrading Treatment or Punishment (CAT/C/55/D/500/2012 and communication No. 500/2012). On 19 May 2016 and 19 September 2016, the complainants submitted that they had suffered acts of intimidation and harassment by the authorities as a result of the Committee's decision. This allegedly took the form of a campaign aimed at stigmatizing the complainants as criminals and re-victimizing them. On 19 September 2016, the CAT requested protective measures.

34. Given the absence of a response by the Government to the allegations of reprisals of 19 September 2016, the Chair of the Committee met with the Permanent Representative of Mexico in Geneva on 14 May 2018 to discuss measures taken by the authorities to implement the Committee's decision. The Chair enquired about the outcomes, if any, of the investigation into the acts of torture, punishment of the perpetrators, and protection of the complainants from reprisals reported to the Committee in September 2016. The Chair further inquired whether all four complainants in the case have been released and if they received the remedies requested by the Committee.

35. According to an update received on 25 May 2018, two of the four victims remain in detention and are held in extremely precarious conditions with no regard to their condition as victims of torture and were transferred, without prior notice, to prisons with even harsher conditions. One victim has been diagnosed with a medical condition and is need of treatment, which he has not received. With regard to the two victims that were released, their families continue to face harassment and stigmatization, to the extent that they were forced to change residences.

36. During the meeting with the Chair of the Committee Against Torture on 14 May 2018, the Government committed to provide updated information from the national authorities and to submit its response to the Committee on the measures taken to implement the decision on the case by 14 July 2018. The Committee will meet with the Government during the sixty-fifth session of the Committee from 12 November to 7 December 2018.

11. Morocco

37. In the 2017 report of the Secretary-General concerns were raised about the prolongation of the detention of Mr. Abdul Rahman Alhaj Ali, which the Committee Against Torture deemed likely to be related to the complaint to CAT on his behalf on 22 May 2015 (see A/HRC/36/31 para. 42 and Annex paras. 51-52). On 3 August 2016, the Committee against Torture, in *Abdul Rahman Alhaj Ali v. Morocco*, found that the extradition of Mr. Alhaj Ali would constitute a breach of Article 3 of the Convention against Torture and Other Cruel or Degrading Treatment or Punishment (CAT C/58/D/682/2015 and communication No. 682/2015). Mr. Alhaj Ali, a Syrian national registered with the United Nations High Commissioner for Refugees and seeking asylum in Morocco, was detained in October 2014 in Morocco on an extradition request by Saudi Arabia for "breach of trust" based on previous business relations in Riyadh. The Committee urged the Government to release him or to try him if charges are brought against him in Morocco, as he had been in extradition detention for almost two years, far in excess of the sixty-day pretrial period provided for in Morocco.

38. According to updated information received by the Committee, during his detention in 2017 Mr. Alhaj Ali was twice summoned to the Prosecutor's office, where he was reportedly notified that the extension of his detention resulted from action on behalf before the CAT. On 5 October 2017, the Committee requested the Government to provide further information, within 2 months, on the measures taken to implement the Committee's decision in this case. On 28 November 2017, the Committee decided to request a meeting with a representative of Morocco during its sixty-third Session, 23 April to 18 May 2018. On 17 May 2018, the Committee's Rapporteur on Reprisals, together with the rapporteur for follow-up to decisions on individual complaints under Art. 22, met with a representative of the Permanent Mission of the Kingdom of Morocco in Geneva to discuss, inter alia, the

implementation of the Committee's decision in the present case (CAT/C/62/3 of 20 February 2018 and CAT/C/63/3).

39. On 6 June 2018, the Government confirmed that the complainant was released from detention on 16 May 2018, after more than three-and-a-half years of arbitrary detention. He is reported to be awaiting resettlement to the Netherlands where his family resides.

40. In the 2016 report of the Secretary-General (see A/HRC/33/19, para. 26), it was reported that on 22 March 2016 three special procedures mandate holders raised concerns with the Moroccan authorities over allegations of reprisals against Ms. El Ghalia Djimi, an employee of the Ministry of Agriculture and Maritime Fishing of Morocco and member of the l'association Sahraouie des victimes des graves violations des droits de l'homme commises par l'état du Maroc, l'ASVDH (A/HRC/33/32, MAR 1/2016). In the 2017 report of the Secretary-General (see A/HRC/36/31, Annex para. 6) it was reported that Mr. Michel Forst, the Special Rapporteur on the situation of human rights defenders, in his report on observations on communications, reiterated concerns that Ms. Djimi did not receive authorization to leave the country to travel to the thirty-first session of the Human Rights Council in Geneva (see A/HRC/34/52/Add.1, para 722). The mandate holder further expressed concern that the case of Ms. El Ghalia Djimi is not isolated, but is rather representative of a larger trend of reprisals, harassment and intimidation of human rights defenders. Information was subsequently received that Ms. El Ghalia Djimi was able to attend the thirty-second session of the Human Rights Council.

41. It was further reported that after the participation of Ms. Djimi in a session of the Working Group on Enforced and Involuntary Disappearances on 30 April 2018 in Geneva, she was subject to reprisals in the form of online defamation on a Moroccan website "Sahrawikileaks.com." It was also reported that Ms. Mina Baali, also a member of the association, participated in the Human Rights Council at the June 2017 session, and believes because of this, she has become subject to reprisals at her place of employment.

12. Myanmar

42. The case of Mr. Khaing Myo Htun (also known as Mr. Khine Myo Htun), a human rights defender who had reported on forced labour cases in Rakhine State, was addressed by four special procedures mandate holders (A/HRC/34/75, MMR 2/2016, MMR 7/2017) and included in the September 2017 report of the Secretary-General (see A/HRC/36/31, para. 43 and Annex, paras. 53-55). On 8 September 2017 the Government responded to the special procedures communication (MMR 7/2017) pertaining to the charges related to defamation and incitement. It is alleged that the arrest and detention of Mr. Khaing Myo Htun was linked to his cooperation with Ms. Yanghee Lee, the Special Rapporteur on the situation of human rights in Myanmar, with whom he met during her visit in June 2016 shortly before his detention. The charges against him relate to a written statement issued on 24 April 2016 by the Arakan Liberation Party, of which Mr. Khaing Myo Htun is a member, claiming that the Myanmar Army had engaged in severe human rights violations, including forced labour, forced land relocation, hostage taking, and arbitrary beatings and ill-treatment of combatants.

43. The ILO Governing Body noted in its report of 7 February 2018 that it remained deeply concerned that on 12 October 2017, Mr. Khaing Myo Htun, was convicted of defamation and incitement under section 505 of the Penal Code and sentenced to 18 months in jail, following eight months in detention during his trial. Ms. Lee, in her March 2018 report to the Human Rights Council, noted that he was convicted of disturbing public tranquillity and incitement under Sections 505(b) and (c) in October 2017 for allegations he made about forced labour the Myanmar security forces. Subsequently, after 19 months Mr. Htun was released on 22 February 2018 (see A/HRC/37/70, para. 15).

13. Pakistan

44. On 26 July 2017, four special procedures mandate holders sent an urgent appeal to the Government alleging threats and acts of intimidation against Mr. Adil Ghaffar, a lawyer and human rights defender who has brought to the attention of the United Nations human rights mechanisms, cases of extrajudicial killings, torture, and enforced disappearances

allegedly committed by State agents against members of the political party and movement Muttahida Quami Movement, including persons belonging to the Mohajirs community (PAK 5/2017).

45. According to the information received, Mr. Ghaffar's home has been monitored and he has received direct death threats from the twitter account @PakRangersFreePress. This account reportedly belongs to Pakistani Paramilitary Rangers, who have been accused of of serious human rights violations against MQM workers and ethnic Mohajirs.

46. The first threat received was on 1 July 2017, from a tweet referring to Mr. Ghaffar as a "traitor of Pakistan." It stated that if someone needs his residential address and details about his family they should contact the sender. On 14 July 2017, Mr. Ghaffar received another message from the social media account @PakRangersFreePress, which asked "what punishment is fit for the traitor." The special procedures expressed serious concern that these reported threats and acts of intimidation appear to be reprisals against Mr. Ghaffar at least in part due to his engagement with the United Nations human rights mechanisms. At the time of writing there had been no response to the urgent appeal.

14. Rwanda

47. In the 2017 report of the Secretary-General it was noted that two special procedures mandate holders sent an urgent appeal to the Government (RWA 1/2017) on 18 January 2017, in response to allegations of kidnapping and intense daily interrogation against journalist and human rights defender Mr. Robert Mugabe (see A/HRC/36/31, para. 48 and Annex, paras. 62 and 65) for his cooperation with the universal periodic review and the Human Rights Council (A/HRC/35/44).

48. On 30 May 2018, Mr. David Kaye, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, wrote to the Government in response to allegations that while Mr. Mugabe was travelling to Geneva to attend the 2017 United Nations Internet Governance Forum on 15 December 2017, he was stopped by the authorities at the airport in Kigali and barred from leaving the country (RWA 1/2018). He was reportedly detained and questioned for several hours on accusations of "working against the state, treason, and spreading rumours to undermine the state…" based upon his critical reporting published online. The police searched his bags and phone and questioned him about his activities related to the Human Rights Council. He was released after four hours of questioning to return home. On 16 December 2017 he was reportedly summoned again to the police, and criminal investigations from January 2017 were reopened against him, which could lead to formal charges. If convicted for treason, Mr. Mugabe could face 25 years in prison. At the time of writing the Government had not responded to the communications by the special procedures of 18 January 2017 and 30 May 2018.

15. Saudi Arabia

49. It was reported that on 16 September 2017, Mr. Issa Al-Hamid, of the Saudi Civil and Political Rights Association (ACPRA) was arrested, following previous sentences imposed by the Saudi authorities during a crackdown on human rights defenders. The 2017 report of the Secretary-General (see A/HRC/36/31, para. 49 and Annex, paras. 66-67) noted that three special procedures mandate holders took action on the case of Mr. Al-Hamid, who was sentenced to 11 years in prison followed by an 11-year travel ban and a fine of 100,000 Riyals (SAU 8/2016). He was originally sentenced to nine years by the Specialized Criminal Court for having, inter alia "communicated with international organizations in order to harm the image of the State," a charge that according to special procedures appear to also constitute acts of reprisal for cooperation with the United Nations. His sentence was increased by two years on 1 December 2016 by the Court of Appeal.

50. On 13 December 2016, three special procedures mandate holders raised concerns over allegations of reprisals against Mr. Al-Hamid for cooperating with the United Nations (A/HRC/35/44, SAU 8/2016). In its reply dated 13 February 2017, the Government did not address the case of Mr. Al-Hamid, as a response concerning his case had been provided already in relation to a previous communication (SAU 4/2016) in which the Government informed that he was sentenced by a lower court to nine years of imprisonment and a ban to

travel outside the Kingdom for a similar period. The Government did not address the allegations relating to reprisals.

16. Thailand

51. The 2017 report of the Secretary-General (see A/HRC/36/31, para. 57 and Annex, paras. 78-79) noted that, in June 2016, grant recipients of the United Nations Voluntary Fund for Victims of Torture, Ms. Porpen Khongkachonkiet and Mr. Somchai Homla-or of Cross-Cultural Foundation and Ms. Anchana Heemmina of Duay Jai Group, were subject to a legal complaint filed by the Royal Thai Army operating in the Southern Border Provinces for publishing a report in February 2016 entitled "Fifty-four cases of torture and ill-treatment in the Deep South documented in 2014-2015," funded in part by the Voluntary Fund. They were consequently accused of publicizing false information on torture and ill-treatment committed by military officials. The spokesperson of the Royal Thai Army in the region issued a public statement on 11 February 2016 accusing the organization of bias and of using outdated information to seek funding.

52. It is reported that the Internal Security Operations Command (ISOC) Region 4 filed a lawsuit against them for defamation and publication of false information on the internet. On 1 July 2017, plainclothes men believed to be military personnel visited Ms. Hemmina and warned her not to post comments about human rights violations on social media. Further to advocacy efforts related to the allegations, in November 2017, the ISOC 4 withdrew the defamation charges against Ms. Porpen Khongkachonkiet, Mr. Somchai Homla-or, and Ms. Anchana Heemmina. The charges were dropped by the Pattani Provincial Prosecutor.

53. On 13 September 2017 four special procedures mandate holders noted that Ms. Angkhana Neelapaijit, Ms. Porpen Khongkachonkiet and Ms. Anchana Heemmina, among others, were also reportedly subject to an online smear campaign, accusing them of bias and misinformation, and associating their human rights advocacy with the promotion of insurgency and separatist movements (THA 6/2017). Ms. Angkhana Neelapaijit is a Commissioner of the National Human Rights Commission of Thailand. Beginning in October 2016, the online blog "Conditions in South Thailand" regularly published content discrediting the work of Ms. Khongkachonkiet and Ms. Heemmina. Death threats were also posted online against Ms. Khongkachonkiet.

54. It was reported that on 14 February 2018, a case was opened against Mr. Ismaael Teh, founder of the Patani Human Rights Organization Network and a field officer since 2013 for an investigation funded by the United Nations Voluntary Fund for Victims of Torture (see A/HRC/36/31, para. 57 and Annex, paras. 78-79). Mr. Teh is responsible for helping document 82 cases of allegations of torture that were submitted by civil society representatives to the Committee Against Torture. Military officials of the Internal Security Operations Command Region 4 (ISOC Region 4) via the Pattani Provincial Police reportedly accused Mr. Teh of defamation following a television interview in which he recounted his own personal experience of torture while in military custody in Pattani province, in 2006. In October 2016, the Supreme Administrative Court had ruled that Mr. Teh had been physically abused in military custody based on medical records, and ordered the Thai Royal Army to award him compensation. Mr. Teh's interview was broadcast on a Thai PBS program on 5 February 2018, after which he was accused of defaming the 4th Army Region and ISOC Region 4.

17. United Arab Emirates

55. Mr. Ahmed Mansoor, advisor to the Gulf Centre for Human Rights and Human Rights Watch's Middle East and North Africa Division, was mentioned in the 2017 report of the Secretary-General (see A/HRC/36/31, para. 60 and Annex, paras. 84-85) and was the subject of actions by seven special procedures mandate holders (ARE 1/2017; ARE 7/2017). Mr. Mansoor is alleged to have suffered intimidation and reprisal for his collaboration with the Human Rights Council, the special procedures, the universal periodic review and the treaty bodies. Mr. Mansoor has experienced physical assaults, death threats, government surveillance, and since 2011, has been subject to a travel ban to prevent him engaging in person with United Nations human rights mechanisms. According to reports,

he was detained on 20 March 2017 when security agents searched his home in Ajman, confiscated laptops and other equipment, and arrested him without a warrant. He was placed in custody in Al Wathba prison in ill-health and has been subject to ill-treatment and possibly torture. On 29 May 2018 Mr. Mansoor was sentenced to ten years prison before the State Security Chamber of the Federal Supreme Court, fined one million Dirhams (USD $272,294.00), and ordered to be put under surveillance for three years upon his release. The Government responded in writing to the allegations transmitted by the special procedures in April 2017, but did not address the allegations of reprisals.

56. On 4 October 2017, two special procedures mandate holders raised concern about the treatment of Mr. Mohamad Ismat Mohamad Shaker Az as retaliation of an opinion issued by the Working Group on Arbitrary Detention on his case (ARE 6/2017). Mr. Shaker Az was transferred to solitary confinement on 2 July 2017 for two months, beyond the 15-day limit recommended in international standards, allegedly as a measure of retaliation after the issuance of Opinion No. 21/2017 in which the Working Group found Mr. Shaker Az's detention arbitrary. Furthermore, Mr. Shaker Az was told that the prosecutor would ask for an increased penalty, from 15 years to which he was sentenced in 2014, to life imprisonment. The Government responded in writing to the allegations transmitted by the special procedures in October 2017, citing its view that Mr. Shaker Az was not subjected to arbitrary detention, torture or solitary confinement.

57. Mr. Osama Al-Najjar was alleged to have been subject to reprisals after meeting with the Ms. Gabriela Knaul, Special Rapporteur on the independence of judges and lawyers during her visit to the United Arab Emirates in 2014. His case has been raised by five special procedures mandate holders (ARE 2/2015) and in previous reports of the Secretary-General in 2014, 2015 and 2016. According to information received, Mr. Al-Najjar, who was arrested, tortured and held incommunicado in March 2014, was then transferred to Al 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) based on Article 40 of Federal Law No. (7) of 2014 on Combating Terrorism Offences. On 1 June 2017 the court extended his placement in this center by six months and on 13 December 2017 it was again renewed for another six months.

58. On 6 July 2018 the Government provided follow up information on multiple cases, noting that Mr. Al-Najjar is currently 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." The Government stated 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." 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. The Government did not address the allegations of reprisals.

18. Uzbekistan

59. The case of Ms. Elena Urlaeva, of the Human Rights Alliance of Uzbekistan, an independent labour monitor who documents the practice of forced labour in the cotton industry, was included in the 2017 report of the Secretary-General (see A/HRC/36/31, para. 61 Annex, para. 86-87). On 1 March 2017, Ms. Urlaeva was arrested in Tashkent and taken to a police station, the day before she was due to meet representatives of the ILO and the World Bank on 2 March 2017. She had filed a complaint with the International Finance Corporation's Compliance Advisor Ombudsman (CAO) regarding World Bank investments. At the police station, Ms. Urlaeva was insulted and mocked by police officers who told her that she needed psychiatric treatment. She was then forcibly transferred to a psychiatric facility in Tashkent. On 24 March 2017, Ms. Urlaeva was released after 24 days of psychiatric detention.

60. On 5 April 2017 four special procedures mandate holders raised concerns about these incidents, which they noted appear to be related to her cooperation with international organizations (UZB 1/2017). On 28 April 2017 the Government responded, stating that according to a 2006 ruling of the Miabad Interregional Civil Court in Tashkent, Ms. Urlaeva suffers from mental illness and is legally incompetent. On 27 October 2017 the Government further responded to the mention of this case in the 2017 report of the Secretary-General, reiterating that no illegal actions by law enforcement were taken against Ms. Urlaeva, and that the Government maintains a cooperative relationship with the ILO.

61. It has subsequently been alleged that police and other authorities in several regions arbitrarily detained, interfered with and obstructed the work of both Ms. Urlaeva and Ms. Malohat Eshonkulova, an independent journalist and human rights activist who also signed the complaint to the Ombudsman, because they openly monitor work based upon forced labor. On 12 September 2017, police in Yaipan, a district of the Fergana region, detained Ms. Urlaeva at the police station where they confiscated her notebook, three mobile phones, camera, and a recording device. When Ms. Eshonkulova came to the station to demand Ms. Urlaeva's release, she was also detained. Both were released several hours later. Police in Buka detained Ms. Urlaeva again on 6 October 2017. On 15 October 2017, police in Pastdargam district, in the Samarkand region, detained Ms. Urlaeva and Ms. Eshonkulova for six hours. They were taken to the police station where they were interrogated and had their belongings confiscated, including notebooks, mobile phones, and camera flash card. In November 2017, is also alleged that police raided Ms. Eshonkulova's home and confiscated several of her belongings in a nearly 11-hour search for her computer and cell phone.

19. Venezuela (Bolivarian Republic of)

62. The 2017 report of the Secretary-General contains information about alleged acts of intimidation and reprisals against Mr. Henrique Capriles, former governor of Miranda state (see A/HRC/36/31, paras. 29 and . 88). In a press briefing on 19 May 2017, the spokesperson of the High Commissioner for Human Rights referred to the case of Mr. Henrique Capriles, who was scheduled to meet the High Commissioner in New York, on the same day, but was prevented from leaving Venezuela to do so. On 19 January 2018, the Assistant Secretary-General for Human Rights wrote to the Government about allegations of further reprisals against Mr. Capriles, expressing concern that subsequent attempts by him to renew his travel documents to participate in international events have been thwarted. On 11 April 2018 it was reported that Mr. Capriles was issued a passport to travel abroad to visit a sick relative.