



## 人权理事会

## 第三十六届会议

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议程项目2和5

联合国人权事务高级专员的年度报告

以及高级专员办事处的报告和秘书长的报告

人权机构和机制

## 与联合国、其代表和机制在人权领域的合作\*\*\*

## 秘书长的报告

## 概要

本报告按照人权理事会第12/2号决议提交理事会。秘书长在本报告中着重说明强调了联合国系统内外有关报复问题的最新动态。他介绍了主管人权事务助理秘书长作为领导联合国处理恐吓和报复寻求或曾经与联合国、其代表和机制在人权领域合作的人的案件的高级官员进行的活动。本报告还载有恐吓和报复行为指控方面的资料，例如前一份报告(A/HRC/33/19)所内载案件的后续行动。某些案件还附上了更翔实的资料(见附件录一)。在报告的结论部分，秘书长就处理和防止所有此类案件提出了建议。

\* 本报告在最后限期之后提交，以纳入最新信息。

\*\* 本报告附件按照所收到的原文印发。



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## 一. 引言

1. 人权理事会在第 12/2 号决议中表示关注，不断有报告称，一些个人和组织因寻求或曾经与联合国、联合国代表和机构在人权领域进行合作而遭到恐吓和报复，并深为关切有关严重报复事件的报导。理事会还谴责政府和非国家行为体采取的一切恐吓和报复行为，并请我向理事会第十四次届会议提交一份报告，之后则每年提出报告，在报告中汇编和分析从所有正当信息来源获得的相关资料，并就如何解决恐吓和报复问题提出建议。本报告是根据第 12/2 号决议编写的第八份报告。<sup>1</sup>

## 二. 应对恐吓和报复行为方面的动态

2. 据报告称，与联合国在人权问题上合作结果受到恐吓和报复的案件有所增加。前任秘书长对此感到震惊，并于 2016 年 10 月指定主管人权事务助理秘书长领导联合国系统内部努力处理与联合国在人权问题上合作的人士受到恐吓和报复的问题。该决定表明，本组织认识到此类行为不可接受，并且特别指出需要加强整个系统的行动，予以防止、应对和处理。处理报复和恐吓问题是整个组织的优先任务和核心责任之一。

3. 联合国人权事务高级专员数次谈到有人因为与联合国在人权领域进行合作而受到国家官员报复的问题。特别是，2017 年 6 月 7 日，高级专员在人权理事会第三十五届会议的发言中谈到该问题。他强调，自己的工作、特别程序和条约机构需要民间社会和国家人权机构及其他很多方面提供洞见和信息。他强调，政府或其他官员恐吓、逮捕或伤害个人时，也是在冲击联合国工作的根本组成部分。

4. 数个国家和非政府组织还就报复问题发表声明；例如，2017 年 3 月 16 日，在人权理事会第三十四届会议期间，报复问题核心小组(斐济、加纳、匈牙利、爱尔兰、乌拉圭)代表 67 个国家组成的集团发言，对持续的报复行为表示深为关切，促请所有国家防止和避免采取此类行为，欢迎指定一名高级官员领导联合国就此问题的工作。

5. 2016 年 7 月的年会期间，人权条约机构主席建议，所有条约机构实施其 2015 年会议(见 A/71/270)通过的《反对恐吓或报复准则》(《圣何塞准则》)(HRI/MC/2015/6)。至今，十个条约机构中已有八个核可了该《准则》，已经就报复和恐吓问题任命专门报告员、联络员或工作组，从而统一各条约机构采取的不同措施，并提出行动建议。

6. 2015 年，特别程序对报复的加强应对措施得到通过。2016 年 6 月，作为上述加强应对措施的一部分，残疾人权利问题特别报告员卡塔丽娜·德班达斯·阿吉拉尔被任命为特别程序协调委员会联络员。2017 年的特别程序年度报告中有一个章节讨论恐吓和报复行为，阐述了任务负责人应对此类行为而采取的各种措施(A/HRC/34/34, 第四章)。据观察，此类行为的性质日益恶劣。2017

<sup>1</sup> 见 A/HRC/14/19、A/HRC/18/19、A/HRC/21/18、A/HRC/24/29、A/HRC/27/38、A/HRC/30/29 和 A/HRC/33/19。

年 3 月 15 日，协调委员会主席在向人权理事会第三十四届会议提交特别程序年度报告时，确认了任务负责人针对与之合作者受到的报复行为作斗争的努力。她特别指出，报复行为削弱了特别程序的工作能力。

7. 联合国系统内部已经采取措施加强对此事的认识，例如，2016 年对于驻地协调员和联合国国别工作队的人权指导说明特别指出，外地机构对于处理报复和恐吓问题起着重要作用。该指导说明还强调，要应对报复风险，保护人们的安全，就要求驻地协调员和联合国国别工作队以协调一致方式应对，包括必要时向联合国发展集团和联合国人权事务高级专员办事处(人权高专办)发起呼吁。

8. 为了以上述其他行为体正在进行的工作为基础再接再厉，在其工作的这个初步阶段，被指派领导联合国系统内部工作的高级官员正在关注三个领域：(a) 加强高层对报复问题的关注，包括防止报复，并确保在发生报复时，尤其是在紧急情况下，采取适当行动；(b) 开发更加全面的应对措施，在整个联合国系统防止和处理恐吓和报复；以及(c) 确保所有行为体，尤其是会员国和民间社会行为体合作加大力度推进已经进行的工作。

9. 主管人权事务助理秘书长已经在政府间论坛及通过与有关政府进行的静默外交向会员国通知了具体情况和个案，而这是他工作的必要方面。参与此接触的有人权理事会、安全理事会、建设和平委员会以及常驻联合国代表。他在总部和实地访问期间，利用来自联合国伙伴、人权机制、民间社会及直接来自受影响的团体和个人的信息，提出了具体的紧迫案件、持续存在的恐吓和报复模式、其他行为体的行动尚未产生任何切实变化的情况，以及其他事件。

10. 主管人权事务助理秘书长还参加了与人权机构和机制的外联，包括人权理事会主席、特别程序、条约机构、秘书长特别代表和驻地协调员，联合国机构、基金和方案以及联合国秘书处的所有联络员。对联合国实体的现有应对机制进行的摸底调查已经开始，将提供信息，帮助开发更加全面的体系来记录和应对整个组织的恐吓与报复案件。

11. 为确保针对恐吓和报复问题所做的工作以及联合国人权机制在这方面的行动能得到人们的了解，能为人们所借助，2017 年 6 月推出了专门网站，内容包括如何向相关机构提交信息。<sup>2</sup> 特别程序也推出了自己有关此问题的网页。

### 三. 确保诉诸联合国及其人权领域的代表和机制

12. 前任秘书长在先前的报告中提到了非政府组织委员会的作用。该委员会审议经济及社会理事会咨商地位的申请。他促请该委员会公正透明地适用对组织的评估标准。这是有鉴于，民间社会组织对联合国的工作和宗旨做出的贡献不可或缺，而要做出这种贡献，民间社会组织就需要能够参加在联合国场所举行的国际会议，能够直接与人权机制接触。特别程序任务负责人在 2017 年 4 月致委员会的一封信中提及此事(A/HRC/36/25, 第 13 段, OTH 5/2017)。在信中，任务负责人表示，对委员会给予民间社会组织认可的決定及其总体工作方法感到关切。据

<sup>2</sup> 见人权高专办网页“对在人权领域与联合国合作的恐吓和报复行为”(www.ohchr.org/EN/Issues/Reprisals/Pages/ReprisalsIndex.aspx)。

任务负责人指出，上述问题可能影响民间社会接触到联合国的能力，因而将影响其参与度。任务负责人还表示，尤其令其感到关切的是，非政府组织咨商地位的申请受到任意推迟。这种推迟可能使得非政府组织无法接触联合国机构和人权机制。委员会主席回应上述关切时指出，委员会所有的公开届会现在都进行网上直播。上述进展将加强委员会工作的透明度，我对上述进展表示欢迎。我还呼吁委员会公正透明地适用对组织的评估标准。

#### 四. 已收到的关于在人权领域与联合国、其代表和机制合作而遭受恐吓或报复的案件的资料

##### A. 一般性意见

13. 本报告所载案件基于 2016 年 6 月 1 日至 2017 年 5 月 31 日收集的信息，并根据人权理事会第 12/2 号决议和第 24/24 号决议，载有关于对以下人员的恐吓或报复行为的资料：

- 寻求在人权领域与联合国、其代表与机制合作或曾经与其合作的人，或曾经向其提供证词或信息的人；
- 利用或曾经利用联合国组织设立的保护人权和基本自由程序的人，以及所有为此目的曾向其提供法律和其他援助的人；
- 根据人权文书设立的程序提交或曾经提交来文的人，以及所有为此目的向他们提供法律或其他援助的人；
- 侵犯人权受害者的亲属、或向受害者提供法律或其他援助的人的亲属。

14. 收到的这些资料得到了第一来源和其他来源尽可能的核实和证实。本报告也提到了首次公布所载案件的各种联合国出版物。本报告还载有截至 2017 年 7 月 31 日各国政府在联合国人权机构和机制届会期间提供的口头或书面答复。相关努力已作出，前任秘书长的报告中所载案件也有了后续行动(见附件二)。

15. 本报告并不试图提供详尽的案件清单。本报告的编制工作严格遵守了“不伤害”原则，严格确保提及指控中受害者的姓名要得到其同意，并对收到和认为可信的每个案件进行了风险评估。因此，本报告决定如果认定案件中有关个人或其家庭成员的安全和福祉风险过高，则不将该案件包括在内。因此，提请我注意的一些案件在保密情况下处理，没有列入本报告。

16. 本报告所述期间，希望接触联合国人权系统、经历了恐吓和报复的个人和团体接触的机构、进程和行为体范围广泛。我收到了在人权问题上与人权理事会、特别程序、条约机构和普遍定期审议机制接触的个人和团体受到的威胁、恐吓或报复的信息。与人权高专办或和平特派团的人权构成部分联系也无法避免此类报复。上述特派团包括联合国中非共和国多层次综合稳定团(中非稳定团)、联合国组织刚果民主共和国稳定特派团(联刚稳定团)、非洲联盟-联合国达尔富尔混合行动(达尔富尔混合行动)、联合国南苏丹特派团(南苏丹特派团)。其他一些方面试图前往参加国际劳工组织届会或哥本哈根气候变化框架公约会议并在上述会

议作报告，后果却很严重。一些行为体仅仅因为参加过联合国维持和平部队组织的培训项目，就受到了威胁，有时甚至是死亡威胁。

17. 联合国人权事务高级专员、人权理事会主席、人权高专办外地机构及和平特派团已经处理了一些报复指控。作为领导应对报复问题的高级官员，主管人权事务助理秘书长与国家代表举行了会议并向政府致信，内容是关于如下案件：有人与人权高专办外地机构在人权问题上接触，就因为其行动受到地方当局威胁；有立法草案对不经事先批准与外国组织合作加以限制；人们被阻止与人权机制合作；联合国撤销了对一位人权维护者的认可；有人因为与和平特派团的人权构成部分合作所以受到报复。

18. 有指控称，有人与理事会接触并受到恐吓和报复。上述指控包括旅行禁令、常驻代表团恐吓民间社会代表、诽谤性或威胁性的媒体宣传运动，或者有人与理事会及其机制接触后受到骚扰、任意逮捕或起诉。同样，人权理事会两位前任主席通过斡旋处理了这些指控，包括直接与六个国家的外交代表进行了斡旋。此类行动有助于使上述案件进一步得到关注，鼓励政府采取积极行动。

## B. 案件概要

19. 下述案件的进一步信息请见附件一。

### 1. 阿尔及利亚

20. 有指控称，Association pour les enfants des disparus forcés en Algérie - Mish'al 组织创始成员 Rafik Belamrania 于 2017 年 2 月 14 日在脸书上发布人权事务委员会就其父于 1995 年遭受即决处决所做的决定(见 A/HRC/36/25, 第 13 段, DZA 2/2017)，因而遭到报复。数名任务负责人就此于 2017 年 3 月 31 日向阿尔及利亚政府提出关切。

### 2. 巴林

21. 鉴于存在以下趋势：人权维护者受到严重骚扰和恐吓，某些个人遭到旅行禁令，某些个人被有针对性地逮捕、拘留、虐待，还有一个具体案件涉及将性侵犯和酷刑作为报复，特别程序任务负责人和人权理事会主席处理了指控，与巴林政府就上述案件进行了联系。主管人权事务助理秘书长以书面形式向政府提交了对案件的指控。特别程序对民间社会受到有策划的镇压表示了关切，强调当局已经采取严厉措施来遏制异见观点，包括报复与联合国合作，尤其是与人权高专办合作的人(见 A/HRC/34/75, 第 10 段, BHR 4/2016 和 BHR 7/2016)。

22. 特别程序收到的数项指控称，据说有人权维护者因为与联合国及人权理事会等联合国人权机制合作，以及在《联合国气候变化框架公约》缔约方大会第二十二届会议期间与该大会合作，或与人权讲习班合作，所以受到了旅行禁令。

23. 2016 年 6 月 21 日，联合国人权事务高级专员发言人表示，对巴林人权中心共同创始人 Nabeel Rajab 于 2016 年 6 月 13 日因为“以诋毁巴林为目的，散布有关内部局势的虚假新闻和谣言”而被捕一事表示深为关切。至少自 2015 年 1 月以来，他已经受到旅行禁令的限制。上述以及随后针对 Rajab 先生的行动与他与人权理事会接触有关，高级专员对此感到关切。

### 3. 布隆迪

24. 禁止酷刑和其他残忍、不人道或有辱人格的待遇或处罚委员会就布隆迪非政府组织代表受到报复的指控采取了行动。该指控称，布隆迪非政府组织代表发送报告并参加了评估布隆迪局势的前述该委员会届会，并且受到了报复。有四位代表是律师。后来在布琼布拉检察官的要求下，其中一位被中止从业一年，三位被取消律师资格。委员会表示关切称，检察官的要求与上述民间社会成员与委员会合作有关。委员会已经就此事与政府进行了联系(见 CAT/C/BDI/CO/2/Add.1)。

25. 根据人权理事会第 S-24/1 号决议对布隆迪开展独立调查的专家在其报告中(A/HRC/33/37)，也就配合调查或希望配合调查的个人受到报复的威胁表达了关切，指出调查面对着数项挑战，例如四次计划访问中有两次未能成行。专家还指出，一些受害者和证人害怕报复。专家在建议中强调，政府应该立即停止报复和威胁与这些专家和其他人权机制和组织合作的人。

26. 2017 年 6 月 14 日，布隆迪问题调查委员会主席对人权理事会进行了通报，表示委员会从大量流亡布隆迪人那里获得了信息。这些布隆迪人害怕受到报复，所以不敢提供证词。她在通报中指出，依旧在该国工作的人权维护者同样难以从该国国内的受害者那里收集证词，也是因为害怕使自己或受害者面对受到报复的危险。

27. 2017 年 3 月，主管人权事务助理秘书长通知建设和平委员会和安全理事会成员称，有指控称曾与联合国，包括人权高专办在布琼布拉合作或曾寻求与其合作的人受到了报复。

### 4. 中国

28. 2016 年期间，特别程序任务负责人收到数份指控称，一些人受到的报复与和赤贫和人权问题特别报告员在其 2016 年 8 月访华期间进行的会见有关。特别程序任务负责人采取了行动，已经联系了政府(见 A/HRC/34/75, 第 10 段, CHN 9/2016 和 CHN 13/2016)。

29. 2017 年 4 月 26 日，在收到中国代表提出的指称“安全原因”的材料后，正在联合国总部出席土著人民问题常设论坛年度会议的维吾尔族人权活动人士、无代表国家和人民组织成员多力坤·艾沙被送离会场，待进一步审查。结果，艾沙先生未能重新参加论坛。

### 5. 古巴

30. 2016 年 10 月 18 日，一些特别程序任务负责人向古巴政府提出，有指控称人权维护者和 Cubalex 法律信息中心成员因为与联合国在人权领域合作，所以受到了骚扰和报复(见 A/HRC/34/75, 第 10 段, CUB 3/2016)。该指控主要是有关倡导者与人权理事会、其特别程序和普遍定期审议机制合作。上述倡导者在机场受到阻止和盘问，并且受到移民官员的骚扰。而且，2016 年 9 月 23 日，Cubalex 的办公室受到突袭。

### 6. 埃及

31. 有指控说，人权维护者试图参加人权会议时受到旅行禁令形式的报复。特别程序任务负责人对指控采取了行动(见 A/HRC/34/75, 第 10 段, EGY

15/2016)。<sup>3</sup> 其中一些指控涉及参加《联合国气候变化框架公约》缔约方大会第二十二届会议，以及参加性别平等和妇女权利的培训。人权维护者处境问题特别报告员提出，有指控称，民间社会受到资产冻结形式的报复(A/HRC/34/52/Add.1, 第 662 段)。开罗人权研究所的工作人员及其家属指控称，自己因为和普遍定期审议机制合作，会见联合国代表，所以被作为目标。

32. 2016 年 11 月 22 日，三位任务负责人向埃及政府表示关切称，有一部关于非政府组织的法律正在起草，内容包括限制不经事先批准就与外国组织合作的行为(见 A/HRC/34/75, 第 10 段, EGY 14/2016)。专家关切的是，该立法草案将对民间社会组织施行严格限制，损害表达自由权和结社自由权的行使。2017 年 4 月，主管人权事务助理秘书长处理了有关法律提案影响的关切，并向政府提出了个案。

33. 2017 年 5 月 3 日，四位任务负责人表达关切称，据报告有人为了报复 Ahmed Shawky Abdelsattar Mohamed Amasha 博士作为人权维护者的活动，对他进行了绑架、拘留、酷刑和虐待。上述活动包括为特别程序记录强迫失踪案件(见 A/HRC/36/25, 第 13 段, EGY 5/2017)。

## 7. 厄立特里亚

34. 在 2016 年 6 月提交人权理事会的最后报告中，厄立特里亚人权状况调查委员会强调，发现保护证人和受害者仍然是委员会任务期的核心关切，几乎所有与委员会谈过话的受害者和证人都害怕自己或在厄立特里亚的家庭成员受到厄立特里亚当局报复(A/HRC/32/47, 第 8 段)。在这个背景下，厄立特里亚人权状况特别报告员在 2016 年 10 月对大会的发言中，重申其重视解决与委员会或该特别报告员合作的人遭到报复的问题，重视确保相关机制采取适当后续行动。人权理事会在第 35/35 号决议中鼓励证人居住的国家保护与调查委员会和特别报告员合作的人免受报复。

## 8. 洪都拉斯

35. 有报告称，非政府组织 Asociación para una Ciudadanía Participativa 的电子邮件账户于 2015 年 9 月 22 日受到黑客攻击。2017 年 3 月 2 日，该组织总协调人 Hedme Castro 准备乘飞机赴日内瓦参加人权理事会第三十四届会议时，在特古西加尔巴机场被短暂扣留。据报告，有人就计划在日内瓦举行的活动和 Castro 女士希望做的有关人权的申诉向她提出了问题。后来，她还受到进一步恐吓，4 月和 5 月，她的汽车轮胎被割破，她在针对一家矿业公司的示威期间被袭击。特别程序针对上述指控采取了行动，已经就此联系了政府。助理秘书长也已经将案件通报了政府。

## 9. 印度

36. 收到指控称，Khurram Parvez 受到的恐吓与报复和他与人权理事会、强迫或非自愿失踪问题工作组及普遍定期审议机制合作有关。据指控，报复的形式是

<sup>3</sup> 另见人权高专办，“联合国专家警告道，埃及加强对权利维护者的旅行禁令导致‘寒蝉效应’”，新闻稿，2016年11月24日。



旅行禁令和任意逮捕和拘留。特别程序就这些指控采取了行动，已经就此事与印度政府取得了联系(A/HRC/34/75, 第 10 段, IND 7/2016 和 IND 9/2016)。

#### 10. 伊朗伊斯兰共和国

37. 2017 年 3 月，联合国人权事务副高级专员在向人权理事会提交秘书长关于伊朗伊斯兰共和国人权状况的报告时(A/HRC/34/40)，强调有报告称，与联合国人权机制合作或建立联系的个人受到了报复。报告强调，对上述人员的报复依然令人十分关切；报告特别提到，特别程序任务负责人于 2016 年 11 月发表新闻谈话，促请伊朗伊斯兰共和国政府停止骚扰 Raheleh Rahemipor。任务负责人特别提到，Rahemipor 女士是 Hossein Rahemipor 的姐妹，而 Hossein Rahemipor 的案件正在接受强迫或非自愿失踪问题工作组的评估。任务负责人还特别提到，Rahemipor 女士持续受到骚扰。例如，有关当局曾于 2016 年 8 月反复就提交给强迫或非自愿失踪问题工作组的申诉对她讯问(见 A/HRC/34/75, 第 10 段, IRN 23/2016 和 IRN 29/2016；以及 A/HRC/35/44, 第 12 段, IRN 3/2017)。

#### 11. 以色列

38. 1967 年以来巴勒斯坦被占领土人权状况特别报告员在人权理事会第三十四届会议上提交理事会的报告中强调(A/HRC/34/70)，从事巴勒斯坦被占领土有关工作的人权维护者，包括在联合国的论坛上讨论问题的人权维护者面对的环境日益恶劣。他报告称，以色列占领区人权信息中心总干事 Hagai El-Ad 在 2016 年 10 月对安全理事会发言后，与“美国人现在推动和平”的 Lara Friedman 受到以色列高级官员的公开谴责，一名议员呼吁撤销他的公民资格。El-Ad 先生曾对定居点扩建和巴勒斯坦被占领土上巴勒斯坦人的人权状况恶化发出过警告(A/HRC/34/70, 第 47 段)。

39. 上述报告提交前，上述特别报告员和人权维护者处境问题特别报告员于 2016 年 12 月 16 日发布联合新闻谈话，表示对在巴勒斯坦被占领土工作的人权活动人士感到关切，这些人士在寻求推动问责，与国际刑事法院接触，并受到了骚扰和威胁。<sup>4</sup> 人权律师 Nada Kiswanson 在海牙代理 Al-Haq。Al-Haq 是一个记录巴勒斯坦被占领土上侵犯巴勒斯坦人权利的行为而不论侵权者身份如何的组织。有指控称，Nada Kiswanson 因为其在国际刑事法院开展的工作而受到死亡威胁和控告(见 A/HRC/34/70, 第 44 段)。

#### 12. 毛里塔尼亚

40. 2016 年 10 月 11 日，七名特别程序任务负责人表示，对毛里塔尼亚严重违反司法程序感到关切。例如，有指控称，13 名废奴运动复兴倡议成员遭到逮捕和任意拘留，被判入狱服刑，之后遭到酷刑。任务负责人还表示，赤贫和人权问题特别报告员访问该国时，上述成员曾与其合作，鉴于上述行为可能与此事有关，任务负责人对此表示关切(A/HRC/34/75, 第 10 段, MRT 2/2016)。

<sup>4</sup> 人权高专办，“联合国人权专家表示：人权维护者在巴被占领土面对日益增长的法律压力”，新闻稿，2016年12月16日。

### 13. 墨西哥

41. 2015年8月4日，禁止酷刑委员会查明，Ramirez 等人诉墨西哥一案中，《禁止酷刑和其他残忍、不人道或有辱人格的待遇或处罚公约》第一条、第二条第一款、第十二条至第十五条和第二十二条被违反(见 CAT/C/55/D/500/2012)。2016年5月19日和9月19日，申诉人指出，自己因委员会的决定而受到当局的恐吓与骚扰。据指控，上述行为的形式是对申诉人发起诋毁，将其说成犯罪者，令其再次受害。委员会已经将申诉人提交的信息转交给缔约国，请缔约国发表意见(见 CAT/C/59/3, 第23-24段)。

### 14. 摩洛哥

42. 2016年8月3日，禁止酷刑委员会查明，Abdul Rahman Alhaj Ali 诉摩洛哥一案中，引渡 Abdul Rahman Alhaj Ali 将构成违反《禁止酷刑和其他残忍、不人道或有辱人格的待遇或处罚公约》第三条(见 CAT/C/58/D/682/2015)。申诉人是叙利亚国民，在联合国难民事务高级专员办事处登记，在摩洛哥寻求庇护。2014年10月，沙特阿拉伯因为申诉人在利雅得先前的商业往来中“背弃信用”，所以要求引渡申诉人。因此，申诉人于2014年10月在摩洛哥受到拘留。委员会发布决定时，Abdul Rahman Alhaj Ali 的引渡拘留已经近两年，远远超过摩洛哥规定的60日审前羁押期。根据委员会收到的信息，有报告称，他的拘留期如此漫长与2015年5月22日代表他向委员会进行的申诉有关。2017年3月10日，鉴于申诉人指控的严重程度，委员会报复问题特别报告员和后续行动问题特别报告员请缔约国立即向委员会说明申诉人的情况，时间截至2017年3月31日。

### 15. 缅甸

43. 特别程序任务负责人收到指控称，缅甸人权状况特别报告员访问该国时，一些人与其接触并在后来受到恐吓与报复。他们已经就此事联系了政府(见 A/HRC/34/75, 第10段, MMR 2/2016)。例如，有指控称，政治及环境活动人士 Khine Myo Htun 受到的逮捕和拘留与其和缅甸人权状况特别报告员合作有关。2016年6月，他在特别报告员访问时与其见面，此后不久就被拘留。Htun 先生也是 Arakan Liberation Party 的官员，曾发表书面声明，批评若开邦当前的冲突期间国家军事行动对该地区的平民产生的影响。

44. 缅甸人权状况特别报告员在2016年7月21日的任务结束后声明和2017年1月24日的新闻谈话中也谈及此事。<sup>5</sup> 她重申，缅甸政府必须确保她的所有对话者的安全，保证他们不会受到任何威胁、骚扰、惩罚或司法起诉等报复。主管人权事务助理秘书长于2017年6月向政府通报了上述指控。

45. 有报告称，一些和联合国各个实体合作的人受到报复。随后，人权理事会在其有关缅甸人权状况的第34/22号决议中强调，不应有人由于和缅甸人权状况特别报告员等特别程序、国际独立事实调查组或联合国合作或对话，结果面对报复、监视、监控、威胁、骚扰或恐吓。人权理事会呼吁政府采取适当措施防止此

<sup>5</sup> 人权高专办，“联合国人权专家对最近访缅期间的报复问题感到关切”，新闻稿，2017年1月24日。

类行为，及时有效调查所有有关恐吓和报复的指控，以将犯罪者绳之以法，从而打击有罪不罚现象，并且为受害者提供适当补救。

#### 16. 阿曼

46. 2016年6月27日，五名特别程序任务负责人表示，有指控称人权维护者、记者和博客作者 Said Ali Said Jadad 因为其人权活动遭到任意逮捕和拘留，还有指控称他因为曾在和平集会与结社自由权利问题特别报告员 2014年9月访问阿曼期间与该特别报告员合作，并与国际组织合作，所以有人持续采取报复措施，因此任务负责人感到关切(见 A/HRC/34/75, 第 10 段, OMN 1/2016)。在一封日期为 2016年9月2日的信件中，阿曼政府对提出的关切予以答复，告知任务负责人称，因为他们的上诉，Jadad 先生的案件已得到重新审理，他已经于 2016年8月26日得到释放。

#### 17. 巴基斯坦

47. 巴基斯坦全国人权委员会本应于 2017年4月18日在禁止酷刑委员会第六届会议上作通报，此前向该委员会提交了一份替代报告。巴基斯坦全国人权委员会主席请求获准赴日内瓦，但是未能得到批准，不予批准的依据是该全国人权机构“没有就此事与联合国委员会互动的职权”。2017年4月18日，巴基斯坦全国人权委员会代表最终得以通过视频链接的方式参加禁止酷刑委员会的非公开会议。据报告，巴基斯坦全国人权委员会在巴基斯坦需要得到批准才能派人前往参加禁止酷刑委员会的非公开会议，禁止酷刑委员会在结论意见中提及，对巴基斯坦全国人权委员会主席未能受到批准感到十分关切(CAT/C/PAK/CO/1, 第 20 段)。

#### 18. 卢旺达

48. 有指控称，Epimack Kwokwo 和 Robert Mugabe 两位人权维护者因为与普遍定期审议、人权理事会和特别程序合作，所以受到恐吓和报复。特别程序任务负责人针对该指控采取了行动。上述指控还强调，Kwokwo 先生在卢旺达是不受欢迎的人，他后来被该国驱逐，还有人试图绑架 Mugabe 先生并每天对其进行密集的审讯(见 A/HRC/34/75, 第 10 段, RWA 1/2016 和 A/HRC/35/44, 第 12 段, RWA 1/2017)。任务负责人已经就上述案件与卢旺达政府进行了联系。

#### 19. 沙特阿拉伯

49. 特别程序任务负责人就 Issa Al-Hamid 的案件采取了行动。Issa Al-Hamid 是人权维护者，也是沙特公民权利和政治权利组织成员。Issa Al-Hamid 曾被判处 11 年徒刑，后受到 11 年的旅行禁令，并被罚款十万雷亚尔。本来，特别刑事法院将他判处九年徒刑，罪名包括“为损害国家形象，与国际组织联系”等。特别程序指出，该罪名看来也构成对与联合国、其代表和机制在人权领域合作的报复。2016年12月1日，上诉法院对他加刑两年。任务负责人已就此案件联系了沙特阿拉伯政府(见 A/HRC/35/44, 第 12 段, SAU 8/2016)。

## 20. 南苏丹

50. 在评估联合国南苏丹特派团(南苏丹特派团)任务期限的一份特别报告中(S/2016/951), 秘书长指出, 联合国人权官员为证实信息或访谈证人和受害者而进入受影响地区的权利受到限制, 受限原因有很多, 包括政府当局采取限制, 工作人员安全需要得到考虑, 证人、受害者和信息提供者面对的威胁日益增加, 故有必要确保他们得到保护。

51. 2017年2月访问南苏丹时, 主管人权事务助理秘书长会见了内阁部长和安全部队负责人等政府官员, 对其强调绝对需要避免与联合国合作的人权维护者受到报复和威胁。他强调了有人与南苏丹特派团及联合国在海外的实体进行合作的具体案例。其中包括, 在一些案例中一些人因为恐吓和威胁被迫离开南苏丹。就此, 他提请注意2016年9月的一个具体事件。该事件中, 安全理事会成员访问南苏丹期间会见了一些人权维护者, 这些人权维护者随后受到威胁。2017年7月, 他还向南苏丹政府书面指出了报复问题的状况。<sup>6</sup>

## 21. 斯里兰卡

52. 2017年3月22日, 联合国人权事务高级专员对人权理事会发言时, 强调自己听到报告说, 斯里兰卡民间社会成员在日内瓦万国宫受到恐吓, 他对此感到不安。他将该案件提交助理秘书长, 相信理事会主席将对这些案件给予应有的密切关注。

53. 在人权理事会第三十四届会议上提交理事会的报告中(A/HRC/34/20), 高级专员强调斯里兰卡依然存在人权维护者、侵权受害者受到骚扰或监视的报告, 只是程度有所降低。还有指控称, 民间社会组织 Pupil Salvation Forum 的 S. Ganeshnantham 等成员受到恐吓和报复行为, 这与他们参加理事会第三十四届会议相关(见 A/HRC/36/25, 第 13 段, LKA 1/2017)。特别程序任务负责人处理了上述指控。

## 22. 苏丹

54. 2016年7月28日, 苏丹人权状况独立专家称, 四位苏丹民间社会代表在赴日内瓦途中在喀土穆国际机场受到拦截, 该独立专家对此表示关切。这四位专家前往日内瓦是为了参加苏丹普遍定期审议的届会前会议(A/HRC/33/65, 第 28 段)。

55. 有指控称, 培训和人类发展中心的六名人权维护者、工作人员和有关人员受到了报复, 据报告部分原因是他们与人权理事会合作(见 A/HRC/35/44, 第 12 段, SDN 1/2017)。2017年1月9日, 特别程序任务负责人就上述指控向苏丹政府表示关切。

## 23. 塔吉克斯坦

56. 2016年6月2日, 塔吉克斯坦最高法院判处被禁的塔吉克斯坦伊斯兰复兴党数名领导人无期徒刑或有期徒刑 2 年至 28 年不等。同日, 作为上述判决的直

<sup>6</sup> 另见人权高专办, “南苏丹: 联合国高级人权官员谴责令人痛惜的人权局势, 呼吁对侵权者问责”, 新闻稿, 2017年2月17日。

接回应，被定罪者的亲属想要寻求联合国塔吉克斯坦办事处的协助并且访问联合国驻地，后被执法官员拘留。2016年6月7日，增进和保护见解和言论自由权问题特别报告员指出，他已收到令人不安的报告显示，判决宣布后，警方阻止上述被定罪成员的亲属抵达联合国办事处，这些亲属被带到地区法院，并在那里受到威胁称，会因不服从警察而遭到逮捕和罚款。特别报告员认为，此事完全不可接受，加剧了该国的恐怖气氛。<sup>7</sup>

#### 24. 泰国

57. 2016年6月，联合国援助酷刑受害者自愿基金的接受赠款人、人权维护者 Pornpen Khongkachonkiet、跨文化基金会 Somchai Homlaor 及 Duay Jai Group 成员 Anchana Heemmina 受到在南部边境各府行动的泰国皇家陆军的法律投诉。2016年2月，上述几人发布了一份报告，内容是有关2014年至2015年在南部腹地记录的酷刑和虐待情况，该报告的资金部分来自联合国自愿基金。结果，他们被指控发布关于军官从事酷刑和虐待行为的假消息。2016年2月11日，该地区泰国皇家陆军发言人发表声明，指控该组织立场偏颇，使用过时信息来获取资金。特别程序任务负责人向泰国政府告知了自己对该指控的关切(见 A/HRC/34/75, 第11段, THA 6/2016)。

#### 25. 土耳其

58. 2017年1月23日，特别程序任务负责人向土耳其政府表示，对有关 Osman Isci 受到报复的指控感到关切。Osman Isci 是一位学者和人权维护者。2016年11月，任务负责人正式访问土耳其时，Osman Isci 与增进和保护见解和言论自由权问题特别报告员合作，他在 Agri Ibrahim Cecen 大学的研究职位因此被紧急法令要求停止(见 A/HRC/35/44, 第12段, TUR 1/2017)。2016年1月，Osman Isci 与超过180名其他学者和大学研究人员一起，签署了一份“和平请愿书”，由 Academics for Peace 发表。此后，上述学术人员有很多被解职、停职或被迫辞职，所有人持续受到行政和司法调查(见 A/HRC/33/32, 第10段, TUR 3/2016)。

#### 26. 土库曼斯坦

59. 2016年7月15日，人权事务委员会表示，有指控称 Navruz Tahirovich Nasyrlyayev 受到恐吓和报复(CCPR/C/117/D/2219/2012)。在2012年9月3日提交的来文中，Navruz Tahirovich Nasyrlyayev 指出，缔约国土库曼斯坦对他这样一个出于良心原因拒服兵役者反复起诉、定罪和监禁，违反了《公民权利和政治权利国际盟约》第七条、第十四条第七款、第十八条第一款。委员会关切地注意到，根据 Nasyrlyayev 先生本人提供的信息，Nasyrlyayev 先生就此事提交来文后，警察于2013年1月24日突袭了他家庭的住处，他的家人和客人受到虐待。委员会还注意到，在新来文和临时措施问题特别报告员于2013年年2月8日去电话后，缔约国没有提供任何相反信息，没有停止对来文提交人及亲属采取施压、恐吓和报复。委员会还回顾称，对于来文提交人或其亲属的任何施压、恐吓或报复都构

<sup>7</sup> 人权高专办，“联合国专家谴责了对塔吉克斯坦反对派领导人的严厉判刑，并对激进化提出警告”新闻稿，2016年6月7日。

成违反《任择议定书》规定的，缔约国真诚配合委员会履行《盟约》条款的义务。

## 27. 阿拉伯联合酋长国

60. 2017年3月27日，六位特别程序任务负责人向阿拉伯联合酋长国政府表达关切指出，有指控称，著名人权维护者和博客作者 Ahmed Mansoor 遭到逮捕、秘密拘留，面对强迫失踪风险是由于他与人权理事会、特别程序、普遍定期审议机制和条约机构合作，结果受到的恐吓和报复行为(见 A/HRC/36/25, 第 13 段, ARE 1/2017)。数名任务负责人已经就此事发表了新闻谈话。<sup>8</sup>

## 28. 乌兹别克斯坦

61. 据指控称，乌兹别克斯坦人权维护者联盟领导者 Elena Urlaeva 于 2017 年 3 月 1 日在塔什干被捕，并带到警察局。据报告，她本计划于次日会见国际劳工组织和世界银行的代表。Urlaeva 女士在警察局受到警官的侮辱和嘲笑，警官说她需要精神治疗。随后，她被强迫送往塔什干的精神设施。3 月 24 日，Urlaeva 女士在受到 24 天的精神病拘留后，得到释放。4 月 5 日，四位任务负责人就上述事件表示关切，这些事件看来和 Urlaeva 女士与国际组织合作有关(见 A/HRC/36/25, 第 13 段, UZB 1/2017)。

## 29. 委内瑞拉玻利瓦尔共和国

62. 上一份秘书长报告(A/HRC/33/19)提到，有指控称，人权维护者因为与联合国和区域人权机构在人权问题上进行合作，所以受到诋毁和恐吓(第 32 段-第 37 段)。2017 年 5 月 19 日，联合国人权事务高级专员的一位发言人在一次新闻通报会上提及 Henrique Capriles 的案件。Henrique Capriles 本来应于同日在纽约会见高级专员，但是被阻止为此离开委内瑞拉玻利瓦尔共和国。高级专员表示，希望此事不是因为计划与他会面而采取的报复。主管人权事务助理秘书长于 2017 年 4 月将此报复的案件通知了政府。

## 30. 多国

63. 2016 年 10 月 21 日，联合国援助酷刑受害者自愿基金董事会致信联合国人权事务高级专员，表示在越来越多的案例中，国家当局冻结为酷刑受害者工作的人权组织的银行资产，从而妨碍自愿基金等渠道提供外部资金。2016 年 11 月 1 日，高级专员在回应中表示，对基金的数个受让人受到报复状况的反馈信息感到关切；高级专员还表示，将向助理秘书长告知这些观点。

## 五. 结论和建议

64. 正如本报告所载指控的数量表明，寻求或曾经与联合国在人权问题上合作的人士继续受到恐吓和报复，此类行为令人十分关切。虽然非国家行为体也对报

<sup>8</sup> 见人权高专办，“联合国专家促请阿联酋：立即释放人权维护者 Ahmed Mansoor”，新闻稿，2017年3月28日。

复行为有责任，但是本报告内记叙的多数案件表明，此类行为经常是国家官员所为或者至少受到国家的纵容。

65. 过去一年，恐吓和报复的范围也拓宽了，所采用的方式日益粗暴。数个国家的当局利用旅行禁令阻止人权维护者和民间社会组织等个人和团体前往参加联合国人权机构和机制的会议，而该禁令往往没有司法流程，或者未经宣布。其他国家则冻结收到的联合国人权机构资金或向此类机构报告侵权行为的人的银行资产。已有信息提请我注意，一些立法的目的是因为一些组织与人权机制联系，所以要对其进行惩罚。与先前几年一样，与联合国接触的人们受到了恐吓、骚扰、网上网下的威胁、贬损性媒体宣传、旅行禁令、任意逮捕和拘留、强迫失踪、酷刑和虐待、取消律师资格和解职等对待，原因就是试图与联合国在人权问题上进行接触。

66. 恐吓和报复对有关人员及其亲属的生活带来了严重影响，还系统地破坏了联合国的人权行动和伙伴对该组织的信心。我还感到遗憾的是，有关恐吓和报复行为的一些关切没有在本报告所述期间收到有关政府的答复。在其他情况下，政府对指控进行了答复，但是未能处理提出的关切。

67. 本报告和先前报告的案件表现出来的模式似乎反映了一些国家为了阻止个人提供信息或以其他方式与联合国在人权问题上合作而采取的战略。

68. 我要和前任秘书长一样强调，对寻求或曾经与联合国在人权领域合作的个人或团体，或者对其家属、法律代表或其他与此个人或团体有职业或个人关系的人进行的任何恐吓或报复行为都是绝对不可接受的。此类行为与联合国的原则背道而驰，是对人权的违反。我重申，各国必须停止这些行为，调查所有指控，进行有效补救，采纳并实施预防性措施，防止此类行为再次发生。

69. 联合国对采取行动应对并防止此类行为负有集体责任。这种责任是我们根据《宪章》负有的促进和鼓励尊重人权的义务的一部分。这种义务不仅是一项规定，而且是在实际工作中确保尊重人权、可持续发展和建设安全、和平社会的必由之路。

70. 指定主管人权事务助理秘书长作为领导联合国此方面行动的高级官员，就是为了响应这种集体责任。因此，我呼吁所有国家、联合国实体、机构和机制、民间社会代表、人权维护者与他充分合作。这个任命的另一个关键目标是加强收集恐吓或报复的行为的信息，方法是鼓励联合国系统所有部门更常态化地分享此类案件的信息，并采取适当措施。我鼓励所有利益攸关方及时报告因为与联合国在人权问题上合作而受到恐吓和报复的指控，确保进行后续跟进和行动。

71. 人权理事会及其主席、特别程序、条约机构和高级专员是处理该问题的重要行为体。我呼吁他们继续处理提请他们注意、与他们职责有关的所有恐吓案件或报复行为，并将其行动与指定高级官员适当协调。

72. 我呼吁所有国家对本报告和以前的报告中所载案件采取后续行动，如案件尚未解决，则提供实质性答复。在这方面，我还建议人权理事会投入充足时间，来讨论本报告，与指定的高级官员互动。我还请理事会主席在每次届会向理事会口头介绍提请自己注意的案件的最新情况。

## Annex I

### **Comprehensive information on alleged cases of intimidation or reprisal for cooperation with the United Nations on human rights**

#### **1. Algeria**

1. On 31 March 2017, some mandate holders raised concerns with the Government over allegations of reprisals against Rafik Belamrania, founding member of Association pour les enfants des disparus forcés en Algérie – Mish'al, for publishing on Facebook on 14 February 2017 a decision made by the Human Rights Committee, regarding the summary execution of his father in 1995 (see A/HRC/36/25, para. 13, DZA 2/2017).

2. On 20 February 2017, Mr. Belamrania was summoned to and interrogated at the police station in Jijel. On 21 February 2017, he was charged with “apology of terrorism on Facebook,” under article 87 of the Penal Code and detained the following day. In its response to mandate holders dated 29 May 2017, the Government stated that on 28 November 2016 the judicial police was informed that a citizen publicly expressed his support for people accused of “apology of terrorism” and it was established that the person in question was Mr. Belamrania. The Government informed that Mr. Belamrania circulated photos and expressed his support for terrorist organizations, including Daesh. The Government further informed that Mr. Belamrania was arrested on 20 February 2017, and on 22 February 2017 he was placed under custody, and stressed that Mr. Belamrania was provided with all legal guarantees during this process. The Government’s reply did not address the allegations relating to possible reprisals.

3. On 8 March 2017, the rapporteurs designated to follow up on findings on reprisals of the Human Rights Committee sent a letter to the Government of Algeria, requesting clarifications on the situation of Mr. Belamrania. The Government responded on 18 July 2017 that the allegations of arbitrary detention of Mr. Belamrania were unfounded as he benefited from all guarantees during the process and that his custody did not go over the maximum time allowed in the penal code. The Government further stated that the arrest of Mr. Belamrania had nothing to do with the situation of his father.

#### **2. Bahrain**

4. In the light of an ongoing trend of major harassment and intimidation against human rights defenders, the imposition of travel bans on selected individuals, the arrest, detention, and ill-treatment of targeted individuals and one particular case involving sexual assault and torture as a form of reprisal, allegations were addressed by special procedure mandate holders and the President of the Human Rights Council who were in contact with the Government on these cases. The Assistant Secretary-General for Human Rights addressed allegations on cases in writing to the Government. Special procedures have expressed concerns about an orchestrated crackdown on civil society, stressing that the authorities have resorted to drastic measures to curb dissenting opinions, including reprisals for cooperating with the United Nations, and in particular OHCHR (see A/HRC/34/75, para. 10 BHR 4/2016 and BHR 7/2016).

5. Several allegations were received by special procedures about travel bans allegedly imposed on human rights defenders for their cooperation with the Human Rights Council, in particular the defenders’ participation in the thirty-second and thirty-third sessions of the Council, the twenty-second session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, or human rights workshops. On 25 November 2016, three mandate holders raised concerns about allegations of a travel ban imposed on civil society representatives Mohammed Jawad, Ms. Nedal Al-Salman, Hussain Salam



Ahmed Radhi, Mohammed Al-Tajer and Enas Oun in this regard (see A/HRC/34/75, BHR 7/2016). At the time of the finalization of the present report, no response had been received from the Government.

6. On 21 June 2016, the Spokesperson of the United Nations High Commissioner for Human Rights expressed deep concern that Nabeel Rajab, a co-founder of the Bahrain Center for Human Rights, 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. There is concern on the part of the High Commissioner for Human Rights that these and subsequent actions against Mr. Rajab are connected to his engagement with the Human Rights Council.

7. On 8 July 2016, some mandate holders raised concerns regarding allegations of a travel ban imposed on members of civil society, Hussain Salam Ahmed Radhi, Ebtesam Abdulhusain Ali-Alsaegh, Ebrahim Al-Demistani and Abdulnabi Al-Ekry in an act of reprisal for their cooperation with the United Nations Human Rights Council, in particular their participation in the 32<sup>nd</sup> session of the Human Rights Council, and their human rights work (see A/HRC/34/75, BHR 4/2016).

8. In its replies dated 15 August 2016 and 9 September 2016, the Government informed that the travel ban was imposed pursuant to a decision by the Public Prosecutor’s Office, based on the provisions of article 159 of the Code of Criminal Procedure which authorizes the imposition of a travel ban on an accused person if it is considered that such action is in the interest of the investigation. The Government’s response did not address the allegations of possible reprisals.

9. It is alleged that travel bans have been repeatedly imposed in what appears to be a politically motivated strategy to prevent human rights defenders from travelling abroad and participating in international events related to human rights, in particular those organized by the United Nations. On 23 August 2016, the President of the Council, in a meeting of the Bureau “recalled the alleged case of reprisals relating to travel bans faced by eight individuals who were allegedly prevented from traveling from Bahrain to Geneva to participate in the 32<sup>nd</sup> session of the Council, as discussed at the Bureau meetings of 23 and 29 June 2016, and informed of the lack of appropriate action or adequate explanatory information from the concerned State.” The President expressed concern over this case and noted that he will consider very carefully all cases of reprisals brought to his attention.

10. On 16 June 2017, special procedure mandates publicly urged the Government to halt its orchestrated crackdown on civil society, stressing that the authorities have resorted to drastic measures to curb dissenting opinions such as torture, arbitrary detention, unfounded convictions, the stripping of citizenship, the use of travel bans, intimidation, including death threats, and reprisals for cooperating with international organizations, including the Office of the High Commissioner for Human Rights.<sup>a</sup>

### 3. Burundi

11. In December 2015, the Committee against Torture requested a special report from Burundi, in light of the deterioration of the human rights situation in Burundi since April 2015. The consideration of the special report on Burundi was scheduled for the fifty-eighth session of the Committee on 28 and 29 July 2016. In this context, the Committee received reports from non-governmental organizations, in particular a coalition report from several Burundian non-governmental organizations, which was made public and posted on the Committee’s webpage. Some of these NGOs also sent participants to the session held in July 2016 in Geneva, including three lawyers: Arnel Niyongere (representing ACAT/Campagne SOS-Torture), Dieudonné Bashirahishize (representing “Collectif des Avocats”) and Lambert Nigarura (representing ACAT Burundi/ CB-CPI).

<sup>a</sup> OHCHR, “Bahrain must end worsening human rights clampdown, UN experts say,” 16 June 2017.

12. A delegation from the Government of Burundi participated in the session in Geneva and briefed the Committee. During her introductory speech to the Committee on 28 July 2016, the Minister of Justice of Burundi referred to information that, in her view, had been obtained from anonymous sources that were impossible to verify, or information provided by “opposition politicians.” On the second day of the dialogue on 29 July 2016, the Government of Burundi suspended its participation and the delegation was absent. Immediately after the interruption of the dialogue, the Committee was informed of a letter from the Attorney General of Bujumbura, dated 29 July 2016, requesting that the Bujumbura Bar Association disbar four lawyers, three of whom had participated in the briefings with the Committee and were present during the first day of the dialogue (Armel Niyongere, Dieudonné Bashirahishize and Lambert Nigarura) and one who was a signatory of the coalition report sent by the NGOs, Vital Nshimirimana.

13. On 5 August 2016, the Committee’s rapporteur on reprisals sent a letter to the Government, expressing concern that the Attorney General’s request related to the cooperation of these members of civil society with the Committee and mentioned its concerns over reprisals in its concluding observations from the session (see CAT/C/BDI/CO/2/Add.1, para. 33-34). On 11 August 2016, the Government responded to the Committee’s letter, indicating that the request of disbarment had been made in the course of legal proceedings against three of these lawyers. The lawyers concerned were charged with “participation in an insurrectional movement, attempted coup d’état, trafficking of images and, in the case of one of the lawyers, because he regularly violated the laws and regulations by his statements and pronouncements,” without giving further information.

14. On 12 August 2016, the Committee replied that the request for disbarment was pre-empting the outcome of an ongoing criminal case, which had not led to a finding of guilt, and requested further information. On 29 September 2016, the Bar Association of Burundi declared, while proceedings were pending before the Bujumbura Court of Appeal, that the request for disbarment by the Attorney General was unfounded. However, on 16 January 2017, the Bujumbura Court of Appeal decided to disbar Armel Niyongere, Dieudonné Bashirahishize and Vital Nshimirimana, and to suspend Lambert Nigarura for a period of one year, although he was not under criminal investigation.

15. In a letter dated 21 February 2017, the Committee indicated that the disbarment of the lawyers before the conclusion of the pending criminal procedures against them was pre-empting the outcome and seemed to reinforce the hypothesis that disbarment was a measure of reprisal for the active participation of these lawyers during the Committee’s examination of the State party’s report. At the time of finalization of the present report, no further response had been received from the Government.

16. The experts conducting the independent investigation on Burundi pursuant to Human Rights Council resolution S-24/1, in their report (A/HRC/33/37) also raised concerns regarding the threat of reprisals for those individuals who cooperated or who wished to cooperate with the investigation. The experts noted that “UNIIB faced several challenges, including the fact that two of its four planned visits could not be carried out”. They further noted that “some victims and witnesses feared reprisals.” In their recommendations, they also stressed that “the Government should immediately cease its reprisals and threats against individuals who have cooperated with the investigation, and other human rights mechanisms and organizations”.

17. On 14 June 2017, the chair of the Commission of Inquiry on Burundi briefed the Human Rights Council<sup>b</sup> and stated that the Commission received information from a large number of exiled Burundians who were afraid to provide testimonies for fear of reprisals. In the briefing, she noted that, similarly, human rights defenders who still operate in the country find it hard to gather testimony from victims inside the country for fear of exposing themselves and the victims to the risk of reprisals.

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<sup>b</sup> OHCHR, Oral briefing by Chair of Commission of Inquiry on Burundi, 14 June 2017.

18. In March 2017 the Assistant Secretary-General for Human Rights informed the Peacebuilding Commission and members of the Security Council about allegations of reprisals against persons who had cooperated or sought to cooperate with the United Nations, including with OHCHR in Bujumbura.

#### 4. China

19. In the course of 2016, several allegations of reprisals against individuals in relation to meetings with the Special Rapporteur on extreme poverty and human rights during his visit to People's Republic of China in August 2016 were received by special procedure mandate holders who took action and have been in contact with the Government (see A/HRC/34/75, para. 10 CHN 9/2016 and CHN 13/2016).

20. On 26 October 2016, some mandate holders raised concerns over the alleged arbitrary arrest and detention of Li Wenzu, as well as alleged acts of intimidation and harassment against her and Wang Qiaoling in reprisal for their cooperation with the Special Rapporteur on extreme poverty and human rights during his visit in August 2016 (see A/HRC/34/75, CHN 9/2016). Ms. Li and Ms. Wang are married to two human rights lawyers, Li Heping and Wang Quanzhang, respectively. Both men were arrested on 10 July 2015 by police during 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 addressed in a prior communication by special procedure mandate holders (see CHN 6/2015).

21. On 16 August 2016, Ms. Li and Ms. Wang planned to meet with the Special Rapporteur on extreme poverty and human rights at the United Nations office in Beijing. When she left home, Ms. Li noticed that three individuals, allegedly *guobao* (domestic security) officers were following her, and later physically prevented her from entering the United Nations building. As a result, Ms. Li was unable to meet with the Special Rapporteur. Since this incident, Ms. Li has reportedly been subject to various forms of surveillance and harassment by the domestic security forces. In its reply dated 19 December 2016, the Government stated that it understood that the freedom of movement of neither Ms. Li nor Ms. Wang had been restricted and that neither Ms. Li nor Ms. Wang had been subject to unlawful surveillance or harassment.

22. On 2 December 2016, some mandate holders raised their concerns regarding the disappearance of Jiang Tianyong, a prominent human rights lawyer (See A/HRC/34/75, CHN 13/2016). On 17 November 2016, Mr. Jiang travelled to Changsha, Hunan Province, to visit the wife of a human rights lawyer who had been arrested in the "709" incidents and who currently remains in detention at the Changsha Detention Centre. On 21 November, Mr. Jiang sent a message to a friend informing that he was boarding the train back to Beijing. Since this communication, he has gone missing. In their letter, the experts stated that given Mr. Jiang's meeting with the Special Rapporteur on extreme poverty and human rights in Beijing in August 2016, they are also concerned that his disappearance may have occurred, at least in part, in reprisal for his cooperation with the Special Rapporteur.

23. On 28 December 2016, some mandate holders raised new information on allegations about Mr. Jiang with the Government. On 20 January 2017, the Government responded, stating that the *Gong'an* (law enforcement authority) has lawfully taken compulsory criminal measures against Mr. Jiang for fraudulently using the identification documents of others and on suspicion of illegal possession of national confidential documents and espionage. The Government's reply did not address the allegations relating to reprisals.

24. On 7 June 2017, in his statement to the Human Rights Council, the Special Rapporteur on extreme poverty and human rights made a special plea to the Government to release Mr. Jiang. During the interactive dialogue with the Special Rapporteur, the Government noted that the Special Rapporteur had criticized several cases of detention of criminals which went beyond his mandate and infringed on the sovereignty of China. The Government said it would not tolerate that the protection of human rights be used to support activities that go against public order.

25. On 26 April 2017, a Uyghur human rights activist and member of the Unrepresented Nations and Peoples Organization, Dolkun Isa, who was attending the annual Permanent Forum on Indigenous Peoples at United Nations Headquarters in New York, was escorted from the premises pending further examination following the receipt of information from representatives of China alleging “security reasons”. As a result, Mr. Isa could not resume his participation in the Permanent Forum on Indigenous Peoples.

## 5. Cuba

26. On 18 October 2016, some mandate holders raised with the Government allegations of harassment and reprisals against human rights defenders and members of the Cubalex Legal Information Center for their cooperation with the United Nations in the field of human rights (see A/HRC/34/75, para. 10 CUB 3/2016). The allegations were mainly in relation to the cooperation of the advocates with the Human Rights Council, its special procedures and the universal periodic review mechanism, who were stopped and questioned at the airport and harassed by immigration agents.

27. According to the allegations, between March and August 2016, the civil society members were stopped and questioned at the airport travelling to, or arriving back from human rights related activities. They experienced targeted harassment by immigration agents, including extensive scrutiny of travel documents, confiscation of electronic resources and documents, and interrogation about their activities. Additionally, on 23 September 2016, Cubalex Legal Information Center’s offices were raided by State authorities from four different judicial entities during a thirteen-hour operation in which the premises were searched, all electronic equipment was confiscated, and some of the staff members were subjected to body cavity searches and humiliating and degrading treatment (see CUB 3/2016).

28. On 14 December 2016, the Government responded stating that the persons mentioned do not qualify as human rights defenders under the provisions of the United Nations Declaration on human rights defenders; Cubalex receives financial support from the United States of America and carries out anti-Cuban activities; and the persons in question did not avail themselves of any existing complaint mechanisms in the country about the events described.

## 6. Egypt

29. Allegations of reprisals in the form of travel bans against human rights defenders attempting to participate in human rights meetings were acted upon by special procedure mandate holders (see A/HRC/34/75, para. 10 EGY 15/2016, press release of 24 November 2016c). Some of these allegations were related to participation in the twenty-second session of the Conference of the Parties to the United Nations Framework Convention on Climate Change and in training on gender equality and women’s rights.

30. On 22 November 2016, some special procedure mandate holders expressed concerns with the Government about a travel ban issued against two human rights defenders, Azza Soliman and Ahmed Ragheb (see A/HRC/34/75, EGY 15/2016, press release of 24 November 2016). On 19 November 2016, and based on a judicial order issued on 17 November 2016, at the Cairo International Airport, Ms. Soliman was prevented from travelling to Jordan in order to participate in training on gender equality and women’s rights. Ms. Soliman was not formally informed of the order or of the basis for the travel ban.

31. On 15 November 2016, Mr. Ragheb was prevented by passport control officials at Cairo International Airport from travelling to Morocco in order to attend the twenty-second Conference of the Parties to the United Nations Framework Convention on Climate

<sup>c</sup> OHCHR, “Egypt steps up travel bans on rights defenders with “chilling effect”, 24 November 2016.

Change. He was informed that the travel restriction was based on a judicial order issued against him in May 2016 by an investigative judge. At the time of the finalization of the present report, no response had been received from the Government to the concerns raised by the mandate holders.

32. Allegations of reprisals against civil society members in the form of asset freezes were raised by the Special Rapporteur on the situation of human rights defenders (see A/HRC/32/52/Add.1, para. 662). 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 due to meetings with United Nations representatives.

33. On 22 November 2016, three mandate holders raised concerns with the Government about draft legislation on non-governmental organizations, including a provision restricting cooperation with foreign organizations without prior authorization (see A/HRC/34/75, para. 10, EGY 14/2016). The experts were concerned that the draft legislation would impose severe restrictions on civil society organizations and would impinge on the exercise of the rights to freedom of expression and freedom of association. At the time of the finalization of the present report, no response had been received from the Government. In April 2017, the Assistant Secretary-General for Human Rights addressed concerns about the implications of the proposed legislation and raised individual cases with the Government.

34. On 3 May 2017, four mandate holders expressed concerns about the abduction, detention, torture and ill-treatment of Dr. Ahmed Shawky Abdelsattar Mohamed Amasha, reportedly in retaliation for his activities as a human rights defender, which included documenting cases of enforced disappearances for special procedures (see A/HRC/36/25, para. 13, EGY 5/2017). On 10 March 2017, Dr. Amasha was allegedly abducted by police officers in Cairo. 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. Dr. Amasha was allegedly subjected to torture and ill-treatment during his secret detention. On 27 April 2017, his detention was prolonged. The mandates involved expressed serious concerns that the acts committed against Dr. Amasha seem to constitute acts of reprisals against him for documenting cases of enforced disappearances for special procedures. At the time of the finalization of the present report, no response had been received from the Government.

## 7. Eritrea

35. In its final report to the Human Rights Council in June 2016, the commission of inquiry on human rights in Eritrea highlighted that the protection of witnesses and victims’ continued to be a central concern during the Commission’s mandate and that “almost all victims and witnesses who spoke with the Commission feared reprisals by Eritrean authorities, either against themselves or their family members in Eritrea” (A/HRC/32/47, para. 8).

36. In this context, the Special Rapporteur on the situation of human rights in Eritrea reiterated in her statement to the General Assembly in October 2016 her commitment to address reprisals against those who had cooperated with the Commission or with her mandate and to ensure that appropriate follow-up was conducted by relevant mechanisms. In its resolution 35/35, the Human Rights Council encouraged States in which witnesses reside to protect those who have cooperated with the commission of inquiry and the Special Rapporteur from reprisals. In its statements to the Human Rights Council in June 2016 and June 2017 and in a press release about the Human Rights Council resolution in June 2016, the Government criticized the mandates and work of the above-mentioned mechanisms but did not address the allegations of reprisals.

## 8. Honduras

37. On 22 September 2015, the email accounts of Asociación para una Ciudadanía Participativa, a non-governmental organization, were reportedly hacked. On 2 March 2017, Hedme Castro, the general coordinator of the association, was briefly held at Tegucigalpa airport where she was preparing to board a flight to Geneva to participate in the thirty-fourth session of the Human Rights Council. Ms. Castro was reportedly questioned about her activities scheduled in Geneva and the human rights-related complaints she intended to make. Ms. Castro was also reportedly subjected to further acts of intimidation, in April and May, when the tyres on her car were slashed and when she was assaulted during a demonstration against a mining company. Special procedures took action in response to these allegations and have been in contact with the Government. The Assistant Secretary-General has also addressed cases with the Government.

38. On 29 June 2017 the Government responded that, according to the Ministry of Internal Security, no requests for specific protection measures had been received from Ms. Castro. The prosecutor's office and the national commissioner both opened an investigation into the questioning and holding of Ms. Castro at the airport, but have not been able to contact her.

## 9. India

39. Allegations were received about intimidation and reprisals against Khurram Parvez in relation to his cooperation with the Human Rights Council, the Working Group on Enforced or Involuntary Disappearances and the universal periodic review mechanism. These reprisals allegedly took the form of a travel ban and arbitrary arrest and detention. Special procedures took action on these allegations and have been in contact with the Government in that regard (A/HRC/34/75, para. 10, IND 7/2016 and IND 9/2016).

40. On 14 September 2016, Mr. Parvez went to the Indira Gandhi International Airport in New Delhi to travel to Geneva to attend the thirty-third session of the Human Rights Council in which the Working group on Enforced or Involuntary Disappearances was presenting its report. He was also planning to hold an event on the human rights situation in Jammu and Kashmir. Mr. Parvez was reportedly stopped at the airport, held for two hours, and informed that he would not be allowed to travel. On 15 September 2016, the police took him to the Kothi Bhag police station and detained him. On 16 September 2016, two special procedure mandates expressed their concerns about allegations of arbitrary arrest, detention, intimidation and a travel ban issued against Mr. Parvez in alleged reprisal for cooperating with human rights mechanisms, in particular, concerning the documentation and litigation of human rights violations in Jammu and Kashmir and the submission of communications and urgent appeals to the special procedures on behalf of victims of human rights violations as well as the recent submission provided by his organization to the United Nations for the upcoming universal periodic review (A/HRC/34/75, IND 7/2016).

41. In its response dated 29 September 2016, the Government disputed that Mr. Parvez was a human rights defender, and stated that he has been working against the interests of the state of Jammu and Kashmir, has been involved in anti-India activities and has incited youth to violence. The Government further stated that Mr. Parvez had been in touch with secessionist leaders and has incited individuals to violent protests in the aftermath of the July 2016 unrest.

42. In a letter dated 11 October 2016, mandate holders reiterated their continuing preoccupations and expressed concern at the very broad and vague nature of the accusations contained in the Government's reply (A/HRC/34/75, IND 9/2016). They were also concerned at the implication that Mr. Parvez was not a human rights defender or that he would pretend to be one, despite his longstanding and positive engagement with the United Nations human rights mechanisms. At the time of the finalization of the present report, no further response had been received from the Government.

## 10. Iran (Islamic Republic of)

43. In presenting the report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran (A/HRC/34/40), the Deputy United Nations High Commissioner for Human Rights stressed that reprisals against individuals cooperating or having established contact with United Nations human rights mechanisms had been reported. In the report, it was stressed that allegations of reprisals remained a cause of great concern and referred in particular to a press statement issued by special procedure mandate holders in November 2016 in which they urged the Government to end its harassment of Raheleh Rahemipor. The mandate holders referred in particular to the fact that Ms. Rahemipor was the sister of Hossein Rahemipor, whose case was under review by the Working Group on Enforced and Involuntary Disappearances and to the continued harassment of Ms. Rahemipor, including the incidents during which she was questioned repeatedly in August 2016 by the relevant authorities about the complaint sent to the Working Group on Enforced or Involuntary Disappearances (see A/HRC/34/75, para. 10, IRN 23/2016 and IRN 29/2016; and A/HRC/35/44, para. 12, IRN 3/2017).

44. In June 2016, the Working Group had reviewed the case of the alleged enforced disappearance of Mr. Rahemipor and transmitted it to the Government. It was reported that following the transmission of the case of Mr. Rahemipor to the Government by the Working Group, Ms. Rahemipor was contacted several times by phone at which time she was instructed to turn herself in. She was charged with a range of national security offences, including “propaganda against the regime,” “participation in unlawful assemblies,” and “membership of Rah-e Kargar.” At the time of the finalization of the present report, no response had been received from the Government to any of the three communications.

## 11. Israel

45. In his report submitted to the Human Rights Council at its thirty-fourth session (A/HRC/34/70), the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 highlighted an increasingly virulent environment for human rights defenders working on issues related to the Occupied Palestinian Territory, including those addressing issues in United Nations forums. He reported that following a statement made in October 2016 to the Security Council, the Director-General of B’Tselem, Hagai El-Ad, together with Lara Friedman of Americans for Peace Now, was publicly condemned by high-level Israeli officials. One Member of Parliament called for the revocation of his citizenship. Mr. El-Ad had warned of the expansion of settlements and the deteriorating situation of human rights for Palestinians.

46. The above-mentioned report followed a joint press statement issued on 16 December 2016 by the Special Rapporteur and the Special Rapporteur on the situation of human rights defenders, in which they expressed their concern for human rights activists working in the Occupied Palestinian Territory who had been subject to “harassment and threats while seeking to promote accountability and engage with the International Criminal Court.”<sup>d</sup> Nada Kiswanson, a human rights lawyer in The Hague, where she represents Al-Haq, an organization that documents violations of Palestinians’ rights in the Occupied Palestinian Territory regardless of the identity of the perpetrator, is alleged to have been subjected to death threats and accusations linked to her work before the International Criminal Court (see A/HRC/34/70, para 44).

## 12. Mauritania

47. On 11 October 2016, seven special procedure mandate holders expressed their concern about grave violations in Mauritania of the judicial process, including allegations

<sup>d</sup> OHCHR, “Human rights defenders under growing legal pressure in the OPT,” 16 December 2016.

of torture, following the arrest, arbitrary detention and sentencing to prison of 13 members of Initiative pour la résurgence de la mouvement abolitionniste (IRA). The mandate holders also expressed their concern about the possible link between those acts and the members having cooperated with the Special Rapporteur on extreme poverty and human rights during his visit to the country in May 2016 (A/HRC/34/75, para. 10, MRT 2/2016).

48. The members of IRA were arrested between June and July 2016, and were accused of armed gathering, use of violence towards law enforcement agents, insurrection and membership in a non-recognized organization. Following trials, which violated fair trial and due process guarantees due to a number of irregularities, the activists were sentenced in August 2016 to imprisonment, ranging from three to fifteen years. The communication sent to the Government expressed concern that the Special Rapporteur on extreme poverty and human rights indicated that the authorities had possibly targeted IRA activists as reprisal for their cooperation with the visit of the Special Rapporteur. Another communication sent by mandate holders on 19 October 2016 further addressed the situation of IRA members, recalling that the Special Rapporteur had met IRA members during his visit. In a letter dated 19 October 2016, the Government responded by denying allegations of torture, and stating that the judicial process scrupulously respected international human rights standards. The Government's reply did not address the allegations of reprisals.

### 13. Mexico

49. 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 (see CAT/C/55/D/500/2012 and communication No. 500/2012). On 19 May 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.

50. The complainants noted that the State party had undertaken a campaign aimed at stigmatizing them as criminals and re-victimising them. According to reports, a few days after the release of the Committee's decision, the Delegate of the Attorney General's Office for the Baja California province declared before the media that torture allegations were a "common strategy used by lawyers defending criminals in order to obtain their release or suspend the proceedings against them". According to information received, several printed media published articles referring to the complainants as "kidnappers released by the United Nations." Television programs stigmatized the NGO that represented the complainants before the Committee, stating that the Committee had enabled an organised criminal network supporting kidnappers.

51. Despite having been acquitted in the criminal case against them, two of the complainants were detained again a few hours after having been released based on an alleged arrest warrant dating from 2009 and without a judicial decision. As at 31 July 2017 they were being held in the punishment cells of a penitentiary centre together with convicted detainees, and have been subjected to ill-treatment. Following the release of the other two complainants, the two complainants who remained in detention have been repeatedly harassed by the police, subjected to random arrests and interrogations and called "kidnappers". Their family members have also been harassed by the police. One of the complainants has had his workplace searched on several occasions and without a warrant.

52. In September 2016, the complainants' submission was transmitted to the State party for observations. The rapporteurs on reprisals and on follow-up requested that the State party adopt all measures necessary to protect the security and integrity of the complainants, their family members and representatives, and inform the Committee accordingly. No response was received from the Government, and the Committee sent a reminder at its 59th session (see CAT/C/59/3).



## 14. Morocco

53. On 3 August 2016, the Committee against Torture, in *Abdul Rahman Alhaj Ali v. Morocco*, found that the extradition of Abdul Rahman Alhaj Ali would constitute a breach of article 3 of the Convention against Torture and Other Cruel or Degrading Treatment or Punishment (see CAT C/58/D/682/2015 and communication No. 682/2015). Mr. Abdul Rahman Alhaj Ali, a Syrian national registered with the Office of 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 60-day pretrial period provided for in Morocco. According to information received by the Committee, the prolongation of his detention was reportedly related to the complaint made to the Committee on his behalf on 22 May 2015. On 10 March 2017, in the light of the gravity of the complainant’s allegations, the Committee’s rapporteurs on reprisals and follow-up requested the State party urgently to provide the Committee with the necessary clarifications on the situation of the complainant by 31 March 2017.

54. On 8 March 2017, Mr. Abdul Rahman Alhaj Ali informed the Committee that, while he was on a hunger-strike to protest against his detention for almost three years, he was advised by officials that he was not going to be released from detention in Morocco, and that he should rather accept to be extradited to Saudi Arabia. He therefore signed an extradition agreement under duress, which he subsequently requested to withdraw. On 10 March 2017, the Committee’s rapporteurs on reprisals and follow-up requested the Government to urgently provide the necessary clarifications on the situation of Mr. Abdul Rahman Alhaj Ali. In the absence of a response, the Chairperson of the Committee met with the Government on 11 May 2017. On 22 May 2017, the Government responded that the complainant is being regularly visited, due to the absence of his family in Morocco, by NGOs and the delegation of UNHCR, that his rights as a detainee have been respected, and that he had ended his hunger strike. The Government further informed that the judicial authority has accepted that Mr. Ali had withdrawn his request for extradition allegedly signed under threat. Mr. Abdul Rahman Alhaj Ali still remains in detention.

## 15. Myanmar

55. Special procedure mandate holders received allegations of intimidation and reprisals against individuals who have engaged with the Special Rapporteur on the situation of human rights in Myanmar during her visits to the country. They have been in contact with the Government on the matter (see A/HRC/34/75, para. 10, MMR 2/2016). For example, it is alleged that the arrest and detention of Khine Myo Htun, a political and environmental activist, is linked to his cooperation with the Special Rapporteur on the situation of human rights in Myanmar, with whom he met during her visit in June 2016, shortly before he was detained. Mr. Htun, an official of the Arakan Liberation Party, had issued a written statement criticizing the impact of State military action on civilians in Rakhine State in the ongoing conflict in that region.

56. Khine Myo Htun reportedly submitted to the authorities evidence substantiating his allegations. On 5 May 2016 charges were filed against him for defamation and incitement under the Myanmar Penal Code. On 22 June 2016, he met with the Special Rapporteur on the situation of human rights in Myanmar during her visit to the country. On 26 August 2016, four mandate holders raised concerns regarding the alleged arbitrary detention and criminal prosecution of Mr. Htun (see A/HRC/34/75, MMR 2/2016), also expressing concern that the arrest and detention of Mr. Htun may carry an element of reprisal for his cooperation with the United Nations on human rights, as these actions took place after he had met with the Special Rapporteur.

57. On 6 October 2016, the Government responded to the allegations of reprisals against Mr. Htun, stating that on 5 May 2016 a case was filed against him for publishing a statement with the intent to mislead the public, defame the Tatmyadaw, or Myanmar

Armed Forces, and intimidate the public by using false information. In its reply the Government did not address the allegations relating to reprisals.

58. On 24 January 2017, the Special Rapporteur issued a press release,<sup>e</sup> expressing her deep concerns about reported reprisals against some of those with whom she met. She drew attention to her alarm that security forces, after a brief lull in activity, had resumed military counter operations in villages nearby to those she had visited in June 2016, with allegations of arbitrary detention and arrest in relation to these raids. The Special Rapporteur further addressed acts of intimidation and reprisals related to her visit in her end of mission statement of 21 July 2016.<sup>f</sup> She renewed her request to all civil society actors, media workers and prisoners with whom she met to report to her any cases of reprisals. She also reiterated that the Government must ensure the safety of all her interlocutors and guarantee that they will not face any reprisals, including threats, harassment, punishment or judicial proceedings. The Assistant Secretary-General for Human Rights addressed the allegations with the Government in June 2017.

59. In its resolution 34/22, the Human Rights Council emphasized that no one should face reprisals, monitoring, surveillance, threats, harassment or intimidation for cooperating or speaking with special procedures, including the Special Rapporteur on the situation of human rights in Myanmar, the international independent fact-finding mission or the United Nations, and called upon the Government 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.

## 16. Oman

60. On 27 June 2016, five special procedure mandate holders expressed concerns about the alleged arbitrary arrest and detention of Said Ali Said Jadad, a human rights defender, journalist and blogger, for his human rights activities and the alleged continued reprisals for his cooperation with the Special Rapporteur on the right to freedom of peaceful assembly and of association during his visit to Oman in September 2014, as well as for his cooperation with international organizations (see A/HRC/34/75, para. 10, OMN 1/2016).

61. On 21 January 2015, Mr. Jadad was arrested in Salalah, reportedly in response to his critical writing. He was convicted on 8 March 2015, for “undermining the prestige of the State,” for “inciting the public to join an illegal gathering” and for “publicizing material that disturbs the public order.” He was released in April 2015, pending appeal, rearrested again on 18 November 2015, and later released. In a letter dated 2 September 2016, the Government of Oman responded to the concerns raised and informed the mandate holders that as a result of their appeal, Mr. Jadad’s case had been re-examined and that he had been released from detention on 26 August 2016.

## 17. Pakistan

62. On 18 April 2017, the National Commission for Human Rights of Pakistan was due to brief the Committee against Torture during its sixtieth session, following the submission of an alternative report to the Committee. The request made by the Commission Chair for permission to travel to Geneva was denied on the basis that the national human rights institution was “not mandated to interact with the Committee on the present issue.” Representatives of the Commission were eventually able to participate in a private meeting with the Committee via video link on 18 April 2017.

<sup>e</sup> OHCHR, “UN human rights expert concerned about reprisals during recent visit to Myanmar,” 24 January 2017.

<sup>f</sup> OHCHR, End of mission statement of the Special Rapporteur on the situation of human rights in Myanmar, 21 July 2017.

63. The Committee noted in its concluding observations its serious concern that the Chair of the Commission had not received authorization, which was reportedly required in Pakistan for the National Commission for Human Rights to be able to travel to participate in a private meeting with the Committee (CAT/C/PAK/CO/1, para. 20). The Committee recommended that “the State party should take immediate measures to ensure that the National Commission for Human Rights is able to carry out its mandate fully and in an effective and independent manner, and in full conformity with the Principles relating to the status of National Institutions for the Promotion and Protection of Human Rights (Paris Principles) (...) including allowing the Commission to meet in person with international human rights mechanisms abroad (ibid. para. 21).

## 18. Rwanda

64. Special procedure mandate holders took action in response to allegations of intimidation and reprisals against human rights defenders, Epimack Kwokwo and Robert Mugabe for their cooperation with the universal periodic review, the Human Rights Council and special procedures. These allegations also drew attention to the declaration that Mr. Kwokwo was *persona non grata* in Rwanda and his subsequent expulsion from the country, and the kidnapping and intense daily interrogation of Mr. Mugabe (see A/HRC/34/75, para. 10, RWA 1/2016 and A/HRC/35/44, para. 12, RWA 1/2017). The mandate holders have been in contact with the Government on these cases.

65. Between September 2014 and March 2015, Epimack Kwokwo, a human rights defender from the Democratic Republic of the Congo and the Executive Secretary of the League for the Defense of Human Rights in the Great Lakes region, coordinated the work of various civil society organizations reporting on the situation of human rights in Rwanda for a submission to the universal periodic review of the country scheduled for November 2015. According to allegations received, on 12 October 2015 Mr. Kwokwo was stopped and detained by immigration officers for seven hours on the border between Goma, Democratic Republic of the Congo and Rwanda as he was coming back from a mission in the Democratic Republic of the Congo. He was interrogated on his work on human rights and the reports produced by the League. His passport was confiscated by immigration authorities. He was also told that he had contributed to “frame Rwanda in a bad light” given his contribution to the submission to the universal periodic review. Between January and March 2016 he was stopped by immigration services five times and asked about his work and his residence in Rwanda. In May 2016, Mr. Kwokwo was interviewed twice at the immigration office in Kigali. He was informed that he was declared *persona non grata* in Rwanda and would be expelled from the country.

66. On 5 July 2016, mandate holders raised concerns with the Government (see A/HRC/34/75, RWA 1/2016). On 22 September 2016, the Government responded that Mr. Kwokwo had been expelled as a result of his repeated violations of and disregard for the immigration laws of Rwanda, and that the expulsion had nothing to do with his human rights work as alleged.

67. On 18 January 2017, mandate holders raised concerns regarding acts of intimidation and reprisals, including attempted kidnapping and intense daily interrogation, allegedly committed against Robert Mugabe, a journalist and human rights defender, following his cooperation with United Nations human rights mechanisms (see A/HRC/35/44, RWA 1/2017). In November 2015, Mr. Mugabe submitted a report to the universal periodic review on Rwanda. In September 2016, he attended the thirty-third session of the Human Rights Council and held meetings with OHCHR. In October 2016, once back in Rwanda, he was subject to intimidation and harassment by plain-clothed armed men on a number of occasions, including attempted kidnapping. When he filed a complaint for the attempted kidnapping, the police instead opened an investigation against him on charges of treason and spreading rumours with the intent to undermine the Government. On 23 December 2016 the police reportedly started daily intense interrogations of Mr. Mugabe. At the time of the finalization of the report, no response had been received from the Government.

## 19. Saudi Arabia

68. Special procedure mandate holders took action on the case of Issa Al-Hamid, a human rights defender and member of the Saudi Civil and Political Rights Association, who was sentenced to 11 years in prison followed by an 11-year travel ban and fine of 100,000 Riyals. He was originally sentenced to nine years by the Specialized Criminal Court for, inter alia, having “communicated with international organizations in order to harm the image of the State”, a charge that according to special procedures appear to also constitute an act of reprisal for cooperating with the United Nations, its representatives and mechanisms in the field of human rights. His sentence was increased by two years on 1 December 2016 by the Court of Appeal.

69. On 13 December 2016, several mandate holders raised concerns over allegations of reprisals against Mr. Al-Hamid for cooperating with the United Nations on human rights (see A/HRC/35/44, para. 12, 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. He was being charged for: his involvement in the establishment of an unlicensed association; non-compliance with the court order to dissolve it; stirring up public opinion; explicitly defaming the faith and loyalty of the members of the Council of Senior Scholars; disparaging the judiciary; and committing offences that undermine national security. The Government did not address the allegations relating to reprisals in either of its responses.

## 20. South Sudan

70. In the special report of the Secretary-General on the review of the mandate of the United Nations Mission in South Sudan (UNMISS) (S/2016/951), the Secretary-General stressed that United Nations human rights officers face limited access to affected areas to corroborate information or interview witnesses and victims for many reasons, including restrictions imposed by government authorities, security considerations for staff members and increasing threats of reprisal against witnesses, victims and sources, which raised the need to ensure their protection.

71. During his visit to South Sudan in February 2017,<sup>g</sup> the Assistant Secretary-General for Human Rights met with a number of Government authorities, including cabinet ministers and heads of security forces, to whom he stressed the absolute need to avoid reprisals and threats against human rights defenders who have cooperated with the United Nations. He addressed specific cases of individuals cooperating with UNMISS and with United Nations entities abroad, including those cases in which individuals were forced to leave South Sudan due to intimidation and threats. In this connection, he drew attention to a specific incident in September 2016 in which human rights defenders were threatened following their meeting with members of the Security Council during their visit to South Sudan. He further addressed the situation of reprisals to the Government in writing in July 2017.

## 21. Sri Lanka

72. The United Nations High Commissioner for Human Rights, in his address to the Human Rights Council on 22 March 2017, stressed that he was disturbed to hear reports of intimidation of members of Sri Lankan civil society in the Palais des Nations in Geneva. He referred the case to the Assistant Secretary-General. He also stated that he trusted that the President of the Council will give these cases close attention. In his report to the Human

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<sup>g</sup> OHCHR, “South Sudan: Senior UN human rights official condemns deplorable rights situation, calls for perpetrators to be held to account,” 17 February 2017.

Rights Council (A/HRC/34/20), the High Commissioner stressed that reports of harassment or surveillance of human rights defenders and victims of violations had continued in Sri Lanka, albeit to a lesser degree. In its response at the Human Rights Council on 22 March 2017, Sri Lanka stated that it remained firm in its resolve to enhance the fundamental rights of all citizens as equals in a free and democratic country, where fear and intimidation have no place.

73. Special procedure mandate holders have also addressed the allegations of reprisals and intimidation against S. Ganeshnantham and other members of the civil society organization Pupil Salvation Forum relating to their participation in the thirty-fourth session of the Human Rights Council in Geneva (see A/HRC/36/25, LKA 1/2017).

74. On 7 and 9 March 2017, Mr. Ganeshnantham addressed the Human Rights Council and referred to the current human rights situation in Sri Lanka. On 11 March 2017, officers from the Criminal Investigation Department attached to the Kalmunai Police station, in Sri Lanka, arrived at Mr. Ganeshnantham's house in Kalmunai, and threatened his relatives. The experts expressed serious concerns at the alleged threats and intimidation which appear to be linked to Mr. Ganeshnantham's participation in the thirty-fourth session of the Human Rights Council. At the time of the finalization of the present report, no response had been received from the Government.

## 22. Sudan

75. On 28 July 2016, the Independent Expert on the situation of human rights in the Sudan expressed his concerns regarding the interception of four representatives of Sudanese civil society at Khartoum International Airport on their way to Geneva, where they were to participate in pre-session meetings of the universal periodic review on the Sudan (see A/HRC/33/65, para. 28). Sawsan Hassan Elshowaya, Dr. Muawia Shaddad, Faisal Mohamed Salih and Siddig Yousif were stopped and informed of travel bans in place against them. Their passports were confiscated and they were told to report to the Information and Inquiry Section at National Intelligence and Security Service headquarters for further information.

76. On 9 January 2017, special procedure mandate holders expressed concerns with the Government with regard to allegations of reprisals against six human rights defenders, staff members and affiliates of the Centre for Training and Human Development reportedly in part because of their cooperation with the Human Rights Council (see A/HRC/35/44, para. 12, SDN 1/2017).

77. On 22 May 2016, these individuals were arrested by National Intelligence and Security Service agents, with three of them subsequently released on bail. On 15 August 2016, criminal case no. 110/2016 was filed against all of them, who were reportedly charged by the Prosecution Office under the 1991 Penal Code, pertaining to articles 21 (joint acts in execution of criminal conspiracy), 50 (undermining the constitutional system), 51 (waging war against the State), 53 (espionage against the country), and 65 (criminal and terrorist organizations). These charges, if confirmed, could lead to the application of the death penalty. The criminal charges brought against these six human rights defenders, and the ongoing arbitrary detention of three of them, are reportedly in part related to their cooperation with the Human Rights Council. At the time of the finalization of the report, no response had been received from the Government.

## 23. Tajikistan

78. On 2 June 2016, the Supreme Court of Tajikistan sentenced leaders of the banned Islamic Revival Party of Tajikistan (IRPT) to life imprisonment and eleven other members to jail terms ranging from two to 28 years. The IRPT members were reportedly sentenced based on accusations of participation in a criminal group, incitement of national, racial or religious hatred, murder, terrorism, appeals to violent change of the constitutional order, illegal possession or transfer of weapons, and armed rebellion, but the trial was closed and allegedly did not adhere to international human rights standards. On the same day, and in

direct response to the conviction, relatives of the convicted IRPT members intended to seek assistance from the United Nations Office in Tajikistan but were intercepted by law enforcement officials who detained all of the individuals who were attempting to reach the United Nations premises.

79. On 7 June 2016, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression stated in a press release endorsed by multiple mandate holders that he deplored the harsh sentencing of Tajikistan political opposition leaders. He further noted that he had received disturbing reports that relatives of IRPT members were prevented by the police from reaching the United Nations office after the verdict was announced, and had been taken to a district court where they were threatened to be arrested and fined for not obeying the police. The Special Rapporteur found the situation to be totally unacceptable, and that it furthered the climate of fear in the country.”<sup>h</sup>

## 24. Thailand

80. In June 2016, grant recipients of the United Nations Voluntary Fund for Victims of Torture, human rights defenders Porpen Khongkachonkiet and Somchai Homla-or of Cross-Cultural Foundation and Anchana Heemmina of Duay Jai Group, were the object of a legal complaint filed by the Royal Thai Army operating in the Southern Border Provinces. The above-mentioned persons had published 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 United Nations Voluntary Fund. They were consequently accused of publishing 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.

81. On 4 August 2016, some mandate holders expressed concern over criminal defamation charges filed against these human rights defenders in relation to their human rights work on documenting cases of torture and ill-treatment in Thailand (see A/HRC/34/75, para. 11, THA 6/2016). On 5 August 2016, the Government replied that the allegations of torture documented in the report were unfounded. It further stated that the complaint against the three human rights defenders is still under investigation by the police, before it is sent to the prosecutor’s office to decide whether to file the case for further court proceedings.

## 25. Turkey

82. On 23 January 2017, special procedure mandate holders raised concerns with the Government at allegations of reprisals against Osman Isci, an academic researcher and human rights defender, who was suspended from his research position at Agri Ibrahim Cecen University by emergency decree, for his cooperation with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression during his official visit to Turkey in November 2016 (see A/HRC/35/44, para. 12, TUR 1/2017). In January 2016, Osman Isci, together with more than 180 other academic and university researchers signed the “Peace Petition”, which was published by Academics for Peace. Many of these academics have since been dismissed, suspended or forced to resign, and all of them continue to be subjected to administrative and judicial investigations (see A/HRC/33/32, para. 10, TUR 3/2016).

83. On 15 December 2016, approximately one month after he participated in a meeting with the Special Rapporteur, Mr. Isci received a document notifying him that, according to Emergency Decree nos. 667, 668 and 675, and Articles 137 and 138 of the Law on Public

<sup>h</sup> OHCHR, “UN expert deplores harsh sentencing of Tajikistan opposition leaders and warns of radicalization,” 7 June 2016.

Officers, he had been placed under administrative investigation and suspended until its completion. In its reply of 11 April 2017, the Government responded that a disciplinary investigation was initiated against Mr. Isci on suspicion that he might be linked to the Kurdistan Worker's Party (PKK), a suspected terrorist organization. The Government further submitted that under Decree Law 667, public officials who are deemed to be members or have links to terrorist organizations be dismissed from public service. The Government stated that the investigation against Mr. Isci is ongoing, and it has no relevance to his meeting with the Special Rapporteur, nor to his assumed work as a human rights defender.

## 26. Turkmenistan

84. In its views adopted on 15 July 2016, the Human Rights Committee raised allegations of intimidation and reprisals concerning Navruz Tahirovich Nasyrlyayev who claimed in a submission of 3 September 2012 that the State party had violated his rights under articles 7, 14(7) and 18(1) of the International Covenant on Civil and Political Rights through his repeated prosecution, conviction and imprisonment as a conscientious objector (see CCPR/C/117/D/2219/2012). The Committee noted with concern that, subsequent to Mr. Nasyrlyayev's submission of a communication to the Committee, according to information provided by Mr. Nasyrlyayev himself, on 24 January 2013 his family home was raided by police officers and that family members and guests had been subjected to mistreatment.

85. The Committee also noted that the State party had not provided any information to the contrary following the call by the Rapporteur on new communications and interim measures, dated 8 February 2013, to abstain from acts of pressure, intimidation or reprisal against Mr. Nasyrlyayev and his relatives. The Committee also recalled that any act of pressure, intimidation or reprisal against a person who has submitted a communication or his or her relatives constitutes a breach of the State party's obligations under the Optional Protocol to cooperate with the Committee in good faith in the implementation of the provisions of the Covenant.

## 27. United Arab Emirates

86. On 27 March 2017, six special procedure mandate holders expressed their concerns with the Government at allegations of arrest, secret detention and risk of enforced disappearance of Ahmed Mansoor, a prominent human rights defender and blogger, as an act of intimidation and reprisal for his collaboration with the Human Rights Council, the special procedures, the universal periodic review mechanism and treaty bodies (see A/HRC/36/25, para. 13, ARE 1/2017). On 20 March 2017, security agents searched the home of Mr. Mansoor, confiscated laptops and other equipment; they arrested Mr. Mansoor, and took him to an unknown location. The reasons behind his arrest, the alleged charges against him, and his place of detention remained unknown at that time. On 28 March 2017, three mandate holders issued a press release, stating their fear that his arrest and secret detention may constitute an act of reprisal for his engagement with United Nations human rights mechanisms.<sup>i</sup>

87. On 25 April 2017, the Government responded that the Office of the Public Prosecutor concerning cybercrime arrested Mr. Mansoor on 20 March 2017 on the charge of circulating false and misleading information on the Internet with a view to spreading hatred and sectarianism. He was informed of the charges and placed in pretrial detention in Abu Dhabi Central Prison. He was allowed to appoint a lawyer and his family was allowed to visit him, in accordance with the procedures applicable to detention facilities. The Government concluded that allegations concerning arbitrary detention, lack of information

<sup>i</sup> OHCHR, "UN Rights Experts Urge UAE: Immediately release human rights defender Ahmed Mansoor," 28 March 2017.

concerning the place of detention and lack of specifying charges against him are false. The Government's response did not address the allegations concerning intimidation and reprisals. Mr. Mansoor reportedly remains in solitary confinement, while the place of detention remains unverified.

## **28. Uzbekistan**

88. On 1 March 2017, Elena Urlaeva, head of the Human Rights Defenders Alliance of Uzbekistan, was allegedly arrested in Tashkent and taken to a police station, reportedly the day before her planned meeting with representatives of the International Labour Organization and the World Bank. At the police station, Ms. Urlaeva was insulted and mocked by police officers who told her that she needed psychiatric treatment, and was then forcibly transferred to a psychiatric facility in Tashkent. On 24 March, Ms. Urlaeva was released after 24 days of psychiatric detention.

89. On 5 April 2017, four mandate holders expressed their concerns regarding these incidents, which appear to be related to her cooperation with international organizations (see A/HRC/36/25, para. 13, UZB 1/2017). On 28 April 2017, the Government responded that, according to a 2006 ruling of the Miabad Interregional Civil Court in Tashkent, Ms. Urlaeva suffers from mental illness and is legally incompetent. The Government did not address the allegations of intimidation and reprisals in its response.

## **29. Venezuela (Bolivarian Republic of)**

90. In the previous report of the Secretary-General, reference was made to the concerns expressed by independent experts with regard to the pattern of discrediting and intimidating human rights defenders in reprisal for their cooperation with the United Nations and regional bodies on human rights (A/HRC/33/19, paras.32-37). Similar allegations were received in the past. In a press briefing held on 19 May 2017, the spokesperson of the United Nations High Commissioner for Human Rights referred to the case of Henrique Capriles, who was scheduled to meet the High Commissioner in New York on the same day but was prevented from leaving the Bolivarian Republic of Venezuela to do so. The High Commissioner expressed his hope that the incident was not a reprisal linked to the planned meeting with him in New York. The Assistant Secretary-General for Human Rights addressed cases of reprisals with the Government in April 2017.

## **30. Multiple**

91. On 21 October 2016, the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture addressed a letter to the United Nations High Commissioner for Human Rights with regard to concerns about the increasing number of instances in which State authorities resort to freezing the banking assets of human rights organizations working for victims of torture, in order to impede external funding, including from the Voluntary Fund. On 1 November 2016, the High Commissioner in his response expressed concern about the feedback provided on situations of reprisals against a number of the Fund's grantees, and stated that he would share these observations with the Assistant Secretary-General.



## Annex II

### Information on alleged cases included in the previous report

#### 1. Honduras

1. The Special Rapporteur on the rights of indigenous peoples, in her report following her mission to Honduras in November 2015, referred to the plight of indigenous leaders working on land issues, including the case of Berta Cáceres (see A/HRC/33/42/Add.2, paras. 21 and 22). She stressed that the murder of indigenous leaders who defend their lands, including a large number of leaders of the Tolupán, Garífuna, Lenca, Chortí and Pech peoples, give rise to the most complaints to the Office of the Special Prosecutor for Ethnic Groups and Cultural Heritage, in addition to cases of assault, attempted homicide and violence against indigenous women.

2. The murder of Ms. Cáceres, an influential member of the Lenca community who headed protests against hydroelectric projects in the Lenca region, drew the attention of the world to this problem. She further stated that “it is a matter of enormous concern that many of the indigenous leaders that have been killed, such as Ms. Cáceres, had been granted protective measures by the Inter-American Commission on Human Rights, with a view to protecting their lives and ensuring their personal safety. The murders have occurred despite a law on the protection of human rights defenders adopted in April 2015, which establishes mechanisms to provide an institutional response to requests for protection for human rights defenders, including early warning measures at times of particular danger. Moreover, given the strong presence of the army and the military police in the country, evidence received about collusion by the police and the armed forces with private or business interests, including organized crime groups in indigenous territories, is worrying. All this exacerbates the violence and impunity suffered by the indigenous peoples (ibid., para 21).”

3. During the thirty-third session of the Human Rights Council in September 2016, the mandate holder referred again to the plight of indigenous leaders defending their land rights and the implications of Ms. Cáceres’s death on the situation of indigenous rights defenders in the country, who are facing deaths, threats and violence in relation to their work. The Special Rapporteur on the situation of human rights defenders also referred to the death of Ms. Cáceres in a press release on 6 October 2016<sup>a</sup> and in his statement to the 34th session of the Human Rights Council.

#### 2. Iraq

4. The cases of Imad Amara and Faisal Al-Tamimi were included in the report on cooperation with the United Nations, its representatives and mechanisms in the field of human rights (see A/HRC/33/19, para. 24). The Special Rapporteur on the situation of human rights defenders also expressed concern about the allegations of arrest and ill-treatment of both cases in his observations on communications report (see A/HRC/34/52/Add.1, para. 676) in retaliation for their legitimate human rights work at the Al Wissam Humanitarian Assembly, especially since these acts might be in reprisal for their cooperation with the United Nations, its representatives and mechanisms in the field of human rights.

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<sup>a</sup> OHCHR, “Honduras: Experto de la ONU advierte sobre el riesgo de impunidad en el caso de Berta Cáceres”, 6 October 2016.

### **3. Japan**

5. In the report on cooperation with the United Nations, its representatives and mechanisms in the field of human rights (A/HRC/33/19, para. 25), reference was made to allegations of reprisals against Kazuko Ito. The Special Rapporteur on the situation of human rights defenders, in his report on observations on communications, referred to the substantive response of the Government of Japan to the communication dated 30 May 2016 regarding allegations of surveillance of Ms. Ito, who had facilitated and organised meetings of the Special Rapporteur on freedom of opinion and expression with representatives of civil society during his official country visit to Japan in April 2016 (see A/HRC/34/52/Add.1, paras. 399 and 400). These allegations stemmed from a magazine that reported information received 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. According to the Government's response, following Ms. Ito's inquiry and the communication sent from special procedures, the allegations were investigated and both the Public Security Intelligence Agency (PSIA) and the National Police Agency confirmed that they "had neither received such instructions nor conducted such research activities as were reported by the media."

### **4. Morocco**

6. In the report on cooperation with the United Nations, its representatives and mechanisms in the field of human rights of 16 August 2016, concerns were raised about Ms. El Ghalia Djimi, who was subjected to reprisals for seeking to engage with the Human Rights Council (see A/HRC/33/19, para 26). The Special Rapporteur on the situation of human rights defenders, in his report on observations on communications, reiterated concerns that Ms. El Ghalia Djimi did not receive authorization to leave the country to travel to the thirty-first session of the Human Rights Council in Geneva (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 has since been received that Ms. El Ghalia Djimi was able to attend the thirty-second session of the Human Rights Council.

### **5. Uganda**

7. The report on cooperation with the United Nations, its representatives and mechanisms in the field of human rights of 16 August 2016 (see A/HRC/33/19) referred to the case of Douglas Bulongo, the Executive Director of the United Association for Peace and Development, who was subjected to reprisals in connection with his role in the submission of a report by the Lutheran World Federation to the universal periodic review on Uganda in November 2016. Mr. Bulongo was allegedly attacked on multiple occasions, including an instance on 1 March 2016 when a group of armed men broke into his home and led all his family members into one room. The armed men remained in Mr. Bulongo's home until he handed over all the workshop documents on the review process of Uganda (A/HRC/33/19, para. 31). On 20 March 2016 Mr. Bulongo was arrested and detained by police officers. He has reportedly since been granted bail by the court, yet still remains in hiding as he has allegedly been receiving threats by unknown persons.

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