



# General Assembly

Distr.: General  
24 February 2020

English/French/Spanish only

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**Human Rights Council**

**Forty-third session**

24 February–20 March 2020

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Report of the Special Rapporteur on the situation of human rights defenders**

### **Addendum**

### **Observations on communications transmitted to Governments and replies received\***


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GE.20-02815(E)



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## Introduction

1. The present document is submitted by the Special Rapporteur on the situation of human rights defenders, Michel Forst, to the Human Rights Council, pursuant to resolution 25/18 of the Human Rights Council. The report provides observations on the communications on specific cases addressed by the Special Rapporteur to States and other actors, as well as observations on the replies received from States and other actors.
2. The cases and situations raised by the Special Rapporteur in this report include urgent appeals, allegation letters and other letters, issued between 1 December 2018 and 30 November 2019. The press releases included in this report are the ones issued between 1 December 2018 and 31 January 2020.
3. The report contains responses received from States before 31 January 2020. A small number of replies received before 31 January 2020 could not be included because translation of these documents was not available at the time of finalising the report. In mid-October 2019, United Nations was forced to take extraordinary measures to curtail expenditures in order to address the liquidity crisis faced by the Organisation. This caused delays in translation of 24 government replies received in languages other than English. Consequently, these replies will be made public at a later stage to ensure the required protection measures related to victims or potential victims, as well as to any alleged perpetrators mentioned in these replies.
4. For ease of reference, cases have been grouped by region, with countries within each region listed alphabetically according to their names in English. Each communication is referenced in one of six categories: urgent appeal (UA), allegation letter (AL), other letter (OL), joint urgent appeal (JUA), joint allegation letter (JAL) and joint other letter (JOL). This is followed by the date the communication was issued, as well as the case number and the date of the State's reply. The communications included in this report and the replies received from the concerned States, respectively, can be consulted on the following webpage: <https://spcommreports.ohchr.org>. In bold, is a short reference to the allegations contained in the communication in the language of submission. Press releases published during the reporting period are referenced below the communications, with a hyperlink to the statement as uploaded on the OHCHR website. In bold, is the title of the press release in the language of the statement.
5. The Special Rapporteur is grateful to all States, which have transmitted substantive responses to his communications. He considers response to his communications as an important part of cooperation by States with his mandate. He trusts that States who have not provided substantive responses to his communications will do so shortly.
6. The annex of the report contains information on the communications procedure and guidelines on the submission of complaints to the Special Rapporteur.

## Summary

7. Between 1 December 2018 and 30 November 2019, the Special Rapporteur sent 255 communications individually or jointly with other mandate holders of the Human Rights Council, to 100 States and 16 other actors. Of these communications, 59 were urgent appeals and 145 were allegation letters.
8. The Special Rapporteur drew attention to the situation of over 535 people, of whom 160 were registered as women. The report also includes 98 cases consisting of follow-ups on persons, organisations and normative frameworks, which were previously the subject of communications, including press releases.
9. Examined by region, the figures show that 70 communications were addressed to 19 countries in the Asia-Pacific region (27 %); 74 were addressed to 34 countries in the Americas region (29 %); 32 to 19 countries in Europe and Central Asia (13 %); 38 to 12 countries in the Middle East and North Africa (15 %); 26 were addressed to 16 countries in Africa (10 %) and 16 to other actors (6 %).

10. The Special Rapporteur sent 23 communications concerning reprisals taken against groups or persons as a result of their cooperation with the United Nations, its mechanisms or representatives in the sphere of human rights, or international human rights organisations.

11. The Special Rapporteur sent 18 communications concerning draft legislation or legislation already in force at the national level that could have a negative impact on the environment in which human rights defenders perform their activities.

12. As of 31 January 2020, 165 replies have been received to 143 communications – out of the 255 communications sent during the reporting period (56 % response rate). An additional 12 replies were received to communications from the previous reporting period. The response rate had been 50 % in the previous reporting period. Responses to communications, which were received after 31 January 2020 will be reflected in a later communication report.

## **AFRICA REGION**

13. During the present reporting period, the Special Rapporteur sent 25 communications to 16 countries in the Africa region. While the response rate was low, 40%, it represents a nine percentage point increase on last year, and a significant improvement compared to the very low response rates received in the previous years. While the Special Rapporteur thanks the Governments who sent replies to his letters, no state that received more than one communication sent substantive responses to all letters sent by the Special Rapporteur. The Rapporteur urges states to engage with Special Procedures in a more committed manner, working with his mandate to guarantee a safe and enabling environment for human rights defenders in their respective countries.

14. The Special Rapporteur notes with particular concern the continuation of the deterioration of civil society space in the region, which was reported on in the previous reporting period. The space in which human rights defenders carry out their work has been restricted through both legal instruments and use of force.

15. As reflected in communications sent to Burkina Faso, Malawi, Nigeria, Sierra Leone South Sudan and Togo, human rights faced increasingly restrictive legislative frameworks in carrying out their legitimate activities, especially for the registration of their civil society organisations. Some organisations found it more difficult to get registered or convene assemblies within the existing laws, while other states approved new legislation which made it more difficult for unregistered NGOs to carry out their work.

16. Excessive use of force during demonstrations in some countries in the region posed serious challenges to the right to freedom of peaceful assembly and expression for human rights defenders in this reporting period. Allegations of violent repression and arrests in the context of protests were brought to the attention of the Special Rapporteur by human rights defenders in several countries, as illustrated in the communications sent to Sudan and Zimbabwe. The Special Rapporteur is also concerned about the chilling effect that the excessive use of force employed by police may have on the exercise of freedom of expression and assembly, by individuals and groups standing up for human rights.

17. While the Special Rapporteur notes that there was a reduction in reported cases of enforced disappearance over last year's reporting period, he remains concerned about widespread arbitrary arrest, threats, physical attacks and intimidations made against human rights defenders, as reflected in the letters sent to the Democratic Republic of Congo, Djibouti, Gabon, South Sudan and Uganda. The Special Rapporteur is concerned that these arrests, many of which are not followed by fair legal proceedings, are linked to the legitimate work of human rights defenders, limiting their scope to protect and promote human rights.

18. The Special Rapporteur is concerned that attacks on human rights defenders often go unpunished. This concern is compounded by the lack of specific detail provided in Government replies regarding the status of investigations into these attacks.

19. Women human rights defenders faced challenges across the region in this reporting period. Two of the three cases involving women human rights defenders involved violent attacks facilitated by the authorities. In his report on the situation of women human rights defenders published in January 2019 (A/HRC/40/60), the Special Rapporteur singled out physical attacks as one of the major gendered risks that women human rights defenders must confront in carrying out their work. LGBTI defenders are also often the target of physical and verbal attacks, as reflected in the communication sent to Mauritius.

20. The Special Rapporteur notes with concern that human rights defenders in the Africa region are being increasingly targeted for their online activities. Defamation legislation and related charges have been used in a number of cases to persecute those who exercise their right to freedom of expression online, as illustrated in communication sent to Nigeria.

21. The Special Rapporteur urges States to comply with their international human rights law obligations and reminds them of their responsibility to ensure a safe and enabling environment, without fear of threats, prosecution or acts of intimidation and harassment of any kind.



22. The Special Rapporteur regrets to note that, during the reporting period, he received two reports on cases of reprisals and intimidation against organisations and defenders for cooperation on human rights issues with international human rights mechanisms, including the UN, its representatives and mechanisms concerning Democratic Republic of Congo (COD 1/2019) and Equatorial Guinea (GNQ 2/2019). Furthermore, three additional letters were sent in relation to COD 1/2019: one to the Chinese company - *Weihai International Economic & Technical Cooperative Co., Ltd* - (OTH 15/2019), to China (CHN 2/2019) and to the World Bank (OTH 16/2019).

## Burkina Faso

23. JAL 08/11/2019 Case no: BFA 2/2019 State reply: 7 Jan 2020 (A)

**Allégations concernant l'usage excessif de la force, des exécutions arbitraires, des actes de torture et des enlèvements, ainsi que des destructions de biens culturels, et ce depuis décembre 2018, qui auraient été commis dans le contexte des opérations militaires antiterroristes menées par les Forces de défense et de sécurité (FDS) en réponse aux attaques de groupes non armés dans plusieurs régions du pays.**

24. Le Rapporteur spécial a pris note de la réponse du Gouvernement demandant un délai supplémentaire pour répondre de manière substantielle à sa communication. En l'absence de réponse reçue à cet effet à l'heure actuelle, le Rapporteur spécial renouvelle ses préoccupations concernant les allégations d'usage excessif de la force, d'exécutions arbitraires, d'actes de torture et des enlèvements, ainsi que des destructions de biens culturels qui auraient été commis dans le contexte des opérations militaires antiterroristes menées par les Forces de défense et de sécurité (FDS) en réponse aux attaques de groupes armés dans plusieurs régions du pays.

25. Le Rapporteur spécial souhaite aussi renouveler sa préoccupation concernant l'approbation du nouveau code pénal de juin 2019, qui viserait des journalistes, des défenseurs des droits humains ainsi que toute personne susceptible d'interpeler les autorités sur les exactions du FDS et des groupes armés, ou de dénoncer ces violations, dans le cadre de la lutte contre le terrorisme.

## Burundi

26. JAL 10/12/2018 Case no: BDI 3/2018 State reply: none to date

**Allégations concernant la suspension des activités des ONG internationales par le Conseil National de Sécurité, à partir du 1er octobre 2018 et pour une durée de trois mois. Les ONG internationales visées fournissent des services essentiels aux populations, notamment en matière de santé, d'alimentation, d'agriculture, d'eau, assainissement et hygiène.**

27. PR [04/04/2019](#)

**Des experts de l'ONU demandent la libération immédiate du défenseur des droits de l'homme, Germain Rukuki**

28. Le Rapporteur spécial regrette qu'au moment de la finalisation du présent rapport, aucune réponse substantielle n'ait été reçue concernant la communication envoyée pendant la période couverte par le présent rapport. Il demande au Gouvernement de coopérer pleinement avec son mandat et de répondre substantiellement aux communications envoyées, élément majeur de la coopération avec les Etats.

29. Le Rapporteur spécial reste préoccupé par la suspension pour une durée de trois mois des activités des ONG internationales qui a été mise en œuvre le 1<sup>er</sup> octobre 2018. La levée de la suspension dépendait de la mise en conformité de chaque ONG avec un certain nombre de critères, dont une déclaration de l'ethnicité de ses employés locaux. Le Rapporteur spécial reste préoccupé par le risque de graves répercussions sur les populations les plus vulnérables du pays qui dépendent des services indispensables offerts par ces organisations qui sont parfois en partenariat avec des organisations locales.

## Cameroon

30. JAL 29/05/2019 Case no: CMR 3/2019 State reply: 29 Jul 2019

**Allégations concernant l'expulsion illégale du Cameroun de M. Jan Joris Cappelle, des menaces de mort à l'encontre de M. Prince Vincent Awazi et des menaces de mort et d'enlèvement à l'encontre de M. Elvis Brown. Les membres de l'organisation « Organic Farming for Gorillas Cameroon » (OFFGO) seraient en outre victimes d'une campagne de diffamation. Ces allégations semblent être en lien avec leurs activités de dénonciation de violations des droits de l'homme commises par une entreprise locale.**

31. JAL 02/07/2019 Case no : CMR 4/2019 State reply: none to date

**Allégations concernant la disparition forcée du défenseur de droits de l'homme, M. Franklin Mowha.**

32. JAL 18/09/2019 Case no : CMR 5/2019 State reply: none to date

**Allégations concernant la situation des membres de l'organisation Organic Farming for Gorillas Cameroon (OFFGO) et la possible arrestation de M. Vincent Awazi.**

33. PR [11/12/2018](#)

**Des experts de l'ONU préoccupés par la répression des protestations après les élections**

34. Le Rapporteur spécial remercie le Gouvernement pour sa réponse à la communication CMR 3/2019. Il regrette néanmoins que cette réponse ne réponde pas entièrement au sujet de la communication. Par ailleurs, il s'étonne de ne pas avoir reçu de réponse concernant les autres communications envoyées et il espère recevoir des réponses dans les meilleurs délais. Le Rapporteur spécial souhaite rappeler au Gouvernement que ces réponses sont un élément majeur de la coopération interétatique.

35. Le Rapporteur spécial renouvelle sa préoccupation à l'égard des allégations d'intimidation et de violence commises à l'égard des membres de l'ONG « Organic Farming for Gorillas Cameroon » (OFFGO), y compris l'arrestation et l'expulsion du pays de son cofondateur M. Jan Cappelle, sans procédure régulière (CMR 3/2019). Ces actions semblent être liées au travail de l'OFFGO en défense des villageois résistant à l'accaparement de leurs terres dans la sous-division de Mbengwi dans le nord-ouest du pays. Le Rapporteur spécial est également préoccupé par les allégations faisant état de collusion entre certaines autorités camerounaises et un entrepreneur et homme politique local dans le cadre de cette affaire, et d'une campagne de diffamation en cours à l'encontre de l'OFFGO. Le Rapporteur prend acte de la réponse du Gouvernement, mais regrette que cette dernière manque de répondre à la plupart des questions soulevées dans la communication. A titre d'exemple, concernant l'expulsion de M. Cappelle, la réponse du Gouvernement manque d'expliquer pourquoi M. Cappelle a été expulsé sans procédure régulière, notamment sans droit à un procès équitable.

36. Le Rapporteur spécial remercie le Gouvernement pour les informations détaillées fournies concernant les voies de recours légales qui seraient à la disposition des victimes de violences au Cameroun. Le Rapporteur regrette néanmoins, que la réponse ne fournit pas d'informations concernant les actions qui auraient été entreprises par les autorités à l'égard du cas en question), les mesures prises par le Gouvernement pour garantir la sécurité et l'intégrité physique et psychologique des membres de l'OFFGO, ainsi que de leurs familles et toute autre personne liée au conflit entre les communautés villageoises et l'entreprise. Enfin, le Rapporteur spécial regrette que la lettre du Gouvernement n'adresse pas les actions envisagées pour mettre en œuvre les recommandations émanant de l'enquête entreprise par la Commission Nationale des Droits de l'Homme et des Libertés du Cameroun (CNDHL / NCHRF).

37. Le Rapporteur Spécial réitère ses vives préoccupations concernant de nouvelles allégations concernant un acte d'intimidation qui serait survenu le 19 juin 2019, lorsque des hommes armés non identifiés seraient arrivés au siège de l'OFFGO dans un camion militaire.

38. Concernant la communication CMR 4/2019, le Rapporteur spécial renouvelle ses plus vives préoccupations quant à l'allégation de disparition forcée de M. Franklin Mowha, membre du Réseau des défenseurs des droits de l'Homme en Afrique Centrale (REDHAC), et également Président de Frontline Fighters for Citizens Interests (FFCI), une association de défense des droits de l'Homme opérant dans la région Nord-Ouest du Cameroun. M. Mowha a disparu le 6 août 2018 lors d'une mission de documentation à Kumba, dans le Sud-Ouest du pays. Le Rapporteur spécial reste également préoccupé quant à la crise politique, particulièrement dans les régions du Nord-Ouest et du Sud-Ouest. Il exprime son inquiétude quant aux risques que peuvent encourir les défenseurs des droits de l'homme dans un tel contexte socio-politique.

## Democratic Republic of the Congo

39. JAL 12/04/2019 Case no: COD 1/2019 State reply: none to date

**Allégations concernant des menaces de mort et des tentatives d'enlèvement contre un défenseur de droits humains, ainsi que des allégations d'actes de représailles possibles pour sa coopération avec la Banque mondiale et avec son Panel d'inspection sur les droits humains, en lien avec son travail pour documenter et dénoncer les violations des droits de l'homme liées à un projet financé par l'organisation.**

40. JUA 16/04/2019 Case no: COD 2/2019 State reply: none to date

**Allégations concernant des allégations de détention arbitraire, des agressions physiques, des actes de torture ainsi que des menaces de mort à l'encontre des défenseurs de droits de l'homme M. Bushambale Mazigamwa et M. Fikiri Kivira, commis, de manière alléguée, par le groupe armé Masanya en collaboration avec les FNL burundais.**

41. JOL 19/06/2019 Case no: COD 4/2018 State reply: none to date

**Allégations concernant la Proposition de Loi Relative à la Protection et à la responsabilité du Défenseur des Droits Humains.**

42. JUA 18/07/2019 Case no: COD 4/2019 State reply: none to date

**Allégations concernant des allégations de menaces de mort à l'encontre du défenseur des droits de l'homme M. Jean-Claude Katende.**

43. Le Rapporteur spécial regrette qu'aucune réponse n'ait été reçue aux communications envoyées pendant la période couverte par le présent rapport. Il demande au Gouvernement de coopérer pleinement avec son mandat et de répondre aux communications envoyées, élément majeur de la coopération avec les Etats.

44. Concernant la communication COD 1/2019, la Rapporteur spécial renouvelle sa préoccupation quant aux allégations de menaces et actes d'harcèlement contre un défenseur des droits de l'homme et sa famille, qui semblent être directement liées à son travail de documentation et de dénonciation de violations des droits de l'homme liées au projet ProRoutes. Sa préoccupation dans cette affaire est d'autant plus vive parce que les menaces, les tentatives d'enlèvement et les agressions physiques contre le défenseur sembleraient être liées au fait qu'il a signalé des violations des droits de l'homme à la Banque mondiale et à son Panel d'inspection. Il semblerait que ces violations constituent des actes d'intimidation et des représailles pour sa coopération avec cette institution.

45. Le Rapporteur spécial renouvelle sa préoccupation à l'égard des allégations d'enlèvement, d'agressions physiques, d'actes de torture ainsi que des menaces de mort à l'encontre des défenseurs de droits de l'homme M. Bushambale Mazigamwa et M. Fikiri Kivira, qui travaillent pour l'organisation La Voix des Femmes. Le Rapporteur Spécial déplore également les nouvelles menaces à l'encontre de M. Jean-Claude Katende. Ces menaces semblent être clairement liées à son travail légitime et pacifique en faveur des droits de l'homme en République Démocratique du Congo.

46. Concernant les allégations relatives à la Proposition de Loi Relative à la Protection et à la responsabilité du Défenseur des Droits Humains (COD 4/2018) le Rapporteur spécial

renouvelle sa demande au Gouvernement de lui fournir des informations détaillées et actualisées sur le processus d'adoption législatif, ainsi que sur le contenu du texte en cours de délibération. Le Rapporteur spécial renouvelle son souhait qu'une loi compréhensive soit adoptée afin de favoriser la protection ainsi que la promotion des défenseurs des droits de l'homme, qui soit en conformité avec le droit international des droits de l'homme, et qui tienne compte des considérations de genre.

## Djibouti

47. JAL 28/11/2019 Case no: DJI 1/2019 State reply: 28 Jan 2020

**Allégations concernant la détention arbitraire et des actes de torture pendant sa détention de M. Osman Yonis Bogoreh, ainsi que la détention arbitraire et au secret de M. Said Abdilahi Yassin, militants de la deuxième fédération du Mouvement pour le Renouveau démocratique et le développement (MRD), principal parti d'opposition, et membres de la Ligue djiboutienne des droits humains (LDDH).**

48. Le Rapporteur spécial remercie le Gouvernement pour sa réponse à la communication DJI 1/2019 qui porte à son attention de graves allégations de détention arbitraire et au secret, ainsi que des actes de torture, qu'auraient subis les défenseurs des droits de l'homme, M. Osman Yonis Bogoreh et M. Said Abdilahi Yassin.

## Equatorial Guinea

49. JAL 17/05/2019 Case no: GNQ 1/2019 Reply: none to date

**Información recibida en relación con los alegatos de detención arbitraria y los presuntos actos constitutivos de tortura en contra del Sr. Joaquín Elo Ayeto, defensor de derechos humanos, miembro del grupo de oposición política llamado "Convergencia por la Democracia Social (CPDS)" y fundador de Somos +.**

50. JAL 03/09/2019 Case no: GNQ 2/2019 Reply: none to date

**Alegaciones en relación con alegaciones de severos actos de represión a las actividades de organizaciones de la sociedad civil ecuatoguineana, en particular sobre la disolución del Centro de Estudios e Iniciativas para el Desarrollo de Guinea Ecuatorial (CEID) y el hostigamiento del que ha sido víctima el Sr. Alfredo Okenve, los cuales podrían constituir los actos de represalias por su cooperación con mecanismos y órganos de derechos humanos de las Naciones Unidas.**

51. El Relator Especial lamenta no haber recibido respuesta a ninguna de las dos comunicaciones enviadas durante el periodo abarcado por el presente informe, en particular dada la gravedad de las alegaciones mencionadas.

52. El Relator Especial reitera su preocupación sobre alegaciones de detención arbitraria, actos de tortura y/o malos tratos y la falta de investigación de dichos sucesos en Guinea Ecuatorial. En particular le preocupan al Relator Especial los casos del Sr. Joaquín Ayeto y el Sr. Alfredo Okenve puesto que pareciera que las alegaciones estarían conectadas con sus actividades de defensoría de los derechos humanos y de crítica al Gobierno ecuatoguineano. El Relator Especial reitera su preocupación por la aparente inexistencia de espacio para el debate abierto sobre asuntos públicos del país y en relación con los derechos humanos.

53. Adicionalmente, el Relator Especial se muestra preocupado por las normas restrictivas y desproporcionadas que regulan el registro de asociaciones civiles y le recuerda al Gobierno que las organizaciones de la sociedad civil, y en particular las personas defensoras de derechos humanos deberían poder inscribirse y operar libremente sin temor al acoso, la violencia o la intimidación, ni la amenaza de sufrirlos. El Relator Especial condena energicamente todo acto de intimidación o represalia contra los defensores de los derechos humanos por su interacción con los mecanismos de derechos humanos de las Naciones Unidas.

## Ethiopia

54. PR [04/04/2019](#)

**Ethiopia: UN experts commend civil society law reforms, but concerns remain**

## Gabon

55. JAL 29/07/2019 Case no: GAB 2/2019 State reply: none to date

**Allégations concernant la détention arbitraire de Mme Marie Claudette Ndagui, l'aggravation de son état de santé durant sa détention et l'absence de soins médicaux appropriés.**

56. Le Rapporteur spécial regrette n'avoir pas reçu de réponse à cette communication envoyée pendant la période couverte par le présent rapport. Il demande au Gouvernement de coopérer pleinement avec le mandat du Rapporteur spécial et l'encourage à répondre aux communications envoyées, élément majeur de la coopération entre les Etats membres.

57. Le Rapporteur spécial renouvelle sa préoccupation quant aux allégations de détentions arbitraire de Mme. Marie Claudette Ndagui, l'aggravation de son état de santé durant sa détention et l'absence de soins médicaux appropriés. Mme. Ndagui est présidente de l'Association Gabonaise pour les Œuvres Sociales (AGOS), qui promeut les droits sociaux et économiques des commerçants et des jeunes vulnérables à Libreville. Sa détention semble être directement liée à son travail de défense des droits de l'homme et à sa dénonciation des prétendues violations commises par le parquet de Libreville. Le Rapporteur spécial prend acte du fait qu'elle aurait été libérée le 25 septembre 2019 après avoir purgé sa peine de 8 mois d'emprisonnement, mais est préoccupé par le fait qu'elle puisse avoir fait l'objet d'un emprisonnement en lien avec son travail de défense des droits de l'homme.

## Malawi

58. JOL 24/12/2018 Case no: MWI 2/2018 State reply: none to date

**Allegations concerning the Non-Governmental Organization Amendment Bill 2018 (Amendment Bill), which, if adopted, may have a detrimental impact on non-governmental organizations in Malawi.**

59. JUA 21/05/2019 Case no: MWI 2/2019 State reply: 03/09/2019

**Allegations concerning alleged threats, intimidation and defamation against human rights defender Mr. Timothy Mtambo in the context of the tripartite elections scheduled for 21 May 2019.**

60. JUA 17/07/2019 Case no: MWI 3/2019 State reply: 03/09/2019

**Allegations concerning threats, acts of intimidation and judicial harassment directed at several human rights defenders.**

61. The Special Rapporteur thanks the Government of Malawi for its responses to two of the three communications sent during the reporting period.

62. The Special Rapporteur reiterates concerns at the shrinking of space for civil society and human rights defenders in the post-electoral context in Malawi, illustrated by the escalating threats and smear campaign against Mr. Mtambo along with threats and acts of intimidation directed against Mr. Trapence and Mr. Banda, which may be related to their human rights work and the exercise of their rights to peaceful assembly and of association and to freedom of opinion and expression.

63. Concern is also restated at the ordering of the entire legal costs of the proceedings in a public interest case initiated by the civil society organisation Youth and Society to be personally borne by its Chief Executive Mr. Kajoloweka. The Special Rapporteur fears that this may deter Mr. Kajoloweka and other members of civil society working on corruption and accountability issues in Malawi from engaging in public interest litigation in the future.

64. The Special Rapporteur takes note of the Government's response to communications MWI 2/2019 and MWI 3/2019 but regrets that it did not provide information on the measures taken to ensure the physical and psychological integrity of Mr. Timothy Mtambo, Mr. Trapence and Mr. Banda, and to address the threats and intimidation against them, as well as the media defamation campaign against Mr. Mtambo. The Special Rapporteur further invites the Government to provide updated information on the status of investigations into assault allegations made against Mr. Mtambo, and into the offences allegedly committed by Mr. Trapence. While the Special Rapporteur welcomes the Government's expressed commitment to promoting the development of a strong independent civil society, he remains concerned about the incompatibility of registration requirements for civil society organisations with the right to freedom of association as established in article 22 of the ICCPR.

65. In this context, the Special Rapporteur is concerned that the Non-Governmental Organization Amendment Bill 2018 retains a registration requirement for NGOs to operate in Malawi. The Special Rapporteur would like to reiterate that the right to freedom of association equally protects associations that are not registered, particularly when the procedure to establish an association is burdensome and subject to administrative discretion. Furthermore, the Special Rapporteur is concerned that by not providing clear definitions of the scope of the NGO Act, the Amendment Bill fails to meet the legality requirement for permissible restrictions of the right to freedom of association under international law. He remains extremely concerned that the Amendment Bill increases penalties and establishes criminal sanctions, including up to seven-years of imprisonment, for failing to comply with the NGO Act. He would like to remind the Government that circumstances where criminal, as opposed to civil sanctions, that apply to associations should be exceptional and narrowly construed.

## Mauritius

66. JUA 03/05/2019 Case no: MUS 2/2019 State reply: 07/05/2019 (A)  
27/06/2019

### **Allegations concerning the physical and verbal assault of two lesbian women and of two LGBTI human rights defenders associated with the Collectif Arc-En-Ciel, including Ms. Sandrine Julien.**

67. The Special Rapporteur thanks the Government of Mauritius for the reply sent to his letter dated 3 May 2019.

68. The Special Rapporteur restates deep concern with regards to the allegations of the physical and verbal assault of Ms. Sandrine Julien and a volunteer of the CAEC while attempting to rescue two members of the LGBTI community from their abusive homes. His concerns are heightened by the reported inaction of the two police officers present at the scene of the assault. The Special Rapporteur is extremely concerned by these allegations as they may send a message that attacks against LGBTI people and those who defend their rights are tolerated in Mauritius, and may encourage others to commit similar crimes.

69. The Special Rapporteur takes note of the Government's reply sent to his letter dated 3 May 2019 and welcomes the Government's acknowledgment of the recommendations made in the context of the 2019 Universal Periodic Review of Mauritius, regarding the protection and recognition of the rights of the LGBTI community and information on plans towards moving forward with sensitisation of society to pave the way for reforms. The Special Rapporteur regrets that the response did not include information on the measures taken to ensure the physical and psychological safety of the two lesbian women and of human rights defenders associated with the CAEC. The Special Rapporteur encourages the Government to provide updated information on the status of investigations into the physical and verbal attack against the two lesbian women and the LGBTI defenders from the CAEC. He also invites the Government to indicate what measures have been taken to ensure that defenders of the human rights of LGBTI people in Mauritius are able to carry out their peaceful and legitimate work in an enabling environment.

## Nigeria

70. JAL 09/05/2019 Case no: NGA 3/2019 State reply: none to date

**Allegations concerning the sentencing to 12 years in prison of Mr. Ibrahim Garba Wala on charges of criminal defamation, public incitement and unlawful assembly.**

71. The Special Rapporteur regrets that, at the time of finalisation of this report, no response has been received from the Government of Nigeria. He encourages the Government to engage with the mandate holders of the Special Procedures of the Human Rights Council.

72. In relation to the allegations outlined in his communication dated 9 May 2019, the special Rapporteur remains concerned about the use of criminal defamation charges against Mr. Ibrahim Garba Wala, in relation to a post he made on social media. The Special Rapporteur has expressed his consistent view, in line with General Comment No. 34 of the Human Rights Committee, that “States parties should consider the decriminalisation of defamation and, in any case, the application of the criminal law should only be countenanced in the most serious of cases and imprisonment is never an appropriate penalty” (CCPR/C/GC/34, para 47). He would like to stress that criminal sanctions, in particular imprisonment, for libel and defamation are not deemed appropriate responses and he is especially concerned at the severity and length of the prison term, which are disproportionate to the gravity of the offence.

73. The Special Rapporteur expresses further serious concerns regarding the prosecution of Mr. Wala for leading protests against corruption and other human rights violations in Nigeria. The judgment appears to imply that an assembly becomes a priori unlawful if organised by an unregistered organisation, which is inconsistent with international human rights standards.

## Sierra Leone

74. JOL 22/02/2019 Case No: SLE 1/2019 State reply: 27/02/2019

**Allegations concerning the Development Cooperation Framework (DCF) (2019-2023), which defines the overall objectives and principles surrounding the development partnership as well as undertakings by the various partners supporting development process in the country and recently submitted to the Cabinet. The DCF contains a number of provisions interfering with the right to freedom of association and freedom of expression. The policy is due to be launched on 28 February 2019.**

75. The Special Rapporteur thanks the Government of Sierra Leone for its reply to the communication dated 22 February 2019 and its answers to the concerns raised in it.

76. The Special Rapporteur expressed his upmost concern in the previous reporting period about restrictive NGO policy regulations, which had been adopted in Sierra Leone December 2017. He is seriously concerned that many of the issues raised in the previous communication have not been addressed in the new iteration of this policy under the Development Cooperation Framework (DCF). The Special Rapporteur remains concerned that the provisions of the DCF relating to the functioning of civil society organisations may have a severely detrimental effect on NGOs’ ability to carry out their work and impinge greatly on the exercise of the rights to freedom of expression and association which are guaranteed under international human rights law, particularly by articles 19 and 22 of the ICCPR.

77. The Special Rapporteur thanks the Government for its response to the allegations and welcomes the changes made to the DCF following consultations with NGOs, particularly the reduction in registration fees. However, he remains concerned about the lack of consultation in the revision process, and the registration requirements, which may constitute an unnecessary financial burden, especially on small organisations and preclude them from carrying out their work to the best of their resources. The Special Rapporteur would like to underscore that the right to freedom of association protects equally associations, which are registered and not registered.

78. Furthermore, the Special Rapporteur is concerned about the increased restrictions on the scope of activities, which NGOs are permitted to carry out. He acknowledges the Government's commitment to enhancing effective service delivery, but he would like to stress that NGOs responding to varying developmental and humanitarian demands must be afforded sufficient flexibility to carry out their work as they see most effective, which includes operating in multiple sectors to ensure that all Sierra Leoneans may benefit and have their rights protected.

### South Sudan

79. JAL 27/02/2019 Case no: SSD 1/2019 State reply: none to date

**Alleged arrest, arbitrary detention and investigation of Mr. Peter Biar Ajak.**

80. PR [06/03/2019](#)

**South Sudan: UN experts strongly urge immediate release of human rights defender Peter Biar Ajak**

### Sudan

81. JUA 15/02/2019 Case no: SDN 1/2019 State reply: 20/02/2019

**Allegations concerning the excessive use of force by security forces and crackdown against protestors, human rights defenders and journalists in Sudan.**

82. PR [11/04/2019](#)

**Sudan: UN experts condemn excessive use of force at protests**

83. PR [12/06/2019](#)

**Sudan: UN human rights experts call for independent investigation into violations**

84. The Special Rapporteur thanks the Government of Sudan for the prompt reply to his communication dated 15 February 2019.

85. The Special Rapporteur reiterates serious concern over the violent repression of protests across various cities in Sudan during December 2018, especially with regards to the use of live ammunition causing a number of deaths and injuries. He is further concerned about the arrests, detentions and allegations of torture of a large number of individuals, including political opponents and journalists, in connection to their mere exercise of their rights to peaceful assembly and expression.

86. The Special Rapporteur welcomes the formation of various investigative bodies and the launching of criminal investigations in response to the abovementioned allegations but regrets that the Government's response did not include any details on the progress in the investigations. He invites the Government to provide updated information on the efforts aimed at bringing the perpetrators to justice.

87. The Special Rapporteur welcomes the release of all detained journalists but regrets that the Government failed to provide information on the steps taken to investigate the allegations of harassment against them and to provide any necessary protection to them. He further regrets that the Government's response did not include specific information about the reasons for using fired tear gas and live ammunition inside hospitals or to explain how this is compatible with international human rights law.

88. Furthermore, the Government noted in its response that the protesters did not request a permit to hold demonstrations, as required by the 2005 Transitional Constitution of the Sudan and the Code of Criminal Procedure. In this context, the Special Rapporteur would like to recall the duties of the State under the ICCPR art. 21 in conjunction with art. 2. The exercise of the right to peaceful assembly should not be subject to prior authorization by the authorities. Authorities should at most have a system of notification, provided that the system



does not function as a de facto requirement for authorisation, A/HRC/31/66 para. 21. In the circumstance that a peaceful assembly is not authorised, this does not entail a greater permissibility of the use of force or deprivation of liberty than what is otherwise authorised under the Covenant. To the contrary, the primary duty of law enforcement agencies is to facilitate peaceful assemblies and protect individuals from harm, CCPR/C/AGO/CO/1, para. 21.

## Togo

89. JOL 11/09/2019 Case no: TGO 1/2019 State reply: none to date

**Préoccupations exprimées concernant le projet de loi modifiant la loi du 16 mai 2011 fixant les conditions d'exercice de la liberté de réunion et de manifestation pacifiques et publiques adopté le 7 août 2019 par l'Assemblée Nationale.**

90. Le Rapporteur spécial regrette qu'au moment de la finalisation du présent rapport, aucune réponse n'ait été reçue concernant la communication envoyée pendant la période couverte par le présent rapport.

91. Le Rapporteur spécial a exprimé ses inquiétudes concernant un projet de loi dont l'objectif principal était de répondre aux enjeux sécuritaires relatifs aux menaces terroristes mais qui avait comme conséquence de restreindre considérablement la liberté de réunion pacifique. Le Rapporteur spécial réaffirme ses inquiétudes sur les effets préjudiciables que les mesures de lutte contre le terrorisme et l'extrémisme violent peuvent avoir sur l'espace civique et plus particulièrement sur les défenseurs des droits de l'homme. Le Rapporteur spécial aimerait obtenir une réponse sur l'avancée de ce projet de loi et en particulier sur les mesures prises pour s'assurer que son application ne conduise pas à des violations au droit à la liberté de réunion pacifique.

## Uganda

92. JAL 31/05/2019 Case no: UGA 3/2019 State reply: none to date

**Allegations of an attack against human rights defender Ms. Nana Annet Namata by police officers, resulting in her hospitalisation, as well as the recent arrest and ongoing trial of human rights defender Ms. Stella Nyanzi on charges of cyber harassment and offensive communication against the President Yoweri Museveni's mother.**

93. The Special Rapporteur regrets that, at the time of finalisation of this report, no reply has been received from the Government of Uganda. He urges the Government to engage with the mandate holders of the Special Procedures of the Human Rights Council, particularly given the seriousness of the allegations.

94. In relation to the allegations outlined in his communication dated 31 May 2019, the Special Rapporteur expresses grave concern about the violent attack against Ms. Nana Annet Namata, endangering the life of her and her unborn child. His concerns are heightened by the fact that the attack may have been executed by police officials and with the intention of preventing the human rights defender from exercising her rights to freedom of expression and peaceful assembly. The Special Rapporteur further wishes to express concern about the ongoing detention and criminal proceedings against Ms. Stella Nyanzi, which appear to be directly related to her criticism of the government on social media. The Special Rapporteur would like to underline that the criminal charges against her are overly broad and therefore incompatible with permissible restrictions to the right to freedom of expression as guaranteed under international human rights law.

## Zimbabwe

95. JUA 29/01/2019 Case no: ZWE 1/2019 State reply: 20/04/2019

**Allegations of the violent repression of protests and excessive use of force by Zimbabwean security forces and the arrest of a number of human rights defenders, including Mr. Japhet Moyo.**

96. JAL 12/07/2019 Case no: ZWE 4/2019 State reply: 17/07/2019 (A)

**Allegations about the criminalisation and arbitrary detention of six human rights defenders, which appears to be directly motivated by their legitimate and peaceful human rights activities.**

97. The Special Rapporteur wishes to thank the Government for its detailed response to the communication dated 29 January 2019 and its acknowledgement of receipt of the communication dated 12 July 2019.

98. The Special Rapporteur expresses serious concern over the reported use of serious treason charges to criminalise human rights defenders, as reflected in both communications sent to the Government in the present reporting period.

99. In this context, the Special Rapporteur expresses serious concern about the arrest, arbitrary detention and judicial proceedings against the six human rights defenders whose arrest coincided with their return from a human rights related training abroad. The Special Rapporteur urges the Government to provide a substantive response to these allegations, including information on the legal procedure and grounds invoked for detaining and charging the human rights defenders, and on how these are in compliance with international human rights standards.

100. Furthermore, the Special Rapporteur expresses concern regarding the arrest and charges against Mr. Japhet Moyo, along with the intimidation of Mr. Peter Mutasa, Mr. Okay Machisa and other members of the Zimbabwe Human Rights Association. The Special Rapporteur takes note of the Government's response to his communication dated 29 January 2019, including information on the treason charges against Mr. Moyo, but regrets that it failed to provide specific information on the factual basis for these charges, except for the broad allegation that Mr. Moyo held meetings "for the purpose of overthrowing a constitutionally elected Government of Zimbabwe".

101. The Special Rapporteur is also seriously concerned about the violent repression of protests in Harare and Bulawayo, especially with regards to the use of live fire causing a number of deaths and injuries. He regrets that the Government's asserted in its response that the "proportionality and legality in determining the force used by the security forces was a prescribed by the law". Given the gravity of the allegations, the apparent lack of immediate, impartial, and transparent investigations into the acts of violence, harassment and intimidation carried out by Zimbabwean security forces in the context of the protests is alarming.

## **AMERICAS REGION**

102. During the reporting period, the Special Rapporteur sent 74 communications to 34 countries in the Americas region, with a response rate of 47%, slightly lower than last year. The Special Rapporteur commends some Governments, such as Argentina, Brazil, the United States of America, and Uruguay for their efforts in responding comprehensively to every communication sent and takes good note of the improved level of response and engagement by the Governments of Chile, Colombia, Costa Rica, Cuba, Ecuador and Mexico. The Special Rapporteur would like to encourage all governments to engage fully with the mandate and provide substantive replies to those communications that remain unanswered thus far.

103. The Special Rapporteur would like to commend the Government of Peru for its invitation to visit the country, and for its cooperation with the Special Rapporteur during his visit. The Special Rapporteur remains committed to provide technical support and welcomes the commitment and will of the Government of Peru to address the situation of human rights defenders and take measures to ensure a safe and enabling environment for them, in compliance with the “Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms” or in its abbreviated form, the UN Declaration on Human Rights Defenders.

104. The Special Rapporteurs notes with concern the shrinking civic space in many countries in the region. This year was marked by a wave of demonstrations, which were in many cases met with excessive use of force by law enforcement and/or the military. Serious restrictions and attacks on freedom of peaceful assembly and association and freedom of expression, were subjects of communications sent to Chile, Ecuador and Venezuela.

105. The Special Rapporteur is concerned about existing legal frameworks and new legislative initiatives that restrict the ability of civil society, and human rights defenders in particular, to exercise their rights to protest peacefully, to participate in public affairs, to establish and run non-governmental organizations, and that restrict the right to freedom of expression, including of journalists, as evidenced in the communications sent to Brazil, Costa Rica, Cuba, Ecuador, and Mexico.

106. As stated in previous reports, the Americas region remains one of the most dangerous regions in the world for human rights defenders, although the level of risk varies from country to country. Attacks on human rights defenders in the Americas were common and included threats, online and offline attacks, killings, arbitrary detention, judicial harassment and criminalisation, in connection to their legitimate human rights work. Human rights defenders in the region often challenged the interests of powerful businesses, local politicians and elites, corruption and reported on violations and abuse related to armed and criminal groups.

107. In a large number of countries in the region human rights defenders operate in an environment, where there is a prevailing negative narrative about them in the societies they live in. They are stigmatised by a variety of state and non-state actors, including government officials, international and national corporations, and some media, religious groups, and private individuals, as criminals, anti-development, terrorists, etc.

108. Lack of accountability and impunity for crimes committed against human rights defenders is pervasive in some countries in the region. As the Special Rapporteur has stressed on a number of occasions, this perpetuates further the cycle of violence against human rights defenders. Unless access to effective justice for human rights defenders and their families is guaranteed, and unless the perpetrators of crimes are sentenced and violations they commit are punished, human rights defenders in the Americas will continue to be killed, attacked and threatened, with women human rights defenders facing additional gender-based violence and harassment.

109. The Special Rapporteur reiterates his concern at the situation of indigenous land and environmental rights defenders. As illustrated in the communications sent to Brazil, Colombia, Costa Rica, Ecuador, Guatemala, Mexico, Panama and Peru, the threats they face are often related to the absence of free, prior and informed consent, or related to their work challenging the negative impact of public or private development and/or extractive projects

on affected communities. In some cases, private companies actively engaged in threatening human rights defenders belonging to or protecting indigenous communities.

110. The entry into force of the Escazú Agreement and its implementation at the national level, will contribute significantly to the protection of the environment, and environmental, land and indigenous defenders in the region. The Special Rapporteur welcomes the ratification of the Regional Agreement on Access to Information, Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) by five countries in the Americas, and calls on the remaining countries to take steps towards its ratification.

111. The Special Rapporteur notes the increased challenges faced by women human rights defenders and those belonging to or protecting the rights of the LGBTI community as illustrated by the communications sent to Brazil, Chile, Ecuador and Honduras. He reiterates that in addition to facing the same risks as any human rights defender, they are also targeted for or exposed to gender-specific threats and gender-based violence. The Special Rapporteur is also concerned by the situation of migrant rights defenders as illustrated by a communication sent to Mexico and reiterates that human rights defenders play a crucial role upholding migrant rights and providing services to vulnerable groups. He urges that they be supported and not restricted in their vital work.

112. The Special Rapporteur regrets to note that, during the reporting period, he received two reported cases of reprisals and intimidation against organisations and defenders for cooperation on human rights issues with international human rights mechanisms, including the UN, its representatives and mechanisms, concerning Nicaragua (NIC 1/2019) and Honduras (HND 2/2019).

### Antigua and Barbuda

113. JOL 15/07/2019 Case no: ATG 1/2097 State reply: none to date

**Concerns that the Regional Agreement on Access to Information, Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) has not entered into force because it has not acquired the minimum number of 11 ratifications.**

114. The Special Rapporteur regrets that no response was received to the letter raising concerns for the lack of entry into force of the Escazú Agreement. The Special Rapporteur welcomes the signing of the treaty and urges Antigua and Barbuda to ratify the Agreement as early as possible. The Special Rapporteur hopes to receive updated information regarding steps taken towards its ratification and the timeline on how and when the Government plans to ratify it. At the time of finalization of this report twenty-two out of thirty-three countries in Latin America and the Caribbean have signed the Escazú Agreement and five have ratified it. The treaty will enter into force with 11 ratifications.

### Argentina

JOL 15/07/2019 Case no: ARG 10/2019 State reply: 23/07/2019

**Preocupación ante la falta de entrada en vigor del Acuerdo Regional Sobre el Acceso a la Información, Participación y Justicia en Asuntos Ambientales en América Latina y el Caribe (Acuerdo de Escazú) por no haberse alcanzado el número mínimo de 11 ratificaciones.**

JOL 22/11/2019 Case no: ARG 12/2019 State reply: 06/12/2019

**116. Alegaciones de presuntas represalias y hostigamiento que habría sufrido el abogado Mario Luis Coriolano, por el ejercicio de sus funciones como Defensor de Casación, así como por los presuntos malos tratos físicos y psíquicos y falta de atención médica con gravísimas consecuencias para su salud que habría sufrido Monica Mego Velayresse, quien se encuentra detenida en un establecimiento penitenciario de la Provincia de Buenos Aires.**

117. El Relator Especial reitera su preocupación por la gravedad de los hechos mencionados en la carta al Gobierno, sobre la situación de la Sra. Monica Mego Velayresse y su abogado defensor Mario Luis Coriolano y agradece la información detallada recibida en la respuesta del Gobierno. En particular, el Relator Especial toma buena nota de que con el fin de atender la salud de la Sra. Mego Velayressese, se haya ordenado su internación en el Hospital el 12 de junio de 2019, y que la Sra Mego Velayressese hubiese confirmado encontrarse en mejor estado allí. Del mismo modo, el Relator Especial agradece la información compartida sobre la denuncia, el sumario administrativo, la investigación penal preparatoria y las actuaciones de la Fiscalía, así como la decisión firme del Presidente de la Suprema Corte de Justicia de Buenos Aires, que instó y encomendó a las autoridades intervinientes en este caso que “se abstengan de llevar a cabo acciones que hubieran podido implicar un obstáculo a (o un amedrentamiento de) a la labor de toda persona que actúa en este caso en el rol de Defensora de los Derechos Humanos, bajo aperecibimiento de responsabilidades administrativas, civiles, penales e institucionales”.

118. El Relator Especial aplaude al Gobierno por la firma del Acuerdo de Escazú y agradece la pronta respuesta a la carta ARG 10/2019 recibida el 23 de Julio de 2019 en la que se indica que el Tratado estaba siendo analizado por la Secretaría Legal Técnica de la Presidencia de la Nación, antes de ser remitido al Congreso de la Nación. El Relator Especial hace un llamamiento a Argentina a ratificar el Acuerdo de Escazú lo antes posible y solicita se envíe información actualizada sobre los pasos y medidas tomadas con este fin, incluyendo un cronograma, sobre los planes del Gobierno para la ratificación del Acuerdo. Al momento de la finalización de este informe veintidós de los treinta y tres países de la región de América Latina y el Caribe han firmado el tratado y cinco lo han ratificado. El tratado entrará en vigor con 11 ratificaciones.

## Bahamas

119. JOL 15/07/2019 Case no: BHS 02/2019 State reply: none to date

**Concerns that the Regional Agreement on Access to Information, Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) has not entered into force because it has not acquired the minimum number of 11 ratifications.**

120. The Special Rapporteur regrets that no response was received to the letter raising concerns for the lack of entry into force of the Escazú Agreement and that Bahamas has not yet signed nor ratified the said agreement. The Special Rapporteur urges Bahamas to ratify the Escazú agreement and requests information regarding steps taken towards its ratification and the timeline foreseen for this. At the time of finalization of this report twenty-two out of thirty-three countries in Latin America and the Caribbean have signed the Escazú Agreement and five have ratified it. The treaty will enter into force with 11 ratifications.

## Barbados

121. JOL 15/07/2019 Case no: BRB 01/2019 State reply: none to date

**Concerns that the Regional Agreement on Access to Information, Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) has not entered into force because it has not acquired the minimum number of 11 ratifications.**

122. The Special Rapporteur regrets that no response was received to the letter raising concerns for the lack of entry into force of the Escazú Agreement and that Barbados has not yet signed nor ratified the said agreement. The Special Rapporteur urges Barbados to ratify the Escazú agreement and requests information regarding steps taken towards its ratification and the timeline foreseen for this. At the time of finalization of this report twenty-two out of thirty-three countries in Latin America and the Caribbean have signed the Escazú Agreement and five have ratified it. The treaty will enter into force with 11 ratifications.

## Belize

123. JOL 15/07/2019 Case no: BLZ 01/2019 State reply: none to date

**Concerns that the Regional Agreement on Access to Information, Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) has not entered into force because it has not acquired the minimum number of 11 ratifications.**

124. The Special Rapporteur regrets that no response was received to the letter raising concerns for the lack of entry into force of the Escazú Agreement and that Barbados has not yet signed nor ratified the said agreement. The Special Rapporteur urges Barbados to ratify the Escazú agreement and requests information regarding steps taken towards its ratification and the timeline foreseen for this. At the time of finalization of this report twenty-two out of thirty-three countries in Latin America and the Caribbean have signed the Escazú Agreement and five have ratified it. The treaty will enter into force with 11 ratifications.

## Bolivia

125. JOL 15/07/2019 Case no: BOL 1/2019 State reply: none to date

**Preocupación ante la falta de entrada en vigor del Acuerdo Regional Sobre el Acceso a la Información, Participación y Justicia en Asuntos Ambientales en América Latina y el Caribe (Acuerdo de Escazú) por no haberse alcanzado el número mínimo de 11 ratificaciones.**

126. El Relator Especial aplaude al Gobierno por la ratificación del Acuerdo de Escazú el 26 de septiembre de 2019 y solicita se responda la carta BOL 1/2019 con información acerca de las medidas que el Gobierno de su planea tomar para implementar el Acuerdo. Al momento de la finalización de este informe veintidós de los treinta y tres países de la región de América Latina y el Caribe han firmado el tratado y cinco lo han ratificado. El tratado entrará en vigor con 11 ratificaciones.

## Brazil

127. JAL 31/12/2019 Case no: BRA 15/2018 State reply 9/01/2019; 20/02/2019

**Request for further information on the status of the investigation into the killing of Ms. Marielle Franco and her driver, Mr. Anderson Pedro Gomes, as a consequence of Ms. Franco's legitimate exercise of her right to freedom of expression, her participation in political and public life, and her human rights work.**

128. JOL 25/03/2019 Case no: BRA 3/2019 State reply: 29/03/2019; 09/10/2019

**Allegations received concerning decree n. 64.074/2019, which regulates law n. 15.556/2014, issued by the State Government of São Paulo on 18 January 2019, and published on 19 January 2019, which contains a number of provisions restricting the right to freedom of peaceful assembly.**

129. JUA 04/04/2019 Case no: BRA 6/2019 State reply: 16/08/2019

**Allegations received concerning the death threats targeted at the indigenous leader and human rights defender, Cacique Babau, and his family members in the state of Bahia.**

130. JOL 07/06/2019 Case no: BRA 08/2019 State reply: 14/08/2019

**Allegations received concerning the presidential Decree n. 9759/2019 of 11 April 2019, which according to its title "extinguishes and establishes guidelines, rules and limitations" for the administration of federal public collegiate bodies, through a number of provisions reversing the mechanisms necessary for the exercise of fundamental freedoms and the participation of civil society actors in public affairs.**

131. JOL 15/07/2019 Case no: BRA 11/2019 State reply: 26/07/2019

**Allegations concerning ratification of the Regional Agreement on Access to Information, Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) as a matter of priority.**

132. PR: 14/03/2019

**Brazil must ensure justice for rights defender Marielle Franco killed a year ago, say UN and IACHR experts**

133. The Special Rapporteur thanks Government of Brazil for the replies received to the five communication sent during the current reporting period and appreciates this as yet another year of development towards full-fledged cooperation with the mandate.

134. The Special Rapporteur thanks the Brazilian authorities for the response received to the letter raising concerns for the lack of entry into force of the Escazú Agreement. The Special Rapporteur welcomes the signing of the treaty and urges Brazil to ratify the Agreement as early as possible. The Special Rapporteur is thankful for the information regarding steps taken towards its ratification and hopes to receive a timeline on how and when the Government plans to ratify the Agreement. At the time of finalization of this report twenty-two out of thirty-three countries in Latin America and the Caribbean have signed the Escazú Agreement and five have ratified it. The treaty will enter into force with 11 ratifications.

135. On 18 January 2019, the State Government of São Paulo issued Decree n. 64.074/2019, allegedly in response to protests, which had occurred the weeks beforehand. The Decree set out a number of restrictive requirements for the organisation and regulation of assemblies involving 300 or more persons. These requirements included the prior notification of the military and civil police, and prohibited masks and facial coverings stating that their use would be criminalised under the offence of disobedience. Moreover, Presidential Decree n. 9759/2019 sought to dissolve federal councils and commissions, arenas that are essential for civil society and human rights defenders to have open dialogue with the authorities. The Special Rapporteur acknowledges the response of the Government, however he expresses his concern that the Decree tends towards a prima facie presumption of criminality against those wearing facial coverings. The Special Rapporteur welcomes the decision by the Government to examine the possibility to re-establish some human rights agencies and maintain all collegiate bodies under the Ministry for Women, Family and Human Rights, he remains deeply concerned that these legislative initiatives show a tendency towards the restriction of human rights defenders ability to peacefully and legally carry out their work.

136. The Special Rapporteur remains seriously concerned about the continued pattern of threats, intimidation and violence that human rights defenders face in the country. The Special Rapporteur is encouraged by the response from the Brazilian authorities to its Joint Allegation Letter BRA 15/2018, which reports on the advancement of the investigation into the killing of woman human rights defender Ms. Marielle Franco, as well as the amendments in 2018 to the Program for the Protection of Human Rights Defenders (PPDDH). Such amendments broaden the scope and classifications of human rights defenders in the country. However, he notes with concern that human rights defender and indigenous leader Cacique Babau continues to face threats and intimidations despite his admission to the protection programme of PPDDH. The Special Rapporteur notes that no substantive explanation was provided by the Brazilian authorities to its Joint Urgent Appeal BRA 6/2019 as to the reasons why there were no security personnel present with the human rights defender at the time of the assassination attempt. The Special Rapporteur further notes with concern that attempts made on the lives of Ms. Franco and Mr. Babau reflect a climate of discrimination and intolerance in Brazil and is afraid of the chilling effect such acts could have on all those promoting human rights and the rule of law in Brazil.

## Chile

137. JOL 15/07/2019 Case no: CHL 3/2019 State reply: none to date

**Preocupación ante la falta de entrada en vigor del Acuerdo Regional Sobre el Acceso a la Información, Participación y Justicia en Asuntos Ambientales en América Latina y el Caribe (Acuerdo de Escazú) por no haberse alcanzado el número mínimo de 11 ratificaciones.**

138. JUA 05/11/2019 Case no: CHL 4/2019 State reply: 03/01/2020

**Alegaciones de serias violaciones a los derechos a la vida y la integridad personal, a la libertad de expresión, de reunión pacífica y de asociación en Chile, en el contexto de las manifestaciones que han tenido lugar desde el 19 de octubre de 2019 a partir de la declaratoria del Estado de Excepción Constitucional de Emergencia y hasta la fecha de la presente, en particular sobre el uso excesivo de la fuerza en contra de manifestantes (incluyendo niños, niñas y adolescentes); lo cual ha causado al menos 4316 personas detenidas y 1574 heridas, incluyendo al menos 23 personas que habrían perdido la vida mientras participaban en las protestas.**

139. PR 08/11/2019

**Chile: Expertas y expertos de la ONU condenan el uso excesivo de la fuerza y actos de violencia en el marco de las recientes protestas**

140. El Relator Especial agradece al Gobierno del Chile las respuestas sustantivas recibidas a la carta CHL 4/2019 enviada en relación a las manifestaciones que tuvieron lugar entre el 19 de octubre de 2019 y el 5 de noviembre de 2019. El Relator Especial aprecia que éste sea otro año más de desarrollo hacia una cooperación plena con el mandato.

141. A partir del 18 de octubre de 2019 se desarrollaron protestas en Chile, primero en la Región Metropolitana y luego se replicaron en otras regiones del país. El Relator Especial transmitió su preocupación por información recibida sobre alegaciones de numerosas violaciones a los derechos humanos, en particular a los derechos a la vida, la integridad personal, a la libertad de expresión, de reunión pacífica y de asociación, sobre instancias de uso excesivo de la fuerza en contra de manifestantes (incluyendo, niños, niñas y adolescentes) y casos de presuntas detenciones arbitrarias y de violencia durante la detención. El Relator Especial agradece la información recibida de la parte del Gobierno, la cual permite comprender mejor el origen y el desarrollo de las protestas, así como las numerosas medidas adoptadas al respecto.

142. El Relator Especial reitera su preocupación por el aparente uso excesivo de la fuerza empleado en contra de manifestantes (incluyendo niños, niñas y adolescentes) que resultó en numerosos heridos, y muertos; presuntas detenciones masivas, violencia sexual a mujeres, presuntas detenciones ilegales en domicilios particulares y hechos que podrían constituir tortura, tratos o penas crueles, inhumanas y degradantes en centros de detención.

143. El Relator Especial toma nota de las observaciones del gobierno en la respuesta recibida, sobre los actos violentos cometidos en algunas protestas por manifestantes, así como del análisis de la decisión de decretar el estado de emergencia. El Relator Especial recuerda al Gobierno que debe permitir que las protestas se lleven a cabo de manera pacífica, aislando a aquellas personas que recurran a la violencia mientras se garantiza que todas las personas en el país puedan disfrutar de sus derechos.

144. El Relator Especial, reconoce con beneplácito que el Ministerio de la Mujer y la Equidad de Género en conjunto con el Servicio Nacional de la Mujer y Equidad de Género (SERNAMEG) hayan confirmado un equipo especial de profesionales para realizar acompañamiento a mujeres que denuncien ser víctimas de violencia sexual por parte de alguna de las instituciones del Estado.

145. En particular, el Relator Especial saluda establecimiento, el 22 de noviembre de 2019, del Comité Técnico Asesor de Derechos Humanos que tiene como objetivo realizar un seguimiento y generar propuestas para la adecuada implementación de las recomendaciones de los informes de derechos humanos y la entrada en funcionamiento del Plan de Asistencia Médica y Social para Lesionados Graves en el marco de las manifestaciones ocurridas en este contexto. Igualmente, el Relator Especial agradece la información detallada sobre el número de salvoconductos entregados que permitieran a observadores de derechos humanos ejercer sus funciones normalmente durante el Estado de Emergencia. Finalmente, el Relator Especial



nota de la información recibida sobre la falta de antecedentes que demuestren la existencia de represalias al trabajo de las personas defensoras de derechos humanos.

146. El Relator Especial lamenta no haber recibido respuesta a la comunicación CHL 3/2019. El Relator Especial hace un llamamiento a Chile a firmar y ratificar el Acuerdo de Escazú lo antes posible y solicita se envíe información actualizada sobre los pasos y medidas tomadas con este fin, incluyendo un cronograma, sobre los planes del Gobierno. Al momento de la finalización de este informe veintidós de los treinta y tres países de la región de América Latina y el Caribe han firmado el tratado y cinco lo han ratificado. El tratado entrará en vigor con 11 ratificaciones.

## Colombia

147. JAL 22/02/2019 Case no: COL 1/2019 State reply: 16/04/2019

**Alegaciones que hemos recibido en relación a amenazas de muerte y actos de intimidación cometidos en contra de la Sra. Alfamir Castillo Bermúdez, su abogado el Sr. German Romero Sánchez, y la Fundación Nydia Erika Bautista y sus integrantes, en relación con el juicio del general Mario Montoya Uribe**

148. JAL 25/04/2019 Case no: COL 2/2019 State reply: 21/10/2019

**Alegaciones que hemos recibido sobre desalojos forzosos y violentos de la comunidad Brisas del Cauca en Cali, una comunidad compuesta principalmente por personas de ascendencia africana.**

149. JAL 06/06/2019 Case no: COL 5/2019 State reply:30/07/2019; 09/08/2019

**Alegaciones que hemos recibido sobre un ataque con armas de fuego y granadas, así como amenazas de muerte en contra de líderes afrodescendientes en la región del Norte de Cauca.**

150. JAL 15/07/2019 Case no: COL 7/2019 State reply: none to date

**Preocupación ante la falta de entrada en vigor del Acuerdo Regional Sobre el Acceso a la Información, Participación y Justicia en Asuntos Ambientales en América Latina y el Caribe (Acuerdo de Escazú) por no haberse alcanzado el número mínimo de 11 ratificaciones.**

151. JAL 22/10/2019 Case no: COL 9/2019 State reply: none to date

**Alegaciones que hemos recibido en relación con los asesinatos, desapariciones forzadas y el incremento de riesgos y violaciones a los derechos humanos de los defensores y defensoras que ejercen su labor en Colombia.**

152. PR 31/10/2019

**Colombia: UN experts are outraged by killing of indigenous leader and community members**

153. PR 3/12/2018

**Colombia must act to stop killings and attacks against human rights defenders - UN expert**

154. PR 3/12/2018

**End of mission statement by the United Nations Special Rapporteur on the situation of human rights defenders, Michel Forst on his visit to Colombia, 20 November to 3 December 2018**

155. El Relator Especial agradece al Gobierno, las respuestas sustantivas recibidas a cuatro de las 5 comunicaciones enviadas durante el periodo cubierto por el informe. El Relator Especial aprecia que este haya sido un año de desarrollo hacia una cooperación plena con el mandato.

156. Asimismo, reitera su grave preocupación por los altos índices de asesinatos contra los y las defensores y defensoras de derechos humanos en Colombia, una tendencia que se viene observando desde el 2016 y que se refleja en la carta COL 9/2019. Sobre esta cuestión, el Relator Especial agradece las respuestas detalladas a la mencionada carta, y en particular la información sobre las iniciativas y medidas adoptadas por el Gobierno para abordar la situación de los y las que defienden los derechos humanos en Colombia, incluyendo medidas de protección de la Unidad Nacional de Protección y la información sobre el estado de las investigaciones de al menos 34 defensores y defensoras asesinados de los 86 mencionados en la carta.

157. En esta misma línea, el Relator Especial reitera su preocupación por el ataque y las amenazas de muerte en contra de las personas defensoras de derechos humanos de las comunidades afrodescendientes de la región del Norte del Cauca y su integridad física y psicológica y saluda las medidas preventivas y de protección policial, otorgadas a seis defensores y defensoras, incluyendo la Sra. Carabali, el refuerzo del esquema colectivo de los líderes del Consejo Comunitario ACONC y de la Toma de Suarez, Cauca y las medidas de protección otorgadas por la Unidad Nacional de Protección de carácter individual a las tres personas defensoras referidas en la comunicación al Gobierno y colectivas a ACONC. El Relator aplaude los avances en materia de rendición de cuentas reportadas, que incluyen el internamiento preventivo de una persona y la aprehensión de dos posibles responsables, imputados por terrorismo, homicidio en grado de tentativa y fabricación, tráfico y porte de armas de fuego, y de las medidas adoptadas para la protección de defensores de derechos humanos, lamenta que pese al tiempo transcurrido desde que sucedieron muchos de los hechos alegados, las investigaciones se encuentran en su mayoría en etapa de indagación.

158. El Relator saluda la información recibida en la respuesta del Gobierno a la comunicación COL/1/2019 sobre las medidas de protección otorgadas a la Sra. Alfamir Castillo Bermúdez, su abogado el Sr. German Romero Sánchez, y los integrantes de la Fundación Nydia Erika Bautista, en relación con el juicio del general Mario Montoya Uribe en el marco de la Jurisdicción Especial para la Paz. El Relator toma nota de que la investigación de la tentativa de homicidio contra la Sra. Castillo sigue abierta en fase indagatoria y lamenta que todas las denuncias sobre delitos de amenaza, menos dos, estén inactivos en fase indagatoria.

159. El Relator Especial toma buena nota de la información recibida en la respuesta del Estado a la comunicación COL 2/2019. El Relator Especial entiende que el plan Jarillón pretende reducir el riesgo de inundación en los terrenos que bordean el río Cauca con ocasión del fenómeno La Niña y que los terrenos afectados, que incluyen la comunidad Brisas Cauca, se encuentran en una zona de alto riesgo no mitigable. Sin embargo, el Relator Especial reitera su preocupación, por el hecho de que los desalojos de los residentes de la comunidad Brisas del Cauca se hubieran producido, según la información recibida, de forma violenta así como por la ausencia de reconocimiento de la comunidad Brisas del Cauca como comunidad afrocolombiana.

160. El Relator Especial aplaude al Gobierno por la reciente firma del Acuerdo de Escazú el 11 de diciembre de 2019. El Relator Especial hace un llamamiento a Colombia a ratificar el Acuerdo de Escazú, en línea con las recomendaciones con su informe de visita, y solicita se envíe información actualizada sobre los pasos y medidas tomados con este fin, incluyendo un cronograma, sobre los planes del Gobierno para la ratificación del Acuerdo. Al momento de la finalización de este informe veintidós de los treinta y tres países de la región de América Latina y el Caribe han firmado el tratado y cinco lo han ratificado. El tratado entrará en vigor con 11 ratificaciones.

## Costa Rica

161. JAL 22/03/2019 Case no: CRI 1/2019 State reply: 28/03/2019; 09/05/2019; 20/05/2019

**Presunto asesinato del Sr. Sergio Rojas Ortiz, defensor de derechos humanos y líder indígena del pueblo Bibri de Salitre.**

162. JOL 15/07/2019 Case no: CRI 4/2019 State reply: none to date

**Preocupación ante la falta de entrada en vigor del Acuerdo Regional Sobre el Acceso a la Información, Participación y Justicia en Asuntos Ambientales en América Latina y el Caribe (Acuerdo de Escazú) por no haberse alcanzado el número mínimo de 11 ratificaciones.**

163. JOL 07/10/2019 Case no: CRI 5/2019 State reply: 10/10/2019

**Preocupación sobre el “Proyecto de Ley para Brindar Seguridad Jurídica sobre la Huelga y sus Procedimientos” que fue debatido en la Asamblea Legislativa de Costa Rica el 8 de septiembre de 2018 y reenviado a consulta a la Sala Constitucional de la Corte Suprema de Justicia; y su posible incompatibilidad con las obligaciones derivadas de las normas y estándares internacionales de derechos humanos contraídas por Costa Rica.**

164. PR 26/03/2019

**Costa Rica: Expertos de la ONU condenan el asesinato del líder indígena Sergio Rojas Ortiz**

165. El Relator Especial reitera su preocupación por el asesinato del defensor indígena, Sr. Sergio Rojas Ortiz, que se consideró a la vez como un ataque contra el pueblo indígena Bribri de Salitre. El pueblo Bribri de Salitre ha iniciado recuperaciones de hecho de territorios tradicionales y ha sido víctima de agresiones repetidas desde hace varios años. Dichas agresiones incluyen quemas de ranchos o campamentos, ataques con machetes, amenazas, entre otros actos violentos. El Relator Especial agradece la información detallada incluida en sus múltiples respuestas en particular sobre el proceso de construcción participativa e intercultural de la “Política Pública para los Pueblos Indígenas 2019-2024” y acoge con beneplácito el reconocimiento por el gobierno de Costa Rica de la importante labor llevada a cabo por las personas defensoras de derechos humanos. El Relator Especial espera que el Estado proporcione una protección con enfoque étnico, de género y culturalmente apropiada a las personas integrantes de pueblos indígenas en situaciones de riesgo por la defensa de los derechos humanos.

166. Asimismo, el Relator Especial reitera su preocupación sobre el impacto de las modificaciones aportadas a la Ley para Brindar Seguridad Jurídica sobre la Huelga y sus Procedimientos en el derecho de las personas defensoras de derechos humanos que luchan por preservar las libertades sindicales. El Relator Especial resalta que la huelga es un mecanismo de interacción e incidencia del sector laboral sobre decisiones que no se limitan sólo a las condiciones de empleo y por lo tanto, los sindicatos y los trabajadores sindicalizados pueden ser considerados como personas defensoras de derechos humanos. El Relator Especial agradece la respuesta a la comunicación CRI 5/2019, toma nota de sus observaciones y agradece la disposición del Gobierno a cooperar y prestar el apoyo necesario en el desempeño de su mandato.

167. El Relator Especial lamenta no haber recibido respuesta a la comunicación CRI 4 /2019, sin embargo recibe con beneplácito la firma del Acuerdo de Escazú, y hace un llamamiento a Costa Rica a ratificarlo lo antes posible. Asimismo, solicita se envíe información actualizada sobre los pasos y medidas tomadas con este fin, incluyendo un cronograma, sobre los planes del Gobierno para la ratificación del Acuerdo. Al momento de la finalización de este informe veintidós de los treinta y tres países de la región de América Latina y el Caribe han firmado el tratado y cinco lo han ratificado. El tratado entrará en vigor con 11 ratificaciones.

## Cuba

168. JAL 21/12/2018 Case no: CUB 6/2018 State reply: 19/02/2019

**Presuntos asesinatos de la Sra. Yunisledy López Rodríguez y el Sr. Alejandro Pupo Echemendia y alegaciones de amenazas de muerte en contra de la Sra. Sirley Ávila León.**

169. JOL 12/06/2019 Case no: CUB 2/2019 State reply: 15/08/2019

**Preocupación ante posibles restricciones al derecho a la libertad de expresión artística y creatividad, al derecho a la libertad de expresión y al derecho a la libertad de reunión pacífica y a la libertad de asociación impuestas en el Decreto 349 sobre “Contravenciones de las regulaciones en material de política cultural y sobre la prestación de servicios artísticos”, que entró en vigor el 7 de diciembre de 2018.**

170. JOL 15/07/2019 Case no: CUB 4/2019 State reply: none to date

**Preocupación ante la falta de entrada en vigor del Acuerdo Regional Sobre el Acceso a la Información, Participación y Justicia en Asuntos Ambientales en América Latina y el Caribe (Acuerdo de Escazú) por no haberse alcanzado el número mínimo de 11 ratificaciones.**

171. JAL 04/09/2019 Case no: CUB 5/2019 State reply: 04/11/2019

**Alegaciones de hostigamientos, amenazas y expatriaciones forzosas de 72 personas defensoras de derechos humanos, periodistas y activistas sociales y políticos en el marco de la reforma migratoria de 2013 que reserva al gobierno cubano amplias facultades discrecionales para restringir el derecho a viajar al extranjero por motivos de “defensa y seguridad nacional” u “otras razones de interés público”.**

172. JAL 15/11/2019 Case no: CUB 7/2019 State reply: 22/11/2019; 13/01/2020

**Preocupación ante la sanción de un año de privación de libertad impuesta al periodista independiente Roberto de Jesús Quiñones Haces, acusado de los delitos de resistencia y desobediencia, por el Tribunal Municipal Popular de la ciudad de Guantánamo, Cuba.**

173. El Relator Especial agradece haber recibido respuestas sustantivas a cuatro de las cinco comunicaciones enviadas durante el periodo del presente informe y reconoce con beneplácito la voluntad del Gobierno de cooperar plenamente con el mandato. El Relator Especial agradece al Gobierno de Cuba su respuesta a la carta CUB 6/2018 y la información compartida sobre la investigación y el enjuiciamiento del autor del asesinato de la Sra. López Rodríguez. El Relator Especial se muestra preocupado por el aparente patrón de persecución en contra de las personas defensoras de derechos humanos, periodistas, y activistas sociales en Cuba, marcado por amenazas, hostigamiento y presuntas violaciones de derechos humanos, incluyendo detenciones arbitrarias y ataques a la integridad de las. En particular, el Relator Especial está preocupado por numerosos casos en que el mencionado patrón de persecución forzó a las personas a abonar el país (AL CUB 5/2019) y en que la detención se ha utilizado como método de intimidación y hostigamiento (AL CUB 7/2019).

174. El Relator Especial quisiera recordarle al Gobierno de Cuba que los Estados tienen la obligación de crear un entorno general propicio para buscar, recibir e impartir información e ideas, de proteger la libertad de los medios de comunicación y de garantizar la plena aplicación de la libertad artística. El Relator Especial reitera su preocupación por las restricciones impuestas a la libertad de expresión artística y creatividad, a través del Decreto 349. El Relator Especial agradece la respuesta a la carta CUB 2/2019 en la que el Gobierno asegura que diferentes disposiciones del dicho decreto serán enmendadas en las disposiciones complementarias que coadyuvarán a su implementación y espera que en su implementación se respete el derecho a la libertad de expresión artística y de creatividad de todas las personas en Cuba. Finalmente, el Relator Especial insta al Gobierno a que se ponga fin a las prácticas de hostigamiento, acoso, ataques y detenciones contra cualquier persona por causas relacionadas al ejercicio de su legítima labor de defensoría de los derechos humanos y ejercicio del derecho a la libertad de expresión.

175. El Relator Especial lamenta no haber recibido respuesta a la comunicación CUB 4/2019. El Relator Especial hace un llamamiento a Cuba a firmar y ratificar el Acuerdo de Escazú lo antes posible y solicita se envíe información actualizada sobre los pasos y medidas tomados con este fin, incluyendo un cronograma, sobre los planes del Gobierno. Al momento de la finalización de este informe, veintidós de los treinta y tres países de la región de América Latina y el Caribe han firmado el tratado y cinco lo han ratificado. El tratado entrará en vigor con 11 ratificaciones.

## Dominica

176. JOL: 15/07/2019 Case no: DMA 1/2019 State reply: none to date

**Allegations concerning ratification of the Regional Agreement on Access to Information, Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) as a matter of priority.**

177. The Special Rapporteur regrets that no response was received to the letter raising concerns for the lack of entry into force of the Escazú Agreement and that Dominica has not yet signed nor ratified the said agreement. The Special Rapporteur urges Dominica to ratify the Escazú agreement and requests information regarding steps taken towards its ratification and the timeline foreseen for this. At the time of finalization of this report twenty-two out of thirty-three countries in Latin America and the Caribbean have signed the Escazú Agreement and five have ratified it. The treaty will enter into force with 11 ratifications.

## Dominican Republic

178. JOL: 15/07/2019 Case no: DOM 1/2019 State reply: none to date

**Información recibida en relación con la ratificación del Acuerdo Regional sobre el Acceso a la Información, la Participación Pública y el Acceso a la Justicia en Asuntos Ambientales en América Latina y el Caribe (Acuerdo de Escazú) como una cuestión de prioridad.**

179. El Relator Especial aplaude al Gobierno por la firma del Acuerdo de Escazú el 27 de septiembre de 2018 y solicita se responda la carta DOM 1/2019 con información acerca de las medidas que el Gobierno planea tomar para ratificar e implementar el Acuerdo. Al momento de la finalización de este informe, veintidós de los treinta y tres países de la región de América Latina y el Caribe han firmado el tratado y cinco lo han ratificado. El tratado entrará en vigor con 11 ratificaciones.

## Ecuador

180. JOL: 11/12/2018 Case no: ECU 5/2018 State reply 3/12/2018; 7/02/2019

**Alegaciones recibidas en relación con el “Proyecto de Ley Orgánica de Organizaciones sin Fines de Lucro” que fue expedido por la Comisión Especializada Permanente de Participación Ciudadana y Control Social de la Asamblea Nacional de la República del Ecuador el 4 de julio de 2018 y que de ser aprobado podría ser incompatible con las obligaciones derivadas de las normas y estándares internacionales de derechos humanos contraídas por Ecuador.**

181. JOL: 15/07/2019 Case no: ECU 11/2019 State reply: none to date

**Información recibida en relación con la falta de entrada en vigor del Acuerdo Regional Sobre el Acceso a la Información, Participación y Justicia en Asuntos Ambientales en América Latina y el Caribe (Acuerdo de Escazú) por no haberse alcanzado el número mínimo de 11 ratificaciones.**

182. JAL: 10/09/2019 Case no: ECU 13/2019 State reply: 11/11/19

**Alegaciones recibidas en relación con la presunta denuncia penal de extorsión en contra del Sr. Walter Dionicio Sánchez Ramos por su lucha a favor de los derechos humanos de las familias agrícolas afectadas por la empresa japonesa Furukawa Plantaciones C.A en Ecuador.**

183. JUL: 11/10/2019 Case no: ECU 16/2019 State reply: none to date

**Alegaciones recibidas en relación a alegaciones de serias violaciones a los derechos a la libertad de expresión, libertad de reunión pacífica y a la libertad de asociación en Ecuador, en el contexto de las manifestaciones que han tenido lugar desde**

**el 3 de octubre de 2019 a partir de la declaratoria de estado de excepción, incluyendo de uso excesivo de la fuerza en contra de manifestantes (incluyendo niños, niñas, adolescentes, mujeres embarazadas, personas de edad, y personas con discapacidad), miembros de pueblos indígenas y periodistas, lo cual ha causado al menos 929 detenidos y cientos de heridos, incluyendo al menos 5 personas que habrían perdido la vida mientras participaban en las protestas. Hemos recibido también información sobre presuntas detenciones masivas, y hechos que podrían constituir tortura, tratos o penas crueles, inhumanas y degradantes en centros de detención.**

184. PR [23/10/2019](#)

**Expertas y expertos de la ONU preocupados por la respuesta de seguridad a las protestas**

185. En primer lugar, el Relator Especial agradece al Gobierno de Ecuador por las respuestas detalladas a las cartas ECU 5/2019 y ECU 13/2019. El Relator Especial aprecia el reconocimiento de los desafíos existentes en materia de derechos humanos y agradece la información incluida sobre las acciones tomadas para combatirlos. Sin embargo, lamenta no haber recibido ninguna respuesta a la carta ECU 16/2019, sobre los hechos ocurridos durante manifestaciones masivas que tuvieron lugar en octubre de 2019, en particular en relación a posibles violaciones a la libertad de reunión pacífica, el aparente uso excesivo de la fuerza durante las mismas por fuerzas de seguridad del Estado, las posibles detenciones arbitrarias y alegaciones sobre tortura y tratos crueles, inhumanos y degradantes en centros de detención.

186. El Relator Especial muestra su preocupación por propuestas legislativas que podrían afectar la labor de defensoría de derechos humanos. Agradece la información proporcionada por el Gobierno sobre el “Proyecto de Ley Orgánica de Organizaciones sin Fines de Lucro”. Toma nota de los ajustes, adiciones y eliminaciones al proyecto de ley, los cuales reducirían la vulnerabilidad de las personas defensoras de los derechos humanos y de las organizaciones que encabezan. El Relator Especial acoge con beneplácito la eliminación de la referencia a 'actuar de acuerdo a la ética', que habría permitido una interpretación subjetiva de la ley y por lo tanto su aplicación arbitraria sin embargo lamenta no tener información sobre el estado actual de dicho proyecto de ley. También aplaude la consulta con organizaciones representantes de pueblos indígenas durante la formulación de dicho proyecto de ley, sin embargo, el Relator Especial reitera su preocupación por las alegaciones sobre actos de violencia en contra de miembros del movimiento indígena del país en octubre de 2019 por parte de fuerzas policiales y militares.

187. El Relator Especial agradece al Gobierno de Ecuador por la documentación extensa y elaboración detallada sobre el caso del Sr. Walter Dionicio Sánchez Ramos, que defiende y aboga por los derechos humanos de las familias agrícolas afectadas por la empresa japonesa Furukawa Plantaciones C.A en Ecuador. Sin embargo, se mantiene preocupado por la situación del Sr. Sánchez Ramos y las familias agrícolas locales. El Relator Especial insta a las autoridades a que le informen sobre su derecho a ingresar en el Sistema Nacional de Protección y Asistencia a Víctimas, Testigos y otros Participantes en el Proceso Penal (SPAVT), y que monitoreen de cerca el comportamiento de Furukawa Plantaciones C.A en Ecuador y su posible impacto en los derechos humanos de de la comunidad local así como las presuntas amenazas en contra del Sr. Walter Dionicio Sánchez Ramos.

188. Finalmente, el Relator Especial quisiera llamar la atención del Gobierno de Ecuador a la importancia de garantizar los derechos a la libertad de expresión, libertad de reunión pacífica y a la libertad de asociación. El Relator Especial se mostró profundamente preocupado por la implementación del Decreto Ejecutivo No. 884 el 3 de octubre de 2019 por el que declaró el estado de excepción a nivel nacional, que suspendió el ejercicio del derecho a la libertad de asociación y reunión, resultó en un incremento de la fuerza empleada por la policía hacia manifestantes pacíficos y en el despliegue militar en territorios indígenas. El Relator Especial solicita se responda la carta ECU 16/2019 con información acerca de las medidas que el Gobierno ha adoptado para investigar, enjuiciar y sancionar las alegaciones de detenciones arbitrarias masivas, heridos y muertes tras el uso excesivo de la fuerza durante las protestas, que incluyeron a niños, niñas, adolescentes, mujeres embarazadas, personas de edad, y personas con discapacidad.

189. El Relator Especial aplaude al Gobierno por la ratificación del Acuerdo de Escazú el 27 de septiembre de 2018 y solicita que se responda la carta ECU 11/2019 con información acerca de las medidas que el Gobierno planea tomar para implementar el Acuerdo. Al momento de la finalización de este informe veintidós de los treinta y tres países de la región de América Latina y el Caribe han firmado el tratado y cinco lo han ratificado. El tratado entrará en vigor con 11 ratificaciones.

## El Salvador

190. JOL: 15/07/2019 Case no: SLV 3/2019 State reply: none to date

**Preocupación ante la falta de entrada en vigor del Acuerdo Regional Sobre el Acceso a la Información, Participación y Justicia en Asuntos Ambientales en América Latina y el Caribe (Acuerdo de Escazú) por no haberse alcanzado el número mínimo de 11 ratificaciones.**

191. Relator Especial lamenta no haber recibido respuesta a la comunicación SLV 3/2019. El Relator Especial hace un llamamiento a El Salvador a firmar y ratificar el Acuerdo de Escazú lo antes posible y solicita se envíe información actualizada sobre los pasos y medidas tomadas con este fin, incluyendo un cronograma, sobre los planes del Gobierno. Al momento de la finalización de este informe veintidós de los treinta y tres países de la región de América Latina y el Caribe han firmado el tratado y cinco lo han ratificado. El tratado entrará en vigor con 11 ratificaciones.

## Granada

192. JOL: 15/07/2019 Case no: GRD 1/2019 State reply: none to date

**Preocupación ante la falta de entrada en vigor del Acuerdo Regional Sobre el Acceso a la Información, Participación y Justicia en Asuntos Ambientales en América Latina y el Caribe (Acuerdo de Escazú) por no haberse alcanzado el número mínimo de 11 ratificaciones.**

193. El Relator Especial lamenta no haber recibido respuesta a la comunicación GRD 1/2019, sin embargo, recibe con beneplácito la firma del Acuerdo de Escazú, y hace un llamamiento a Granada a ratificarlo lo antes posible. Asimismo, solicita se envíe información actualizada sobre los pasos y medidas tomadas con este fin, incluyendo un cronograma, sobre los planes del Gobierno para la ratificación del Acuerdo. Al momento de la finalización de este informe veintidós de los treinta y tres países de la región de América Latina y el Caribe han firmado el tratado y cinco lo han ratificado. El tratado entrará en vigor con 11 ratificaciones.

## Guatemala

194. JUA 18/12/2018 Case no: GTM 16/2018 State reply: none to date

**Alegaciones recibidas en relación con la criminalización del Sr. Bernardo Caal Xól, líder indígena q'eqchi' de Santa María Cahabón en el departamento de Alta Verapaz, quien fue condenado a siete años y cuatro meses de prisión por detención ilegal y robo agravado el viernes 9 de noviembre de 2018 por el Juzgado 1° de Sentencia de Cobán.**

195. JUA 12/07/2018 Case no: GTM 5/2019 State reply: 11/09/2019

**Alegaciones recibidas alegando irregularidades en el cumplimiento de la sentencia de la Corte de Constitucionalidad de 3 de septiembre de 2018 y su ampliación de 8 de octubre de 2018 en la que se ordenaba al Estado, a través del Ministerio de Energía y Minas, consultar al pueblo indígena xinka asentado en el área de influencia relativa las actividades de la Mina San Rafael. También sobre información relacionada a los ataques, las amenazas e intimidaciones que habría sufrido el Sr. Quelvin Otoniel**

**Jiménez Villalta, abogado indígena y defensor de los derechos humanos, quien se desempeña como asesor legal del Parlamento Xinka desde 2015.**

196. JOL 15/07/2018 Case no: GTM 7/2019 State reply: 26/08/2019

**Información recibida en relación con la ratificación del Acuerdo Regional sobre el Acceso a la Información, la Participación Pública y el Acceso a la Justicia en Asuntos Ambientales en América Latina y el Caribe (Acuerdo de Escazú) como una cuestión de prioridad.**

197. JAL 22/07/2019 Case no: GTM 4/2019 State reply: none to date

**Alegaciones recibidas proveniente de diferentes actores nacionales sobre los impactos negativos que han tenido una serie de desalojos forzosos ejecutados desde 2017 a la fecha, en varios derechos humanos entre ellos el derecho a vivienda, alimentación, agua, saneamiento, educación, de las personas que viven en el área rural y que pertenecen a pueblos indígenas y a comunidades campesinas.**

198. PR: [19/12/2018](#)

**Guatemala: Expertos de la ONU preocupados por condena a líder indígena en represalia por oposición al proyecto hidroeléctrico Oxec.**

199. El Relator Especial agradece al Gobierno de Guatemala por sus respuestas a las comunicaciones GTM 5/2019 y GTM 7/2019, sin embargo, lamenta no haber recibido aún respuestas a las comunicaciones GTM 4/2019 y GTM 16/2018 dado la gravedad de las alegaciones señaladas en las cartas. El Relator Especial también agradece al Gobierno la respuesta recibida a GTM 14/2018, comunicación enviada durante el período abarcado por el informe anterior. Asimismo, el Relator Especial saluda la firma del Acuerdo de Escazú el 27 de septiembre de 2018 y agradece al Gobierno su respuesta con información en cuanto a los pasos ya tomados y el procedimiento interno que llevará a cabo para completar los procedimientos técnicos. En este contexto, urge al Gobierno que ratifique el acuerdo lo antes posible. Al momento de la finalización de este informe veintidós de los treinta y tres países de la región de América Latina y el Caribe han firmado el tratado y cinco lo han ratificado. El tratado entrará en vigor con 11 ratificaciones.

200. El Relator agradece al Gobierno de Guatemala por la información incluida en la respuesta a recibida el 11 de septiembre de 2019 sobre las irregularidades en el cumplimiento de una sentencia de la Corte de Constitucionalidad en la que se ordenaba al Estado consultar al pueblo indígena Xinka antes de otorgar de nuevo las licencias de exploración y explotación de una mina de plata y sobre los ataques, las amenazas e intimidaciones que habría sufrido el Sr. Quelvin Otoniel Jiménez Villalta, abogado indígena y defensor de los derechos humanos. Desde la sentencia de la Corte de Constitucionalidad se incrementaron los ataques en contra del Sr. Jiménez Villalta, quien se desempeña como asesor legal del Parlamento Xinka. El Relator Especial lamenta que las medidas cautelares de la Comisión Interamericana de Derechos Humanos otorgadas el 10 de julio de 2019 a favor del señor Quelvin Otoniel Jiménez no hayan sido plenamente implementadas y que la consulta con las comunidades indígenas afectadas por las actividades de la Mina San Rafael no se haya llevado a cabo en los términos del Convenio 169 de la OIT y en conformidad con la la Declaración de las Naciones Unidas sobre los Derechos de los Pueblos Indígenas.

201. El Relator Especial muestra gran preocupación por la grave situación en la que las personas defensoras de los derechos de las personas indígenas deben realizar su trabajo en Guatemala, incluyendo los abogados de las comunidades indígenas. A pesar de las comunicaciones enviadas al Gobierno de Guatemala en 2018 y 2019, el Relator nota con preocupación que la situación de desigualdad estructural, acompañada de varios vacíos legales para garantizar los derechos a la libre determinación y los derechos asociados sobre tierras, territorios y recursos naturales, sigue causando desalojos forzados de personas indígenas y campesinas. Reitera firmemente su recomendación a las autoridades para que se lleve a cabo un debido proceso de investigación, sanción y justicia (A/HRC/39/17/Add.3, para. 103), para poner fin a los desplazamientos de sectores vulnerables de la sociedad. El Relator Especial muestra su preocupación ante la tendencia de estigmatizar a algunas comunidades indígenas como “*usurpadores*” puesto que esto no solo deslegitima las formas



tradicionales de organización de los pueblos indígenas y desacredita el trabajo de las personas defensoras de los derechos indígenas, sino que también fomenta la criminalización y la intimidación de las personas que forman parte de las comunidades indígenas.

202. El Relator Especial considera que la falta de protecciones otorgadas a los pueblos indígenas en Guatemala dificulta la creación de un ambiente favorable para el disfrute y la defensa de los derechos humanos. El Relator Especial sigue preocupado por el elevado número de ataques en contra de líderes comunitarios y el uso de procedimientos penales para desacreditar el trabajo de líderes indígenas. El Relator Especial lamenta no haber recibido respuesta a su comunicación sobre el Sr. Bernardo Caal Xól, el cual lideró campañas contra la construcción del complejo hidroeléctrico Oxec, que se habría llevado a cabo sin respetar el derecho a la consulta y al consentimiento libre, previo e informado. El Sr. Caal Xól se encuentra actualmente en prisión.

## Guyana

203. JOL: 15/07/2019 Case no: GUY 1/2019 State reply: none to date

**Congratulations and gratitude for Guyana's ratification of the Regional Agreement on Access to Information, Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement).**

204. The Special Rapporteur recognized the leadership of Guyana in the field of human rights and the environment by ratifying the Escazú Agreement and would welcome a reply to its letter GUY 1/2019 where information regarding steps taken towards its implementation, is requested. At the time of finalization of this report twenty-two out of thirty-three countries in Latin America and the Caribbean have signed the Escazú Agreement and five have ratified it. The treaty will enter into force with 11 ratifications.

## Haiti

205. JOL: 26/04/2019 Case no: HTI 2/2019 State reply: none to date

**Inquiétude par rapport à des allégations d'agression physique, de menaces de mort et d'intimidation à l'encontre du défenseur des droits de l'Homme, M. Jean Gédéon.**

206. JOL 15/07/2019 Case no: HTI 3/2019 State reply: none to date

**Inquiétude par rapport au manque d'entrée en vigueur de l'Accord régional sur l'accès à l'information, la participation publique et l'accès à la justice à propos des questions environnementales en Amérique latine et dans les Caraïbes (Accord d'Escazú) car le minimum requis de 11 ratifications n'a pas encore été atteint.**

207. Le Rapporteur spécial regrette qu'au moment de la finalisation du présent rapport, aucune réponse n'ait été reçue concernant les communications envoyées pendant la période couverte. Il demande au Gouvernement de coopérer pleinement avec le mandat du Rapporteur spécial et l'encourage à répondre substantiellement aux communications envoyées, élément majeur de la coopération entre les Etats membres.

208. Le Rapporteur spécial réitère ses graves préoccupations concernant les allégations d'agression physique, de menaces de mort et d'intimidation à l'encontre du défenseur des droits de l'Homme, M. Jean Gédéon. Le Rapporteur spécial demande expressément au Gouvernement de transmettre toute information concernant ces allégations, incluant les informations et les résultats des enquêtes, des investigations judiciaires et toutes les autres mesures liées à ces allégations qui pourraient avoir été menées; ainsi que toute information sur les poursuites engagées, et si les auteurs des violations auraient été identifiés. Si aucune enquête ou autres mesures n'ont été menées ou n'ont été concluantes, merci d'indiquer quelles en sont les raisons.

209. Le Rapporteur se félicite de la signature de l'Accord régional sur l'accès à l'information, la participation publique et l'accès à la justice à propos des questions

environnementales en Amérique latine et dans les Caraïbes (Accord d'Escazú), et appelle à sa ratification rapide. Au moment de la finalisation de ce rapport, vingt-deux des trente-trois pays d'Amérique latine et des Caraïbes ont signé l'accord d'Escazú et cinq l'ont ratifié. Le traité entrera en vigueur avec 11 ratifications.

## Honduras

210. JAL: 09/01/2019 Case no: HND 9/2018 State reply: none to date

**Preocupación ante alegaciones de amenazas dirigidas contra la defensora de derechos humanos, Sra. Indyra Mendoza, coordinadora general de La Red Lésbica Cattrachas, Organización Lésbica Feminista dedicada a la incidencia y procuración de los derechos humanos de las personas LGBTI en Honduras.**

211. JAL: 16/05/2019 Case no: HND 2/2019 State reply: 17/07/2019

**Preocupación ante alegaciones sobre ataques físicos y amenazas de muerte en contra de la Sra. Nivia Vargas, y el presunto lanzamiento de bombas de gas lacrimógeno contra otros familiares y personas relacionadas con la defensora de derechos humanos, la Sra. Hedme Castro y su organización la Asociación para una Ciudadanía Participativa (ACI PARTICIPA).**

212. JAL: 15/07/2019 Case no: HND 3/2019 State reply: none to date

**Preocupación ante la falta de entrada en vigor del Acuerdo Regional Sobre el Acceso a la Información, Participación y Justicia en Asuntos Ambientales en América Latina y el Caribe (Acuerdo de Escazú) por no haberse alcanzado el número mínimo de 11 ratificaciones.**

213. JAL: 07/10/2019 Case no: HND 4/2019 State reply: 1/11/2019; 6/01/2020

**Preocupación sobre alegaciones relacionadas con el asesinato de la Sra. Bessy Ferrero Sánchez y el intento de asesinato en contra de la Sra. Vicky Carvajal, ambas mujeres trans defensoras de derechos humanos que trabajan con personas LGBTI y miembros del Colectivo de Mujeres Trans Muñecas de la Asociación ARCOIRIS.**

214. PR: [07/12/2018](#)

**Honduras: Expertos de la ONU lamentan que los autores intelectuales de la muerte de Berta Cáceres sigan en libertad**

215. El Relator Especial agradece las dos respuestas del Gobierno de Honduras a las cuatro comunicaciones enviadas y espera recibir pronto una respuesta a las comunicaciones pendientes.

216. El Relator Especial reitera su grave preocupación por el patrón de represión y violencia hacia las personas defensoras de derechos humanos, y en particular hacia la comunidad defensora de las personas LGBTI, así como sobre la falta de medidas tomadas para luchar contra los discursos y los delitos de odio dirigidos en contra de la comunidad LGBTI. Asimismo, muestra su gran preocupación por el asesinato de la Sra. Bessy Ferrero Sánchez, el intento de asesinato de la Sra. Vicky Carvajal, ambas mujeres trans, defensoras de derechos humanos, así como por las amenazas dirigidas en contra de la defensora de derechos de personas LGBTI, Sra. Indyra Mendoza y el ataque, incluyendo agresión sexual, a la Sra. Niki Vargas. El Relator resalta que la situación de las defensoras de derechos humanos de la comunidad LGTBI en Honduras se ve agravada por su deslegitimación, marginalización y vulnerabilidad a ataques basados en consideraciones de género.

217. El Relator Especial toma nota de la información contenida en la respuesta del 17 de julio de 2019 sobre la falta de investigación en el caso de la Sra. Hedme Castro y lamenta la falta de información sobre el caso de la Sra. Nivia Vargas. También agradece las respuestas del 1 de noviembre de 2019 y del 6 de enero de 2020 sobre el asesinato de la Sra. Bessy Ferrera Sánchez y el intento de asesinato de la Sra. Vicky Carbajal. Toma nota de la información incluida sobre el Mecanismo de Protección y sobre la detención de los presuntos responsables del asesinato.

218. El Relator Especial lamenta no haber recibido información adicional sobre las investigaciones iniciadas ni sobre las medidas que el Gobierno está tomando para garantizar el cese de todas las formas de discriminación basada en la orientación sexual y la identidad de género, incluyendo el discurso y los delitos de odio que sufre la comunidad LGBTI de forma reiterada. La preocupación del Relator Especial se ve en particular acrecentada por un patrón de ausencia de investigación rápida y exhaustiva en casos de violencia contra personas defensoras de derechos humanos y en particular del colectivo LGBTI. El Relator Especial recuerda que la impunidad tiene efectos sumamente perjudiciales toda vez que contribuye al clima de intimidación e inseguridad que plantea serios desafíos a la importante labor de las personas defensoras de derechos humanos. En este sentido, el Relator Especial hizo un llamado a las autoridades hondureñas para que garantizaran una justicia completa y transparente para Berta Cáceres.

219. El Relator Especial insta al Gobierno a que implemente una protección efectiva a todas las personas defensoras de derechos humanos en Honduras, en particular a través de la rendición de justicia con respecto a los asesinatos de las defensoras y defensores de los derechos humanos.

220. El Relator Especial lamenta no haber recibido respuesta a la comunicación HND 3/2019. El Relator Especial hace un llamamiento a Honduras a firmar y ratificar el Acuerdo de Escazú lo antes posible y solicita se envíe información actualizada sobre los pasos y medidas tomadas con este fin, incluyendo un cronograma, sobre los planes del Gobierno. Al momento de la finalización de este informe veintidós de los treinta y tres países de la región de América Latina y el Caribe han firmado el tratado y cinco lo han ratificado. El tratado entrará en vigor con 11 ratificaciones.

## Jamaica

221. JOL 15/07/2019 Case no: JAM 1/2019 State reply: none to date

**Concerns that the Regional Agreement on Access to Information, Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) has not entered into force because it has not acquired the minimum number of 11 ratifications.**

222. The Special Rapporteur regrets that no response was received to the letter raising concerns for the lack of entry into force of the Escazú Agreement. The Special Rapporteur welcomes the signing of the treaty and urges Jamaica to ratify the Agreement as early as possible. The Special Rapporteur hopes to receive updated information regarding steps taken towards its ratification and the timeline on how and when the Government plans to ratify it. At the time of finalization of this report twenty-two out of thirty-three countries in Latin America and the Caribbean have signed the Escazú Agreement and five have ratified it. The treaty will enter into force with 11 ratifications.

## Mexico

223. JOL 04/02/2019 Case no: MEX 1/2019 State reply: 24/01/2019

**Alegaciones recibidas relativa a las reformas constitucionales aprobadas el pasado 16 de enero por la Cámara de Diputados sobre la Guardia Nacional mediante las cuales se le estarían otorgando facultades permanentes a las Fuerzas Armadas para desempeñar tareas de seguridad pública e investigación criminal.**

224. JAL 08/05/2019 Case no: MEX 7/2019 State reply: 10/07/2019

**Alegaciones de ataques e intentos de intimidación contra personas defensoras de derechos humanos, integrantes y colaboradores de la organización Corriente del Pueblo Sol Rojo, que se ha intensificado en los primeros meses de 2019, y en particular sobre el asesinato del defensor de derechos humanos, el Sr. Luis Armando Flores Aquino y la desaparición forzosa del Sr. Ernesto Sernas García, abogado de miembros de la organización.**

225. JAL 08/07/2019 Case no: MEX 8/2019 State reply: 17/01/2019

**Alegaciones de detención arbitraria de personas defensoras de derechos humanos de personas migrantes y sobre la situación de las personas migrantes en caravana, en dirección a México y a los Estados Unidos de América.**

226. JAL 15/07/2019 Case no: MEX 9/2019 State reply: 27/01/2019

**Preocupación ante la falta de entrada en vigor del Acuerdo Regional Sobre el Acceso a la Información, Participación y Justicia en Asuntos Ambientales en América Latina y el Caribe (Acuerdo de Escazú) por no haberse alcanzado el número mínimo de 11 ratificaciones.**

227. JAL 29/07/2019 Case no: MEX 10/2019 State reply: none to date

**Alegaciones recibidas en relación con las alegaciones y declaraciones descalificadoras emitidas por el Presidente de la República y otras autoridades del poder ejecutivo federal sobre el trabajo de la Comisión Nacional de los Derechos Humanos de México (CNDH), institución nacional de derechos humanos acreditada con clase A por su cumplimiento con los Principios de París.**

228. JOL 08/08/2019 Case no: MEX 11/2019 State reply: 30/01/2019

**Preocupación ante la entrada en vigor el 1 de agosto de 2019 del decreto 115, el cual modifica el Código Penal del Estado de Tabasco y mediante el cual se estarían penalizando conductas que podrían ser una expresión legítima del derecho a la libertad de reunión pacífica y de asociación, a la libertad de expresión y del derecho a defender los derechos humanos.**

229. JAL 09/10/2019 Case no: MEX 12/2019 State reply: 30/01/2019

**Alegaciones recibidas relativa a la próxima discusión en la Primera Sala de la Suprema Corte de Justicia de la Nación del proyecto de sentencia relativo al amparo en revisión no. 835/2018, derivado del recurso de revisión interpuesto por la señora Clementina Murcia Gonzáles.**

230. PR: [10/05/2019](#)

**México: Un año después de la desaparición de Ernesto Sernas García, expertos de la ONU denuncian la violencia contra las personas defensoras de derechos humanos en Oaxaca.**

231. El Relator Especial agradece las respuestas del Gobierno de México a siete de las ocho comunicaciones enviadas y espera recibir pronto una respuesta a la comunicación pendiente. El Relator Especial aprecia que este haya sido un año de desarrollo hacia una cooperación plena con el mandato.

232. El Relator Especial se muestra preocupado por el contexto creciente de actos de hostigamiento, criminalización, presuntas detenciones arbitrarias, desapariciones forzadas y ejecuciones extrajudiciales de personas defensoras de los derechos humanos, acompañados de una impunidad endémica. En particular reitera su preocupación por la posible existencia de una política de persecución y detención de defensores de derechos humanos de personas migrantes.

233. El Relator Especial enfatiza de nuevo, que el respaldo público a las personas defensoras de derechos humanos es una de las medidas que contribuyen a generar un ambiente propicio para la promoción y la protección de los derechos humanos y le preocupa que a través de declaraciones públicas se haya desacreditado la independencia de la Comisión Nacional de Derechos Humanos. El Relator Especial lamenta no haber recibido respuesta a su carta MEX 10/2019 y reitera que es preocupante que el poder ejecutivo federal contribuya a generar un entorno hostil que deslegitima la labor de defensoría de los derechos humanos llevada a cabo por la Comisión Nacional de Derechos Humanos y por los defensores y las defensoras de derechos humanos en general.

234. El Relator Especial se muestra preocupado por los ataques y la criminalización a las personas defensoras de derechos humanos que se oponen a las políticas de desarrollo del Gobierno, en particular en defensa de los derechos humanos de los pueblos indígenas. Le

preocupa que la desaparición del Sr. Ernesto Sernas García y el asesinato del Sr. Luis Armando Flores Aquino estén ligadas a su labor de defensoría y a su resistencia pacífica contra mega proyectos de minería y energía. El Relator Especial agradece la respuesta del Gobierno de México del 11 de julio de 2019, con información sobre el inicio de las investigaciones correspondientes, sin embargo, lamenta que no demuestre ningún avance sustancial de las mismas y espera recibir información adicional.

235. Asimismo, el Relator Especial se muestra preocupado por la criminalización de las protestas sociales que a menudo están relacionadas con la expresión pacífica de oposición a proyectos de desarrollo públicos o privados. El Relator Especial subraya su preocupación por el efecto negativo que las reformas realizadas al Código Penal del Estado de Tabasco tienen en las personas que defienden sus derechos, por ejemplo, en las comunidades indígenas afectadas por construcciones y que no habrían sido consultadas de manera libre, previa e informada. El Relator Especial agradece al Gobierno la respuesta del 31 de enero de 2020 en la cual se informa que la Suprema Corte de Justicia de la Nación admitió tres acciones de inconstitucionalidad respecto a las mencionadas reformas y espera que el resultado del control de constitucionalidad permita que el Código Penal del Estado de Tabasco se apege a los estándares internacionales de derechos humanos.

236. El Relator Especial toma nota de la respuesta del 24 de enero de 2020 a la carta del 4 de febrero de 2019 MEX 1/2019 con información general sobre la creación de la Guardia Nacional y su composición. El Relator Especial saluda la colaboración de la Guardia Nacional con la Oficina de la Alta Comisionada de las Naciones Unidas para los Derechos Humanos, quien está prestando asistencia especializada y capacitación para la aplicación de las normas internacionales de derechos humanos. El Relator Especial lamenta sin embargo que no se aporte una respuesta concreta a las preocupaciones planteadas sobre la posibilidad de que personas puedan ser detenidas en instalaciones militares.

237. El Relator Especial también se muestra gravemente preocupado por las alegaciones de detenciones migratorias masivas y la posible militarización del control migratorio a través de la Guardia de Seguridad. Al respecto, toma buena nota de la información incluida en la respuesta del 17 de enero de 2020 donde se menciona que la Policía Federal y las Fuerzas Armadas actúan únicamente en auxilio y a solicitud expresa del personal del Instituto Nacional de Migración, sin que ello implique que puedan realizar funciones de Control, Verificación y Revisión Migratoria. No obstante, el Relator Especial destaca que el despliegue de 6.000 elementos de la Guardia Nacional a la zona sur del país para reforzar el control migratorio conlleva graves riesgos para los derechos humanos de las personas migrantes, en particular para las niñas, niños y solicitantes de refugio.

238. El Relator Especial recuerda que, en varios casos, en particular en casos de desapariciones forzadas, el impulso de las organizaciones de la sociedad civil ha sido clave para la protección de las víctimas. Es por esto que invitó a los ministros de la Suprema Corte de Justicia de la Nación a que realizaran una interpretación progresista sobre los derechos de los familiares de personas desaparecidas, tomando en cuenta la vulnerabilidad y las dificultades adicionales enfrentadas en el contexto de la migración (MEX 12/2019) y reconocieran que la defensa de los derechos humanos no recae únicamente en abogados y abogadas.

239. En este sentido, el Relator Especial saluda la sentencia del 9 de octubre de 2019 en la que el amparo en revisión 835/2018 fue resuelto en favor de la señora Murcia Gonzáles. En particular, aplaude que se haya considerado que no únicamente los y las abogadas pueden acceder a la información que obre en los expedientes respectivos. Sin embargo, al Relator Especial le preocupan los requisitos de admisibilidad, en concreto el que impone como condición indispensable que la persona asesorando a las víctimas en lo individual o como parte de una asociación esté especializada y se dedique a la protección de derechos humanos, toda vez que, en muchos contextos, los y las defensoras de derechos humanos trabajan en situaciones informales de defensoría, en particular en relación a la defensa de los derechos de las personas migrantes.

240. Asimismo, el Relator Especial subraya su preocupación sobre las dificultades que han tenido las organizaciones de la sociedad civil para operar con el sistema financiero mexicano en los últimos meses y le recuerda al Gobierno de México que toda persona tiene

derecho, individual o colectivamente, a solicitar, recibir y utilizar recursos con el objeto expreso de promover y proteger, por medios pacíficos, los derechos humanos y las libertades fundamentales y que las restricciones excesivas del sistema financiero afectan de manera profunda y negativa a la labor de las personas defensoras de derechos humanos.

241. El Relator Especial le recuerda al Gobierno de México la importancia de fomentar y promover espacios adecuados para que las personas defensoras de derechos humanos puedan ejercer libremente su labor, y sin temor a ser reprimidos.

242. Finalmente, el Relator Especial aplaude al Gobierno por la firma del Acuerdo de Escazú y agradece la respuesta a la carta MEX 9/2019 en la que se indica que una vez se obtengan las validaciones necesarias en torno al Acuerdo y a las eventuales declaraciones interpretativas, se podrá continuar con el proceso de aprobación por el Senado de la República. El Relator Especial hace un llamamiento a México a ratificar el Acuerdo de Escazú lo antes posible y solicita se envíe información actualizada sobre los pasos y medidas tomadas con este fin, incluyendo un cronograma, sobre los planes del Gobierno para la ratificación del Acuerdo. Al momento de la finalización de este informe veintidós de los treinta y tres países de la región de América Latina y el Caribe han firmado el tratado y cinco lo han ratificado. El tratado entrará en vigor con 11 ratificaciones.

## Nicaragua

243. JAL 12/03/2019 Case no: NIC 1/2019 State reply: none to date

**Alegaciones de severos actos de represión a las actividades de las organizaciones de derechos humanos de la sociedad civil y limitación al derecho de reunión pacífica a través de la cancelación de la personalidad jurídica de varias organizaciones no gubernamentales, allanamientos ilegales a sus oficinas y a las de ciertos medios de comunicación. Algunos de los actos descritos podrían constituir represalias como consecuencia de la cooperación de miembros de organizaciones de la sociedad civil con las Naciones Unidas, sus representantes y mecanismos en la esfera de los derechos humanos.**

244. JOL 15/07/2019 Case no: NIC 2/2018 State reply: none to date

**Preocupación ante la falta de entrada en vigor del Acuerdo Regional Sobre el Acceso a la Información, Participación y Justicia en Asuntos Ambientales en América Latina y el Caribe (Acuerdo de Escazú) por no haberse alcanzado el número mínimo de 11 ratificaciones.**

245. JAL 31/07/2019 Case no: NIC 4/2018 State reply: none to date

**Alegaciones recibidas en relación con la situación de nueve organizaciones de la sociedad civil nicaragüense (Centro de Información y Servicios de Asesoría en Salud, Centro de Investigación de la Comunicación, Instituto de Liderazgo Las Segovias, Instituto de Estudios Estratégicos de Políticas Públicas, Instituto para el Desarrollo de la Democracia, Fundación para la conservación y el desarrollo del sureste de Nicaragua, Hagamos Democracia, Centro Nicaragüense de Derechos Humanos y Fundación Popol Na para la Promoción y Desarrollo Municipal), en particular sobre los recursos legales que han presentado, el estado actual de sus reclamaciones, el daño patrimonial relativo a la cancelación de su personalidad jurídica y amenazas expresadas en contra de una de las organizaciones.**

246. JAL 19/08/2019 Case no: NIC 5/2018 State reply: none to date

**Alegaciones recibidas en relación con agresiones, intimidaciones y amenazas, incluidas amenazas de muerte y detención en contra de Aníbal Enrique Toruño Jirón, Aníbal Enrique Alonso Toruño, Víctor Xavier Morales Toruño, Audberto Jose Gallo Solís, Catalino Leo Cárcamo Herrera, Marcelino Saturnino Osorio Salmerón, Francisco José Torrez Tapia, Jorge Fernando Vallejos Olivas y Rudy Emelit Ramos Reyes, empleada de Radio Darío en León, Nicaragua.**

247. PR: [26/08/2019](#)

**Nicaragua: debe poner fin a las represalias contra los periodistas, dicen expertos en derechos humanos.**

248. El Relator Especial lamenta no haber recibido respuesta a ninguna de las comunicaciones enviadas durante el periodo abarcado por el presente informe, en especial dada la delicada naturaleza de las alegaciones.

249. El Relator Especial continúa extremadamente preocupado por las alegaciones de violaciones de derechos humanos en Nicaragua. En particular, el Relator Especial expresa su profunda preocupación porque en el contexto actual se siguen reportando presuntas violaciones a los derechos fundamentales en Nicaragua, incluidos el derecho a la vida, a la libertad, seguridad e integridad personal, el derecho a no ser objeto de malos tratos, ni de detenciones arbitrarias, así como de violaciones al derecho a la vida y a la libertad de expresión. El Relator Especial expresa de nuevo su preocupación por las alegaciones de detenciones arbitrarias, amenazas, violencia e intimidación en contra de los empleados de Radio Darío. El Relator Especial recuerda al Gobierno de Nicaragua que los ataques en contra de periodistas no solamente vulneran su derecho a divulgar información, sino que también vulneran el derecho de la sociedad a buscar y recibir información. El Relator Especial expresa su enérgico llamado a que se proteja y garantice el trabajo de periodistas, personas defensoras de derechos humanos en Nicaragua.

250. Igualmente, el Relator Especial reitera su preocupación por las cancelaciones de la personalidad jurídica de organizaciones de derechos humanos de la sociedad civil nicaragüense, concretamente del Centro de Información y Servicios de Asesoría en Salud (CISAS), el Instituto de Estudios Estratégicos de Políticas Públicas (IEEPP), Hagamos Democracia, el Centro Nicaragüense de Derechos Humanos (CENIDH), el Centro de Investigación de la Comunicación (CINCO), el Instituto para el Desarrollo de la Democracia (IPADE), la Fundación Popol Na para la Promoción y Desarrollo Municipal, el Instituto de Liderazgo Las Segovias (ILS) y la Fundación para la conservación y el desarrollo del sureste de Nicaragua (Fundación el Rio). Al Relator Especial le preocupan las dificultades que encuentran las organizaciones para ejercer plenamente sus derechos a disponer de recursos eficaces y a ser protegidas en caso de violación de estos mismos.

251. Finalmente, el Relator Especial reitera su preocupación por los presuntos actos de represalias contra organizaciones y personas defensoras de derechos humanos en relación con sus denuncias, comunicación y cooperación con Naciones Unidas, en materia de derechos humanos.

252. El Relator Especial lamenta no haber recibido respuesta a la comunicación NIC 2/2019. El Relator Especial hace un llamamiento a Nicaragua a ratificar el Acuerdo de Escazú lo antes posible y solicita se envíe información actualizada sobre los pasos y medidas tomadas con este fin, incluyendo un cronograma, sobre los planes del Gobierno. Al momento de la finalización de este informe veintidós de los treinta y tres países de la región de América Latina y el Caribe han firmado el tratado y cinco lo han ratificado. El tratado entrará en vigor con 11 ratificaciones.'

## **Panama**

253. UA 18/12/2018 Case no: PAN 1/2018 State reply: 08/03/2019

**Preocupación ante alegaciones de intimidación y la criminalización del Sr. Bernardo Caal Xól, líder indígena q'eqchi' de Santa María Cahabón en el departamento de Alta Verapaz que presuntamente se vincularían a su oposición pacífica al proyecto Hidroeléctrico Oxec I y II.**

254. JOL 15/07/2019 Case no: PAN 2/2019 State reply: none to date

**Preocupación ante la falta de entrada en vigor del Acuerdo Regional Sobre el Acceso a la Información, Participación y Justicia en Asuntos Ambientales en América Latina y el Caribe (Acuerdo de Escazú) por no haberse alcanzado el número mínimo de 11 ratificaciones.**

255. El Relator Especial agradece al Gobierno la respuesta detallada a la comunicación PAN 1/2018 y toma nota de información detallada acerca de las medidas del Estado para proteger contra los abusos de los derechos humanos cometidos por empresas domiciliadas en su país pero operando en el extranjero. El Relator Especial lamenta que la respuesta no aporte información relevante sobre las medidas tomadas para garantizar que las personas afectadas por las actividades de dichas empresas tengan acceso a una reparación efectiva. El Relator Especial reitera su preocupación por la criminalización de personas indígenas que defienden sus tierras, recursos naturales y el medio ambiente, en particular en el marco de actividades empresariales.

256. El Relator Especial lamenta no haber recibido respuesta a la comunicación PAN 2/2019 pero reconoce que en la respuesta a la comunicación PAN 1/2018 se indica que la ratificación del Acuerdo de Escazú será realizada durante el transcurso del año 2019. El Relator Especial recibe con beneplácito este anuncio, y hace un llamamiento a Panamá a ratificar el Acuerdo de Escazú lo antes posible. Asimismo, solicita se envíe información actualizada sobre los pasos y medidas tomadas con este fin, incluyendo un cronograma, sobre los planes del Gobierno para la ratificación del Acuerdo. Al momento de la finalización de este informe veintidós de los treinta y tres países de la región de América Latina y el Caribe han firmado el tratado y cinco lo han ratificado. El tratado entrará en vigor con 11 ratificaciones.

## Paraguay

257. JOL 15/07/2019 Case no: PRY 1/2019 State reply: none to date

**Preocupación ante la falta de entrada en vigor del Acuerdo Regional Sobre el Acceso a la Información, Participación y Justicia en Asuntos Ambientales en América Latina y el Caribe (Acuerdo de Escazú) por no haberse alcanzado el número mínimo de 11 ratificaciones.**

258. El Relator Especial lamenta no haber recibido respuesta a la comunicación PRY 1/2019. El Relator Especial hace un llamamiento a Paraguay a ratificar el Acuerdo de Escazú lo antes posible y solicita se envíe información actualizada sobre los pasos y medidas tomadas con este fin, incluyendo un cronograma, sobre los planes del Gobierno. Al momento de la finalización de este informe veintidós de los treinta y tres países de la región de América Latina y el Caribe han firmado el tratado y cinco lo han ratificado. El tratado entrará en vigor con 11 ratificaciones.

## Peru

259. JAL 17/06/2019 Case no: PER 2/2019 State reply: none to date

**Alegaciones recibidas en relación con la criminalización de miembros de la comunidad indígena, el Sr. Gregorio Rojas Paniura, el Sr. Edison Vargas Huamanga y la Sra. Nohemí Portilla Vargas. Estas alegaciones están presuntamente relacionadas con su labor de defensa de los derechos humanos de los pueblos indígenas y los derechos humanos relacionados con el medio ambiente en torno al proyecto minero Las Bambas.**

260. JOL 15/07/2019 Case no: PER 3/2019 State reply: none to date

**Preocupación ante la falta de entrada en vigor del Acuerdo Regional Sobre el Acceso a la Información, Participación y Justicia en Asuntos Ambientales en América Latina y el Caribe (Acuerdo de Escazú) por no haberse alcanzado el número mínimo de 11 ratificaciones.**

261. PR: [17/01/2019](#)

**Experto de la ONU visitará Perú para evaluar la situación de las personas defensoras de derechos humanos.**

262. El Relator Especial lamenta no haber recibido respuesta a ninguna de las dos comunicaciones enviadas durante el periodo abarcado por el presente informe.



263. El Relator Especial reitera su preocupación por las investigaciones en contra de los líderes indígenas comunales de Fuerabamba, y de las personas defensoras de derechos humanos de los pueblos indígenas en relación a su labor, en la participación de las protestas que se oponían al incumplimiento de acuerdos con la empresa minera MMG Las Bambas y el Estado peruano, y a las violaciones de sus derechos humanos relacionados con la tierra y el territorio. El Relator Especial expresa de nuevo su preocupación sobre el uso del derecho penal para criminalizar la labor de defensoría de los derechos humanos, en particular el uso del delito de extorsión en relación con peticiones legítimas de indemnización por daños, y delitos de crimen organizado contra defensores y defensoras, que además conllevan el riesgo de recortes de garantías procesales, y periodos prolongados de prisión preliminar.

264. El Relator Especial lamenta no haber recibido respuesta a la comunicación PER 3 /2019 y hace un llamamiento a Perú a ratificar el Acuerdo de Escazú lo antes posible y solicita se envíe información actualizada sobre los pasos y medidas tomadas con este fin, incluyendo un cronograma, sobre los planes del Gobierno. Al momento de la finalización de este informe veintidós de los treinta y tres países de la región de América Latina y el Caribe han firmado el tratado y cinco lo han ratificado. El tratado entrará en vigor con 11 ratificaciones.

265. El Relator agradece al Gobierno la invitación de visitar el país y la cooperación extendida antes y durante la visita, la cual tuvo lugar del 21 de enero al 3 de febrero de 2020. Las observaciones y recomendaciones preliminares del Relator tras la conclusión de su visita se encuentran disponibles en la página web del Relator Especial en este [enlace](#). El Relator Especial reitera la disponibilidad para prestar asistencia técnica y apoyo y dar seguimiento a las recomendaciones tras su visita a fin de contribuir a crear un entorno seguro y propicio para los defensores de los derechos humanos.

### Saint Kitts and Nevis

266. JOL 15/07/2019 Case no: KNA 2/2019 State reply: none to date

**Concerns that the Regional Agreement on Access to Information, Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) has not entered into force because it has not acquired the minimum number of 11 ratifications.**

267. The Special Rapporteur applauds the Government for ratifying the Escazú Agreement on 26 September 2019 and requests a reply to the letter KNA 2/2019 with information on the measures the Government plans to take to implement the Agreement. At the time of finalization of this report, twenty-two of the thirty-three countries in the Latin American and Caribbean region have signed the treaty and five have ratified it. The treaty will enter into force with 11 ratifications.

### Saint Lucia

268. JOL 15/07/2019 Case no: LCA 1/2019 State reply: none to date

**Concerns that the Regional Agreement on Access to Information, Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) has not entered into force because it has not acquired the minimum number of 11 ratifications.**

269. The Special Rapporteur regrets that no response was received to the letter raising concerns for the lack of entry into force of the Escazú Agreement. The Special Rapporteur welcomes the signing of the treaty and urges Saint Lucia to ratify the Agreement as early as possible. The Special Rapporteur hopes to receive updated information regarding steps taken towards its ratification and the timeline on how and when the Government plans to ratify it. At the time of finalization of this report twenty-two out of thirty-three countries in Latin America and the Caribbean have signed the Escazú Agreement and five have ratified it. The treaty will enter into force with 11 ratifications.

## Saint Vincent and the Grenadines

270. JOL 15/07/2019 Case no: VCT 1/2019 State reply: none to date

**Concerns that the Regional Agreement on Access to Information, Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) has not entered into force because it has not acquired the minimum number of 11 ratifications.**

271. The Special Rapporteur applauds the Government for ratifying the Escazú Agreement on 26 September 2019 and requests a reply to the letter VCT 1/2019 with information on the measures the Government plans to take to implement the Agreement. At the time of writing, twenty-two of the thirty-three countries in the Latin American and Caribbean region have signed the treaty and five have ratified it. The treaty will enter into force with 11 ratifications

## Suriname

272. JOL 15/07/2019 Case no: SUR 1/2019 State reply: none to date

**Concerns that the Regional Agreement on Access to Information, Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) has not entered into force because it has not acquired the minimum number of 11 ratifications.**

273. The Special Rapporteur regrets that no response was received to the letter raising concerns for the lack of entry into force of the Escazú Agreement and that Suriname has not yet signed nor ratified the said agreement. The Special Rapporteur urges Suriname to ratify the Escazú agreement and requests information regarding steps taken towards its ratification and the timeline foreseen for this. At the time of finalization of this report twenty-two out of thirty-three countries in Latin America and the Caribbean have signed the Escazú Agreement and five have ratified it. The treaty will enter into force with 11 ratifications.

## Trinidad and Tobago

274. JOL 15/07/2019 Case no: TTO 1/2019 State reply: none to date

**Concerns that the Regional Agreement on Access to Information, Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) has not entered into force because it has not acquired the minimum number of 11 ratifications.**

275. The Special Rapporteur regrets that no response was received to the letter raising concerns for the lack of entry into force of the Escazú Agreement and that Trinidad and Tobago has not yet signed nor ratified the said agreement. The Special Rapporteur urges Trinidad and Tobago to ratify the Escazú agreement and requests information regarding steps taken towards its ratification and the timeline foreseen for this. At the time of finalization of this report twenty-two out of thirty-three countries in Latin America and the Caribbean have signed the Escazú Agreement and five have ratified it. The treaty will enter into force with 11 ratifications.

## United States of America

276. JAL 15/07/2019 Case no: USA 6/2019 State reply: 22/07/2019

**Allegations received concerning the remarks made by the U.S. President's National Security Adviser, Mr. John R. Bolton, and the U.S. Secretary of State, Mike Pompeo, against the International Criminal Court (ICC), which appear to constitute serious threats to, and interference with, the independence of the Court and its judges, prosecutors and staff.**

277. PR: [22/03/19](#)

**United States: US "threats" against International Criminal Court must stop, say UN experts**

278. PR: [6/05/2019](#)

**United States: UN experts urge US authorities to drop charges against aid worker Scott Warren**

279. The Special Rapporteur thanks the Government of the United States of America for its reply to the communication USA 6/2019, where the Government notes that the statements by U.S. National Security Advisor John Bolton and U.S. Secretary of State Mike Pompeo concerning the ICC neither represent a generalized threat to accountability, nor do they undermine the goal of ending impunity.

280. While the Special Rapporteur recognises the historical contribution of the United States of America has made in support of the work of UN mechanisms to tackle human rights violations, referred in the Government's response, he remains deeply concerned by the explicit threats made by the U.S. President's National Security Advisor, John Bolton and the Secretary of State against ICC judges, prosecutors and personnel. The Special Rapporteur remains concern about the possible impact of Mr. Bolton's statement that might discourage human rights defenders, civil society organisations, victims' representatives, companies or others from cooperating with the ICC. The Special Rapporteur reminds the U.S. Government of Article 5 of the UN Declaration on Human Rights Defenders which, in order to guarantee a conducive environment for human rights defenders to operate in, everyone, individually and in association with others, has the right to unhindered access to and communication with international bodies.

## Uruguay

281. JAL 31/05/2019 Case no: URY 1/2019 State reply: 12/07/2019

**Alegaciones sobre la presunta denuncia penal de difamación e injuria contra el Sr. Richard Mariani presuntamente por su lucha contra la impunidad por crímenes cometidos durante la dictadura en Uruguay.**

282. ALL 15/07/2019 Case no: URY 2/2019 State reply: 07/08/2019

**Preocupación ante la falta de entrada en vigor del Acuerdo Regional Sobre el Acceso a la Información, Participación y Justicia en Asuntos Ambientales en América Latina y el Caribe (Acuerdo de Escazú) por no haberse alcanzado el número mínimo de 11 ratificaciones.**

283. El Relator Especial agradece las dos respuestas recibidas a las dos comunicaciones enviadas durante el periodo cubierto por el presente informe, y expresa su preocupación por la respuesta del Gobierno a la carta URY 1/2019 que confirma la criminalización penal de la difamación en el artículo 333 del Código Penal Uruguayo (CPU) con pena de cuatro meses de prisión a tres años de penitenciar o multa pecuniaria. El Relator Especial reitera su preocupación por la situación procesal del Señor Richard Mariani, denunciado por difamación en injuria, y el impacto que esto pudiera tener en los demás defensores de derechos humanos en el país.

284. El Relator Especial aplaude al Gobierno por la firma y ulterior ratificación del Acuerdo de Escazú el 26 de septiembre de 2019 mediante la promulgación de la Ley 19.733 de 9 de julio de 2019 y solicita información adicional a la proporcionada en la respuesta a la carta URY 2/2019, con información acerca de las medidas que el Gobierno está tomando o planea tomar para implementar el Acuerdo. Al momento de la finalización de este informe veintidós de los treinta y tres países de la región de América Latina y el Caribe han firmado el tratado y cinco lo han ratificado. El tratado entrará en vigor con 11 ratificaciones.

## Venezuela (Bolivarian Republic of)

285. JAL 15/03/2019 Case no: URY 1/2019 State reply: none to date

**Alegaciones recibidas en relación a serias violaciones a los derechos a la libertad de expresión, libertad de reunión pacífica y a la libertad de asociación en Venezuela en el contexto de las manifestaciones recientes, incluyendo el uso excesivo de la fuerza en contra de manifestantes resultando en muertos y heridos, detenciones arbitrarias masivas, detención y deportación de múltiples periodistas y restricción parcial del acceso al internet.**

286. JOL 15/07/2019 Case no: VEN 4/2019 State reply: none to date

**Preocupación ante la falta de entrada en vigor del Acuerdo Regional Sobre el Acceso a la Información, Participación y Justicia en Asuntos Ambientales en América Latina y el Caribe (Acuerdo de Escazú) por no haberse alcanzado el número mínimo de 11 ratificaciones.**

287. JOL 07/10/2019 Case no: VEN 6/2019 State reply: 07/11/2019

**Alegaciones de suspensión arbitraria de actividades de registro para organizaciones no gubernamentales, asociaciones y fundaciones en las oficinas del Registro Principal del Estado de Miranda adscrito al Ministerio del Poder Popular para Relaciones Interiores, Justicia y Paz en Venezuela.**

288. PR: [21/03/2019](#)

**Venezuela: UN experts condemn widespread rights violations reported during protests**

289. El Relator Especial agradece la respuesta recibida a una de las tres comunicaciones enviadas durante el periodo abarcado por el presente informe. Sin embargo, lamenta que no se hayan recibido respuestas al resto de las comunicaciones, en particular dada la gravedad de las alegaciones.

290. El Relator Especial mostró su preocupación ante el uso de la fuerza en contra de manifestantes pacíficos en Venezuela durante protestas que tuvieron lugar a inicios del 2019. El Relator Especial recuerda al Gobierno de Venezuela que la represión de protestas sociales puede tener un efecto disuasivo en la organización de futuras manifestaciones, contribuyendo negativamente en la labor de defensoría de los derechos humanos. Asimismo, el Relator Especial se muestra preocupado por las restricciones al derecho a la libertad de expresión, en particular a través de la detención e intimidación de periodistas.

291. El Relator Especial agradece la información proporcionada por el Gobierno de Venezuela en la respuesta con fecha de 7 de noviembre de 2019, en particular sobre el ordenamiento jurídico interno de Venezuela el cual reconoce el derecho a la libertad de reunión y asociación y por aclarar que cualquier información publicada por alguna oficina de Registro en relación con la suspensión o prohibición de la protocolización o inscripción de Actas Constitutivas o de Asambleas, ordinarias o extraordinarias, a organizaciones no gubernamentales (ONG), asociaciones y fundaciones, no ha sido autorizada por las autoridades correspondientes y sería un hecho aislado. El Relator Especial toma nota de que se han adoptado medidas de supervisión y seguimiento correspondiente a dichos hechos y espera recibir información adicional sobre el avance de dichas medidas.

292. El Relator Especial lamenta no haber recibido respuesta a la comunicación VEN 4/2019. El Relator Especial hace un llamamiento a Venezuela a firmar y ratificar el Acuerdo de Escazú lo antes posible y solicita se envíe información actualizada sobre los pasos y medidas tomadas con este fin, incluyendo un cronograma, sobre los planes del Gobierno. Al momento de la finalización de este informe veintidós de los treinta y tres países de la región de América Latina y el Caribe han firmado el tratado y cinco lo han ratificado. El tratado entrará en vigor con 11 ratificaciones.

## **ASIA-PACIFIC REGION**

293. During the present reporting period, the Special Rapporteur sent 70 communications to 19 countries in the Asia-Pacific region. He takes note of the response rate of 60% for the region, which is a welcome increase of 34% over the previous reporting period. He is grateful for the Governments who cooperated with the mandate and looks forward to receiving the outstanding replies.

294. The Special Rapporteur would also like to commend the Government of Mongolia for its invitation to visit the country, and for its cooperation during the visit. The Special Rapporteur remains committed to provide technical support, in particular to support the adoption of a comprehensive law on the protection of human rights defenders and welcomes the commitment and will of the Government to ensure a safe and enabling environment for them, in compliance with the UN Declaration on Human Rights Defenders.

295. The Special Rapporteur notes with concern the persistently hostile environment across multiple countries in the region towards human rights defenders. Those defending local and indigenous communities' right to a safe, clean, healthy and sustainable environment are commonly targeted by powerful commercial interests (particularly in the mining sector), as illustrated by communications sent to Australia, China, India and the Philippines. Defenders of religious minorities are also commonly targeted in the region, including in some cases by State authorities, such as in Bangladesh, China and India. Those defending women's rights and LGBTI rights have also been targeted in some countries, as illustrated by communications sent to Malaysia, Pakistan and the Philippines.

296. The right to freedom of expression continues to be threatened in countries across the region, with many Governments seemingly unwilling to accept even limited criticism from journalists or activists, such as in Bangladesh, Lao, Myanmar, Pakistan and Viet Nam. Similarly the right to freely associate has come under threat in several countries, where States use legislation to impose unreasonable administrative requirements or restrictions on human rights organisations, and prosecute their members. The alleged use of excessive force by police authorities in response to protests has been reported in a number of countries, along with the criminalisation of protesters, in particular targeting human rights defenders who are often the organisers of the protests.

297. Continued patterns observed during the reporting period include States' failures to observe due process when prosecuting rights defenders, notably regarding access to legal representation, such as in China and Viet Nam. Some States have also continued to use counter-terrorism and national security legislation to prosecute journalists, NGO leaders and protest organisers, resulting in the use of excessive force and allowing them to hand down lengthy prison sentences which are often significantly disproportionate to the actual substance of the actions for which they are prosecuted. This was illustrated by communications sent to China and the Philippines.

298. Allegations of mistreatment in detention continue to abound, with the deliberate and punitive deprivation of contact with families a particularly recurrent theme, in some cases leading to severe deteriorations in the mental health of prisoners, as seen in communications sent to Iran, Lao, Pakistan and Viet Nam..

299. Human rights defenders in the region often face intimidation, harassment and violent attacks, including in some cases by State authorities. State inaction in the face of such allegations contributes to a worrying climate of impunity for perpetrators, including failures to investigate allegations and failures to protect those under threat. States have an obligation to create a safe and enabling environment for human rights defenders, including by adequately responding to complaints of violence or harassment and by investigating reported incidents.

300. The Special Rapporteur regrets to note that, during the reporting period, he received seven reports on cases of reprisals and intimidation against defenders for cooperation with international human rights mechanisms, including the UN, its representatives and mechanisms concerning China (CHN 2/2019, CHN 9/2019 and CHN 6/2019), IND 18/2019

Lao People's Democratic Republic (LAO 2/2019), Malaysia (MYS 2/2019) and Thailand (THA 8/2019).

## Afghanistan

301. UA 22/11/2019 Case no: AFG 2/2019 State reply: none to date

**Allegations concerning the arrest warrant issued against a human rights defender, and the hateful messages and threats against him and other members of the Logar Youth, Social and Civil Institution, in connection with their research on alleged widespread sexual abuse of young boys in the Logar province.**

302. The Special Rapporteur regrets that, at the time of finalisation of this report, no response has been received from the Government of Afghanistan. He urges the Government to engage with the mandate holders of the Special Procedures of the Human Rights Council, especially given the serious nature of the allegations raised in the reporting period.

303. The Special Rapporteur expresses grave concern at the threats and hateful messages against members of the Logar Youth, Social and Civil Institution, in particular given their reported escalating nature, as well as at the arrest warrant issued against one of the human rights defenders. His concerns are strengthened by the apparent direct link between these acts and the human rights work of the abovementioned individuals, in particular their reporting on alleged widespread sexual abuse of young boys in the Logar province. The derogatory comments, including by public officials, in response to the abovementioned allegations of sexual abuse risk denigrating the important work of the human rights defenders in the eyes of the public and putting their safety at risk.

## Australia

304. JLA 13/02/2019 Case no: AUS 1/2019 State reply: 04/04/2019

**Allegations concerning alleged violations and abuses of the human rights of indigenous and local communities residing in Didipio, Nueva Vizcaya Province, in the Philippines and the environmental degradation in this region, due to the activities of the gold and copper mine exploited by OceanaGold Corporation, an Australia-based mining company.**

305. JLA 17/06/2019 Case no: AUS 6/2019 State reply: none to date

**Allegations concerning the criminalisation of members of the indigenous community, Mr. Gregorio Rojas Paniura, Mr. Edison Vargas Huamanga and Ms. Nohemí Portilla Vargas in Peru. These allegations are related to their work defending the rights of indigenous peoples and the environment in the context of the mining project Las Bambas. The project is implemented by the company MMG Limited which has its headquarters in Melbourne, Australia. MMG's major shareholder is China Minmetals Corporation (CMC), a Chinese state-owned enterprise.**

306. The Special Rapporteur thanks the Government of Australia for its reply to one communication out of the two sent during the period covered by this report and hopes to receive information soon on the remaining one.

307. The Special Rapporteur remains concerned about the alleged involvement of Australian companies OceanaGold Corporation and MMG Limited in the alleged abuse and violation of the rights of environmental human rights defenders in the context of their operations abroad (Philippines and Peru respectively).

308. In his letter AUS 1/2019, the Special Rapporteur requested information on actions taken by the Government to address allegations that the environmental defenders and indigenous leaders opposing the company's activities in Nueva Vizcaya province in the Philippines, are being accused by the military "of supporting the communist rebels." The increased military presence in the region, allegedly to fight against the communist insurgents, appears to be protecting the company by preventing any form of protest against the company

and its activities, since rights defenders fear being harassed or arbitrarily arrested and detained.

309. The Special Rapporteur takes note of the explanations provided by the Government in its reply of 04/04/2019, concerning the follow-up undertaken regarding alleged violations and abuses by OceanaGold Corporation in the Philippines, and the general measures put in place to hold Australian business enterprises operating outside the State's territory accountable to human rights standards. In regard to the alleged intimidation of environmental defenders and indigenous leaders who oppose the mine, the Government replied that it was unaware of any link between the mining activities of OceanaGold and military operations in Nueva Vizcaya.

310. In regard to the measures put in place by the Government, the Special Rapporteur welcomes the Government's commitment to encourage businesses to implement the UN Guiding Principles on Business and Human Rights, and the OECD Guidelines for Multinational Enterprises through the activities of Australia's National Contact Point (NCP). The Special Rapporteur underscores Principle 18 of the UN Guiding Principles, which reaffirms the essential role of civil society and human rights defenders in helping to identify potential adverse business-related human rights impacts. The Commentary to Principle 26 underlines how States, in order to ensure access to remedy, should make sure that the legitimate activities of human rights defenders are not obstructed.

## Bangladesh

311. JLA 19 Dec 2018 Case no: BGD 8/2018 State reply: none to date

**Alleged rise of religious fundamentalism, which has reportedly led to extremist violence against religious minorities, human rights defenders and secular writers or media workers, as well as the fear of targeted violence against religious minorities in the context of the upcoming general elections.**

312. JLA 31 Dec 2018 Case no: BGD 10/2018 State reply: none to date

**Alleged smear campaign against human rights non-governmental organization Odhikar as well as harassment and acts of violence against its staff.**

313. JUA 29 May 2019 Case no: BGD 1/2019 State reply: none to date

**Alleged death threats and incitement to violence by a militant Islamist group against women human rights defender Ms. Sultana Kamal.**

314. JUA 10 Sep 2019 Case no: BGD 2/2019 State reply: none to date

**Allegations of retaliatory measures taken by Bangladeshi authorities against Rohingya refugees in reaction to the "Genocide Day" protest, which occurred on 25 August 2019.**

315. PR [16/09/19](#)

**Bangladesh: UN experts concerned by crackdown at Rohingya refugee camps**

316. PR [20/12/18](#)

**UN human rights experts alarmed by violence ahead of election**

317. The Special Rapporteur regrets that no reply has been received to the concerns and questions raised in the four joint communications sent during the reporting period. He urges the Government to engage in full cooperation with the mandates of the Special Procedures of the Human Rights Council.

318. The Special Rapporteur remains extremely concerned in regard to the situation of human rights defenders in Bangladesh, notably in regard to threat and attacks linked to religious extremism. Those who advocate for human rights or secularist views continue to be subjected to physical and verbal attacks by supporters of militant Islamist groups. Between February 2013 and June 2016, at least 14 human rights defenders were murdered in

Bangladesh, reportedly in connection with their human rights activities. In many cases, Muslim fundamentalist groups claimed responsibility for the acts.

319. The extreme threats faced, and the lack of effective investigation or prosecution of those allegedly responsible, have led to self-censorship amid a culture of impunity. According to information received, more than 45 of the most prominent Bangladeshi human rights defenders and writers are now dead, in exile, or have ceased writing completely. Furthermore, journalists, media and individuals expressing dissenting or critical opinion have reportedly been targeted under the Digital Security Act adopted in October 2018, and related surveillance of social media, adding to self-censorship.

320. In his communication BGD 1/2019 the Special Rapporteur highlighted the case of Ms. Sultana Kamal, which can be considered emblematic of the type of threats faced by human rights defenders in Bangladesh. Ms. Kamal, a renowned advocate for human rights in the country, has faced death threats for her work during the period covered by this report. According to the information received, the militant Islamist group Jamaat-ul-Mujahideen Bangladesh included Ms. Sultana Kamal's name on a list of targets for assassination which was widely circulated online. The document included suggestions of possible ways to kill the individuals listed.

321. The Special Rapporteur remains deeply concerned that crimes by militant Islamist groups are met with an alleged lack of investigation, and that those who have received death threats are allegedly not provided adequate protection by State authorities. He further remains concerned in regard to the impact that this violence has on the exercise of all their human rights, including their right to take part in the conduct of public affairs, their right to participate in cultural life, their freedom of expression and opinion, and their freedom of religion or belief.

322. The Special Rapporteur equally remains concerned at the situation of Rohingya refugees in Bangladesh. In his communication BGD 2/2019 the Special Rapporteur expressed specific concerns relating to an alleged backlash against refugees in the Cox's Bazar area, following the murder of a local citizen allegedly by two Rohingya refugees. The alleged backlash has included targeting of human rights defenders involved in organising an unrelated demonstration by Rohingya refugees (Genocide Day demonstration), banning of at least two international non-governmental organisations (INGOs) for financing and aiding in the organisation of "anti-repatriation groups," and suspension of the activities of multiple NGOs working in the refugee camps.

## Cambodia

323. JAL 19 Jul 2019 Case no: KHM 4/2019 State reply: 13 Sep 2019

**Alleged arbitrary arrest, detention and criminal charges of Mr. Kong Raiya and Mr. Soung Neakpaon in relation to activities seeking accountability for the killing of the political and social activist Mr. Kem Ley.**

324. PR [16/08/2019](#)

### **UN experts concerned by arrests around Kem Ley memorial service**

325. The Special Rapporteur expresses his gratitude to the Government of Cambodia for the response to his communication dated 19 July 2019. The Special Rapporteur remains concerned at the detention of these two men for having peacefully exercised their right to freedom of expression. Both men expressed opinions in relation to the killing of political and social activist Mr. Kem Ley.

326. The Special Rapporteur regrets that no progress seems to have been made in relation to the second investigation relating to the murder of activist Mr. Kem Ley, which is supposed to investigate whether other individuals may have been involved in the murder. According to information received, no individuals have been summoned in relation to the investigation. The Cambodian authorities have reportedly not implemented recommendations made by local and international organizations for an independent, transparent and impartial



investigation conducted by an independent body, or sought assistance from States and international organizations with respect to forensic analysis or data collection.

## China

327. JAL 12/04/2019 Case no: CHN 2/2019 State reply: 21/5/2019

**Allegations concerning death threats and attempted kidnappings against a human rights defender, as well as allegations of possible acts of reprisals for cooperation with the World Bank and its Inspection Panel on human rights, in relation to work documenting and denouncing human rights impacts of the ProRoutes project in the Democratic Republic of the Congo.**

328. JUA 23/04/2019 Case no: CHN 6/2019 State reply: 6/5/2019

**Allegations concerning reported acts of harassment and intimidation against human rights defender Ms. Liu Ximei, allegedly as an act of reprisals for denouncing the human rights violations against AIDS patients in rural China at the United Nations in Geneva.**

329. JAL 01/05/2019 Case no: CHN 3/2019 State reply: 21/5/2019

**Allegations concerning the arrest and detention of, and charges against, five labour rights defenders, as well as the enforced disappearance of one of them as a result of their advocacy for labour rights and better working conditions at the Jasic Technology factory in Shenzhen, and for their attempts to form a trade union.**

330. JAL 02/05/2019 Case no: CHN 4/2019 State reply: 15/05/2019

**Allegations concerning the sentencing of Mr. Benny Tai Yiu-Ting, Mr. Chan Kin-Man and Mr. Chu Yiu-Ming, along with six other human rights defenders in connection with their participation in the Umbrella Movement protests in 2014.**

331. JAL 06/05/2019 Case no: CHN 5/2019 State reply: 7/6/2019

**Allegations concerning the case of prolonged detention of nine Tibetans from Aba, in Sichuan province, who, in December 2016, were sentenced to prison for their participation in celebrations for the Dalai Lama's 80th birthday in 2015, and their advocacy for the cultural and religious rights of the Tibetan minority in China.**

332. JUA 20/05/2019 Case no: CHN 9/2019 State reply: 27/06/2019

**Allegations concerning the alleged continuing violations of the human rights of Mr. Jiang Tianyong. Mr. Jiang is a renowned human rights lawyer who represented clients in a number of high-profile cases over the last decade.**

333. JAL 17/06/2019 Case no: CHN 8/2019 State reply: none to date

**Allegations concerning the criminalisation of members of the indigenous community in Peru, Mr. Gregorio Rojas Paniura, Mr. Edison Vargas Huamanga and Ms. Nohemí Portilla Vargas. These allegations are related to their work defending the rights of indigenous peoples and the environment in the context of the mining project Las Bambas. The project is implemented by the company MMG Limited which has its headquarters in Melbourne, Australia. MMG's major shareholder is China Minmetals Corporation (CMC), a Chinese state-owned enterprise.**

334. JAL 28/06/2019 Case no: CHN 12/2019 State reply: 7/09/2019; 24/09/2019

**Allegations concerning alleged excessive use of force against peaceful demonstrators and human rights defenders, as well as alleged arbitrary arrest of individuals participating in peaceful demonstrations in Hong Kong.**

335. JUA 19/07/2019 Case no: CHN 14/2019 State reply: 20/09/2019

**Allegations concerning the alleged arbitrary detention, enforced disappearance and charging of labour rights defenders Messrs. Chengbing Ke, Zhili Wei and Zhengjun Yang.**

336. JUA 19/08/2019 Case no: CHN 16/2019 State reply: 10/10/2019

**Allegations concerning the alleged arbitrary detention and enforced disappearance of human rights defender Ms. Chen Jianfang.**

337. JAL 20/08/2019 Case no: CHN 15/2019 State reply: none to date

**Allegations concerning the alleged police intimidation and harassment since 2005 and subsequent detention on 9 December 2018 of Mr. Wang Yi and Mrs. Jiang Rong, founders of the Early Rain Covenant Church and members of a religious minority.**

338. JUA 27/08/2019 Case no: CHN 17/2019 State reply: none to date

**Allegations concerning the detention and sentencing of Mr. Huang Qi. Mr. Huang Qi was the head of the human rights organization Tianwang Human Rights Service and founder of the human rights website 64tianwang.**

339. JOL 01/11/2019 Case no: CHN 18/2019 State reply: 16/12/2019

**Comments on the effect and application of the Counter-Terrorism Law of the People's Republic of China (Counter-Terrorism Law) promulgated on 27 December 2015 effective as of 1 January 2016 and its Regional Implementing Measures, the 2016 Xinjiang Uyghur Autonomous Region Implementing Measures of the Counter-Terrorism Law of the People's Republic of China.**

340. PR [20/12/2018](#)

**China: UN human rights experts gravely concerned about Huang Qi's health**

341. PR [14/03/2019](#)

**China: UN experts renew calls for probe into death of Cao Shunli**

342. PR [12/09/2019](#)

**China/Hong Kong Special Administrative Region: UN experts urge China to respect protesters' rights**

343. PR [24/09/2019](#)

**China: Harassment of human rights lawyer Jiang Tianyong must stop, say UN experts**

344. The Special Rapporteur thanks the Government of China for its responses to ten of the thirteen communications sent during the reporting period, noting that some translations were not available at the time of publishing the report. He looks forward to receiving responses in the near future to the remaining communications sent.

345. The Special Rapporteur remains concerned at the continued use of national security legislation to prosecute human rights defenders and human rights lawyers for what appears to be the legitimate exercise of their fundamental rights and the right to defend rights. Special Rapporteurs shared their detailed concerns with the government regarding the effect and application of one such law in CHN 18/2019 (Counter-Terrorism Law, effective as of 1 January 2016). The Special Rapporteur thanks the Government for its reply, and looks forward to receiving the translation.

346. The use of "residential surveillance in a designated location" (RSDL) to detain human rights defenders in locations unknown to their families and lawyers was flagged as an issue of concern in the previous report – unfortunately its usage in this context has continued. RSDL is a form of detention reserved for national security offences, terrorism and instances of major bribery. The Special Rapporteur reiterates that the secretive conditions of detention for those under RSDL and lack of sufficient oversight increase the possibility that torture and other forms of ill-treatment may occur.

347. The Special Rapporteur remains concerned by the prosecution and harsh sentencing of those exercising their rights to freedom of expression, peaceful assembly and association, under charges such as "picking quarrels and provoking trouble" (article 293 of the Criminal Law). The Special Rapporteur regrets the lack of substantive reply to the allegations contained in communication CHN 3/2019 relating to purported violation of the right of

association at the Jasic Technology factory in Shenzhen. The Government's reply fails to address the allegation that the company in question sabotaged the efforts of a group of employees to form a trade union, or that it orchestrated beatings of these same employees on its premises before summarily dismissing them and barring them from the premises. The Government's reply focuses only on the resulting attempts to re-enter the factory, also failing to address the serious allegations relating to violations of due process during their subsequent detention.

348. The Special Rapporteur acknowledges the Government's replies to two communications relating to the treatment of protesters in Hong Kong, the first concerning the sentencing of Mr. Benny Tai Yiu-Ting, Mr. Chan Kin-Man and Mr. Chu Yiu-Ming, along with six other human rights defenders in connection with their participation in pro-democracy protests in 2014 (so-called "umbrella movement"), and the second concerning the protests against the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation Bill in 2019. The Special Rapporteur acknowledges the Government's focus on legitimate restrictions to the right to freedom of peaceful assembly, and assurances regarding the proportionality of force used by police authorities. Notwithstanding the above, The Special Rapporteur wishes to recall article 20 of the Universal Declaration of Human Rights (UDHR) which provides that "[e]veryone has the right to freedom of peaceful assembly and association."

349. The Special Rapporteur regrets the absence of a State reply to communication 15/2019 and remains extremely concerned about the situation Mr. Wang Yi and Ms. Jiang Rong, co-founders of the Early Rain Covenant Church, a small protestant church belonging to a religious minority. Further to their refusal to register the church as an official religious institution, Mr. Wang Yi and Ms. Jiang Rong appear to have been convicted in connection to their peaceful exercise of their right to freedom of religion, opinion and expression, and for their right to profess and practice their religion in community with other members of a group, in a peaceful manner, in violation of articles 18, 19, and 27 of the International Covenant on Civil and Political Rights (ICCPR). Furthermore, the Special Rapporteur remains extremely concerned at the allegation that they have been subjected to secret detention under the above-mentioned RSDL provisions and refused access to legal counsel.

350. The Special Rapporteur reiterates his concern regarding Mr. Huan Qi, head of human rights organisation Tianwan Human Rights Service and founder of the human rights website 64tianwang. The Special Rapporteur regrets no reply has been received to date in regard to communication CHN 17/2019.

351. The Special Rapporteur would like to request the Government of China to share updated information on any eventual sentencing of the three defenders mentioned in CHN 15/2019 and CHN 17/2019.

352. Concerning the case of human rights lawyer Mr Jian Tianyong, the Special Rapporteur acknowledges the Government's response but regrets that no attempt is made to substantively address the allegations of harassment and other violations since his release from prison, or to provide answers to the questions posed. The Special Rapporteur notes with alarm the dwindling numbers of human rights lawyers in China who are still able to practice their profession, and links this to the systematic targeting of human rights lawyers by Government authorities.

353. The Special Rapporteur thanks the Government for its reply regarding the allegations of human rights violations linked to the ProRoutes road-building project in Democratic Republic of Congo (CHN 2/2019). The Special Rapporteur wishes to reiterate that both the Government of China and the Chinese company involved have a responsibility to ensure that such projects are implemented in line with international human rights standards even when they are implemented in extra-territorial jurisdictions. The Special Rapporteur recalls the provisions of the Guiding Principles on Business and Human Rights. These include a responsibility to prevent or mitigate adverse human rights impacts that are linked to operations through business relationships, even if the company has not contributed to those impacts (Guiding Principle 13), and to put in place redress processes which are available to alleged victims (Guiding Principle 15). The Special Rapporteur similarly reiterates his

concern at the apparent criminalisation of indigenous protesters seeking to assert their rights in the context of the Las Bambas mining project in Peru, in which a Chinese company is a major stakeholder (CHN 8/2019).

## India

354. JUA 11/12/2018 Case no: IND 27/2018 State reply: none to date

**Allegations concerning the extrajudicial executions of 15 Muslim individuals, in Uttar Pradesh between 2017 and 2018, allegedly killed intentionally by the Police whilst in their custody and then covered up as encounter killings; the failure to conduct adequate investigations into these cases; the harassment and intimidation of two human rights defenders, involved in promoting an investigation of the cases namely Mr. Rajeev Yadav and Mr. Akram Akhtar Chaudhary, as well as of family members of victims; and statements from state government and police officials seemingly inciting, justifying and/or sanctioning the killings.**

355. JAL 18/12/2018 Case no: IND 28/2018 State reply: 30/12/2019

**Allegations concerning the recent raids on the offices of Greenpeace India and Amnesty International India by members of Enforcement Directorate, as well as the freezing of Amnesty International India's bank account for allegedly violating the Foreign Contribution (Regulation) Act (FCRA) and levelling accusations against Greenpeace India of violating the Foreign Exchange Management Act (FEMA), and allegations concerning a smear campaign targeting Amnesty International India.**

356. JUA 21/12/2018 Case no: IND 30/2018 State reply: 27/12/2019

**Allegations concerning the situation of Dr. G. N. Saibaba with respect to his detention, lack of reasonable accommodation and lack of access to healthcare while in custody.**

357. JUA 16/01/2019 Case no: IND 1/2019 State reply: none to date

**Allegations concerning the attack on the indigenous peoples' defenders Ms. Agnes Kharshiing, Ms. Amita Sangma and Mr. E. Kurbah on 8 November 2018 in East Jaintia Hills, approximately 120 kilometres from state capital Shillong, Meghalaya State.**

358. JUA 02/04/2019 Case no: IND 9/2019 State reply: 30/12/2019

**Allegations concerning the alleged enforced disappearance of the environmental human rights defender Mr. Shanmugam Thangasamy also known as RS Mugilan, following his participation in a press conference during which he denounced the involvement of senior police officials in the killing of 13 persons on 22 May 2018 during a protest opposing the environmental pollution caused by the Sterlite Copper Smelting Plant in Thoothukudi.**

359. JUA 08/04/2019 Case no: IND 10/2019 State reply: 27/12/2019

**Allegations concerning the degrading situation of human rights defender Dr. G.N. Saibaba with respect to his detention, lack of reasonable accommodation and lack of access to appropriate healthcare while in custody.**

360. JAL 15/07/2019 Case no: IND 15/2019 State reply: none to date

**Allegations concerning the initiation of criminal proceedings against Mr. Anand Grover, Ms. Indira Jaising and the human rights NGO Lawyers Collective.**

361. JUA 16/08/2019 Case no: IND 16/2019 State reply: none to date

**Allegations concerning severe restrictions on freedom of expression and freedom of peaceful assembly and of association imposed during the past week in the state of Jammu and Kashmir, as well as the arbitrary arrests and detention of political figures, journalists, members of civil society and human rights defenders in the state, and violations to the right to life.**

362. JAL 28/08/2019 Case no: IND 17/2019 State reply: none to date

**Allegations concerning the continued judicial proceedings against and arbitrary detention of ten human rights defenders promoting the rights of the Dalit minority, and the house arrests of five of them.**

363. JAL 11/09/2019 Case no: IND 18/2019 State reply: none to date

**Allegations concerning the suspension of registration of the human rights organisation Centre for Social Development, and the surveillance, threats and attacks against its staff and their family members, including a recent attempted shooting of the daughter of the organisation's secretary, which appears to be linked to his work in defence of human rights and his engagement with the UN in the field of human rights.**

364. PR [11/01/2019](#)

**India: UN experts alarmed by alleged police killings in Uttar Pradesh**

365. PR [22/08/2019](#)

**UN rights experts urge India to end communications shutdown in Kashmir**

366. The Special Rapporteur thanks the Government of India for its replies to four of the ten communications sent during the reporting period, plus an additional reply received to communication IND 10/2018 sent during the previous reporting period. The Special Rapporteur welcomes this positive step of the Government of India, in responding substantively to the questions and concerns posed to some of the communications received, which reflects an increased cooperation with the mandates of the Special Procedures of the Human Rights Council. He also thanks the Government for the responses received this year to communications IND 10/2018, IND 12/2018 and IND 15/2018, which were sent during the previous reporting period. The Special Rapporteur urges the Government of India to engage fully with the mandates by responding to all communications, including those pending from the current reporting period.

367. The communications sent by the Special Rapporteur during the reporting period reveal a continued pattern of alleged violations and attacks against human rights defenders in the country, including allegations of violations committed by State authorities, or in collusion with State authorities.

368. The Special Rapporteur expresses his continued concern over the use of national security legislation, including the Unlawful Activities Prevention Act (UAPA), to arrest, detain and charge a number of human rights defenders, notably those who represent minority rights and marginalised communities, including *Dalit* (formerly 'Untouchable') and *adivasi* (indigenous) minorities.

369. The Special Rapporteur thanks the Government for its reply concerning the case of Dr. G. N. Saibaba (IND 30/2018 and IND 10/2019, and IND 15/2018 from the previous reporting period), a human rights defender sentenced under the UAPA to life imprisonment in 2017 on charges of being a member of the banned Communist Party of India; opposing industrial development in Gadchiroli, Maharashtra, and "waging war against the state". Dr. Saibaba is a wheelchair user with severe disabilities, who has a spinal disorder and polio since the age of five. The Special Rapporteur acknowledges the Government's assurances that appropriate measures have been taken to ensure Dr. Saibaba is able to access the necessary health treatment, but remains concerned at his conditions of detention and the reported continuing deterioration of Dr. Saibaba's state of health. In another example of the use of the UAPA against rights defenders, the Special Rapporteur reiterates his concern at the judicial proceedings and arbitrary detention of the ten human rights defenders who are the subject of communication IND 17/2019, which appear to be directly related to their work in defence of human rights, including minority rights and the rights of the Dalit (formerly 'Untouchable') community in particular.

370. The Special Rapporteur reiterates his concerns at the highly detrimental impact of the Foreign Contribution (Regulation) Act (FCRA), which has been increasingly used to obstruct Indian civil society's access to international funding. The application of this law seems to be designed to stigmatise and obstruct the legitimate and important work of human rights and

environmental organizations in India. In regard to the allegations concerning the Government's actions against Greenpeace India and Amnesty India, the Special Rapporteur thanks the Government for its reply, dated 30 December 2019, which states that these two organisations have been assessed to have violated the FCRA and that the matter remains under investigation. The Government's reply nonetheless fails to address many of the concerns raised in IND 28/2018, including in regard to the substance of the FCRA, a law that Special Rapporteurs have previously considered to be incompatible with international human rights standards.

371. The FCRA has been used in other cases of alleged repression of individual human rights defenders and NGOs during the reporting period, notably in relation to the human rights NGO Lawyers Collective (IND 15/2019), and the Centre for Social Development (IND 18/2019), which works to defend the rights of indigenous peoples in North East India. The Special Rapporteur expresses particular concern at the ongoing intimidation against CSD's staff and their family members, including a recent attempted shooting of the daughter of CSD's Secretary, which appears to be linked to his work in defence of human rights and his engagement with the UN in the field of human rights.

372. The Special Rapporteur regrets the lack of response to his communication (IND 1/2019) regarding the attack committed against indigenous peoples defenders Ms. Agnes Kharshiing, Ms. Amita Sangma, and Mr. E. Kurbah, in East Jaintia Hills, Meghalaya state. While a number of individuals were arrested, it appears no one has been convicted for this brutal mob attack which appears to have been an orchestrated attack. The attack seems to fit a pattern of violent attacks and murders committed against those seeking to halt illegal mining activities in the area.

373. The Special Rapporteur remains gravely concerned by the alleged extrajudicial executions of 15 Muslim individuals by the police in the State of Uttar Pradesh (IND 27/2018), in the form of "fake encounter killings". He also deplores the alleged harassment and threats against family members of those killed, and human rights defenders working on these and other similar cases, namely Mr. Rajeev Yadav and Mr. Akram Akhtar Chaudhary.

374. Regarding communication IND 9/2019 which relates to the alleged enforced disappearance of the environmental human rights defender Mr. Shanmugam Thangasamy (also known as RS Mugilan), the Special Rapporteur acknowledges the Government's letter dated 30 December 2019, which is presented as a reply to this and another communication (IND 12/2018), although it fails to address the case of Mr. Thangasamy.

375. Among the multiple allegations of grave human rights abuses in the former state of Jammu and Kashmir raised by Special Rapporteurs in their Joint Communication IND 16/2019, following the revocation of its special autonomous status and subsequent bifurcation in August 2019, numerous human rights defenders have reportedly been arbitrarily detained. The Special Rapporteur regrets the absence of a Government reply to this communication to date.

376. The allegations sent during the reporting period appear to indicate a pattern of repression which aims to silence human rights defenders who legitimately carry out their human rights work, particularly those working on environmental, indigenous, and religious minority issues. The Special Rapporteur calls on the Government of India to take the necessary measures to provide an enabling and safe environment for human rights defenders to carry out their work, and ensure that any violations of their rights are vigorously prosecuted.

## Indonesia

377. JAL 06/02/2019 Case no: IDN 1/2019 State reply: none to date

**Allegations concerning the alleged failure to protect against human rights abuses linked to coal mining operations in East Kalimantan Province, including violations of rights to life, to water and sanitation, to food, and to a clean and safe environment.**

378. JAL 18/02/2019 Case no: IDN 3/2019 State reply: 8 Mar 2019

**Allegations concerning the use of a snake by the police in Papua, while interrogating an indigenous Papuan minor.**

379. JAL 15/03/2019 Case no: IDN 4/2019 State reply: 29/03/2019

**Allegations concerning the arson attack against, and attempted murder of environmental rights defender Mr. Murdani and members of his family by unknown assailants.**

380. JAL 04/09/2019 Case no: IDN 7/2019 State reply: 12/09/2019

**Allegations concerning an Internet shutdown in West Papua and acts of harassment and threats against journalist Mr. Victor Mambor and lawyer Ms. Veronica Koman, who have been reporting on the shutdown and the protests.**

381. JAL 20/11/2019 Case no: IDN 8/2019 State reply: 21/11/2019

**Allegations concerning allegations of excessive use of force against and killings of indigenous Papuans by the police, military and civil militia in the context of large demonstrations which took place in the provinces of Papua and West Papua, and the displacement of thousands of people due to security operations in the area.**

382. PR [21/02/2019](#)

**Indonesia: UN experts condemn racism and police violence against Papuans, and use of snake against arrested boy**

383. PR [16/09/2019](#)

**Indonesia must protect rights of Veronica Koman and others reporting on Papua and West Papua protests - UN experts**

384. The Special Rapporteur thanks the Government of Indonesia for its responses to four of the five communications sent during the reporting period, and looks forward to receiving a response to the communication sent on 6 February 2019 concerning the alleged failure to protect against human rights abuses linked to coal mining operations in East Kalimantan Province, and alleged harassment and attacks against JATAM (Mining Advocacy Network), an environmental non-governmental organisation, for denouncing this situation.

385. The Special Rapporteur remains concerned in regard to the alleged death threats against and attempted murder of environmental human rights defender Mr. Murdani, related to his work opposing illegal sand mining activities in the Menemeng, Bilebante and Pringgarata subdistricts, the Central Lombok regency, and West Nusa Tenggara province. The Special Rapporteur thanks the Government for its initial reply indicating that a comprehensive response would be forthcoming, but regrets that no such response has been received to date.

386. The Special Rapporteur expresses concern that these cases reflect a broader pattern of human rights violations against local communities and their representatives seeking to protect the right to a safe and healthy environment.

387. The Special Rapporteur remains deeply concerned by the human rights situation in the provinces of Papua and West Papua, which has become increasingly tense in recent months, following an incident in the city of Surabaya in the province of East Java, where nationalist groups attacked a dormitory of Papuan students in a racially motivated attack. Since this event, numerous demonstrations denouncing racism and demanding self-determination have been taking place in the country, with some resulting in violent clashes between security forces and protesters.

388. The Special Rapporteur remains concerned at the reported acts of harassment, intimidation and threats against Mr. Victor Mambor and Ms. Veronica Koman, reported in the communication dated 4 September 2019, which appeared to have the purpose of discrediting and intimidating them into ending their reports on the ongoing protests. The Special Rapporteur thanks the Government for its replies dated 12 September and 21 November 2019, in which regret is expressed that remedy was not sought through existing domestic channels, and in which the Government maintains that sufficient evidence was

available to investigate Ms. Koman in relation to alleged spreading of fake news, inciting hate and provoking riots.

389. The Special Rapporteur remains concerned at allegations of harassment of and threats against those defending the rights of indigenous peoples in West Papua, such as members of the National Committee for West Papua (Komite Nasional Papua Barat or KNPB). The Special Rapporteur regrets that these allegations were not addressed in the Government's above-mentioned reply of 21 November 2019.

390. The Special Rapporteur expresses concern that the latest incidents, including the alleged excessive use of force by police in response to protests, take place in a broader context of increasing police and military presence and use of force in the region, in which the Papuan community faces structural racism and intolerance, as highlighted in previous communications sent to your Excellency's Government.

### **Iran (Islamic Republic of)**

391. JUA 25 Jan 2019 Case no: IRN 1/2019 State reply: 15/04/2019

**Allegations of enforced disappearance, detention and torture of Mr. Esmail Bakhshi and Ms. Sepideh Gholian, in relation to the exercise of their right to freedom of thought and opinion and the exercise of their rights to freedom of expression, assembly and association.**

392. JUA 14 /5/ 2019 Case no: IRN 5/2019 State reply: 2/07/2019; 4/11/2019

**Allegations of enforced disappearance and arbitrary detention of human rights defenders Ms. Yasaman Aryani, Ms. Monireh Arabshahi and Ms. Mojgan Keshavarz in relation to their activities promoting women's rights.**

393. JUA 18 June 2019 Case no: IRN 6/2019 State reply: none to date

**Allegations concerning the deteriorating health situation of the detained human rights defender and journalist, Ms. Narges Mohammadi, currently serving a 16-year prison sentence in Evin Prison.**

394. JUA 15 Jul 2019 Case no: IRN 8/2019 State reply: 13/09/2019

**Allegations concerning the continued detention and lack of access to medical treatment of poet, writer and activist Mr. Abbas Lisani, in relation to the exercise of his right to freedom of expression.**

395. PR [16/01/2019](#)

**Iran: Prisoners Nazanin Zaghari-Ratcliffe and Narges Mohammadi need appropriate health care urgently – UN experts**

396. PR [14/03/2019](#)

**Iran: UN experts "shocked" at lengthy prison sentence for human rights lawyer Nasrin Sotoudeh**

397. PR [10/07/2019](#)

**Iran: Urgent medical treatment needed for detainees with life-threatening conditions – UN experts**

398. PR [16/08/2019](#)

**Iran: Release women jailed for protesting against compulsory wearing of veil, say UN rights experts**

399. The Special Rapporteur thanks the Government for its replies to the joint communications sent during the reporting period, but regrets that no reply has been received yet to the joint communication sent on 18 June 2019 concerning the deteriorating health situation of the detained human rights defender and journalist, Ms. Narges Mohammadi.



400. The Special Rapporteur remains concerned at reports of failure to ensure due process, notably in regard to access to legal counsel, and the use of national security legislation to prosecute citizens for exercising their rights to freedom of opinion, expression and peaceful assembly. The Special Rapporteur also remains concerned by conditions of imprisonment for human rights defenders in Iran. Allegations of torture, ill-treatment and denial of access to medical care continue to be reported.

401. Concerning the cases of Mr. Esmail Bakhshi and Ms. Sepideh Gholian, the Special Rapporteur thanks the Government for its reply dated 15 April 2019. The Special Rapporteur remains concerned at the allegations of torture and ill-treatment during detention, linked to their participation in a peaceful protest denouncing alleged unpaid wages and violations of labour rights of employees of a sugarcane company in Khuzestan Province.

402. The Special Rapporteur reiterates his serious concern at the continuing arbitrary detention and deteriorating health condition of Ms. Narges Mohammadi as a result of the alleged denial of appropriate medical care, particularly in light of a reported serious infection following surgery. Ms. Mohammadi is currently serving a 16-year prison sentence for “membership in the Step by Step to Stop the Death Penalty group”, “collusion and assembly against national security” and “spreading propaganda against the system”.

403. The Special Rapporteur remains concerned at the continued targeting of women human rights defenders and those advocating for women’s rights. The cases of Ms. Yasaman Aryani, Ms. Monireh Arabshahi and Ms. Mojgan Keshavarz are emblematic of other similar cases of women’s rights advocates detained and charged on national security-related charges for promoting women’s rights, including by protesting against the compulsory wearing of the hijab veil. The Special Rapporteur acknowledges the Government’s reply dated 14 November 2019 in which the sentences handed down to the three women are stated (respectively 16, 16 and 23 years). The Special Rapporteur is deeply disturbed by the disproportionate length of these sentences and remains concerned at the use of repressive legislation to criminalize the exercise of freedom of expression and peaceful assembly in ways that are incompatible with Iran’s obligations under international human rights law.

## Japan

404. JAL 10/09/2019 Case no: JPN 4/2019 State reply: 09/12/2019

**Information received concerning the alleged criminal complaint of extortion against Mr. Walter Dionicio Sánchez Ramos, which appears to be linked to his work in defence of the human rights of workers and families affected by the activities of the Japanese company Furukawa Plantaciones C.A. in Ecuador.**

405. The Special Rapporteur expresses his thanks to the Japanese government for the response received to the communication sent on 10 September 2019.

406. The Special Rapporteur remains deeply concerned by the actions of Japanese company Furukawa Plantaciones C.A. in Ecuador. The Special Rapporteur takes note of the response provided by the Government of Japan to the letter of allegation, and its elaboration on remedies available and measures taken to encourage Japanese companies’ ethical operations abroad. However he expresses his concern regarding the lack of response provided to the specific case of Furukawa Plantaciones C.A., particularly considering the seriousness of the allegations it is facing, which includes, but is not limited to, absence of employment contracts, inhumane working conditions, servitude and child labour.

407. The Special Rapporteur also notes with concern that the Government failed to make reference to Mr. Walter Dionicio Sánchez Ramos in their response dated 9 December 2019. Mr. Ramos is a human rights defender and lawyer who has received threats from the company in response to his representation of more than 400 persons whose rights have been allegedly violated. We would like to remind the Government of Japan of Human Rights Council resolution 13/13, which urges States to put an end to and take concrete steps to prevent threats, harassment violence and attacks by States and non-State actors against all those engaged in the promotion and protection of human rights and fundamental freedoms. As per General Recommendation 24 (2017) of the Committee on the Economic, Social and Cultural

Rights, this includes the responsibility of the state to redress infringements that occur outside of their territories, due to the activities of business entities over which they can exercise control.

## Lao People's Democratic Republic

408. JUA 25/09/2019 Case no: LAO 2/2019 State reply: 17/01/2020

### **Allegations concerning the alleged enforced disappearance of Mr. Od Sayavong.**

409. PR [1/10/2019](#)

### **UN experts concerned by disappearance of Lao human rights defender**

410. The Special Rapporteur thanks the Government of Lao People's Democratic Republic for its reply to communication LAO 2/2019, concerning Lao human rights defender Od Sayavong. The Special Rapporteur takes note of the Government's reported efforts to obtain information on the cases but is troubled by the Government's assertion that no one knows where Mr. Od was living at the time of his disappearance, since this element was clearly related in the communication sent by Special Rapporteurs to the Government. Information reported in the communication states that Mr. Od was living in Thailand under refugee status granted by UNHCR and describes how Thai authorities had shown CCTV footage of Mr. Od's residence on the day of his disappearance to two of his housemates in Bangkok at the Bueng Kum police station in Bangkok on 4 September 2019.

411. The Special Rapporteur expresses grave concern about the alleged enforced disappearance of Mr. Od, which appears to be directly linked to his peaceful activities in defence of human rights. He is further concerned that Mr. Od may be at risk of forcible repatriation to the Lao People's Democratic Republic, where he may face significant risks, given persistent reports of arbitrary arrests, trial without due process, and criminal convictions for criticism of authorities or policies, as well as consistent reports of punishment amounting to torture and ill-treatment, a number of alleged victims of enforced disappearances, the lack of a legal framework criminalizing all acts of enforced disappearance, and a pattern of impunity for such acts (Human Rights Committee, Concluding observations on the initial report of the Lao People's Democratic Republic, 23 November 2018, CCPR/C/LAO/CO/1, paragraphs 19, 23, 33). UNHCR's recognition of Mr. Od as a refugee indicates that he faces a well-founded fear of death or persecution in the Lao People's Democratic Republic.

412. Furthermore, given that Mr. Od met with the Special Rapporteur on extreme poverty and human rights in Bangkok in March 2019, concern is expressed that his cooperation with the Special Rapporteur may have possibly contributed to his alleged disappearance. Should this be the case, it may be considered as an act of reprisal for Mr. Od's cooperation with the UN on human rights.

## Malaysia

413. JAL 10/05/2019 Case no: MYS 2/2019 State reply: 24/01/2020

### **Allegations concerning investigations into the organisers of a women's day march in Kuala Lumpur under the Sedition Act, and the summoning for questioning of LGBT+ human rights defender Mr. Numan Afifi in connection with his participation in the 40th session of the Human Rights Council in Geneva.**

414. The Special Rapporteur thanks the Government of Malaysia for its response to communication MYS 2/2019.

415. With regards to the alleged investigations into organisers of the International Women's Day march in Kuala Lumpur under the Sedition Act 1948 and the Peaceful Assembly Act 2012, the Special Rapporteur acknowledges the Government's denial that investigations took place under this legislation, but regrets the lack of any further information regarding the legal basis upon which they were investigated. The use of sedition legislation

in order to criminalise the rights to freedom of expression and peaceful assembly would constitute an unwarranted and disproportionate attack on these rights and may have severe repercussions on civic space in the country.

416. The Special Rapporteur remains concerned about alleged statements made by the Minister in the Prime Minister's Department for Religious Affairs regarding the "misuse of democratic space" during the march, which are not addressed in the Government's reply. The Special Rapporteur reasserts that the rights to freedom of expression and peaceful assembly belong to all persons, regardless of their gender, sexual orientation and gender identity. Such statements, especially when made by public officials, may foster a climate in which discrimination and violence based on gender, sexual orientation and gender identity are condoned and perpetrated with impunity.

417. Further concern is expressed over alleged intimidation and threats of criminalisation against Mr. Numan Afifi in relation to his participation the 40th session of the Human Rights Council in Geneva, which may constitute an act of reprisal for his cooperation with UN human rights mechanisms. The Special Rapporteur takes note of the Government's justification for calling Mr. Afifi for questioning following his participation in the above-mentioned Human Rights Council session, which is based on his having been sat in close proximity to someone who reportedly made a remark of which the Government disapproves, in relation to sexual orientation and gender identity. The Special Rapporteur finds this explanation deeply unsatisfactory. Acts of reprisal against human rights defenders for their interaction with UN human rights mechanisms are condemned in the strongest possible terms. The Special Rapporteur underscores that the participation of human rights defenders and civil society organisations is vital for the ability of UN human rights mechanisms to carry out their mandated functions, and acts of reprisal seriously jeopardise these interactions.

## Maldives

418. JAL 07/11/2019 Case no: MDV 1/2019 State reply: 15/01/2020

**Allegations concerning the decision to dissolve the human rights organisation Maldivian Democracy Network, as well as the intensified online harassment, intimidation and threats against its staff members, including Ms. Shahindha Ismail and Mr. Mushfiq Mohamed.**

419. The Special Rapporteur thanks the Government of the Maldives for its response to communication MDV 1/2019.

420. The Special Rapporteur remains seriously concerned about the launching of investigations against the Maldivian Democracy Network (MDN), the recent decision to dissolve the organisation, as well as the intensified online harassment, intimidation and threats, including a death threat, against Ms. Ismail, Mr. Mohamed and other MDN staff. These acts appear to be directly linked to their exercise of the rights to freedom of thought, conscience, and expression in advocating for deradicalization and religious tolerance in the Maldives, notably in relation to a report MDN published in 2016, entitled "Preliminary Assessment of Radicalisation in the Maldives".

421. While acknowledging the Government's reply that a thorough investigation was carried out prior to confirming the dissolution of MDN, and that the investigation found the content of the aforementioned report to incompatible with the Islamic character of the Maldivian State, specific concerns are raised that the investigation and the decision to dissolve the organisation are based on repressive legislation which is incompatible with the Maldives' obligations under international human rights law.

422. The Special Rapporteur is further concerned at statements made by the authorities undermining freedom of expression by condemning what is deemed to be "anti-Islamic" speech, and overstressing the need to "protect" religion from "blasphemy". He also reiterates his concerns about increased religious intolerance in the country and increased online and offline attacks against individuals who express liberal or independent views. His concerns are strengthened by the chilling effect these acts have on the exercise of the right to freedom

of expression in the Maldives, in particular when exercised by the media, civil society organizations, human rights defenders and in general those voicing dissent.

## Mongolia

423. JOL 14/05/2019 Case no: MNG 1/2019 State reply: N/A

**Allegations concerning the amendments to the Law on the Legal Status of Judges and the Law on Public Prosecutor's Office, which introduce a new procedure for the dismissal of judges and heads of the prosecution service on the basis of a recommendation from the National Security Council of Mongolia.**

424. PR [26/04/2019](#)

**UN expert to visit Mongolia to assess situation of human rights defenders**

425. PR [13/05/2019](#)

**Mongolia: UN expert warns against setbacks in rule of law and shrinking space for civil society**

426. End of Mission Statement [13/05/2019](#)

**End of mission statement by the Special Rapporteur on the situation of human rights defenders**

427. In relation to the allegations outlined in his communication dated 14 May 2019, the Special Rapporteur remains concerned that the recent amendments to national legislation on the judiciary and prosecution service fall short of international standards relating to the independence of the judiciary, the autonomy of the prosecution service and the separation of powers. He expresses his continued concern about the wide discretionary powers that the Head of State retains in the appointment of judges, heads of the prosecution service, members and president of the Judicial General Council, and members and president of the Judicial Ethics Committee. The Special Rapporteur encourages the Government to address the concerns raised in his communication and implement the recommendations made therein.

428. The Special Rapporteur thanks the Government for the invitation to visit the country and for the cooperation extended before and during the visit, which took place from 30 April to 13 May 2019. The Rapporteur's preliminary observations and recommendations following the conclusion of his visit are available on the Special Rapporteur's website at this link and copied above. The Special Rapporteur reiterates his availability to provide technical assistance and support and to follow up on the recommendations after his visit in order to contribute to the creation of a safe and enabling environment for human rights defenders, in particular with regard to the adoption of a comprehensive draft law on the protection of human rights defenders in Mongolia.

## Myanmar

429. JAL 26/12/2018 Case no: MMR 6/2018 State reply: 4 Mar 2019; 25 Mar 2019

**Allegations concerning Mr. Aung Ko Htwe, a human rights defender and former child soldier in the Tatmadaw, who was allegedly convicted for speaking to the media about being a child soldier and for insulting a judicial officer.**

430. JAL 10/05/2019 Case no: MMR 4/2019 State reply: none to date

**Allegations regarding Min Htin Ko Ko Gyi, a prominent film director, who has been arrested and detained under section 505(a) of the Penal Code and section 66(d) of the Telecommunications Law.**

431. JAL 14/06/2019 Case no: MMR 5/2019 State reply: 15/08/2019

**Allegations regarding Mr. Aung Marm Oo, human rights defender and the editor-in-chief and executive director of the Development Media Group (DMG) in**

**Rakhine State, who has been charged under section 17(2) of the Unlawful Associations Act 1908.**

432. JAL 26/09/2019 Case no: MMR 9/2019 State reply: 7/11/2019; 27/11/2019

**Allegations concerning the arrest and detention of minority rights defenders Khu Kyue Phe Khel, Dee De, Myo Hlaing Win, Khun Thomas, Khun John Paul and Khu Ree Du, members of the Karenni ethnic minority.**

433. JAL 15/11/2019 Case no: MMR 13/2019 State reply: none to date

**Allegations concerning Mr. Than Hla who has been arrested and charged with offences under section 19 of the Right to Peaceful Assembly and Peaceful Procession Law 2012.**

434. The Special Rapporteur thanks the Government for its replies to three of the five communications sent during the reporting period, but regrets the absence of replies to the other two letters.

435. The cases raised by the Special Rapporteur follow a pattern in which citizens have been charged and convicted for exercising their rights to freedom of expression, association and assembly, under a raft of overly broad laws, such as section 505 of the Penal Code. Furthermore, sentences have been disproportionate in terms of duration but also in some cases have included hard labour.

436. The cases of Mr. Aung Ko Htwe (MMR 6/2018) and Mr Min Htin Ko Ko Gyi (MMR 4/2019) are emblematic of the disproportionate response by Myanmar authorities to the exercise of these rights. Mr. Aung Ko Htwe was sentenced for two years with hard labour for having criticised the military for his forced recruitment as a child soldier at the age of 13. Prominent filmmaker and human rights defender Mr Min Htin Ko Ko Gyi was sentenced to one year in prison on 29 August 2019 for having made statements online which were critical of the military-drafted 2008 Constitution and the military's role in politics. The Special Rapporteur would like to remind the Government that criminal sanctions, in particular imprisonment, for libel and defamation are not deemed proportional with an effective exercise of the right to freedom of opinion and expression

437. The Special Rapporteur reiterates his serious concern at the charge filed against Mr. Aung Marm Oo under the Unlawful Association Act. The charge appears to be laid in relation to him carrying out his professional duties as editor-in-chief of DMG, a news outlet reporting information about the conflict in Rakhine State which is of high public interest. This is particularly problematic in circumstances where media access to the conflict affected areas of Rakhine State is extremely restricted. The charge represents a criminalization of media freedom in Rakhine State and Mr. Aung Marm Oo's exercise of freedom of expression and association.

438. These cases continue the worrying trend of undue restrictions to fundamental public freedoms in Myanmar, in what appears to be a crackdown on any form of dissent or expression of opinions which are viewed unfavourably by authorities, particularly the military. Furthermore, we are seriously concerned for the health of Mr. Min Htin Ko Ko Gyi who is detained while suffering from liver cancer.

439. Authorities in Myanmar are continuing to use a range of oppressive laws to arrest, detain and prosecute peaceful political activists, critics, and human rights defenders, such as the Peaceful Assembly and Peaceful Procession Law, which are not in line with international human rights law.

## **Nepal**

440. JOL 15/07/2019 Case no: NPL 2/2019 State reply: 17/01/ 2020

**Allegations concerning an amendment bill to revise the existing act of the National Human Rights Commission (NHRC) Act-2012, potentially severely undermining the NHRC's authority, effectiveness and independence and limiting the Nepali people's ability to access justice.**

441. The Special Rapporteur thanks the Government for its thorough reply dated 17 January 2020, in relation to concerns about a draft bill to amend the National Human Rights Commission (NHRC) Act-2012, notably in regard to the apparent discretionary power held by the Attorney General over NHRC recommendations for prosecution of individuals implicated in human rights violations. The Special Rapporteur acknowledges the Government's reply which highlights the constitutional provisions upon which the Attorney General's discretionary powers are based in this regard. The Special Rapporteur takes note of the Government's assurance that the bill is designed to make the NHRC more effective by removing procedural gaps in the course of implementation of its recommendations.

442. Notwithstanding this assurance, and in particular taking into account the extremely low rate of implementation of human rights related recommendations of the NHRC, the Special Rapporteur calls on the Government to ensure that the new requirements do not negatively affect the ability of victims of human rights violations, their families, and human rights defenders to access justice in Nepal.

## Pakistan

443. JUA 15/04/2019 Case no: PAK 2/2019 State reply: none to date

**Allegations concerning death threats against journalist Ms Marvi Sirmed stemming from the dissemination of fabricated accusations against her online.**

444. JUA 29/05/2019 Case no: PAK 4/2019 State reply: 25/06/2019

**Allegations concerning the alleged imminent risk to the life of two female human rights defenders, Ms. Gulalai Ismail and Ms Sanna Ejaz who are working on the rights of ethnic Pashtuns in Pakistan and who have received death threats. Reportedly, Ms. Gulalai Ismail has also been included on a 'kill list' and is facing charges linked to her human rights work.**

445. JUA 26/07/2019 Case no: PAK 6/2019 State reply: 30/09/2019

**Allegations concerning the detention of women's human rights defender Ms. Gulalai Ismail, criminal legal proceedings against her, as well as the harassment of her family members and friends through house-raids, the opening of criminal proceedings against her parents, allegations of torture of her associates and the suspension of the NGO Aware Girls.**

446. JAL 11/11/2019 Case no: PAK 8/2019 State reply: 09/01/2020

**Allegations concerning the arbitrary detention and prosecution of Mr. Muhammad Ismail, the father of women's human rights defender Ms. Gulalai Ismail.**

447. The Rapporteur thanks the Government of Pakistan for the replies received to the four communications and he encourages the Government to fully engage with Special Procedures by responding to the questions raised in PAK 2/2019.

448. The Special Rapporteur notes with concern the lack of safe and enabling environment for women human rights defenders (WHRDs) to carry out their work in this year's reporting period, with all four communications raising concerns for threats to WHRDs.

449. The Special Rapporteur expresses his continued concern for the safety of journalist Ms. Marvi Sirmed. A fabricated news story which was allegedly linked to Ms. Sirmed was widely distributed on social media, resulting in the woman human rights defender receiving multiple death threats and intimidations. The Special Rapporteur is further concerned about the responsiveness of the Pakistan Federal Investigative Agency, who did not acknowledge receipt of Ms. Sirmed's complaint for over two weeks after the alleged incident was reported. The Special Rapporteur is concerned that Ms. Sirmed is being targeted as a result of her journalistic work which frequently advocates for the rights of minorities and LGBTI persons and against enforced disappearances. The Special Rapporteur encourages the Government of Pakistan to reply to this communication detailing what measures have been taken to ensure that journalists and human rights defenders can carry out their work in a safe and enabling

environment, and how they are protected from intimidations such as online bullying, stigmatisation or smear campaigns.

450. Ms. Sanna Ejaz is a woman human rights defender, journalist and member of the Pashtun Protection Movement (PTM). She reportedly received death threats by phone and at gunpoint for her advocacy of the rights of ethnic Pashtuns. The Special Rapporteur thanks the Government of Pakistan for its response to his letter PAK 4/2019, however he regrets that it fails to address the key concerns raised regarding Ms. Ejaz's case. While the authorities clarify that they are investigating the allegations of death threats against Ms. Ejaz, they also note that for this to move forward Ms. Ejaz (and Ms. Ismail) need to share specific information, such as IDs of phone calls, and that cooperation with police has been lacking on her (and Ms. Ismail's) part. The Special Rapporteur also notes with concern the lack of explanation provided regarding her dismissal from Pakistan Television Corporation and the Awami National Party as a result of alleged pressure from the State Security Forces.

451. The Special Rapporteur is particularly concerned about the reportedly concerted intimidation of woman human rights defender Ms. Gulalai Ismail, as well as her friends and family. Ms. Ismail was the subject of three of the four communications sent during the reporting period. She campaigns for Pashtun rights and against violence and discrimination against women. She also calls for an end to impunity and extra-judicial killings in Pakistan. More recently, she had been critical of the authorities' response to the rape and murder of a Pashtun child.

452. The Special Rapporteur thanks the Government for its responses to each of the communications regarding Ms. Ismail's case, and its commitment to human rights law elaborated therein. However he expresses his deep concern regarding conflicting information provided in the Government replies, and the continuation of harassment of Ms. Gulalai Ismail despite the concerns raised.. After revealing Ms. Ismail was in detention in response to PAK 4/2019, no further mention of her alleged imprisonment was made in reply to future communications, where she is described as being at large.

453. While the Special Rapporteur welcomes the Pakistan Citizens Portal App which facilitates quick grievance procedures, he reiterates his concern for the intensification of harassment against those who advocate for justice, accountability and military and police responsibility. The Rapporteur is profoundly concerned about reports of arbitrary detention, torture and ill-treatment of the family and acquaintances of Ms. Ismail, including her father, Muhammad Ismail. The Special Rapporteur considers these reported serious violations of human rights as methods used to silence criticism of the state and discourage other human rights defenders from exercising their right to freedom of expression.

## Philippines

454. JUA 07/12/2018 Case no: PHL 11/2018 State reply: 10/12/2018 (A)

**Allegations concerning the alleged extrajudicial or arbitrary killing of Mr. Benjamin Ramos Jr., a human rights lawyer, and reports of death threats against Mr. Felipe Levy Gelle Jr., Ms. Enrita Caniando and Ms. Clarizza Singson-Dagatan, human rights defenders working with Mr. Ramos.**

455. JAL 13/12/2018 Case no: PHL 10/2018 State reply: 14/12/2018 (A)

**Allegations concerning the alleged extrajudicial or arbitrary killing of thirty-two individuals (twenty-six men, five women and one child) in the context of intensifying counter-insurgency operations carried out by members of the Armed Forces, paramilitaries or individuals linked to them.**

456. JAL 13/02/2019 Case no: PHL 1/2019 State reply: 15/02/2019 (A)

**Allegations of the failure of the Government of the Philippines to protect the human rights of the indigenous peoples and local communities living near Dipidio, Nueva Vizcaya Province, the impact on the livelihood of the population and the overall environmental degradation in this region, which are resulting from the exploitation of**

**a gold and copper mine by OceanaGold Corporation, an Australia-based mining company.**

457. JAL 25/04/2019 Case no: PHL 3/2019 State reply: none to date

**Allegations concerning new accusations of bias in favour of communist “terrorist” groups formulated against the current United Nations Special Rapporteur on the rights of indigenous peoples, which appeared in the national press covering the submission of a report to the Permanent Mission of the Philippines in Geneva regarding abuses of indigenous peoples’ rights by the Communist Party of the Philippines and the New People’s Army. These accusations were reiterated in a press briefing in Malacanang on 13 March 2019.**

458. JAL 02/10/2019 Case no: PHL 5/2019 State reply: none to date

**Allegations concerning the harassment and intimidation, including death threats, against human rights defenders Ms. Brenda De Guzman, Ms. Christine Grace Ongos and Mr. Ramiel Aballe for providing legal assistance to the defence of nine farmers accused of murdering a local government Councillor in the Philippines province of Negros Occidental, Western Visayas region, on 31 March 2019.**

459. JAL 25/11/2019 Case no: PHL 6/2019 State reply: none to date

**Allegations concerning hatred, verbal harassment and threats against Mr. Rhadem Camlian Morados, including death threats and threats of kidnapping, disseminated on social media on account of his work on sexual orientation, gender identity and sex characteristics and his advocacy as a gay Muslim claiming that his religion is inclusive and affirmative of his sexuality.**

460. PR [01/05/2019](#)

**The Philippines: Renewed allegations against UN expert are “clearly retaliation”**

461. The Special Rapporteur regrets that no substantive responses were received from the Government of the Philippines to any of the six communications sent in this year’s reporting period. The Special Rapporteur emphasises that cooperation with Special Procedures mandates is an effective and useful means to promote and protect human rights in the Philippines and he urges the Government to respond to the questions and allegations raised in his letters.

462. The Special Rapporteur notes with particular concern that land and indigenous rights defenders were at high risk of retaliation for carrying out their work. Benjamin Ramos Jr., a human rights lawyer defending the right of impoverished farming and fishing families, was the thirty-fourth lawyer killed in two years in the Philippines. Mr. Ramos had received threats in response to his human rights work for many years. Six other human rights defenders in the province of Negros Occidental, in the Visayas region received death threats for providing legal assistance to local farmers and sugar workers. In addition, the Visayas regional office of Task Force Detainees of the Philippines (TFDP) had to be closed to protect the safety of other human rights lawyers working on land issues in the area.

463. The Rapporteur also sent a letter to the Government of the Philippines on 13 December 2018 detailing the extra-judicial killing of thirty-two individuals connected with farming and indigenous associations. The Special Rapporteur is deeply concerned that there is a fatal lack of a safe and enabling environment for land and indigenous rights defenders to carry out their work in the Philippines. He encourages the Government to provide information regarding investigations launched in relation to death threats and killings in the Philippines, and measures adopted to protect the right to life, personal integrity and security of farmers, indigenous peoples and human rights defenders in the Philippines.

464. The Special Rapporteur expresses continued concern about a worrying broader trend of “red tagging” in the Philippines. This appears to involve the labelling of human rights defenders and civil society organisations as “communist” in order to discredit their work. The Special Rapporteur is troubled to note that in five out of the six communications sent to the Philippines during the reporting period, human rights defenders appear to have been victims of “red tagging”. “Red tagging” severely hinders the activities of human rights defenders by



delegitimising their work and putting them at higher risk of being targeted. In 2019, the United Nations Special Rapporteur on the rights of indigenous peoples, Ms. Victoria Tauli-Corpuz was also alleged by the National Security Council of the Philippines to have Communist Party affiliation. The Special Rapporteur views such allegations as retaliation for the work of human rights defenders, which seeks to undermine and delegitimise them in the eyes of the public.

465. The Special Rapporteur remains concerned for the safety of LGBTI rights defenders in the Philippines, particularly among religious communities. Mr. Rhadem Camlian Morados is an LGBTI rights defender and documentary film maker who has received verbal and physical abuse in response to his promotion of LGBTI rights among the Muslim community. The Special Rapporteur notes with concern that members of the police force downplayed the seriousness of death threats received by Mr. Camlian Morados. The Special Rapporteur reminds the Government that in its 2018 report to the Human Rights Council, the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity urged States to take measures to protect defenders and supporters of the rights of lesbian, gay, bisexual, trans and gender non-conforming persons from attacks, intimidation and other abuses, and to create safe and enabling spaces for their work.

## Singapore

466. PR [29/01/2019](#)

**Singapore must ensure fundamental rights for all after conviction of Jolovan Wham, say UN experts**

## Thailand

467. JAL 30/01/2019 Case no: THA 1/2019 State reply: 23/04/2019

**Allegations concerning the judicial harassment of human rights defender Ms. Sutharree Wannasiri and Mr. Nam Win, a migrant worker from Myanmar, for denouncing labour conditions of migrant workers in a Thai company, Thammakaset Co. Ltd (Thammakaset).**

468. JAL 21/02/2019 Case no: THA 2/2019 State reply: 23/04/2019

**Allegations concerning attacks and renewed harassment of the indigenous Karen peoples in the Kaeng Krachan Forest Complex (KKFC) by officials of the National Park, Wildlife and Plant Conservation Department and over the failure to ensure accountability for these violations. Allegations have also been received regarding the Thai Government's reactivation of its nomination of the KKFC to be designated as a UNESCO World Heritage site in 2019, particularly in relation to the lack of consultation with affected indigenous peoples and the failure to seek their free, prior and informed consent. Concerns have been raised over how UNESCO heritage status, if awarded, may impact on the Karen communities' land rights and livelihoods.**

469. JAL 18/04/2019 Case no: THA 5/2019 State reply: 24/04/2019, 20/06/2019

**Allegations concerning the alleged arbitrary arrest, enforced disappearance and subsequent repatriation of Mr. Truong Duy Nhat from Thailand to Viet Nam, as well as the surveillance and intimidation of Mr. Bach Hong Quyen.**

470. JUA 12/07/2019 Case no: THA 6/2019 State reply: 15/07/2019

**Allegations concerning property destruction, as well as several physical assaults and death threats against Mr. Aekachai Hongkangwan, Mr. Anurak Jeantawanich and Mr. Sirawith Serithiwat.**

471. JAL 19/08/2019 Case no: THA 7/2019 State reply: none to date

**Allegations concerning the conviction of 14 land rights defenders and the imprisonment of 13 of them in connection with their resistance to eviction from their homes and lands located in the Sai Thong National Park.**

472. JUA 25/09/2019 Case no: THA 8/2019 State reply: none to date

**Allegations concerning the enforced disappearance of Mr. Od Sayavong.**

473. PR [1/10/2019](#)

**UN experts concerned by disappearance of Lao human rights defender**

474. The Special Rapporteur thanks the Government of Thailand for the responses received to four out of the six communications sent in this year's reporting period. He also expresses his gratitude for the Government's response to THA 3/2018, a communication sent in the previous year's reporting period. He encourages the government to respond to the remaining communications to clarify the relevant concerns.

475. Land and indigenous rights defenders faced increasing challenges in carrying out their work in Thailand during the reporting period. According to information received, the Karen indigenous peoples in Kaeng Krachan Forest Complex (KKFC) and fourteen land rights defenders in the Yae Sub-district faced major threats to their established communities from National Park officials, who through duress, intimidation, judicial harassment and in some cases physical attack on property, had their rights violated. The Special Rapporteur is grateful for the detailed and comprehensive response provided by the Government of Thailand with regards to the communication outlining the recent human rights violations committed against the Karen indigenous community. The Special Rapporteur looks forward to receiving information regarding the outcome of the investigation into the park officer by the Public Sector Anti-Corruption Commission for "wrongful and dishonest exercise of duties".

476. The Special Rapporteur remains deeply concerned about the forced eviction of fourteen land rights defenders from Sai Thong National Park, without compensation, with thirteen of those charged with prison sentences. He regrets that no reply has been received from the Government regarding the criminalisation of these land rights defenders, and particularly in light of the concerns raised regarding abusive park officers in THA 2/2019 above.

477. The Special Rapporteur is deeply concerned for the security of human rights defenders who seek refugee status in Thailand and finds troubling the allegations of forced repatriation of human rights defenders at risk. Truong Duy Nhat, Bach Hong Quyen and Od Sayavong are three human rights defenders who sought refuge in Thailand due to the threats they faced in their home countries as a result of their human rights work. The Special Rapporteur expresses his particular concern at the alleged involvement of the authorities of Thailand in the repatriation of Mr. Truong and Mr. Quyen, particularly considering the threat of detention and ill-treatment they face in their home country, Viet Nam. The Rapporteur thanks the Government of Thailand for its response to his communication raising concerns for the safety of these two Vietnamese human rights defenders, but he is concerned by the brevity of the reply and awaits more detailed responses to the questions raised in THA 5/2019.

478. The Special Rapporteur raises his serious concern that no response was received from the Government of Thailand with regards to the alleged enforced disappearance of Lao human rights defender Od Sayavong, while under refugee status in Thailand. The Special Rapporteur is concerned that Mr Od's disappearance is connected to his interaction with Special Procedures of the OHCHR in March 2019. He reminds the Government of Thailand that, pursuant to article 3 of the Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (CAT), it has an obligation not to expel, return or extradite a person to another State where there are substantial grounds to believe that he would be in danger of torture or enforced disappearance.

479. The Special Rapporteur thanks the Government of Thailand for the comprehensive response received to its communication THA 1/2019, which included a full reply to THA 3/2018, a communication sent during the previous reporting period. The Rapporteur appreciates the clarification provided regarding the compliance of defamation laws in Thailand with the International Covenant on Civil and Political Rights (ICCPR) and he

welcomes the additional sections added to the Criminal Procedure Code in 2019, which increases protections for the accused in order to mitigate strategic litigation. The Special Rapporteur remains concerned that Ms. Sutharee Wannasiri and Mr. Nam Win may face lengthy prison sentences for their public denouncement of human rights violations in Thammakaset Poultry Company.

480. While recognising the efforts of the Ministry of Justice of Thailand to strengthen the visibility and protections for human rights defenders, the Special Rapporteur is concerned by the assertion that human rights defenders may make “distorted”, “false” or “ambiguous” statements in order to harm businesses. The Special Rapporteur reminds the Government of Thailand of article 6 (b) and (c) of the UN Declaration on Human Rights Defenders, which provide for the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights.

## Viet Nam

481. JUA 18/04/2019 Case no: VNM 1/2019 State reply: 30/01/2020

**Allegations concerning the alleged arbitrary arrest, enforced disappearance and subsequent repatriation of Mr. Truong Duy Nhat from Thailand to Viet Nam, as well as the surveillance and intimidation of Mr. Bach Hong Quyen.**

482. JAL 29/05/2019 Case no: VNM 2/2019 State reply: none to date

**Allegations concerning the arrest, ill treatment and detention conditions of journalist Nguyen Van Hoa following his coverage of protests in the aftermath of the Formosa steel plant toxic spill, the lack of fair trial guarantees afforded during his pre-trial detention and in the subsequent criminal proceedings brought against him, and the failure to investigate and address complaints of human rights violations.**

483. JUA 20/11/2019 Case no: VNM 4/2019 State reply: none to date

**Allegations concerning the treatment and detention conditions of journalist Nguyen Van Hoa and environmental rights defender Le Dinh Luong, following their public activism in the aftermath of the Formosa steel plant toxic spill.**

484. The Special Rapporteur thanks the Government for its reply to one of the three communications sent during the reporting period, but regrets the absence of replies to the other two letters. The Special Rapporteur also thanks the Government for the responses received this year to communications VNM 6/2018, VNM 10/201 and VNM 9/2018, which were sent during the previous reporting period.

485. The Special Rapporteur regrets the absence of reply to his letters VNM 2/2019 and VNM4/2019 relating to journalist Nguyen Van Hoa, particularly so in view of the serious nature of the allegations contained therein, including torture, ill treatment and multiple failures to observe due process in the course of his arrest, prosecution and detention. Following an alleged beating by prison guards on 13 May 2019, Mr. Nguyen Van Hoa was placed in solitary confinement for not following prison rules and regulations. Mr. Văn Hoá has suffered significant weight loss since his time in isolation. In these circumstances, in which he is unable to communicate with other prisoners or his family on a regular basis, his mental health is rapidly deteriorating.

486. The Special Rapporteur expresses similar concerns in regard to the conviction and detention conditions of human rights defender **Le Dinh Luong** (VNM 4/2019), who was detained for his criticism on social media platforms of the Vietnamese government’s response to environmental disasters in the country, including the above-mentioned Formosa steel plant disaster. Mr. Luong’s mental health is reportedly deteriorating significantly as a result of his conditions of detention, which include extremely limited contact with his family. He has also reportedly been denied access to medical treatment for the various medical conditions he suffers from, and been refused access to a religious pastor.

487. The Special Rapporteur reiterates his grave concern in regard to the convictions of Mr. Hoa and Mr. Luong linked to their critical reporting and activism in regard to the Formosa steel plant environmental disaster in April 2016. These prosecutions appear to represent a criminalization of their exercise of the right to freedom of expression. The Special Rapporteur reiterates his concerns that the legal basis for these prosecutions is incompatible with the conditions for permissible restrictions to the right to freedom of expression and as such is unlawful under international human rights law.

488. Regarding the case of the Mr. Truong Duy Nhat (VNM 1/2019) the Special Rapporteur acknowledges the Government's reply dated 30 January 2020 in which it refutes the allegation of enforced disappearance and repatriation from Thailand. However, notwithstanding the remaining concerns in regard to the allegations raised in this communication, the Special Rapporteur deplors the long period – nearly five months (as acknowledged in the Government's reply) - between the date of arrest and the date Mr. Truong Duy Nhat's family was informed of his detention. The Government reply states that such a period was necessary in order not to prejudice the conduct of the investigation, and was in conformity with article 116 of the Criminal Procedures Code of 2015. The Special Rapporteur is concerned that this appears disproportionate in relation to the nature of the alleged offence ("abusing power and authority to appropriate property" – corresponding law not provided) and may violate the rights provided under articles 9 and 14 of the ICCPR to be tried without undue delay.

## **EUROPE AND CENTRAL ASIA REGION**

489. During the present reporting period the Special Rapporteur sent 32 communications to 19 countries in the Europe and Central Asia region. He takes note of the response rate of 87.5% for the region, a significant increase on last year. The Special Rapporteur commends the high response rate to the communications sent during this reporting period and looks forward to receiving the responses to the outstanding communications.

490. Human rights defenders in Europe and Central Asia faced a diversity of challenges in this reporting period, however the Special Rapporteur notes worrying trends across the region to place restrictions on civil society. Human rights defenders increasingly found their legitimacy challenged by the authorities, as they found it more difficult to carry out their work within the confines of national law. The Rapporteur is concerned that this tendency forms part of the global trend of shrinking civic space, limiting the scope for human rights defenders to carry out their work

491. The Special Rapporteur received concerning reports of criminalisation, arbitrary arrest and judicial harassment of human rights defenders while undertaking their legitimate activities. This is illustrated by communications sent to Belarus, Italy, Russia, Turkey, Turkmenistan and the United Kingdom. Travel restrictions appear to have also been imposed on defenders in Greece, Kazakhstan, Russia and Turkey. These actions may have a chilling effect on those working on the promotion and protection of human rights.

492. Another concern relates to the development and implementation of policies and laws in some countries in the region that threaten the work of civil society organisations and establish restrictions on the legitimate activities of human rights defenders. New or existing legal frameworks appear to target non-governmental organisations by imposing disproportionate reporting requirements and/or restricting their access to foreign funding, as illustrated in the communications sent Russia. In some countries in the region, the misapplication of overly broad anti-terrorism legislation to human rights defenders remains an issue of concern.

493. The Special Rapporteur also received allegations of excessive use of force or threats and intimidations during demonstrations, including against journalists documenting protests, as illustrated in letters sent to Bosnia and Herzegovina, France and Georgia.

494. The Special Rapporteur continues to express concern regarding the intensification of the climate of hostility and xenophobia against migrants in the region, and the failure of several governments to meet their responsibilities towards them. He reiterates his concerns expressed in previous years for the situation of migrant rights defenders, as illustrated in communications sent to Cyprus, Italy and Spain. Those who provide vital support to migrants at sea through search and rescue operations, as well as those who seek to protect the rights of recent immigrants, saw their work continue to be criminalised. The Special Rapporteur is concerned that such measures may deter humanitarian organisations from continuing their work rescuing and supporting migrants.

495. Human rights defenders working on sexual orientation and gender identity issues are facing increasing challenges to the legitimisation of their work in several countries within the region, particularly in Eastern Europe and Central Asia. This is illustrated by the communications sent to Armenia, Georgia and Kazakhstan. The Special Rapporteur is deeply concerned about the discriminatory restrictions on the rights to freedom of peaceful assembly, freedom of association and freedom of expression of LGBTI rights defenders, as well as the threats and intimidation they are facing, which appear to be linked to their human rights advocacy as well as their sexual and gender identities. In this context, he would like to stress that States are encouraged to ensure the protection of defenders who are at greater risk of facing certain forms of violence and discrimination because they are perceived as questioning accepted sociocultural norms, traditions, perceptions and stereotypes, especially gender stereotypes.

496. The Special Rapporteur is further concerned about the deteriorating situation for environmental human rights defenders particularly in Eastern Europe. As illustrated in the communications sent to Belarus, Bosnia and Herzegovina, and Russia, the violations they

face, including judicial harassment and arbitrary detentions, are often linked to their activities opposing large-scale projects with negative environmental and human rights impacts, such as dams and power plants. The Special Rapporteur raises further concern that such acts of harassment and intimidation could have a negative impact across the wider human rights community and may deter local initiatives where environmental human rights defenders are peacefully assembling to oppose controversial projects.

497. Finally, the Special Rapporteur sent one communication on reprisals against a human rights defender for cooperating with the UN, its representatives and mechanisms, concerning the Russian Federation (RUS 8/2019).

## Armenia

498. JAL 18/04/2019 Case no: ARM 2/2019 State reply: 18/06/2019

**Allegations of threats received online, and incitement to violence against woman human rights defender Ms. Lara Aharonian, as well as death threats against transgender rights defender Ms. Lilit Martirosyan, allegedly as a result of her speech about the human rights of transgender people at a discussion about the United Nations Universal Periodic Review at the National Assembly of Armenia.**

499. The Special Rapporteur thanks the Government of Armenia for its detailed response dated 18 June 2019.

500. The Special Rapporteur expresses concern at the threats, including death threats and threats of rape, against Ms. Aharonian, Ms. Martirosyan, her colleagues and the families of the two women human rights defenders. Given the lack of substantive results in previous police investigations into cases of threats and online attacks against women human rights defenders, the Special Rapporteur is further concerned that this sends a message that such acts are tolerated and are subject to impunity. His concerns are heightened by the fact that the death threats occurred within the context of the discussion about the UN Universal Periodic Review in the National Assembly. Furthermore, the Special Rapporteur remains concerned by the undermining of freedom of speech in Armenia, where there appears to be few measures taken to facilitate a safe and an enabling environment for freedom of expression, in particular for women and members of the LGBTI community, including in the online space.

501. The Special Rapporteur welcomes the opening of a preliminary investigation into the online threats against Ms. Aharonian, and encourages the Government of Armenia to provide updated information on the current status of the investigation. The Special Rapporteur is concerned about the suspension of investigations into the online death threats against Ms. Martirosyan and the leaking of her personal data. The Special Rapporteur would like to recall that one of the recommendations put forward in the report on the situation of women human rights defenders which he presented to the fortieth session of the Human Rights Council (A/HRC/40/60) is to prioritise the protection of women defenders in online spaces and adopt laws, policies and practices that protect their right to privacy and protect them from libel and hate speech.

## Belarus

502. JAL 07/02/2019 Case no: BLR 1/2019 State reply: 25/03/2019

**Allegations of judicial harassment against Mr. Alies Burakoŭ, a human rights defender and journalist, editor of the human rights web platform “Human rights in Mahilioŭ” (the regional website of the Human Rights Center “Viasna”), and member of non-governmental organisation “Viasna”.**

503. JAL 22/03/2019 Case no: BLR 2/2019 State reply: 16/05/2019

**Allegations of judicial harassment against Mr. Uladzimir Vialičkin, a human rights defender and member of the non-governmental organisation “Viasna” and Mr. Vital Kazak, environmental rights defender, as well as the alleged arbitrary detention**

**of Mr. Aliaksandr Kabanaŭ, environmental rights defender and blogger, for their participation in peaceful protests against the construction of a battery plant in Brest.**

504. The Special Rapporteur wishes to thank the Government for the responses to his communications sent on 7 February 2019 and 22 March 2019.

505. The Special Rapporteur welcomes the decision of the Government of Belarus to introduce amendments to the Criminal Code, decriminalising “involvement in the activities of an unregistered organisation”. While he also welcomes the decision not to initiate criminal proceedings against Mr. Burakoŭ, the Special Rapporteur regrets that the Government did not provide information on the steps taken to guarantee his physical and psychological integrity.

506. The Special Rapporteur remains concerned about the situation of freedom of expression and freedom of assembly and association for human rights defenders in Belarus. The Special Rapporteur recalls that on 7 August 2004, the Human Rights Committee recognised the decision to deregister the human rights organisation “Viasna” was a violation of the right to freedom of association (Decision No. 1296/2004). Accordingly, the Human Rights Committee asked the Government to provide the founders of the organisation with appropriate remedies, including the re-registration of the organisation. The Special Rapporteur remains concerned at the Government’s failure to comply with the decision of the Human Rights Committee.

507. The Special Rapporteur expresses concern at the allegations of judicial harassment of Mr. Vialičkin and Mr. Kazak and the alleged arbitrary detention of Mr. Kabanaŭ, which appear to be directly related to their participation in peaceful protests and promotion of environmental rights. He is further concerned at the use of the Code of Administrative Offenses to pressure human rights defenders and prevent them from exercising their right to peaceful assembly. Moreover, it seems that administrative detention is used as a means to prevent human rights defenders from participating in assemblies. The Special Rapporteur thanks the Government for its response dated 16 May 2019 but regrets that it did not include information on how the arrest and detention of the above-mentioned individuals were compatible with international human rights norms and standards.

## **Bosnia and Herzegovina**

508. JAL 16/05/2019 Case no: BIH 1/2017 State reply: none to date

**Alleged excessive use of force by special police unit forces of the Ministry of Interior, and charges laid against twenty-three residents (22 women and one man) of Kruščica village who have been peacefully defending the river and the surrounding environment from the construction of two hydropower plants.**

509. The Special Rapporteur regrets that, at the time of finalisation of this report, no response has been received from the Government of Bosnia and Herzegovina. He encourages the Government to engage with the mandate holders of the Special Procedures of the Human Rights Council.

510. In relation to the allegations outlined in his communication dated 16 May 2019, the Special Rapporteur raises concern over the physical and verbal excessive use of police force against the mainly female peaceful protestors, the denial of proper medical care, and the misdemeanour charges laid against them. He is concerned that those measures may have been directly linked with their environmental and human rights activism. The Special Rapporteur raises further concern that such acts of harassment and intimidation could have a negative impact across the wider human rights community and may deter local initiatives throughout the country where environmental human rights defenders are peacefully assembling to oppose controversial projects such as dams and hydropower plant construction.

## **Cyprus**

511. JAL 21/10/2019 Case no: CYP 2/2019 state reply: 11/12/2019

**Alleged arrest of and charges brought against human rights defender Doros Polykarpou in connection with his activities in defence of the rights of migrants**

512. The Special Rapporteur thanks the Government of Cyprus for its response to its communication sent on 21 October 2019 regarding the arrest of Mr. Doros Polykarpou.

513. The Special Rapporteur thanks Cyprus for the information provided in its response, and for its display of transparency in providing up to date statistics in the Annex. The Special Rapporteur welcomes the authorities' recognition of the value and role of human rights defenders, its respect for international instruments for the protection of human rights, as well as information provided regarding the revised Code of Ethics of the Cyprus police force.

514. The Special Rapporteur remains concerned about the threatening behaviour of police officers towards members of the organisation KISA, and the frequency with which communications have been sent in recent years regarding the treatment of Mr. Polykarpou. These acts taken together show a pattern of intimidation which may create an environment not conducive to the defence of human rights. The Special Rapporteur reiterates that it is the obligation of the Cyprian state to maintain an environment in which human rights defenders, including migrant rights defenders, can carry out their legitimate work.

## France

515. JAL 11/02/2019 Case no: FRA 2/2019 State reply: 11/04/2019

**Allégations d'usage excessif de la force au cours de diverses manifestations du mouvement des « gilets jaunes », organisées depuis mi-novembre 2018, ayant occasionné des blessures de plusieurs manifestants, mais aussi des arrestations et des violations aux droits à la liberté d'expression et de réunion pacifique.**

516. PR [14/02/2019](#)

**France: des experts de l'ONU dénoncent des restrictions graves aux droits des manifestants « gilets jaunes »**

517. Le Rapporteur spécial remercie le Gouvernement de son Excellence pour la réponse très détaillée en réponse à la lettre conjointe envoyée le 11 février 2019, dans laquelle les Rapporteurs spéciaux ont fait part de leur inquiétude quant aux allégations d'usage disproportionné de la force à l'égard des manifestants dits « gilets jaunes », ainsi qu'aux allégations de violations de leurs droits à la liberté d'expression et de réunion pacifique.

518. Bien que conscients du fait que certaines manifestations soient devenues violentes, et déplorant les blessures subies par des manifestants et des membres des forces de l'ordre, le Rapporteur Spécial reste préoccupé par la nature des blessures graves subies par certains manifestants, dont plusieurs ont perdu un œil à la suite de l'emploi par les forces de l'ordre de divers types de dispositif, dont des grenades lacrymogènes doté d'une charge TNT et des projectiles en caoutchouc de type « LBD » ou autre. Le nombre de blessures subies par des journalistes est également préoccupant, d'autant plus qu'ils auraient été clairement identifiables.

519. Le Rapporteur spécial reste également préoccupé par la manière dont certaines mesures auraient été mises en œuvre par les forces de l'ordre dans une optique préventive, notamment en matière de fouille de personnes se rendant aux rassemblements, des confiscations d'équipements, et des placements en garde à vue.

520. Tout en reconnaissant le cadre juridique et réglementaire dans lequel les actions des forces de l'ordre ont été inscrites, et qui est expliqué en détail dans la réponse du Gouvernement, le Rapporteur reste préoccupé par les allégations reçues.

## Georgia

521. JUA 20/06/2019 Case no: GEO 1/2019 State reply: 23/07/2019



**Possible restrictions to the right to peaceful assembly, freedom of association and to the freedom of expression of the LGBT community following threats and acts of intimidation against organisers and participants to the Tbilisi Pride.**

522. The Special Rapporteur welcomes the concrete measures taken by the Government to address and prevent hate crime in the country, outlined in the reply received 23 July 2019. He also acknowledges the significant efforts made to protect the security of the participants to the 14 June demonstration. However, he notes with concern the persistence of an unsafe and discriminatory climate towards LGBTI persons and those defending their rights, and encourages the Government to strengthen its efforts to address it.

523. The Special Rapporteur is concerned that acts of intimidation and threats against organisers and participants at the Tbilisi Pride appear to be aimed at preventing the exercise of the rights to peaceful assembly and association, and to the freedom of expression of the LGBT community. He notes with concern that, since 2013, public celebrations by the LGBT community have been severely restricted or annulled, creating an environment un conducive to the defence of LGBT rights.

## Germany

524. JAL 18/10/2019 Case no: DEU 3/2019 State reply: 14/01/2020

**Allegations concerning the motion CDU/CSU, SPD, FDP and Bündnis90/Die Grünen “Resisting the BDS Movement with Determination – Combating Anti-Semitism” adopted by the German Bundestag on 17 May 2019, which includes undue restrictions to the rights to freedom of opinion and expression, peaceful assembly and of association.**

525. The Special Rapporteur thanks the German Federal Government for the response received to its communication sent 18 October 2019.

526. The Special Rapporteur continues to express concern about the motion passed by the German Parliament that unduly limits the rights of freedom of opinion and expression, peaceful assembly and of association in the country. The motion calls for governmental bodies, as well as German states, cities and municipalities and other public actors, to refuse financial support, premises or facilities to projects or events organised by the BDS movement or by groups pursuing its aims. The Special Rapporteur reiterates his deep concern that such a motion unduly interferes with the right of people in Germany, to engage in political speech, namely to express support to the BDS movement. By labelling their work as anti-Semitic and shrinking the civic space made available to them, the motion has the potential to hinder the peaceful activities of human rights defenders, groups and organisations denouncing human rights violations as part of the BDS movement.

527. The Special Rapporteur acknowledges the Government’s understanding of the special duties and responsibilities that must accompany the right to freedom of expression, however he reminds the Government that restrictions placed on freedom of expression must be “necessary” in order to protect national security, public order or public health or morals. The Special Rapporteur recognises the separation of powers in Germany, which does not bind the Federal Government to decisions made by the Bundestag, and hopes that the motion “Resisting the BDS Movement with Determination – Combating Anti-Semitism” will not have a negative impact on the exercising of free speech by precluding from civil society an organisation that defines itself as anti-racist.

528. The Special Rapporteur notes the German Federal Government’s opposition to any calls for a boycott of Israel and welcomes its distinction between Israel’s official borders and the occupied Palestinian Territories and its agreement that it is not anti-Semitic to criticise the Israeli Government. The Special Rapporteur reiterates that the Government of Germany should create a safe and enabling environment for human rights defenders to effectively carry out their work, which includes the denouncing of human rights violations taking place in other parts of the world, such as those committed by the State of Israel in Occupied Palestinian Territories. Recent court rulings in favour of groups excluded from cultural events

on grounds of their support for the BDS movement point to secondary consequences of the motion that further limit freedom of assembly and association and freedom of expression.

## Greece

529. JAL 12/04/2019 Case no: GRC 2/2019 State reply: 11/06/2019

### **Alleged ban imposed on minority rights defenders Mr. Slavko Mangovski and Ms. Trendafilka Sandeva from entering Greece.**

530. The Special Rapporteur thanks the Government of Greece for the letter in response to his communication. He takes note of the information provided that Mr. Slavko Mangovski and Ms. Sandeva had engaged in activities threatening national security but regrets that the Government did not explain which of the defenders' activities led to the imposition of the entry bans. The Special Rapporteur further encourages the Government to provide information concerning the legal basis for the entry bans.

531. The Special Rapporteur remains concerned about the impact that such restrictions of freedom of movement could have on the work of minority rights defenders in Greece. He invites the Government to share information on the measures taken to ensure that minority rights defenders in Greece are able to carry out their legitimate work in a safe and enabling environment.

## Italy

532. JAL 15/05/2019 Case no: ITA 4/2019 State reply: 04/06/2019

### **Allegations concerning the recent 'Directive for the unified coordination of surveillance activities of maritime borders and fight against illegal immigration according to article 11 of Legislative Decree n. 286/1998', alias Ministerial Circular n. 14100/141(8) (hereinafter: Directive) addressed to the Italian Chief-of-Police, the General Command of the Carabinieri Corp, the General Command of Finance Police, the General Command of the Port Authorities, the Chief of Staff of the Armed Forces and the Chief of Defence and issued on 18 March 2019 by the acting Minister of Interior Matteo Salvini.**

533. JAL 12/07/2019 Case no: ITA 6/2019 State reply: 11/10/2019

### **Alleged arrest and subsequent release of Ms. Carola Rackete, the opening of two criminal investigations against her, and alleged threats to the independence of the judiciary arising from public statements by the Minister of Interior of Italy, Mr Matteo Salvini.**

534. PR [20/05/2019](#)

#### **Italy: UN experts condemn bill to fine migrant rescuers**

535. PR [18/07/2019](#)

#### **Italy: UN experts condemn criminalisation of migrant rescues and threats to the independence of judiciary**

536. The Special Rapporteur thanks the Government of Italy for the responses received to both communications sent in the review period of this report. He also thanks the Government for the response received to ITA 2/2018, a communication sent during the previous reporting period.

537. The Special Rapporteur continues to express concern about the violations of the rights of migrants traveling along the Central Mediterranean route, as well as about violations of the rights of human rights defenders protecting and defending the rights of migrants, including by rescuing them at sea.

538. The Special Rapporteur acknowledges the important and exemplary role which Italy has played in rescuing migrants at sea over the past years and recognises the unique

challenges the country faces in the absence of a comprehensive European Union policy of solidarity with Member States at the Union's external borders. However, he reiterates that these circumstances cannot be used as justification to infringe on the human rights of migrants and migrant rights defenders and to disrespect international obligations.

539. The Special Rapporteur is concerned at the continued use of legislative measures to criminalise search and rescue operations carried out by civil society organisations in the Mediterranean, as well as at the intensification of the climate of hostility and xenophobia against migrants in Italy, reflected in the threats made against Ms. Rackete and the judge who released her. He is further concerned about the arrest of and the criminal investigations into Ms. Rackete, which appear to be directly linked to her peaceful work protecting the rights of migrants, and which may deter humanitarian organisations from continuing their work rescuing migrants in distress at sea.

540. The Special Rapporteur thanks the Government for its response dated 4 June 2019, including information on judicial proceedings aimed at assessing the criminal responsibility of the captains of seized NGO vessels which had been used in search and rescue operations. He encourages the Government to share the findings of those proceedings. The Special Rapporteur further acknowledges the response dated 11 October 2019 but regrets that it did not include information on the legal and factual basis of the arrest and criminal investigations against Ms. Rackete, and on their compatibility with international human rights law.

541. The Special Rapporteur would like to recall the recommendations made in his 2018 report (A/HRC/37/51), which underline, inter alia, that States must ensure that domestic law and administrative provisions facilitate the work of all actors providing humanitarian assistance to, and defending the rights of, people on the move, including by avoiding criminalisation.

## **Kazakhstan**

542. JAL 09/04/2019 Case no.: KAZ 1/2019 State reply: 07/06/2019;  
14/06/2019

**Allegations concerning the detention and illegal expulsion of human rights observers Ms. Lyudmila Voloshina and Mr. Valerii Iavtushenko from Kazakhstan.**

543. JAL 17/07/2019 Case no.: KAZ 3/2019 State reply: 06/09/2019

**Allegations concerning the travel ban issued against the human rights defender Mr. Daniyar Khassenov, his repeated detention, and threats made against him and his family members.**

544. JAL 25/10/2019 Case no.: KAZ 4/2019 State reply: 23/12/2019

**Allegations concerning the discriminatory restrictions on the rights to freedom of peaceful assembly, freedom of association and freedom of expression of lesbian, bisexual, trans, intersex and queer (LBTIQ) human rights defenders, which may relate to their engagement in advocacy on human rights related to sexual orientation, gender identity and gender equality.**

545. The Special Rapporteur thanks the Government of Kazakhstan for the responses received to all his communications sent in the review period of this report, proving its willingness to cooperate with Special Procedures.

546. The Special Rapporteur urges the Government of Kazakhstan to take decisive steps to end the criminalisation of legitimate human rights advocacy and remove the restrictions placed on human rights defenders, especially women human rights defenders, that preclude them from participation in public life and deprive them of their freedom of expression, assembly and association. The Special Rapporteur reiterates the Government's duty to respect, protect and fulfil the human rights of defenders to freedom of expression, assembly and association pursuant to articles 19, 21 and 22 of the International Covenant on Civil and Political Rights. Limitations on these rights are tightly constrained by the imperative to be

based on grounds of national security, public order or public health or morals and must be necessary and proportionate.

547. The Special Rapporteur regrets that the replies to his communication sent on 9 April 2019 do not fully address the substance of the allegations of the illegal expulsion of human rights observers Ms. Lyudmila Voloshina and Mr. Valerii Iavtushenko from Kazakhstan. He regrets that the investigation carried out by the Office of the Procurator General found no irregularities in the actions taken by the police, despite the reported preclusion of Ms. Voloshina and Mr. Iavtushenko from engaging with their legal representatives and the Ukrainian Consul while in detention.

548. The Special Rapporteur remains concerned by the Government's efforts to justify the detention and expulsion of Ms. Voloshina and Mr. Iavtushenko without providing further information on how these measures meet international human rights standards. Further concern is expressed at the consequences of their expulsion for the work of other human rights observers in Kazakhstan.

549. The Special Rapporteur welcomes the decision to lift the travel ban and the freezing of bank assets imposed on Mr. Khassenov. However, he remains concerned by the repeated detentions and threats made against him and his family members, which appear to be directly linked to his peaceful human rights activities and the exercise of his right to freedom of opinion and expression, in particular through posts made on social media platforms concerning the human rights situation in Kazakhstan.

550. The Special Rapporteur regrets that the Government failed to provide information on how the measures taken against Mr. Khassenov, as well as the detentions and interrogations of other peaceful protesters, are compatible with international human rights norms and standards, in particular with articles 19, 21 and 22 of the International Covenant on Civil and Political Rights.

551. The Special Rapporteur is grateful for the responses received from the Government of Kazakhstan to concerns raised about discriminatory restrictions placed on LGBTI human rights defenders and advocacy groups. While the Special Rapporteur appreciates the clarification provided in regards to a number of instances in which Feminita members were unable to carry out their activities, he remains concerned about the grounds cited to block the registration of the organisation. The Special Rapporteur is concerned that the employment of Article 22 of the Law of the Republic of Kazakhstan "On charity" which requires that organisations strengthen the spiritual and moral values, spiritual culture, prestige and the role of the family in society, lends itself subjective interpretation that could exclude the rights of the LGBTI community or sex worker rights and their freedom of expression and association. In addition, the Special Rapporteur notes with concern that despite assurances from the Government of Kazakhstan that rallies advocating LGBT rights took place in 2019, none of the rallies cited were in fact manifestations on LGBT rights.

552. In this context, the Special Rapporteur would like to remind the Government of article 7 of the UN Declaration on Human Rights Defenders, which includes the right to discuss and advocate for human rights ideas that are not necessarily new but that, in some contexts, may be perceived as new or unpopular because they address issues that might challenge tradition and culture. States are encouraged to ensure the protection of defenders who are at greater risk of facing certain forms of violence and discrimination because they are perceived as questioning accepted sociocultural norms, traditions, perceptions and stereotypes, including about sexual orientation and gender identity.

## Malta

553. JAL 31/05/2019 Case no: MLT 1/2019 State reply: 29/07/2019

**Allegations of acts of intimidation against Ms. Sarah Clarke, by Maltese high level officials during a UN High Level event on 10 December 2018, following her statement on the public inquiry into the assassination of the investigative journalist and human rights defender, Ms. Daphne Caruana Galizia.**

554. The Special Rapporteur thanks the Government of Malta for its detailed response dated 29 July 2019.

555. The Special Rapporteur reiterates serious concern at the comments made on UN Premises by Maltese high level officials against human rights defender Sarah Clarke, and maintains that these are a form of intimidation for Ms. Clarke's statement at the margins of the UN High Level event. Furthermore, he is concerned at allegations indicating that this case forms part of a broader set of cases concerning acts of intimidation and retaliation in relation to civil society organisations and human rights defenders advocating for justice following the assassination of Ms. Caruana Galizia. The Special Rapporteur welcomes the investigation carried out by the Maltese Commissioner for Standards in Public Life and is grateful for the display of transparency by the Government in sharing the apology sent to Ms. Clarke by the Maltese official in question.

## The Kingdom of the Netherlands

556. JAL 04/09/2019 Case no: NLD 3/2019 State reply: 31/10/2019

**Allegation of forced expatriation of two activists from Cuba, reportedly facilitated by Aruba Airlines, a company registered in Aruba, as well as the threat of a formal accusation made by Aruba Airlines against Mr. Javier Larrondo Calafat, a human rights defender and representative of the victims of the alleged human rights violations.**

557. The Special Rapporteur thanks the Government of the Kingdom of the Netherlands for sharing the responses of the Government of Aruba to his allegation letter.

558. The rapporteur remains concerned about the alleged involvement of Aruba Airlines, a company registered in Aruba, in the forced expatriation of two individuals, as well as the possible threat of formal accusation of defamation against Mr. Larrondo Calafat, which appears to be directly linked to his work on the abovementioned cases. His concerns are aggravated by the fact that these measures may have a chilling effect on the activities of human rights defenders who denounce human rights violations committed by public authorities or private companies. The Special Rapporteur welcomes the measures taken by the Governments of the Netherlands and Aruba to clarify the allegations with Aruba Airlines as well as the decision to require the company to train cabin crew to identify and respond to suspected trafficking in persons. The Rapporteur however remains concerned by Aruba Airlines' alleged involvement in the expatriation of Cuban nationals and urges the Government to conduct further investigation.

559. The Special Rapporteur is encouraged by the Government's commitment to promote the adherence to the UN Guiding Principles on Business and Human Rights. He looks forward to observing concrete steps taken by the Government to raising awareness about the UN Guiding Principles among Aruban business enterprises.

## Poland

560. JAL 05/03/2019 Case no: POL 1/2019 State reply: 17/04/2019

**A civil lawsuit filed against Adam Bodnar, the Commissioner for Human Rights of Poland. Adam Bodnar has been the ombudsperson of Poland since 9 September 2015, and has consistently spoken out against the spread of hate speech, and on the obligation of the government to create an environment where hate speech is not tolerated.**

561. PR [13/12/2018](#)

**UN experts condemn measures to stop human rights defenders join climate talks**

562. The Special Rapporteur expresses concern regarding the civil action brought against Mr. Adam Bodnar in relation to statements made in his professional capacity. It is clearly within the mandate of ombudspersons, and national human rights institutions (NHRIs) in general, to reflect on the actions of public media, especially in a broader context of concerns,

in accordance with relevant provisions of international human rights law. NHRIs play a key role in promoting and protecting human rights and any restriction or pressure, including in the form of civil lawsuits, may have a significant chilling effect on the ability of the NHRI to carry out its key functions.

563. The Special Rapporteur would like to thank the Polish Government for responding to the communication sent on 5 March 2019 and for providing information on the scope of immunity granted to the Commissioner for Human Rights by national law. He welcomes the recognition of the importance of NHRIs' independence and impartiality, however he regrets that the Government did not provide detailed information about the factual grounds that have justified the charges brought against Mr. Bodnar. The Special Rapporteur welcomes the reported decision of the Regional Court in Warsaw in May to dismiss the case against Mr. Bodnar

## Russian Federation

564. JAL 13/02/2019 Case no: RUS 2/2019 State reply: 06/03/2019

**Allegations concerning the disbarment of Mr. Emil Kurbedinov, allegedly as an act of reprisal for his legitimate work in defence of human rights.**

565. JAL 17/07/2019 Case no: RUS 5/2019 State reply: 13/09/2019

**Allegations concerning the criminal prosecution of woman environmental rights defender Ms. Alexandra Koroleva for non-compliance with the Foreign Agent Law.**

566. JAL 19/09/2019 Case no: RUS 6/2019 State reply: 13/11/2019 (A); 28/11/2019

**Allegations concerning the restrictions on the rights to freedom of expression and of peaceful assembly, and also concerning the use of force against, and detention of, peaceful protesters, in conjunction with public demonstrations against the exclusion of certain candidates in the elections for the Moscow City Duma, held on 8 September 2019.**

567. JAL 25/11/2019 Case no: RUS 8/2019 State reply: 20/01/2020

**Allegations concerning the ban from entry into Russia issued against human rights defender Mr. Johannes Rohr, which appears to be linked to his work in defence of human rights and his engagement with the UN in the field of human rights.**

568. PR [7/03/2019](#)

**Russia: Release human rights defender Oyub Titiev, urge UN experts**

569. The Special Rapporteur thanks the Government for the responses received to all four communications sent during the present reporting period. He is grateful for the Russian Federation's willingness to cooperate with the human rights defenders mandate.

570. The Special Rapporteur continues to express concern at the risks and challenges that human rights defenders operating in the Russian Federation are facing. Human rights defenders' work has become increasingly criminalised as a result of the so-called "Foreign Agents Law", which has had a detrimental impact on civil society. The Special Rapporteur reiterates his concerns about the debilitating role of the Law, which contributes to the broader crackdown on human rights defenders and civil society organisations, particularly those with dissenting opinions, exercising their rights to freedom of association and freedom of expression in the country.

571. The cases of the human rights lawyer Mr. Emil Kurbedinov and the environmental rights defender Ms. Alexandra Koroleva help illustrate concerns around the criminalisation of human rights defenders. The Special Rapporteur is concerned about the criminal charges brought against the environmental rights defender Ms. Alexandra Koroleva, which appear to be directly linked to her human rights work and the exercise of her right to freedom of expression and association. Further concern is expressed at the designation of the organisation she heads, Ekozaschita! as a "foreign agent," under the so-called "Foreign Agents Law" and the administrative fines associated with it. The Special Rapporteur takes

note of the reply received on this case but remains concerned that Ms. Koroleva and her organisation appear to be targeted for exercising the right to freedom of expression, assembly and association, in particular by organising public events aimed at opposing the construction of the Baltic nuclear Power Plant in Kaliningrad Province. The Special Rapporteur would like to request updated information on the status of investigations against Ms. Koroleva as well as information on how the implementation of the so-called “Foreign Agents Law” is in line with the Russian Federation’s obligations under international human rights law, in particular with articles 19 and 22 of the ICCPR.

572. The Special Rapporteur is also concerned about the arrests and convictions of Mr. Kurbedinov in January 2017 and December 2018, which appear to be aimed at criminalising his legitimate exercise of freedom of expression, and which put him at risk of disbarment as a human rights lawyer. The Special Rapporteur is concerned that the attempted disbarment of Mr. Kurbedinov appears to constitute an arbitrary and disproportionate measure, and an act of retaliation for the legitimate exercise of his profession as a lawyer and human rights defender. The Special Rapporteur regrets that the response received on this case provided no substantive information on the allegations made and answered none of the questions raised.

573. In relation to the allegations outlined in his communication dated 19 September 2019, the Special Rapporteur continues to express concern about the alleged repression of peaceful protests held in Moscow from 14 July to 10 August 2019 against the exclusion of certain candidates in the elections for the Moscow City Duma. The Special Rapporteur reiterates specific concern about the detentions and prosecutions of protesters and journalists covering the demonstrations, the alleged failure to investigate complaints of excessive use of force by law enforcement officials and the internet shutdown, surveillance and public disclosure of personal data of some protesters. The Special Rapporteur is concerned that the acts of the authorities appear to have served to repress the legitimate exercise of the rights of individuals to public participation, freedom of expression and freedom peaceful assembly in the context of the local elections. The Special Rapporteur acknowledges the Government’s reply to his communication and looks forward to receiving the translation.

574. The Special Rapporteur is also concerned about the ban from entry into Russia issued against human rights defender Mr. Johannes Rohr, which appears to be linked to his work in defence of human rights and may represent acts of intimidation and reprisals following his engagement with the United Nations in the field of human rights, in particular in connection with his public remarks delivered during the 7th edition of the UN Forum on Business and Human Rights. The Special Rapporteur is further concerned by the decision to ban Mr. Rohr from entering the country until 2069, and the chilling effect that this may have on those working on the promotion and protection of the rights of indigenous peoples in Russia. He is grateful for the government’s reply to his communication and looks forward to receiving the translation.

## Spain

575. JAL 28/01/2019 Case no: ESP 5/2018 State reply: 28/02/2019 08/05/2019

### **Información recibida en relación con la prisión preventiva del Sr. Jordi Cuixart.**

576. JAL 26/02/2019 Case no: ESP 1/2019 State reply: 30/04/2019

### **Información recibida sobre el posible impacto de la criminalización de la labor de defensoría de derechos humanos de las personas migrantes por parte del estado español y respecto a alegaciones de declaraciones difamatorias contra la organización Caminando Fronteras.**

577. El Relator Especial agradece al Gobierno de España por haber respondido a las dos comunicaciones enviadas durante el periodo abarcado por el presente informe.

578. El Relator Especial toma nota de las respuestas enviada el 28 de febrero de 2019 y el 9 de mayo de 2019 a la carta enviada sobre las preocupaciones relativas a la detención y al procesamiento del Sr. Cuixart por el delito de rebelión, por actos que no parecieran implicar violencia o incitación a la violencia.

579. El Relator Especial agradece la información incluida en la respuesta del 30 de abril de 2019 en particular sobre la resolución del Tribunal de Apelación de Tánger del 5 de marzo de 2019 archivando la causa penal contra la defensora de los derechos de los migrantes española, pero lamenta la falta de información sobre las alegaciones de desprestigio en contra de la organización Caminando Fronteras. El Relator Especial reitera su preocupación sobre las declaraciones de autoridades españolas, que parecerían contribuir a la criminalización y el descrédito de la defensora y el Colectivo Caminando Fronteras, en particular en el contexto de una tendencia europea de campaña de desprestigio y procedimientos judiciales contra las personas defensoras de los derechos de los migrantes.

## Turkey

580. JAL 04/03/2019 Case no: TUR 3/2019 State reply: 14/05/2019

**Allegations concerning the sentencing of 47 members of Academics for Peace between 11 December 2018 and 24 January 2019, including Ms. Şebnem Korur Fincancı and Mr. Gençay Gürsoy, as the result of their signing a peace petition.**

581. JAL 16/05/2019 Case no: TUR 5/2019 State reply: 12/07/2019

**Allegations concerning criminal charges against Ms. Gönül Öztürkoğlu, a human rights defender and president of the Malatya branch of İnsan Hakları Derneği (IHD – Human Rights Association). Ms Öztürkoğlu has been actively involved in defending the human rights of women and children, the rights of prisoners, in particular the sick and the elderly, and the rights of persons belonging to Yazidi communities.**

582. JAL 09/07/2019 Case no: TUR 7/2019 State reply: 06/09/2019

**Allegations concerning the sentencing of Ms. Eren Keskin, as well as the arrest and subsequent release of Ms. Nurcan Baysal.**

583. JAL 23/07/2019 Case no: TUR 8/2019 State reply: 20/09/2019

**Allegations concerning the sentencing of eleven council members of the Turkish Medical Association to prison on the charge of “provoking the public to hatred and enmity”, following statements on the effects of war and conflict on public health.**

584. The Special Rapporteur thanks the Government of Turkey for the letters received in response to all of his communications and for its continued engagement with the Special Procedures of the Human Rights Council.

585. The Special Rapporteur reiterates his concern at the deteriorating space for human rights defenders in Turkey and at the continued use of national security and counter-terrorism legislation and criminal defamation to criminalise the exercise of the right to freedom of expression in Turkey. In this context, the Special Rapporteur expresses his concern regarding the use of the Anti-Terrorism Law, in particular the charges of membership of a terrorist organisation and propagandising for a terrorist organisation, against human rights defenders exercising their right to freedom of expression by calling for peace and advocating for the rights of the Kurdish minority. He takes note of the amendment introduced to Article 7/2 of the Anti-Terrorism Law but remains concerned that said provision is not compatible with the permissible derogations to the right to freedom of expression under Article 19(3) of the ICCPR, given its overbroad and vague wording which permits wide-ranging powers to authorities to arrest and prosecute people for their public statements.

586. This worrying trend is reflected in the ongoing criminalisation of members of the Human Rights Association (IHD). The Special Rapporteur is concerned about the charges, the ongoing criminal proceeding, and the travel ban and weekly reporting to the police imposed on Ms. Öztürkoğlu for her work defending the rights of women, children, the elderly, prisoners and the disappeared. He is also seriously concerned about the latest conviction of IHD’s co-president Ms. Eren Keskin and the alleged arbitrary arrest of and charges against Nurcan Baysal.



587. The Special Rapporteur notes the reported acquittal of at least 491 signatories of the statement “We will not be a Party to this Crime” following the July 2019 ruling by the Constitutional Court that the conviction of Academics for Peace had violated their freedom of expression. However, he remains concerned about the ongoing judicial proceedings against some of them.

588. The Special Rapporteur is also concerned at the sentencing to prison of eleven Turkish Medical Association’s Council members. He is dismayed that the issuing of opinions on public health and calling for peace has led to the imprisonment of the human rights defenders for almost two years. He reminds the Government of Turkey that, as part of their obligations under the International Covenant on Economic, Social and Cultural Rights article 12, States should respect, protect, facilitate and promote the work of human rights advocates and other members of civil society with a view to assisting groups in vulnerable or marginalised situation in the realisation of their right to health.

589. The Special Rapporteur regrets that the Government’s replies in the abovementioned cases failed to address the main concerns put forth by him and did not provide specific information as to the factual basis for the charges brought against the human rights defenders or the measures taken to ensure that trials are conducted in a free and fair manner.

## Turkmenistan

590. JAL 08/02/2019 Case no: TKM 1/2019 State reply: none to date

**Allegations of forced labour in the cotton sector and the arbitrary detention of labour rights defender, Mr. Gaspar Matalaev.**

591. JAL 29/11/2019 Case no: TKM 2/2019 State reply: none to date

**Alleged enforced disappearances and deaths in custody of at least 27 individuals due to torture, inhumane treatment, degrading detention conditions, and denial of medical assistance in the Turkmen prison system, in particular at the maximum-security prison Ovadan Depe.**

592. The Special Rapporteur regrets that, at the time of finalisation of this report, no responses have been received from the Government of Turkmenistan. He urges the Government to engage with the mandate holders of the Special Procedures of the Human Rights Council, and to address allegations of forced labour, retaliation against Gaspar Matalaev for documenting it, as well as enforced disappearances and deaths in custody of at least 27 individuals in Turkmen prisons, including civil rights defenders.

593. In relation to the allegations outlined in his communication dated 8 February 2019, the Special Rapporteur remains deeply concerned about Mr. Matalaev’s ongoing imprisonment and restates the concerns of the Human Rights Committee about the “continuous use of harassment, intimidation, torture and arbitrary arrests, detention and convictions on reportedly politically motivated charges as a retaliation tool, including those seeking to document forced labour in the cotton harvest, such as Gaspar Matalaev”.

594. In regards to the case of human rights defender Ms. Muradova, on 6 April 2018, the Human Rights Committee found violations in respect of her rights to life, freedom from torture, personal liberty and security, fair trial, and freedom of expression. The Committee found the Government to be under an obligation to conduct a thorough, prompt and impartial investigation into Ms. Muradova’s arbitrary arrest and detention, torture and death in custody; provide full redress to her family, including adequate compensation and rehabilitation for the name of Ms. Muradova for the violation of her rights; and provide all information regarding the investigation, including the findings of the autopsy and copies of trial transcripts and the court judgment to her lawyer and the family members. Furthermore, the Committee indicated that Turkmenistan is also under an obligation to take all steps necessary to prevent similar violations from occurring in the future (CCPR/C/122/D/2252/2013). The Special Rapporteur urges the Government to implement the recommendations adopted by the Human Rights Committee.

## Ukraine

595. JAL 7/01/2019 Case no: UKR 5/2018 State reply: 07/03/2019

**Alleged adverse environment for human rights defenders in Ukraine, most recently illustrated by the killing of Ms. Kateryna Handziuk.**

596. The Special Rapporteur thanks the government of Ukraine for the letter in response to his communication. He welcomes the report elaborated by the Parliamentary Temporary Investigative Commission, concerning attacks against civil society actors, including Ms. Handziuk. He further takes note of the information provided on the charges brought against alleged perpetrators of the killing of Ms. Handziuk. He invites the Government to share information on the current status of investigations.

597. The Special Rapporteur regrets that no information was provided regarding the measures taken to ensure the effective protection of women human rights defenders, with the recognition of their particular needs and the specific risks they face. The Special Rapporteur reiterates concerns about an emerging pattern of attacks against human rights defenders which remain unsolved and an apparent climate of impunity, which cannot but encourage further similar violence, which may have a chilling effect on civil society, in particular on the peaceful exercise of human rights.

598. The Special Rapporteur reminds the Ukrainian Government of its obligation to create an enabling environment for the exercise of freedom of expression. Part of this duty is reflected in the obligation to combat impunity in relation to attacks against individuals for their work in bringing into light information of public interest, such as corruption.

## United Kingdom of Great Britain and Northern Ireland

599. JAL 03/01/2019 Case no: GBR 14/2018 State reply: 11/03/2019

**Allegations concerning inadequate implementation of the Modern Slavery Act; in particular the ineffective and insufficient consultation with civil society organisations on a statutory guidance on trafficking in persons.**

600. JAL 01/02/2019 Case no: GBR 13/2018 State reply: 11/03/2019

**Allegations of the prosecution of fifteen individuals, including Messrs. Nathan Clack, Joseph McGahan, Nicholas Sigsworth, Alistair Tamlit, Edward Thacker and Benjamin Metters, and Ms. Helen Brewer, Lyndsay Burtonshaw, Laura Clayson, Melanie Evans, Emma Hughes, May McKeith, Ruth Potts, Jyotsna Ram and Melanie Strickland, also known as the Stansted 15, for the exercise of their right to peaceful and non-violent protest and freedom of expression.**

601. PR [21/12/2018](#)

**UN experts urge UK to honour rights obligations and let Mr. Julian Assange leave Ecuador embassy in London freely**

602. PR [06/02/2019](#)

**UK must stop disproportionate use of security laws after conviction of Stansted 15, say UN rights experts**

603. The Special Rapporteur thanks the Government for its response to the communication sent on 3 January 2019, which raised concerns over the implementation of the Modern Slavery Act 2015. He welcomes the numerous ways which the Government has elaborated on its engagement with civil society actors, noting that they indeed sought their expertise in the process of addressing modern slavery and through their membership in The Modern Slavery Strategy and Implementation Group (MSSIG). While the Special Rapporteur is concerned by the initial decision by the Government to drastically cut the financial assistance awarded to such a vulnerable group as victims of trafficking seeking asylum, he acknowledges its commitment to comply with *K & AM v SSHD* and reinstate top-up payments to victims. The Special Rapporteur invites the Government to share specific

information on the outcome of any consultations with civil society which have taken place so far.

604. The Special Rapporteur is grateful for the response provided to his communication dated 1 February 2019, regarding the Stansted 15, a group of human rights defenders who protested against the deportation of asylum seekers from Stansted Airport. The Special Rapporteur takes note of the court's decision to hand down suspended prison sentences or community service orders to the human rights defenders after determining that they were motivated by "genuine reasons". While recognising Government concerns for public safety, the Rapporteur remains concerned by the disproportionality of the initial conviction, which was based on the Aviation and Maritime Security Act (ASMA), and for what appears to be the protesters' exercise of their rights to non-violent protest and freedom of expression. He is further concerned that such charges were brought to deter others from taking similar peaceful direct action to defend human rights and in particular the rights of asylum seekers. The Special Rapporteur calls on the Government to refrain from applying ASMA and other security-related legislation as a basis for prosecuting peaceful political protesters and critics of State policy, who are legitimately exercising their right to freedom of expression.

## **MIDDLE EAST AND NORTH AFRICA REGION**

605. During the present reporting period, the Special Rapporteur sent 38 communications to 12 countries in the Middle East and North Africa region. The Special Rapporteur welcomes another year's increase in the response rate for the region, which stands at 53%. The Special Rapporteur urges the continued cooperation of the countries in the Middle East and North Africa region with his mandate and hopes to receive responses to the remaining communications in due course.

606. Similar to previous reporting periods, the Special Rapporteur is concerned at the alarming use of national security legislation to criminalise the work of human rights in the region. In a number of states human rights defenders were conflated with terrorists in connection to their legitimate work promoting and protecting human rights and participating in peaceful assemblies, as illustrated in communications sent to Egypt, Israel and Saudi Arabia. Terrorism and national security legislation offences often carry very heavy penalties, which permits states to keep human rights defenders in pre-trial detention without sufficient judicial oversight. The Special Rapporteur reminds states that broad and unspecific definitions of terrorism and counter-terrorism breach international human rights law and urges them to adopt measures to ensure human rights are awarded sufficient protections to carry out their legitimate activities.

607. The Special Rapporteur received many reports of alleged ill-treatment and torture of human rights defenders in the region, including at the time of arrests, as well as inadequate detention conditions, during this year's reporting period. The Special Rapporteur referred to these concerns in communications sent to Bahrain, Egypt, Morocco, Saudi Arabia, Kuwait and the United Arab Emirates, with those subjected to enforced disappearance in particular at increased risk of cruel and inhuman treatment or/and torture. The Special Rapporteur is profoundly concerned that the increasing severity of the punishment that human rights defenders are subjected to, may be in direct retaliation for their work, and is aimed at silencing speech that is deemed dissenting or critical of Governments' actions.

608. Shrinking space for civil society to carry out its activities has drastically affected human rights defenders' ability to freely denounce violations observed in their countries. The Special Rapporteur has received serious allegations on excessive use of force in the context of public demonstrations, as illustrated in letters sent to Algeria, Egypt, Iraq and Lebanon. This has also been particularly true in online spaces, where the use of the internet as an effective tool for the exercise of the right to free speech has been heavily restricted. The Special Rapporteur notes alleged internet shutdowns, blocking of social media applications and the criminalisation of bloggers and social media activists has occurred in Algeria, Iraq, Lebanon, Mauritania and Egypt respectively. The Special Rapporteur reaffirms that everyone has the right to spread information relating to human rights and fundamental freedoms by the media of their choice, and urges states to ensure that reactionary legislation enacted to counter legitimate online threats cannot be misused to criminalise human rights defenders.

609. Women human rights defenders faced numerous threats to their work during this year's reporting period, with the Special Rapporteur raising the case of 14 women human rights defenders from across the region. Gender based violence, harassment and smear campaigns were some of the unique threats to women human rights defenders, who, the Special Rapporteur has previously reported, face a double stigmatisation, due in one part to their human rights work, and in another to their gender.

610. The Special Rapporteur is concerned at the use of travel restrictions, reflected in the communications sent to Bahrain and Israel. These restrictions hinder human rights defenders' abilities to carry out their work and prevent them from raising international awareness of human rights violations. The Rapporteur reminds states that the UN Declaration on Human Rights Defenders guarantees the right to unhindered access to and communication with international bodies.

611. The Special Rapporteur regrets to note an increase over last year in the number of human rights defenders who were subjected to reprisals for their cooperation with international human rights mechanisms. During the reporting period, he received nine reports on cases of reprisals and intimidation against organizations and defenders for cooperation on

human rights issues with international human rights mechanisms, including the UN, its representatives and mechanisms concerning Bahrain (BHR 7/2018, BHR 3/2019), Egypt (EGY 8/2018, EGY 11/2019, EGY 12/2019); Israel (ISR 14/2018, ISR 8/2019), Saudi Arabia (SAU 1/2019, SAU 9/2019).

## Algeria

612. JAL 23/01/2019 Case no: DZA 5/2018 State reply: 2 Apr 2019

**Allégations relatives à l'arrestation et la détention de journalistes et d'un défenseur des droits de l'homme ainsi qu'à des possibles mesures de représailles envers la famille d'un blogueur algérien habitant en France.**

613. JAL 21/05/2019 Case no: DZA 1/2019 State reply: none to date

**Allégations d'usage excessif de la force au cours de manifestations, de restrictions du droit à la liberté de manifester et d'actes d'intimidations contre des manifestants.**

614. JAL 09/08/2019 Case no: DZA 3/2019 State reply: 2 Sep 2019

**Allégations concernant l'arrestation, la détention arbitraire et l'harcèlement judiciaire de M. Salah Dabouz, de M. Hadj Ibrahim Aouf et de M. Kamal Eddine Fekhar, ainsi que des allégations de mauvais traitements, y compris dans un établissement de santé, de M. Aouf et M. Fekhar durant leur incarcération, ayant entraîné la mort de M. Fekhar.**

615. JAL 18/10/2019 Case no: DZA 2/2019 State reply: none to date

**Allégations concernant l'arrestation et détention arbitraire de M. Fadel Breika et M. Moulay Abba Bouzaid.**

616. PR [18/06/2018](#)

**Algérie: La mort d'un gréviste de la faim en détention est alarmante, selon des experts de l'ONU.**

617. Le Rapporteur spécial remercie le Gouvernement de l'Algérie pour les deux réponses reçues au cours de la période couverte par ce rapport. Le Rapporteur spécial remercie également le gouvernement pour la réponse reçue à la DZA 2/2018, une communication envoyée pendant la période couverte par le rapport précédent. Il regrette néanmoins l'absence de réponse aux deux autres lettres envoyées pendant cette période et espère recevoir des réponses dans les meilleurs délais. Le Rapporteur spécial souhaite rappeler au Gouvernement que ces réponses sont un élément majeur de la coopération interétatique.

618. Concernant la communication DZA 5/2018, le Rapporteur spécial prend note des explications fournies par le Gouvernement, mais constate que ces explications ne répondent pas à toutes les allégations adressées, notamment en ce qui concerne des vices de procédure lors des arrestations. De plus, le Rapporteur spécial est préoccupé par l'explication fournie par le Gouvernement concernant le motif de la condamnation de M. Mellah, qui a été condamné à un an de prison (avec amende de 100.00 dinars) pour avoir organisé un rassemblement pacifique non-autorisé.

619. Le Rapporteur spécial rappelle au Gouvernement son obligation de garantir le droit de réunion pacifique tel que défini à l'article 21 du Pacte international relatif aux droits civils et politiques, auquel l'Algérie a accédé le 12 septembre 1989. "Le fait d'omettre de notifier une réunion aux autorités ne rend pas cette réunion illicite et ne devrait donc pas être un motif de dispersion du rassemblement. Lorsqu'il n'y a pas eu de notification en bonne et due forme, les organisateurs et les dirigeants communautaires ou politiques ne devraient pas être l'objet de sanctions pénales ou administratives assorties d'amendes ou de peines d'emprisonnement." (A/HRC/20/27, par. 29).

620. Des préoccupations concernant des allégations de restrictions abusives à la liberté de réunion pacifique avait d'ailleurs été exprimées par le Rapporteur spécial dans la communication DZA 1/2019, concernant des manifestations tenues en avril/mai 2019 à Alger, allant d'interdictions de manifester à l'immobilisation de bus transportant des

manifestants. Le Rapporteur spécial regrette l'absence de réponse à cette lettre, dans laquelle ont également été exprimées des préoccupations quant à des allégations relatives à l'usage excessif de la force par les forces de l'ordre envers des manifestants pacifiques et des défenseurs des droits de l'homme, ainsi qu'aux allégations concernant des actes d'intimidations contre des manifestants, notamment des manifestantes détenues au commissariat de police de Baraki à Alger le 13 avril 2019.

621. Le Rapporteur spécial prend acte des informations fournies par le Gouvernement en relation avec les allégations rapportées dans la communication DZA 3/2019, concernant l'arrestation, la détention arbitraire et l'harcèlement judiciaire de M. Salah Dabouz, de M. Hadj Ibrahim Aouf et de M. Kamal Eddine Fekhar, ainsi que des allégations de mauvais traitements, y compris dans un établissement de santé, de M. Aouf et M. Fekhar durant leur incarcération, ayant entraîné la mort de M. Fekhar. Le Rapporteur spécial regrette profondément que la réponse du Gouvernement se limite quasi exclusivement à énumérer les actes médicaux administrés et ne réponde pas à la plupart des allégations rapportées. Le Rapporteur spécial reste gravement préoccupé par l'ensemble des allégations portées à son attention. Ces individus semblent avoir été pris pour cible en raison de leurs activités légitimes et pacifiques en faveur de la défense des droits de l'homme en Algérie.

622. Concernant la communication DZA 2/2019, le Rapporteur spécial prend acte de l'acquiescement et la libération de M. Fadel Breika et M. Abba Bouzaid le 11 novembre 2019 mais regrette l'absence de réponse du Gouvernement à sa communication, d'autant plus que cette communication contient des allégations graves, y compris des allégations de disparition forcée et de torture.

## Bahrain

623. JAL 17/01/2019 Case no: BHR 7/2018 State reply: 11/03/2019

**Allegations concerning threats, including death and rape threats, travel restrictions and other human rights violations against two human rights defenders: Ms. Ebtessam Abdulhusain Ali-AlSaegh and Ms. Zainab Abdullah Salman Al Khamis. We have also received allegations regarding further acts of reprisals, including physical abuse in detention, against Ms. Hajar Mansoor Hasan, the mother-in-law of a well-known defender who is currently outside the country.**

624. JAL 18/09/2019 Case no: BHR 1/2019 State reply: 19/11/2019

**Alleged denial of adequate health care for serious health conditions of several detainees held in the Jau Prison.**

625. JAL 01/11/2019 Case no: BHR 3/2019 State reply: 29/12/2020

**Allegations concerning the continued imprisonment and other human rights violations in prison, including restrictions on religious practices and family visits, against Ms. Hajar Mansoor Hasan, and her cellmate Ms. Medina Ali, as well as the continued imprisonment and deteriorating health of human rights defender Mr. Nabeel Rajab.**

626. The Special Rapporteur thanks the Government of Bahrain for the replies sent to his letters of 17 January 2019 and 18 September 2019. The Special Rapporteur acknowledges the Government's reply to his communication sent 1 November 2019 and looks forward to receiving the translation. He encourages the Government to continue its cooperation with the mandates of the Special Procedures of the Human Rights Council.

627. The Special Rapporteur expresses grave concern at the risks and challenges that human rights defenders operating in Bahrain are facing. In particular, the Special Rapporteur reiterates concerns at the targeting of human rights defenders and political activists for peacefully carrying out their human rights activities, as well as for legitimately exercising their rights to freedom of expression, freedom of association and freedom of peaceful assembly. The Special Rapporteur continues to express serious concerns about the fact that travel restrictions, physical violence politically motivated charges, threats, including death

threats and threats of sexual violence appear to be among the measures used to prevent human rights defenders from carrying out their peaceful and legitimate work.

628. In this context, the Special Rapporteur reiterates concerns about the continued incarceration of Ms. Mansoor Hasan, Ms. Ali and Mr. Rajab, and its impact on their physical and mental integrity. The case of Ms. Mansoor Hasan was the subject of two communications sent in the present reporting period, while concerns about human rights violations against Mr. Nabeel Rajab were raised in fourteen communications sent in previous reporting periods.

629. The cases of Ms. Mansoor Hasan, Mr. Rajab and Ms. Ali-AlSaegh illustrate serious acts of intimidation and reprisals against human rights defenders for their cooperation with the United Nations, its representatives and mechanisms in the field of human rights. In this connection, the Special Rapporteur would like to reiterate his serious concern at the repetitive use of travel bans and restrictions to prevent human rights defenders, such as Ms. Ali-AlSaegh and Ms. Al Khamis, from travelling abroad and participating in events related to human rights, including those organised by the United Nations. The Special Rapporteur takes note of the Government's response to his communication dated 17 January 2019, including detailed information on the investigations into the complaints concerning the treatment of Ms. Mansoor Hasan in detention, carried out by the Ministry of Interior's Ombudsman. However, he regrets that it failed to address most allegations included in his communication.

630. The Special Rapporteur also acknowledges the Government's replies to his communication dated 18 September 2019, including information on the investigations carried out by the Ministry of Interior's Ombudsman, in response to complaints filed on behalf of some of the detainees. He looks forward to receiving the translation to one of Government's replies. The Special Rapporteur remains gravely concerned about the allegations of torture and ill-treatment of several prisoners, including human rights defenders, the deterioration of their health status and the restrictions to access adequate medical treatment, and health care in detention. He is furthermore concerned that the measures taken by the authorities appear to represent a criminalisation of the exercise of the rights to freedom of expression and freedom of peaceful assembly, and that they form part of the mounting pressure exerted over civil society actors in Bahrain.

631. Concern is also expressed at the apparent lack of appropriate response by the National Institute for Human Rights (NIHR) to allegations of human rights violations in prisons. The Special Rapporteur is further concerned about the recent statement made by the NIHR which appears to be an attempt to delegitimise the work of human rights organisations denouncing human rights abuses in Bahraini prisons. He encourages the Government to indicate what measures have been taken to ensure the effectiveness and independence of the NIHR, in compliance with the Paris Principles.

## Egypt

632. JUA 12/02/2019 Case no: EGY 1/2019 State reply: none to date

**Allegations concerning the arrest and alleged enforced disappearance of a journalist and human rights defender.**

633. JUA 20/03/2019 Case no: EGY 4/2019 State reply: none to date

**Allegations concerning the alleged arbitrary arrest and detention of transgender woman and LGBTIQ human rights defender, Ms. Malak Al-Kashif.**

634. JAL 06/05/2019 Case no: EGY 5/2019 State reply: none to date

**Allegations concerning the judicial harassment against and alleged arbitrary arrest, detention and ill-treatment of human rights lawyer, Mr. Mohamed Ramadan.**

635. JAL 28/05/2019 Case no: EGY 6/2019 State reply: none to date

**Alleged enforced disappearance of, and charges against, 15 individuals, including human rights defenders who are board members of the Egyptian Coordination for Rights and Freedoms (ECRF), in connection with case no. 1552/2018, and the alleged enforced disappearance of the Executive Director of the ECRF, who is**

charged in case no. 441/2018. Allegations have also been received regarding a reported smear campaign against a number of human rights organisations in Egyptian media.

636. JAL 19/07/2019 Case no: EGY 7/2019 State reply: none to date

**Allegations concerning the arrest, detention and prosecution under terrorism-related charges of human rights defenders, critics and peaceful protesters for the exercise of their rights to freedom of expression and peaceful assembly, in particular in the context of the February train accident at Ramses Station in Cairo and the Africa Cup of Nations hosted by Egypt.**

637. JAL 02/09/2019 Case no: EGY 8/2018 State reply: none to date

**Alleged harassment and intimidation of human rights defenders Ms. Salma Ashraf Abdel Halim Abdelghaffar, Mr. Mohamed Zarea, and Mr. Amr Magdi, including acts of reprisal against Ms. Ashraf and Mr. Zarea for their cooperation with the United Nations in the field of human rights.**

638. JAL 09/10/2019 Case no: EGY 10/2019 State reply: none to date

**Allegations concerning the arrest and ongoing detention of human rights defender Mr. Ramy Shaath, the terrorism-related charges and smear campaign against him, and the deportation of his spouse to France.**

639. JAL 23/10/2019 Case no: EGY 11/2019 State reply: none to date

**Allegations concerning the trial, sentencing, imprisonment and provisional release of blogger and human rights defender Mr. Alaa Abdel Fattah, as well as the recent arrest of and charges against him, his lawyer Mr. Mohamed El-Baqer and human rights defender Ms. Abdel Fattah, and the physical and verbal abuse against them while in detention. The alleged violations of Mr. El-Baqer's rights appear to be linked to his engagement with the UN in the field of human rights.**

640. JUA 13/11/2019 Case no: EGY 12/2019 State reply: none to date

**Allegations concerning the ongoing detention of Mr. Ibrahim Abdelmonem Metwally Hegazy (متولي حجازي عبدالمنعم ابراهيم), in reprisal for his activities as a human rights defender and cooperation with the United Nations Working Group on Enforced and Involuntary Disappearances (WGEID).**

641. PR [28/10/2019](#)

**UN experts urge Egypt to end crackdown on protesters and human rights defenders**

642. PR [20/11/2019](#)

**Egypt must free human rights lawyer detained in “double jeopardy” case, say UN experts**

643. PR [11/12/2019](#)

**Egypt must free Coptic Christian rights defender reportedly held on terror charges, say UN experts**

644. PR [20/12/2019](#)

**Experts alarmed at alleged mistreatment of detained protesters**

645. The Special Rapporteur regrets that no replies were received from the Government of Egypt to any of the nine communications sent during the reporting period. Particularly given the serious nature of many of the allegations. The Special Rapporteur urges the Government to engage fully with the mandates of the Special Procedures of the Human Rights Council by responding substantively to the questions and concerns posed in the communications.

646. The Special Rapporteur remains seriously concerned about the continued crackdown on human rights defenders and the use of anti-terror and propaganda legislation in order to criminalise the legitimate exercise of the rights to freedom of expression and assembly. Charges such as misusing social media, aiding or joining a terrorist organisation and inciting



violence are commonly brought against human rights defenders, including lawyers, journalists and peaceful protesters, as in the cases of Mr. Ramy Shaath and Mr. Ibrahim Metwally. The Special Rapporteur would like to underline that the peaceful and legitimate work of human rights defenders should never be conflated with acts threatening national security. With regard to the Code of Criminal Procedures and the 2015 Law Against Terrorism, the Special Rapporteur notes the exceptionally wide definition of terrorism therein.

647. The Special Rapporteur wishes to express his grave concerns over multiple allegations contained in the communications sent reporting acts of torture and/or ill-treatment perpetrated against human rights defenders while in detention such as the cases of Mr. Mohamed El-Baqer, Mr. Alaa Abdel Fattah and Ms. Esraa Abdel Fattah. The Special Rapporteur urges the Government to respond substantively to the allegations concerning torture and ill-treatment of human rights defenders, and to explain what steps have been taken in order to bring the perpetrators to justice.

648. The Special Rapporteur further expresses his concerns over a pattern of allegations of human rights defenders being arrested and taken to an unknown location, as in the cases of members of the Egyptian Coordination for Rights and Freedoms or a journalist who was arrested at Cairo International Airport upon returning from a media course abroad. The Special Rapporteur stresses that enforced disappearance, for any amount of time, constitutes a serious human rights violation and gives rise to serious concerns regarding potential for torture and other forms of ill-treatment.

649. The Special Rapporteur further reiterates his serious concerns over allegations regarding the persistent use of renewable periods of pre-trial detention to detain human rights defenders. This pattern was reflected in several communications sent in the reporting period, including the case of Ms. Malak Al-Kashif who was arrested in connection with her call for peaceful protest as well as her work in the defence of LGBTI rights. The Special Rapporteur follows the information available in public media, concerning her release in July 2019, but remains concerned, given that she had been held in pre-trial detention for over 120 days.

650. Serious allegations have been raised with the Government regarding three cases of reprisals against human rights defenders for their cooperation with the UN. Following his arrest, Mr. El-Baqer was reportedly questioned by the prosecutor about his work at the Adalah Center for Rights and Freedoms and his engagement with the United Nations in the context of the Universal Periodic Review (UPR) of Egypt. The Special Rapporteur is also concerned about the alleged re-arrest and charges brought against Mr. Metwally, in apparent contradiction with the Cairo Criminal Court's acquittal verdict. As previously communicated to the Government, he is concerned that the measures against Mr. Metwally seem to constitute acts of reprisal against him for Mr. Metwally's cooperation with the UN, in particular for traveling to Geneva to meet with the Working Group on Enforced Disappearance and attend the session of the Human Rights Council. The Special Rapporteur is also concerned for the allegations that, Ms. Ashraf and Mr. Zarea were subjected to high-level public statements and public smear campaigns that may be considered as an act of reprisal for their participation at a UN Human Rights Council side event on 1 March 2019.

651. The Special Rapporteur also raises concerns about the arrest and detention of Mr. Shaath, coordinator of the Boycott, Divestment and Sanctions (BDS) Movement in Egypt, the criminal charges brought against him under counter-terrorism law, the deportation of his spouse to France and the reported smear campaign against him. Widespread public smear campaigns can also create a chilling effect on civil society as a whole, leading human rights defenders to abandon their work and self-censor.

652. Finally, the Special Rapporteur is gravely concerned at the alleged excessive use of force against peaceful protesters and the wave of arrests carried out in September 2019 in the context of a series of peaceful protests across the country, in which demonstrators called for the President to resign and for an end to government corruption and austerity measures. The Special Rapporteur calls on the Government to immediately cease its campaign of persecution against protesters, human rights defenders, journalists and anyone else with divergent opinions, and take all measures to guarantee a safe and enabling environment for all Egyptians, independent of their political opinions.

## Iraq

653. JUA 14/10/2019 Case no: IRQ 4/2019 State reply: 19/12/2019

**Allegations of the use of excessive and lethal force by security forces, including live ammunition, against peaceful protesters, reports of deadly targeted sniper fire against and targeted killings of protesters, resulting in dozens of deaths and thousands of injuries, as well as the arbitrary arrests and detentions of protesters and civil society activists, an internet shutdown, the forced closure of several satellite TV channels, and the intimidation and harassment of journalists and civil society activists, in cities and governorates across central and southern Iraq, including in Baghdad, since the beginning of October 2019.**

654. JUA 08/11/2019 Case no: IRQ 5/2019 State reply: none to date

**Allegations concerning the alleged enforced disappearance of Ms. Saba al-Mahdawi, who had participated in several demonstrations in the past weeks.**

655. PR [29/10/2019](#)

**UN experts urge Iraq to ensure those behind violence against protesters are prosecuted**

656. The Special Rapporteur thanks the Government of Iraq for the response received to his communication sent on 14 October 2019 and looks forward to receiving the translation to the government response. He regrets that, at the time of finalisation of this report, no response has been received in response to the communication sent 8 November 2019.

657. The Special Rapporteur expresses serious concern at what appears to be severe violations of several human rights of protesters across cities and governorates in central and southern Iraq, including in Baghdad. He is dismayed by the alleged use of excessive and lethal force by security forces to disperse protesters, including the use of live ammunition and the ramming of protesters with armoured vehicles, and through the use of less lethal means, such as stun grenades. He further expresses his shock and dismay at the targeted killings of protesters and those tending to the dead and injured by sniper fire, and the targeted killings of protesters after demonstrations. The use of force has resulted in significant loss of life and thousands of injuries, some of a serious nature.

658. The Special Rapporteur is further concerned about the large number of alleged arbitrary arrests and detentions of protesters and civil society activists, both during and after demonstrations. Additional concern is expressed by reports that some individuals have been beaten and prevented from reaching hospitals in Baghdad, and that arrests of wounded protesters have allegedly taken place from inside hospitals.

659. The Special Rapporteur reiterates his welcoming of President Barham Salih's call on 7 October 2019 to open a constructive dialogue with demonstrators and to open a judicial investigation into the causes of the violence and use of excessive force by security forces. He further follows the information available in public media concerning the establishment of a governmental Investigative Committee, and welcomes its recommendations on disciplinary and judicial investigations against identified perpetrators.

660. The Special Rapporteur expresses grave concern at the alleged enforced disappearance of Ms Saba al-Mahdawi, which appears to be a direct result of her exercise of the right to freedom of expression and freedom of peaceful assembly in the context of the protests in Baghdad. He calls on the Government to provide a prompt and effective judicial remedy as a means of determining the Ms al-Mahdawi's fate and whereabouts.

661. The Special Rapporteur is also seriously concerned at the imposed restrictions on media freedoms, including the intimidation and harassment of journalists and alleged forced closure of several satellite TV stations in Baghdad, as well as the reported internet shutdown in many parts of Iraq. The Special Rapporteur would like to remind the Government that internet shutdowns affect the capacity of human rights defenders to carry out their work and document human rights abuses. Shutdowns fail to meet the established test for restrictions on

the right to freedom of expression under article 19 (3), and of peaceful assembly found in article 21 of the ICCPR.

## Israel

662. JAL 20/12/2018 Case no: ISR 14/2018 State reply: none to date

**Allegations concerning the targeting of the Israeli Information Centre for Human Rights in the Occupied Territories, known as B'Tselem and its staff, including allegations of reprisals against Mr. Hagai El-Ad and harassment of Ms. Manal Al-Ja'bri.**

663. JAL 01/05/2019 Case no: ISR 6/2019 State reply: none to date

**Information received concerning the charges against and detention of Sheikh Sayah Abu Madhi'm al-Turi, a Bedouin human and land rights defender from al-'Arāgīb, in Negev/Naqab region. His detention is linked to his advocacy and work on Bedouin land claims in al-'Arāgīb, and on the currently unrecognised Bedouin village in that region, which has been demolished numerous times since 2010 and whose residents forcibly removed.**

664. JAL 31/05/2019 Case no: ISR 8/2019 State reply: 31/07/2019

**Allegations concerning State publications, which appear to stigmatise civil society organisations for their engagement with international bodies, including the UN in the field of human rights, and the broader harassment of civil society organisations engaging with UN human rights mechanisms.**

665. JAL 28/08/2019 Case no: ISR 12/2019 State reply: none to date

**Allegations concerning allegations of smear campaign against human rights organisations Al-Haq and Al Mezan, threats, including death threats, against Al-Haq's General Director, Mr. Shawan Jabarin, as well as the travel restrictions imposed on a consultant for Al Mezan and on Mr. Issam Younis, the Commissioner General of the Independent Commission for Human Rights in Palestine.**

666. JAL 07/10/2019 Case no: ISR 13/2019 State reply: 11/10/2019

**Allegations of a raid on Addameer Prisoner Support and Human Rights Association in the town of Ramallah.**

667. PR [10/04/2019](#)

**Israel must ensure protection for Issa Amro and other human rights defenders, say UN experts**

668. PR [25/04/2019](#)

**UN experts call on Israel to overturn deportation of Human Rights Watch director**

669. PR [08/11/2019](#)

**UN experts condemn Israeli decision to expel Omar Shakir of Human Rights Watch**

670. The Special Rapporteur thanks the Government of Israel for providing responses to two of the five letters addressed in the reporting period. He strongly encourages the Government to provide replies to the remaining communications, as maintaining a dialogue with mandate holders is necessary to ensure the promotion and protection of human rights.

671. The Special Rapporteur is concerned about the harassment and stigmatisation of civil society organisations and human rights defenders working for the promotion and protection of human rights in the Occupied Palestinian Territories (OPT), including for their cooperation with the UN and its human rights mechanisms, that seriously restrict the space in which they operate. In this regard, he is concerned about the descriptions of human rights organisations

included in the reports of the Israeli Ministry of Strategic Affairs, alongside public comments by State officials.

672. The Special Rapporteur takes note of the detailed Government's response to his communication dated 31 May 2019 but regrets that it failed to specify what is meant by "anti-Israel delegitimization" and the "delegitimization of the State of Israel" as it is used in the above-mentioned State publications. He also regrets that the Government did not address the concerns about the reported intimidation against a Palestinian human rights organisation during the 40th session of the Human Rights Council.

673. Similar concerns were raised by the Special Rapporteur with regards to the case of Mr. Hagai El-Ad, who was reportedly subjected to denunciatory statements by high-level public officials following his statement delivered at the UN Security Council, concerning the expansion of settlements and the deteriorating human rights situation for Palestinians living in the Occupied Palestinian Territory. The Special Rapporteur is also seriously concerned about the harassment of another member of B'Tselem, Ms. Manal Al-Ja'bri, who has faced gender-based violence and has been threatened with judicial action.

674. Furthermore, the Special Rapporteur remains seriously concerned about the smear campaign against human rights organisations Al-Haq and Al Mezan, and at the defamatory comments and death threats made against Al-Haq's General Director, Mr. Shawan Jabarin. Further concern is expressed at the alleged lack of action by the Ministry of Strategic Affairs and Public Diplomacy in the context of the hateful comments containing death threats, published on the Facebook page of the Ministry's media outlet. The Special Rapporteur is also concerned about the continued travel restrictions against Mr. Issam Younis, which appear to be directly linked to his work as the Commissioner General of the Independent Commission for Human Rights (ICHR) in Palestine.

675. With regards to the allegations raised in the communication dated 7 October 2019, the Special Rapporteur is concerned about the raid conducted by Israeli Security Forces at the office of the Palestinian organisation Addameer. The Special Rapporteur takes note of the Government's response on this case but regrets that it referred to a media article alleging that an Addameer employee is a leader of a terrorist organisation, and did not impart any specific information concerning the legal and factual motivations for the raid on Addameer, and how such measures are compatible with international human rights norms and standards.

676. Finally, the Special Rapporteur is concerned about the arrest and detention of Sheikh Sayah Abu Madhi'm al-Turi, which is reportedly linked to his advocacy and work on Bedouin land claims in al-'Arāḡīb and the currently unrecognised Bedouin village in that region.

## Jordan

677. JAL 15/10/2019 Case no: JOR 1/2019 State reply: none to date

**Information received concerning Mr. Abed al Karem Al-Shraideh, who was arrested and detained on 2 September 2019, and who is presently on bail pending an investigation, for allegedly criticizing Jordanian King Abdullah II bin Al-Hussein in a video posted to Facebook.**

678. The Special Rapporteur regrets that no reply was received from the Government of Jordan to his communication sent 15 October 2019. He emphasises that cooperation with Special Procedures mandates is an effective and useful means to promote and protect human rights in Jordan.

679. The Special Rapporteur is concerned by lack of an enabling environment of freedom of expression in Jordan. Lawyer and human rights defender M. Abed al Karem Al-Shraideh faced charges of "defamation" and "insult against His Majesty the King" for criticising the Government in a video posted to Facebook. Mr. Al-Shraideh was critical of the King's alleged interference in tribal affairs as well as alleged corruption in the country. The Special Rapporteur is deeply concerned that Mr Al-Shraideh is being targeted for exercising his right

to freedom of opinion and expression while carrying out his legitimate human rights activities.

680. The Special Rapporteur reminds the Government of Jordan of Human Rights Committee, General Comment No. 34 on freedom of opinion and expression, which states that Article 19(3) ICCPR may never be invoked as a justification for the muzzling of any advocacy of democratic tenets and human rights. The Special Rapporteur is concerned that defamation charges in Jordan are being used to silence human rights defenders and highlights that states have an obligation to ensure protection of everyone against violence, threats, retaliation, de facto or de jure or any other arbitrary action as a consequence of their legitimate exercise of their rights.

## Kuwait

681. JAL 05/07/2019 Case no: KWT 2/2019 State reply: 06/08/2019

**Allegations concerning an online campaign against Ms. Ebtehal Al-Khateeb, after speaking out for the rights of the Bedoon minority in Kuwait.**

682. JUA 23/08/2019 Case no: KWT 3/2019 State reply: 23/08/2019 (A); 11/10/2019

**Allegations concerning the arrests and detention of human rights defenders in connection with their peaceful advocacy on behalf of the Bedoon community in Kuwait, as well as allegations of torture and ill-treatment against them.**

683. The Special Rapporteur thanks the Government of Kuwait for its replies to the communications sent in this reporting period, noting that the translation of the reply dated 11 October 2019 has not been received yet. The Special Rapporteur looks forward to reading the Government's response in the future and continuing effective dialogue with the Government.

684. The Special Rapporteur remains concerned about the challenges and risks faced by human rights defenders advocating for the rights of the Bedoon minority in Kuwait, in particular by exercising their rights to freedom of expression and peaceful assembly. This apparent trend is reflected in both communications mentioned above. Similar concerns have also been raised by the Special Rapporteur in previous reporting periods.

685. The Special Rapporteur is seriously concerned about the allegations of an online attack against Ms. Ebtehal Al-Khateeb, after delivering a speech highlighting ongoing violations against the Bedoon minority in Kuwait and demanding their civil, political and other fundamental rights to be respected. The Special Rapporteur takes note of the Government's reply to this communication, including information on Ms. Al-Khateeb's right to file a complaint at the Office of the Public Prosecutor. However, he regrets that it did not include specific information concerning the review of the tweets which reportedly targeted Ms. Al-Khateeb with the use of "doxing" (a practice where users post an individual's personal and/or family information online, in this case with the intent of causing them harm).

686. While awaiting the translation of the Government's reply to his communication sent on 23 August 2019, the Special Rapporteur expresses serious concern about the wave of arrests and detention of Bedoon rights defenders in general, which appear to be a direct result of their activities in defence of the rights of the Bedoon minority as well as their exercise of the rights to freedom of peaceful assembly and freedom of expression. Further to this, he is concerned that the human rights defenders appear to be targeted simply for their belonging to the Bedoon minority. The Special Rapporteur is alarmed by the allegations received indicating that torture and/or cruel, inhuman or degrading treatment may have occurred during the detention of the defenders.

687. The Special Rapporteur acknowledges the information provided in the response by the Government to KWT 2/2019, concerning the public services available to members the Bedoon minority but deeply regrets that the Government continues to refer to said minority as "illegal residents", despite the fact that persons belonging to the Bedoon minority have been living in Kuwait for generations.

## Lebanon

688. JAL 10/05/2019 Case no: LBN 3/2019 State reply: none to date

**Allegations that the Ministry of Telecommunications has issued an order to block public networks from accessing an online dating application called “Grindr”, which is most commonly used by gay individuals, as well as allegations of interferences by Lebanese General Security with events related to sexual orientation and gender identity.**

689. JAL 20/11/2019 Case no: LBN 6/2019 State reply: 20/01/2019

**Allegations concerning several incidents of alleged excessive force and ill-treatment by security forces and Lebanese army personnel against protesters, and failures to adequately protect protesters from violent attacks by alleged sympathisers of political groups, during overwhelmingly peaceful mass protests across towns and cities in Lebanon, including downtown Beirut, since 17 October 2019.**

690. PR [26/11/2019](#)

### UN experts decry incidents of excessive force against protesters

691. The Special Rapporteur thanks the Government of Lebanon for the reply received to the letter LBN 6/2019. He also thanks the Government for the response received to LBN 5/2018, a communication sent during the previous reporting period. The Rapporteur regrets that no reply has been received responding to the concerns contained within his other letter of allegation, and encourages the Government to fully cooperate with Special Procedures.

692. The Special Rapporteur expresses his concern regarding discriminatory restrictions on freedom of expression and association, based on sexual orientation and gender identity, observed during last year’s reporting period. The alleged blocking of an online dating application called “Grindr”, which is most commonly used by gay individuals, coupled with allegations of interferences by Lebanese General Security with events related to sexual orientation and gender identity, hinder the for the defence of LGBT rights. He is also gravely concerned that the collection of personal data by Lebanese General Security could have endangered the safety of the annual NEDWA conference participants, particularly in their respective countries, where same sex relations and/or certain forms of gender identity may be criminalised.

693. With regards to the allegations raised in his communication dated 20 November 2019, the Special Rapporteur is seriously concerned by what appears to be several incidents of undue restrictions to the rights to freedoms of peaceful assembly and of expression of protesters in Lebanon. Security forces, Lebanese army personnel, and allegedly politically affiliated counter-protesters have reportedly attacked protesters during overwhelmingly peaceful mass protests in towns and cities across Lebanon since 17 October 2019.

694. While awaiting the translation of the Government’s response to these allegations, the Rapporteur remains concerned by allegations of ill-treatment and excessive force to disperse protesters, including the use of live ammunition, rubber bullets, large amounts of tear gas, and the beating of protesters with batons, which have caused hundreds of injuries, including hospitalisations. With regards to reports of attacks on protesters by alleged sympathisers of political groups, the Special Rapporteur reminds the Government that it has a responsibility to protect peaceful protesters and ensure that there is an enabling environment for them to assemble safely. The Government should take action against those who instigate violence regardless of their political sympathies.

## Mauritania

695. PR [18/06/2019](#)

**Des experts des droits humains de l’ONU demandent la libération d’un blogueur mauritanien en détention**

## Morocco

696. JAL 02/07/2019 Case no: MAR 3/2019 State reply: 3 Oct 2019

**Allégations concernant la dissolution de Racine, une organisation à but non lucratif œuvrant pour l'intégration de la culture dans les politiques publiques de développement humain, social et économique.**

697. JAL 30/09/2019 Case no: MAR 4/2019 State reply: 18 Oct 2019 and 09 Dec 2019

**Allégations concernant l'arrestation et la détention de Mme Raïssouni, poursuivie pour des faits d'ordre privé, qui pourraient être liés à son travail de journaliste indépendante ou aux activités de ses proches dans le domaine des droits de l'homme.**

698. JAL 08/11/2019 Case no: MAR 5/2019 State reply: none to date

**Allégations concernant l'arrestation et la détention de M. Walid El Batal ainsi qu'aux poursuites pénales à son encontre.**

699. Le Rapporteur spécial remercie le Gouvernement du Maroc pour les réponses envoyées au cours de la période couverte par ce rapport. Il regrette néanmoins l'absence de réponse à la lettre MAR 5/2019 et espère recevoir une réponse dans les meilleurs délais. Le Rapporteur spécial remercie également le gouvernement pour la réponse reçue à la MAR 5/2018, une communication envoyée pendant la période couverte par le rapport précédent. Le Rapporteur spécial souhaite rappeler au Gouvernement que ces réponses sont un élément majeur de la coopération interétatique.

700. Le Rapporteur spécial prend acte des explications fournies concernant les allégations formulées dans la communication MAR 3/2019, concernant la dissolution de Racine, une organisation à but non lucratif œuvrant pour l'intégration de la culture dans les politiques publiques de développement humain, social et économique. Il reste néanmoins préoccupé par le fait que cette dissolution puisse avoir un effet dissuasif sur l'exercice du droit à la liberté d'expression par les acteurs de la société civile au Maroc.

701. Le Rapporteur spécial prend acte des explications fournies concernant les allégations formulées dans la communication MAR 4/2019, et se félicite du pardon royal qui a été octroyé à Mme. Raïssouni.

702. Concernant le cas du journaliste sahraoui M. Walid El Batal, le Rapporteur spécial renouvelle ses graves préoccupations concernant son arrestation et sa détention, allant des allégations de violence qui aurait été commises par la police au moment de son arrestation et de son interrogatoire, à des allégations d'aveu sous contrainte et non-respect des garanties d'un procès équitable. Le Rapporteur spécial reste également préoccupé par les informations reçues selon lesquelles les défenseurs des droits de l'homme au Sahara occidental sont régulièrement l'objet d'une intimidation visant à décourager leur travail dans le domaine des droits de l'homme et limitant l'exercice de leurs droits à la liberté d'association et à la liberté d'expression.

## Saudi Arabia

703. JUA 08/02/2019 Case no: SAU 1/2019 State reply: 05/04/2019

**Allegations concerning torture, sexual harassment and ill-treatment of six women human rights defenders in prison. In two cases, reported violations may constitute acts of reprisals for cooperation with UN mechanisms in the field of human rights.**

704. JAL 05/07/2019 Case no: SAU 10/2019 State reply: 29/08/2019 (A)

**Allegations concerning the surveillance, intimidation and harassment against Mr. Omar Abduaziz Alzahrani in possible reprisal for his work in the defence of human rights and his criticism of the Government of Saudi Arabia.**

705. JUA 15/07/2019 Case no: SAU 9/2019 State reply: 12/09/2019

**Allegations concerning the execution of 37 individuals on 23 April 2019, including Mr. Munir Al-Adam, and the wave of arrests in the period 4-9 April 2019 of intellectuals, writers, and human rights defenders, including Mr. Bader Al Ibrahim; Mr. Thamar Al Marzogi; Ms. Khadija Al Harbi; Mr. Abdullah Saad Al Shehri; Ms. Shaika Hamad Al Orf; Mr. Fahad Aba Al Khail; Mr. Mohammad Al Sadiq; Mr. Salah Al Haidar; Mr. Moqbel Al Saqqar; Mr. Yazed Al Faife; Mr. Ayman Al Drees; Mr. Abdullah Al Dehailan; Mr. Nayef Al Hindas; Mr. Redah Ali Al Boori and Mr. Ali Abdullah Al Saffar.**

706. PR [27/09/2019](#)

**Saudi Arabia: UN experts urge freedom for Loujain Al-Hathloul after 500 days in prison**

707. The Special Rapporteur thanks the Government of Saudi Arabia for its replies to the communications sent on 8 February 2019 and 15 July 2019. He further takes note of the Government's acknowledgement of receipt of the communication sent on 5 July 2019, however he deeply regrets that no substantial response was provided to this communication, despite the serious allegations contained therein.

708. Concerns about the targeting of women human rights defenders and defenders of women's rights, especially those involved in the right to drive movements, were raised in the previous reporting period. The Special Rapporteur regrets that, according to allegations received and raised with the Government, this trend has continued. In this context, he expresses grave concern about the alleged detention, torture, sexual harassment and ill-treatment of six women human rights defenders in prison, including in the form of gender based violence. The brutality of the allegations raises serious concern at the physical and psychological well-being of the six women defenders. The concerns in this case are heightened by the fact that the violations against two of the women human rights defenders have been reported as acts of intimidation and reprisal for cooperation with the United Nations, its representatives and mechanisms in the field of human rights.

709. While the Government's response concerning this case outlines several laws applicable with regards to national security, cybercrime and criminal procedure, it does not sufficiently explain how these laws are compatible with international human rights standards and generally justifies restrictions on freedom of opinion and expression by referring to the need to maintain public order and support national unity.

710. The Government's response also states that the six women were arrested for having committed offences punishable under the law and not for the legitimate exercise of freedom of expression. However, it fails to provide specific information on the factual grounds for their arrest and detention. The Special Rapporteur regrets that the Government's response did not address the main concerns put forth by him. He encourages the Government to provide substantive answers to all the questions raised in his communication, including detailed information on the investigations into allegations of torture, ill-treatment and gender-based violence, including sexual harassment, against the six women human rights defenders.

711. The Special Rapporteur wishes to remind the Government that the work of human rights defenders is not prejudicial to national security or unity, but rather further enhances the functioning of a free and liberal society, creating a vibrant civic space and promoting dialogue on policy matters. The Special Rapporteur also reaffirms that restrictions on the right to freedom of expression are not legitimate when they seek to silence legitimate criticism.

712. The Special Rapporteur thanks the Government of Saudi Arabia for the response provided to his communication dated 15 July 2019. He takes note of the commitment of the Kingdom of Saudi Arabia to international human rights treaties and is grateful for the Governments response to each of the questions raised and information supplied. The Special Rapporteur however remains seriously concerned at the criminalisation of human rights defenders, who are frequently being labelled as terrorists for exercising their right to free speech and freedom of assembly and association. The Special Rapporteur reiterates his dismay at the execution of 37 individuals and he reminds the Government of the United Nations Safeguards guaranteeing protection of the rights of those facing the death penalty



(UN Safeguards), which provides that countries that have not abolished the death penalty may only impose it for the most serious crimes. The Special Rapporteur is particularly troubled by the execution of Mr. Munir Al-Adam who was executed despite a specific request by Special Procedures to ensure his physical and mental integrity.

713. In his communication dated 5 July 2019, the Special Rapporteur raised his serious concerns regarding the alleged illegal surveillance, harassment and intimidation against Mr. Omar Abduaziz Alzahrani in order to dissuade him from continuing his criticism of the Government of Saudi Arabia's alleged human rights violations. The Special Rapporteur encourages the Government to respond to this communication and to provide detailed information on the purchase of spyware, including Pegasus, and its use targeting journalists, human rights defenders and activists, in and outside the territory of Saudi Arabia.

## Tunisia

714. JAL 07/01/2019 Case no: TUN 4/2018 State reply: 15 Mar 2019

**Allégations concernant des entraves observées lors de la procédure d'enregistrement de l'organisation Shams, ainsi que le harcèlement et les menaces dont seraient victimes les membres de cette organisation.**

715. JAL 28/02/2019 Case no: TUN 2/2019 State reply: 15 Mar 2019

**Allégations concernant des tentatives d'entrave à l'exercice de la liberté d'association de l'association Shams.**

716. JOL 26/08/2019 Case no: TUN 4/2019 State reply: 18 Nov 2019

**Informations reçues concernant le projet de loi n° 91-2018 qui vise à modifier la législation tunisienne actuelle sur les pouvoirs d'urgence.**

717. Concernant les communications TUN 4/2018 et TUN 2/2019 relatives à des allégations d'entraves à la procédure d'enregistrement de l'organisation Shams, ainsi que des actes de harcèlement et des menaces dont seraient victimes les membres de cette organisation, les Rapporteurs spéciaux remercient le Gouvernement pour sa réponse en date du 15 mars 2019. Concernant les allégations d'entrave à la procédure d'enregistrement, le Gouvernement a affirmé dans sa réponse que le refus de finaliser le processus d'enregistrement de Shams résultait du manquement de la part de l'organisation d'un certain nombre d'obligations administratives, et non pas d'entraves.

718. Concernant le harcèlement et les menaces dont seraient victimes les membres de cette organisation, le Rapporteur spécial remercie le Gouvernement pour les informations fournies, affirmant que des plaintes ne semblaient pas avoir été reçues à cet égard par les autorités compétentes. Le Gouvernement a rapporté que dans un cas spécifique les autorités avaient initié une action en justice contre les auteurs présumés d'une attaque physique commise à l'égard d'un membre de l'organisation et que les auteurs de l'attaque avaient été condamnés à des peines d'emprisonnement.

719. Dans la communication TUN 4/2019, les Rapporteurs spéciaux se sont félicités de la décision du Gouvernement de prendre une approche législative pour régler l'état d'urgence. C'est dans ce contexte que les Rapporteurs spéciaux ont partagé un certain nombre de préoccupations concernant le texte du projet de loi, en cherchant à assister le Gouvernement pour assurer que toutes les mesures législatives prises soient pleinement conformes aux obligations de la Tunisie en vertu du droit international des droits de l'homme.

720. Les Rapporteurs spéciaux remercient le Gouvernement pour sa lettre en date du 18 Novembre 2019. Ils prennent acte des informations fournies concernant la suspension intérimaire du processus législatif concernant ce projet de loi, en raison de la période des élections législative et présidentielle, et attendent avec intérêt de recevoir de nouvelles informations du Gouvernement à ce sujet.

## United Arab Emirates

721. JUA 31/07/2019 Case no: ARE 3/2019 State reply: 17/10/2019

**Allegations concerning the ongoing imprisonment and ill-treatment of the human rights defender and lawyer Mr. Mohamed Abdullah Al-Roken.**

722. PR [07/05/2019](#)

**UAE: UN experts condemn conditions of detention for jailed activist Ahmed Mansoor**

723. The Special Rapporteur thanks the Government of the United Arab Emirates for providing replies to his letter sent during the reporting period, and looks forward to receiving the translations.

724. Concerns regarding the arrest and trial of Mr. Al-Roken have been raised by the Special Rapporteur in previous reporting periods. He remains seriously concerned about the ongoing imprisonment of Mr. Al-Roken and his alleged regular placement in solitary confinement, which appear to be a direct result of his human rights work and his exercise of the right to freedom of expression. He is also deeply concerned at the allegations received indicating that torture and/or cruel, inhuman or degrading treatment may have occurred during Mr. Al-Roken's detention. He further wishes to express his concern over the alleged repeated preclusion of the human rights defender from contact with his family and lawyer.

725. The Special Rapporteur would also like reiterate his concerns about the reliability of evidence used in the trial of human rights defenders, judges and lawyers, including Mr. Al-Roken, on state security offences, which became known as the case of the UAE 94. Serious questions remain about the factual basis of supposed evidence, particularly in light of allegations that it was obtained under torture.

**OTHER ACTORS**

726. JAL 17/12/2018 Case no: OTH 76/2018 Reply: none to date

**Carta enviada a Oxec S.A. en relación a información recibida sobre la criminalización del Sr. Bernardo Caal Xól, líder indígena q'eqchi' de Santa María Cahabón en el departamento de Alta Verapaz, quien fue condenado a siete años y cuatro meses de prisión por detención ilegal y robo agravado el viernes 9 de noviembre de 2018 por el Juzgado 1° de Sentencia de Cobán, a raíz de una denuncia interpuesta por su subcontratista. Su comunidad está protestando pacíficamente contra el impacto dañino que la hidroeléctrica Oxec está teniendo sobre sus tierras y recursos naturales.**

727. JAL 17/12/2018 Case no: OTH 75/2018 Reply: none to date

**Carta enviada a Netzone S.A. en relación a información recibida sobre la criminalización del Sr. Bernardo Caal Xól, líder indígena q'eqchi' de Santa María Cahabón en el departamento de Alta Verapaz, quien fue condenado a siete años y cuatro meses de prisión por detención ilegal y robo agravado el viernes 9 de noviembre de 2018 por el Juzgado 1° de Sentencia de Cobán, a raíz de una denuncia interpuesta por su subcontratista. Su comunidad está protestando pacíficamente contra el impacto dañino que la hidroeléctrica Oxec está teniendo sobre sus tierras y recursos naturales.**

728. JAL 18/12/2018 Case no: OTH 73/2018 Reply: none to date

**Cartas enviadas a Energy Resources Capital Netzone en relación a información recibida sobre la criminalización del Sr. Bernardo Caal Xól, líder indígena q'eqchi' de Santa María Cahabón en el departamento de Alta Verapaz, quien fue condenado a siete años y cuatro meses de prisión por detención ilegal y robo agravado el viernes 9 de noviembre de 2018 por el Juzgado 1° de Sentencia de Cobán, a raíz de una denuncia interpuesta por su subcontratista. Su comunidad está protestando pacíficamente contra el impacto dañino que la hidroeléctrica Oxec está teniendo sobre sus tierras y recursos naturales.**

729. El Relator Especial lamenta no haber recibido respuesta a ninguna de las comunicaciones enviadas sobre la criminalización del Sr. Bernardo Caal Xól. En particular, el Relator Especial está preocupado por la falta de información sobre si las empresas han tenido un proceso de diligencia debida en materia de derechos humanos para identificar, prevenir, mitigar y rendir cuentas de cómo abordar el impacto del proyecto Oxec I y Oxec II sobre los derechos humanos.

730. El Relator Especial recuerda que las empresas privadas deben respetar los derechos humanos y que esta responsabilidad es adicional a la de cumplir las leyes y normas nacionales de protección de los derechos humanos.

731. JAL 30/01/2019 Case no: OTH 1/2019 Reply: none to date

**Letter sent to the Thai company Thammakaset regarding information received concerning the judicial harassment of a human rights defender, Ms. Sutharree Wannasiri and Mr. Nam Win, a migrant worker from Myanmar, for denouncing labor conditions of migrant workers.**

732. The Special Rapporteur regrets that no response was received from Thammakaset in relation to his communication expressing concern about the judicial harassment of Ms. Sutharree Wannasiri and Mr. Nam Win, who were charged with criminal defamation charges by the company, after they denounced the poor labour conditions in the Thai company. The Special Rapporteur recalls that he still awaits a response to his previous communication sent to the company in 2018 (OTH 15/2018).

733. As fourteen migrant workers have already been cleared of defaming the company for denouncing their working conditions, the Special Rapporteur is concerned that Thammakaset is using defamation laws to judicially harass and silence human rights defenders. In this context, the Special Rapporteur recalls that private actors and business enterprises have a responsibility to respect human rights, which requires them to avoid infringing on the human rights of others to address adverse human rights impacts with which they are involved. The

Special Rapporteur is concerned that legal action by the company against Ms. Sutharree Wannasiri and Mr. Nam Win may set a precedent for other companies to press charges against those who legitimately denounce labour rights violations.

734. JAL 13/02/2019 Case no: OTH 2/2019 Reply: 21/02/2019; 12/04/2019

**Letter sent to OceanaGold regarding information received concerning the adverse human rights impacts that OceanaGold Corporation has contributed to in Didipio, Nueva Vizcaya Province, in the Philippines, including with regard to the human rights of indigenous peoples residing in the region and the overall environmental degradation.**

735. The Special Rapporteur is grateful for the replies received from OceanaGold Corporation in relation to the letter of allegation OTH 2/2019, sent 13 February 2019. He thanks the corporation for its extensive engagement with Special Procedures and for elaborating on all of the issues raised in the communication in detail. Furthermore, he welcomes the commitment that the Corporation makes to respect human rights and the environment through a number of its policies.

736. The Special Rapporteur takes note of the information provided by the Corporation on the alleged role of the Corporation in the forced evictions of 2008 (in particular in relation to 2 eviction cases) and 2017, as well on its alleged complicity in the excessive use of force by police and military. The Special Rapporteur takes note that in relation to the 2008 events, the Corporation acknowledges that “many of the allegations made in the Joint Communication are similar to the findings of the Philippine Commission on Human Rights”, which OceanaGold does not agree with. The Special Rapporteur notes as well that the corporation challenges their connection to the 2017 evictions and land related events and other environmental impact allegations related to deforestation, reforestation, as air pollutants, water contamination, concentration of copper and toxic chemicals.

737. While the Special Rapporteur thanks the Corporation for clarifications made, he stresses his continued concern over the seriousness of the allegations received. The Special Rapporteur stresses the importance of engaging in meaningful and genuine consultation with the Barangay Council, the residents of Didipio and the communities affected by the operations of the Corporation, in particular with those that have petitioned and requested a suspension of the Mine’s operations, to ensure a process of human rights due diligence and ensuring that the grievance mechanism at the company level, addresses adverse human rights impacts, including on the environment, raised by affected communities and human rights defenders.

738. JOL 28/02/2019 Case no: OTH 7/2019 Reply: 19/03/2019

**Letter sent to the International Union for Conservation of Nature (IUCN) regarding allegations concerning the Thai Government’s reactivation of its nomination of the Kaeng Krachan Forest Complex to be designated as a UNESCO World Heritage site in 2019, particularly in relation to the lack of consultation with affected indigenous peoples and the failure to seek their free, prior and informed consent. Concerns have also been raised over how UNESCO heritage status, if awarded, may impact on the Karen communities’ land rights and livelihoods.**

739. JOL 28/02/2019 Case no: OTH 8/2019 Reply: 08/03/2019

**Letter sent to the UNESCO WORLD HERITAGE CENTRE regarding allegations concerning the Thai Government’s reactivation of its nomination of the Kaeng Krachan Forest Complex to be designated as a UNESCO World Heritage site in 2019, particularly in relation to the lack of consultation with affected indigenous peoples and the failure to seek their free, prior and informed consent. Concerns have also been raised over how UNESCO heritage status, if awarded, may impact on the Karen communities’ land rights and livelihoods.**

740. The Special Rapporteur thanks the IUCN and the UNESCO World Heritage Centre for their responses to OTH 7/2019 and OTH 8/2019 respectively. The Special Rapporteur raised concerns about the lack of consultation undertaken by the Thai Government with the indigenous Karen communities while petitioning for Kaeng Krachan Forest Complex

(KKFC) to be designated a UNESCO World Heritage site. He also expressed his concern regarding the impact that a UNESCO World Heritage status may have on the indigenous communities' land rights. The Special Rapporteur is grateful that both organisations transmitted these concerns to the IUDN World Heritage Panel in order to facilitate its evaluation of the site and the formulation of its final report. The Special Rapporteur welcomes the decision to defer the nomination of KKFC on the World Heritage List until the free, prior and informed consent of indigenous communities is resolved and until there is a satisfactory level consultation with the affected communities where concerns over land rights have been resolved.

741. JAL 12/04/2019 Case no: OTH 15/2019 Reply: none to date

**Letter sent to Weihai International Economic & Technical Cooperative Co., LTD, regarding information received concerning death threats and attempted kidnappings against a human rights defender as well as allegations of possible acts of reprisals for cooperation with the World Bank and its Inspection Panel for documenting and denouncing human rights violations related to the High-Priority Roads Reopening and Maintenance Project (ProRoutes) in the Democratic Republic of the Congo.**

742. The Special Rapporteur acknowledges the information provided by Weihai International Economic & Technical Cooperative Co., Ltd to the Government of China to inform the Government's reply on this case, but regrets that the company has not also responded directly to the Special Rapporteurs' letter. The Special Rapporteur remains concerned at the alleged involvement of company employees in human rights abuses that occurred within the context of the ProRoutes project, and reiterates his call to Weihai International Economic & Technical Cooperative Co. to take all necessary measures to respect all applicable international human rights and environmental norms and standards. He also urges the company to provide an answer to his communication without further delay.

743. JAL 12/04/2019 Case no: OTH 16/2019 Reply: 07/06/2019

**Letter sent to the World Bank regarding information received concerning death threats and attempted kidnappings against a human rights defender as well as allegations of possible acts of reprisals for cooperation with the World Bank and its Inspection Panel for documenting and denouncing human rights violations related to the High-Priority Roads Reopening and Maintenance Project (ProRoutes) in the Democratic Republic of the Congo.**

744. The Special Rapporteur thanks the World Bank for its detailed reply, and welcomes the ongoing and extensive measures that have been put in place locally to address the human rights violations that were documented in 2017 and 2018 by its Inspection Panel investigations. Specifically regarding measures taken to address alleged reprisals against human rights defenders for denouncing these violations, the Special Rapporteur welcomes the Bank's efforts to ensure regular and open communication channels with alleged victims of reprisals, and to highlight the issue in communications with Congolese authorities. He nonetheless remains concerned for the physical integrity and psychological wellbeing of the defender referenced in communication OTH 16/2019. The Special Rapporteur reiterates the recommendation made in this communication that the World Bank needs to ensure that protection against acts of intimidation and reprisals is included as a legally binding condition in loan agreements.

745. JAL 20/2019 Case no: OTH 20/2019 Reply: none to date

**Letter sent to Jasic Technologies Ltd. Regarding allegations concerning the arrest and detention of, and charges against, five labour rights defenders, as a result of their advocacy for labour rights and better working conditions at the Jasic Technology plant in Shenzhen, and for their attempts to form a trade union.**

746. The Special Rapporteur regrets the absence of reply to communication OTH 20/2019, containing allegations of human rights violations against a number of its employees, notably the right to freedom of association. The Special rapporteur reiterates his concern regarding the allegation that the company sabotaged the efforts of a group of employees to form a trade union (including through a smear campaign against them), then orchestrated beatings of these

same employees on its premises before summarily dismissing them and barring them from the premises.

747. The Special Rapporteur reminds Jasic Technology that, according to Article 20 of the Universal Declaration of Human Rights, “Everyone has the right to freedom of peaceful assembly and association.” The Special Rapporteur recalls the United Nations Guiding Principles on Business and Human Rights, which were unanimously endorsed by the Human Rights Council in resolution A/HRC/RES/17/31 in 2011. These Guiding Principles are grounded in recognition of “The role of business enterprises as specialised organs of society performing specialised functions, required to comply with all applicable laws and to respect human rights.”

748. The responsibility to respect human rights is a global standard of expected conduct for all business enterprises wherever they operate. It exists independently of States’ abilities and/or willingness to fulfil their own human rights obligations, and does not diminish those obligations. He urges the company Jasic Technology to provide answers to his communication.

749. JAL 29/05/2019 OTH 22/2019 Reply: none to date

**Lettre envoyée à une société camerounaise concernant des allégations d’intimidation et de violence commises à l’égard des membres de l’ONG « Organic Farming for Gorillas Cameroon » (OFFGO). Ces allégations semblent être liées au travail de l’OFFGO en défense des villageois résistants à l’accaparement de leurs terres dans la sous-division de Mbengwi dans le nord-ouest du pays.**

750. Le Rapporteur spécial regrette l’absence de réponse à cette communication et renouvelle sa préoccupation à l’égard des allégations de graves violations des droits de l’homme qu’elle contient, y compris menaces de mort, enlèvements et mauvais traitements à l’encontre des membres de l’OFFGO ainsi que leurs familles.

751. Le Rapporteur spécial renouvelle sa demande à l’entreprise de fournir une réponse aux questions posées dans la communication et de fournir des informations sur les mesures que l’entreprise aurait mises en œuvre pour identifier, prévenir, et remédier aux effets négatifs de ses activités commerciales sur les droits de l’homme, conformément aux Principes Directeurs des Nations Unies relatifs aux entreprises et aux droits de l’Homme (Principes Directeurs)

752. JAL 17/06/2019 Case no: OTH 25/2019 Reply: none to date

**Carta enviada a MMG Las Bambas respecto a información que hemos recibido en relación con la criminalización de miembros de la comunidad indígena, el Sr. Gregorio Rojas Paniura, el Sr. Edison Vargas Huamanga y la Sra. Nohemí Portilla Vargas. Estas alegaciones están presuntamente relacionadas con su labor como defensores de derechos humanos de los pueblos indígenas y del medio ambiente en torno al proyecto minero Las Bambas, ejecutado por su empresa, MMG Las Bambas.**

753. El Relator Especial reitera su preocupación por las investigaciones en contra de los líderes indígenas comunales de Fuerabamba, y de las personas defensoras de los derechos humanos de los pueblos indígenas en relación a su labor, en el contexto el contexto de su participación en las protestas que se oponían al incumplimiento de acuerdos con la empresa minera MMG Las Bambas y el Estado peruano, y a las violaciones de sus derechos humanos relacionados con la tierra y el territorio. El Relator Especial también insta a la empresa a dar una respuesta a su comunicación sin más demora.

754. JAL 17/06/2019 Case no: OTH 26/2019 Reply: none to date

**Letter sent to China Minmetals Corporation concerning the criminalisation of members of the indigenous community, Mr. Gregorio Rojas Paniura, Mr. Edison Vargas Huamanga and Ms. Nohemí Portilla Vargas in Peru. These allegations are related to their work defending the rights of indigenous peoples and the environment in the context of the mining project Las Bambas, implemented by the company MMG Limited, of which China Minmetals Corporation is the main shareholder.**

755. JAL 17/06/2019 Case no: OTH 27/2019 Reply: 16/08/2019

**Letter sent to MMG Limited concerning the criminalisation of members of the indigenous community, Mr. Gregorio Rojas Paniura, Mr. Edison Vargas Huamanga and Ms. Nohemí Portilla Vargas in Peru. These allegations are related to their work defending the rights of indigenous peoples and the environment in the context of the mining project Las Bambas, implemented by the company MMG Limited.**

756. The Special Rapporteur regrets the absence of a reply from China Minmetals but welcomes the reply from the CEO of MMG Limited. We take note of the information included in the response of the 16 of August 2019, in particular regarding the identification of human rights risks associated with its operations. The Special Rapporteur regrets not having received more substantial information regarding the steps taken by MMG Limited to provide effective remedy to those that suffered from the adverse human rights impacts that they have caused or contributed to. The Special Rapporteur recalls that private companies must respect human rights and that this responsibility is additional to that of complying with national laws and standards for the protection of human rights.

757. JAL 04/09/2019 Case no: OTH 43/2019 Reply: none to date

**Carta enviada a Aruba Airlines sobre alegaciones de hostigamientos, amenazas y expatriaciones forzosas desde Cuba de personas defensoras de derechos humanos, periodistas y activistas sociales y políticos en el marco de la reforma migratoria de 2013 que eliminó la restricción de un permiso especial para viajar al extranjero, pero que reservó al gobierno cubano amplias facultades discrecionales para restringir el derecho a viajar por motivos de “defensa y seguridad nacional” u “otras razones de interés público”. De acuerdo a información recibida, parecería que Aruba Airlines contribuyó a facilitar la expatriación forzosa en dos de los casos mencionados.**

758. The Special Rapporteur thanks the response received from Aruba Airlines on 16 October 2019 to the communication sent regarding their implication in the alleged harassment, threats and forced expatriation from Cuba of human rights defenders, journalists and social and political activists. The Special Rapporteurs welcomes all the extensive documentation provided by Aruba Airlines as part of their internal investigations. However, the Special Rapporteur remains concern regarding the alleged cooperation of Aruba Airlines with the Cuban authorities in the expatriation of Cuban citizens.

759. JAL 10/09/2019 Case no: OTH 45/2019 Reply: none to date

**Carta enviada a la empresa japonesa Furukawa Plantaciones C.A. en relación con la presunta denuncia penal de extorsión en contra del Sr. Walter Dionicio Sánchez Ramos por su lucha a favor de los derechos humanos de las familias agrícolas afectadas por la empresa japonesa Furukawa Plantaciones C.A del Ecuador.**

760. En la ausencia de una respuesta de la empresa japonesa Furukawa Plantaciones, el Relator Especial reitera su grave preocupación frente las alegaciones elaboradas en su comunicación. En particular, destaca la suspensión de las actividades dicha empresa debido a graves incumplimientos laborales. Entre dichos incumplimientos se encuentran la falta de afiliación y contratos de trabajo, la falta de pago de beneficios sociales, condiciones de trabajo infrahumanas, trabajo infantil y servidumbre, entre otros. Directivos de la empresa habrían intimidado verbalmente y jurídicamente al defensor de derechos humanos Sr. Walter Dionicio Sánchez Ramos el cual representa a más de 400 individuos cuyos derechos han sido presuntamente violados por la empresa Furukawa Plantaciones C.A. El Relator Especial recuerda a la empresa que, de acuerdo con los Principios Rectores sobre las empresas y los derechos humanos, la responsabilidad de respetar los derechos humanos constituye una norma de conducta mundial aplicable a todas las empresas, dondequiera que operen. Las empresas deben además asegurar unos procesos que permitan reparar todas las consecuencias negativas sobre los derechos humanos que hayan provocado.

## **Press Releases**

761. PR 04/12/2019

**Statement marking 33rd anniversary of UN Declaration on Right to Development**

762. PR 11/11/2019

**Time for world leaders to honour 25-year-old promises and renew their commitments on women's rights, say human rights experts**

763. PR 15/10/2019

**States must end impunity to break cycle of violence against defenders - UN expert**

764. PR 11/10/2019

**International Day of the Girl Child, 11 October 2019. Agents for change: Girls take up the fight for a better world**

765. PR 16/09/2019

**International Day Commemorating the Victims of Acts of Violence Based on Religion or Belief**

766. PR 13/06/2019

**UN experts stress links between digital space and human rights at RightsCon, Tunis**

767. PR 22/03/2019

**UN human rights experts applaud children fighting climate change**

768. PR 28/02/2019

**Women human rights defenders face worsening violence, warns UN human rights expert**

769. PR 05/12/2018

**Press Statement on the 20th anniversary of the Declaration on Human Rights Defenders**



## Annex

### Abbreviations

ICCPR – International Covenant on Civil and Political Rights

LGBTI - Lesbian, gay, bisexual, transgender and intersex

NGO – Non-Governmental Organisation

UDHR- Universal Declaration of Human Rights

UN- United Nations

UPR – Universal Periodic Review

CAT - Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

### Abréviations

DUDH- Déclaration universelle des droits de l'homme

EPU - Examen Périodique Universel

LGBTI- Lesbiennes, gays, bisexuelle, bisexuels, transgenres, intersexuels

NU- Nations Unies

ONG – Organisation non-gouvernemental

PIDCP - Pacte international relatif aux droits civils et politiques

CAT - La Convention contre la torture et autres peines ou traitements cruels, inhumains ou dégradants

### Who is a defender?

1. “Human rights defender” is a term used to describe people who, individually or with others, act to promote or protect human rights. Human rights defenders are identified above all by what they do and it is through a description of their actions and of some of the contexts in which they work that the term can best be explained. For more information, please see: <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Defender.aspx>.

### Communications

2. The Special Rapporteur takes up, with the States concerned, individual cases of human rights violations committed against defenders.

### Where does the information come from?

3. Information on such cases is received through a variety of sources including individual defenders, NGOs and United Nations agencies.

### What happens when the information reaches the Special Rapporteur?

4. As information arrives the Special Rapporteur first seeks to determine if it falls within the mandate.

5. Secondly, every effort is made to determine the probable validity of the allegations of human rights violation and the reliability of the source of the information. Often, important details may be missing from the information initially received and the OHCHR staff supporting the Special Rapporteur’s mandate contact sources to collect additional information.

6. Thirdly, the Special Rapporteur then makes contact with the Government of the State where the alleged violation is thought to have occurred. Contact is usually conducted through an “Urgent appeal” or “Allegation” letter addressed to the State’s diplomatic mission with

the United Nations in Geneva for transmission to capitals. The letters provide details of the victim, the human rights concerns and the alleged events.

7. “Urgent appeal” letters are used to communicate information on a violation that is allegedly ongoing or about to occur. The intention of these letters is to ensure that the appropriate State authorities are informed as quickly as possible of the relevant circumstances so that they can intervene to end or prevent violations. For example, a death threat that is reportedly made against a human rights lawyer in response to the lawyer’s human rights work would be addressed through an Urgent appeal letter.

8. “Allegation” letters are used to communicate information on violations that are thought to have already occurred and for which the impact on the defender affected can no longer be changed. These kinds of letters are used, for example, in instances where information only reaches the Special Rapporteur long after the events have occurred or where the human rights abuse has already been committed and reached a conclusion. For example, where a defender has been killed this would be raised with States through an allegation letter.

#### **Allegations that cover several human rights issues**

9. The Special Rapporteur constantly consults with Special Rapporteurs whose own mandates are implicated in a particular case and frequently sends joint letters of concern with these mandate holders.

#### **What is the objective of the Special Rapporteur’s intervention?**

10. The primary objective of these letters is to protect human rights defenders by ensuring that State authorities are informed of allegations as early as possible and that they have an opportunity to investigate them and to end or prevent any human rights violation. With both Urgent appeals and Allegation letters, the Special Rapporteur requests the Government to take all appropriate action to investigate and address the alleged events and to communicate the results of its investigation and actions to the Special Rapporteur. Allegation letters focus primarily on asking the State authorities to proceed with an investigation of the events and to conduct criminal prosecutions of those responsible.

#### **How much time does the process take?**

11. The Special Rapporteur and assisting OHCHR staff try to react as quickly as possible to allegations, with special attention given to the most serious and urgent cases. In many instances, a case is taken up by the Special Rapporteur with the concerned Government within a few hours of the information being received from the source. In instances, where insufficient information is available in the initial contact it can take several days to gather and clarify sufficient information for contact to be made with a government.

#### **What happens next?**

12. Ideally, the Government will react immediately to the Special Rapporteur’s letter and investigate the alleged facts, taking action to prevent or end any violation. Governments are urged, under the Human Rights Council resolution renewing the Special Rapporteur’s mandate, to respond to the letters sent. In many instances, responses are not received, are received several months later or do not address the substantive concerns raised by the Special Rapporteur.

13. If the Special Rapporteur does not receive a rapid response from a Government, particularly with regard to an urgent and very serious case, then additional efforts are made to follow-up with the Government concerned, via contact with its representation at the United Nations in Geneva. Resource limitations make it impossible for the Special Rapporteur to follow-up on every case. **A/HRC/40/60/Add.1**

#### **Who can submit information, and how?**

14. Any individual, group, civil-society organisation, inter-governmental entity or national human rights body can submit information to the Special Procedures. The submission form is available on the following webpage <https://spsubmission.ohchr.org>.

15. It includes information that is both required and desirable in order for experts to properly examine a case and take action as needed. If it is not possible to complete the form online, the submission can be sent via e-mail to [urgent-action@ohchr.org](mailto:urgent-action@ohchr.org). Post submissions may be sent to OHCHR-UNOG, 8-14 Avenue de la Paix, 1211 Genève 10, Switzerland. In order to keep track of submissions, it is advised to use the online form.

#### **What happens with a submission?**

16. When received, information is screened and directed to concerned Special Procedures mandates. If information has been submitted through the online form or by e-mail, an automatic acknowledgement confirming that submission has been received will follow. This does not mean that experts have taken action on the submission.

17. If one or more expert(s) send(s) a communication on the basis of a submission, the person who made the submission will not be notified, as this information remains confidential until the communication is published in one of the three reports compiling the communications to the Human Rights Council each year.

18. For more information on these reports please see:

**<http://www.ohchr.org/EN/HRBodies/SP/Pages/CommunicationsreportsSP.aspx>**

19. Subsequent to the submission of an allegation, it is essential to keep the mandate holder updated by sending on information of any positive or negative developments which may occur and which bring about a change in the situation of the victim(s).

#### **Consent and confidentiality**

20. Because communications are aimed at soliciting a response on the measures taken to stop, investigate the violations, punish those responsible and provide remedies to victims, these have to be as comprehensive, detailed and precise as possible. Therefore, communications sent to a Government or an inter-governmental organisation, a business, a military or a security company, will by default include the name(s) of the alleged victim(s). However, if the victim(s) or her/his/their representatives make(s) it clear in the submission that concerns relating to the security of the alleged victim(s) exist(s), the experts may exceptionally decide to withhold the victims' names from the communication.

21. Reports compiling communications sent and responses received are published in a report prepared for each session of the Human Rights Council. These reports contain the letters sent by the experts, including the names of the alleged victims – except alleged victims under 18 years of age or alleged victims of sexual violence, whose names are not published. If it is clear from the submission that concerns relating to the security of the alleged victim(s) exist, the report will not mention the victim(s) by name.

22. The identity of the source of information on the alleged violation is always kept confidential. When submitting information, the source may indicate whether there are any other details that should remain confidential. It is extremely important that alleged victims and/or their families or representatives indicate in their submissions whether they DO or DO NOT consent that:

- the names of the victims be disclosed in the communications to Governments, intergovernmental organisations, businesses, military or security companies.
- the names of the victims appear in a public report to the Human Rights Council.

#### **What are the criteria applied to act on a submission?**

23. The experts will decide whether she/he will take action on a given submission, on the basis of the information received and the scope of her/his mandate. This decision depends also on criteria laid down in the Code of Conduct for the experts (“Code of conduct of the **A/HRC/40/60/Add.1**

Special Procedures mandate-holders of the Human Rights Council”, Human Rights Council resolution 5/2):

- the communication should not be manifestly unfounded or politically motivated;

- the communication should contain a factual description of the alleged violations of human rights;
- the language in the communication should not be abusive;
- the communication should be submitted on the basis of credible and detailed information;
- the communication should not be exclusively based on reports disseminated by mass media.

24. The experts will not require that the concerned State has ratified an international or regional human rights treaty, or that the alleged victim has exhausted domestic remedies to send a communication.

**The online form**

25. Each page of the online form contains “Help and information” to help users navigate the form. Certain fields are mandatory and marked with an asterisk. These fields must be completed in order to submit the form. The form can be saved at any point and it is possible to come back to it within 24 hours.

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