



Генеральная Ассамблея

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Совет по правам человека

Пятьдесят первая сессия

12 сентября — 7 октября 2022 года

Пункты 2 и 5 повестки дня

Ежегодный доклад Верховного комиссара

Организации Объединенных Наций

по правам человека и доклады Управления

Верховного комиссара и Генерального секретаря

Правозащитные органы и механизмы

Сотрудничество с Организацией Объединенных Наций, ее представителями и механизмами в области прав человека

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Резюме

В настоящем докладе Генеральный секретарь освещает действия, изменения в стратегиях и передовую практику в системе Организации Объединенных Наций и за ее пределами в сфере решения проблемы запугивания и репрессий в отношении людей, которые стремятся сотрудничать или сотрудничали с Организацией Объединенных Наций, ее представителями и механизмами в области прав человека. Доклад включает замечания и рекомендации по борьбе с запугиванием и репрессиями и их предупреждению, а также информацию о сообщениях о запугивании или репрессиях, полученных в течение отчетного периода с 1 мая 2021 года по 30 апреля 2022 года, в том числе информацию о последующих мерах в связи со случаями, включенными в предыдущие доклады.

* Настоящий доклад был направлен в структуры конференционного обслуживания после установленного срока, с тем чтобы отразить в нем самую последнюю информацию.

** Приложения к настоящему докладу распространяются в полученном виде только на том языке, на котором они были представлены.



I. Введение

1. В своей резолюции 12/2 Совет по правам человека выразил озабоченность в связи с продолжающимися поступать сообщениями о запугивании и репрессиях в отношении отдельных лиц и групп, которые стремятся сотрудничать или сотрудничали с Организацией Объединенных Наций, ее представителями и механизмами в области прав человека. Совет осудил любые акты запугивания и репрессий со стороны правительств и негосударственных субъектов в отношении отдельных лиц и групп и предложил Генеральному секретарю ежегодно представлять доклад о предполагаемых случаях репрессий, в том числе рекомендации относительно способов решения данной проблемы. Настоящий доклад является тринадцатым докладом, представленным в соответствии с резолюцией 12/2¹.

II. Мероприятия по реагированию на акты запугивания и репрессий

2. В отчетный период репрессии и месть за сотрудничество в настоящее время или в прошлом и запугивание в целях воспрепятствовать будущему участию в работе или сотрудничеству с широким кругом организаций системы Организации Объединенных Наций в Центральных учреждениях и на местах по-прежнему использовались в тех или иных формах. Случаи и тенденции рассматривались в рамках системы Организации Объединенных Наций Секретариатом, отделениями Организации Объединенных Наций на местах и миротворческими операциями, Структурой Организации Объединенных Наций по вопросам гендерного равенства и расширения прав и возможностей женщин (Структура «ООН-женщины»), такими межправительственными органами, как Генеральная Ассамблея, Совет Безопасности и Совет по правам человека, а также мандатариями специальных процедур Совета, договорными органами по правам человека и другими структурами, такими как Фонд добровольных взносов Организации Объединенных Наций для жертв пыток и политический форум высокого уровня по устойчивому развитию. Помощник Генерального секретаря по правам человека, старшее должностное лицо Организации Объединенных Наций, которое уполномочено руководить усилиями в рамках всей системы по пресечению запугивания и репрессий, продолжал взаимодействовать с государствами-членами, структурами Организации Объединенных Наций, гражданским обществом и другими заинтересованными сторонами, чтобы повысить осведомленность о подобных тенденциях и случаях и выразить обеспокоенность такой ситуацией.

3. Генеральная Ассамблея² и Совет по правам человека³ поднимали проблему актов запугивания и репрессий в ряде тематических и страновых резолюций. В октябре 2021 года в своей резолюции 48/17 Совет предложил Генеральному секретарю также представлять Генеральной Ассамблее, начиная с ее семьдесят седьмой сессии, свой ежегодный доклад о сотрудничестве с Организацией Объединенных Наций, ее представителями и механизмами в области прав человека.

4. В октябре 2021 года в заявлении, сделанном перед Генеральной Ассамблеей в ходе интерактивного диалога со Специальным докладчиком по вопросу о положении правозащитников, 80 государств-членов совместно признали важнейшую роль гражданского общества и правозащитников в обогащении процесса принятия решений в рамках Организации Объединенных Наций и обеспечении его влияния на местах. Они призвали другие государства уделять приоритетное внимание и поддерживать полноценное участие гражданского общества в работе Организации Объединенных Наций, в том числе путем принятия мер по борьбе с запугиванием и репрессиями. Они

¹ [A/HRC/14/19](#), [A/HRC/18/19](#), [A/HRC/21/18](#), [A/HRC/24/29](#) и [A/HRC/24/29/Corr.1](#), [A/HRC/27/38](#), [A/HRC/30/29](#), [A/HRC/33/19](#), [A/HRC/36/31](#), [A/HRC/39/41](#), [A/HRC/42/30](#), [A/HRC/45/36](#) и [A/HRC/48/28](#).

² Резолюции [76/178](#), [76/180](#) и [76/174](#) Генеральной Ассамблеи.

³ Резолюции Совета по правам человека [47/1](#), [48/11](#), [48/16](#), [48/17](#), [49/3](#), [49/18](#) и [49/23](#).

призывали к улучшению сбора данных, их анализа и документирования для устранения существующих пробелов, таких как атмосфера страха, которая приводит к самоцензуре, а также для создания основы политики и практики в отношении запугивания и репрессий и совершенствования таких мер политики и практики⁴.

5. Сменявшие друг друга на этом посту председатели Совета по правам человека рассмотрели два предполагаемых случая репрессий, включая случай представителя гражданского общества, который по-прежнему не может выехать за границу. 27 апреля 2022 года Бюро Совета обсудило один из предполагаемых случаев, который возник в контексте сорок девятой сессии Совета. Председатель проинформировал Бюро о том, что Секретариат получил информацию о предполагаемом случае и что в настоящее время расследование продолжается, и заверил Бюро в том, что он примет последующие меры в отношении всех сообщений, доведенных до его сведения. За отчетный период из 39 государств, рассмотренных в рамках третьего цикла универсального периодического обзора, ни одно из них не получило конкретной рекомендации, которая касается актов запугивания или репрессий в отношении лиц и групп, упомянутых в настоящем докладе.

6. Мандатарии специальных процедур Совета по правам человека как и прежде посвящали свои сообщения, публичные заявления, доклады и диалоги проблеме запугивания и репрессий, связанных с сотрудничеством с мандатариями и с учреждениями системы Организации Объединенных Наций в целом⁵. В настоящий доклад включены новые утверждения из восьми сообщений, касающихся 6 государств (см. приложение I)⁶, и информация о последующих мерах в связи со случаями и законодательством, касающаяся 15 государств (см. приложение II)⁷. Рабочая группа по произвольным задержаниям отметила, что она продолжает получать информацию об актах возмездия в отношении лиц, которые воспользовались ее процедурой и по делам которых был направлен призыв к незамедлительным действиям, принято мнение или вынесена рекомендация Рабочей группы⁸.

7. Комитет по насильственным исчезновениям получил семь утверждений о репрессиях за сотрудничество с Комитетом в рамках процедуры незамедлительных действий в контексте официального визита Комитета в Мексику (см. приложение I)⁹. Что касается индивидуальных сообщений, утверждения о репрессиях были направлены в два договорных органа, а именно в Комитет против пыток¹⁰ и Комитет по правам человека¹¹, и на них были даны ответы.

8. В своем ежегодном докладе Генеральной Ассамблее Фонд добровольных взносов Организации Объединенных Наций для жертв пыток отметил, что ограничительные и репрессивные меры, с которыми сталкивается гражданское общество, включая репрессии из-за сотрудничества с Организацией Объединенных Наций, могут ограничить возможности организаций получать доступ к грантам Фонда и реализовывать свои проекты по оказанию помощи жертвам пыток или даже помешать этому¹².

9. Управление Верховного комиссара Организации Объединенных Наций по правам человека (УВКПЧ) продолжило работу по повышению осведомленности

⁴ См. URL: <https://www.gov.uk/government/speeches/we-must-ensure-civil-society-and-human-rights-defenders-can-engage-with-the-un-without-fear-of-reprisal>.

⁵ A/HRC/49/82, пп. 68–69.

⁶ Бангладеш, Бразилия, Венесуэла (Боливарианская Республика), Вьетнам, Мексика и Руанда.

⁷ Бангладеш, Бахрейн, Беларусь, Египет, Израиль, Индия, Индонезия, Иран (Исламская Республика), Камерун, Китай, Никарагуа, Российская Федерация, Саудовская Аравия, Филиппины и Шри-Ланка.

⁸ A/HRC/48/55, пп. 31–32.

⁹ HRI/MC/2022/4, п. 21.

¹⁰ Казахстан, Кипр и Марокко, см. приложение I; и HRI/MC/2022/4, п. 19; см. также URL: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/TBSearch.aspx?Lang=en&TreatyID=1&DocTypeID=130.

¹¹ HRI/MC/2022/4, п. 28.

¹² A/76/301, п. 10.

государств-членов и реализацию инициатив по укреплению потенциала сотрудников и персонала Организации Объединенных Наций в области оценки рисков, поддержки и защиты тех, кто взаимодействует с Советом Безопасности и его миротворческими операциями¹³. За отчетный период УВКПЧ провело 11 онлайн-семинаров, в которых приняли активное участие более 200 сотрудников миротворческих операций Организации Объединенных Наций в Азии, Африке и Латинской Америке.

10. 18 января 2022 года Совет Безопасности провел открытые прения на тему «Защита участия: борьба с насилием в отношении женщин в процессах обеспечения мира и безопасности»¹⁴, в ходе которых Верховный комиссар по правам человека подчеркнула необходимость прилагать больше усилий и достигать лучших результатов в обеспечении безопасных мест для женщин-правозащитниц, чтобы они могли взаимодействовать с Советом Безопасности и его вспомогательными органами, не опасаясь актов мести¹⁵. В рамках подготовки к открытым прениям УВКПЧ выступило соорганизатором и соруководителем трехдневных консультаций с женщинами-правозащитницами и женщинами-миротворцами.

11. В своей резолюции 76/170 о национальных правозащитных учреждениях Генеральная Ассамблея признала важную роль, которую могут играть такие учреждения в предупреждении и пресечении случаев репрессий или запугивания в рамках поддержки сотрудничества между государствами и Организацией Объединенных Наций в поощрении прав человека, в том числе путем содействия, когда это необходимо, выполнению рекомендаций, вынесенных международными правозащитными механизмами.

III. Сотрудничество с Организацией Объединенных Наций во время пандемии COVID-19: риски и возможности онлайн-каналов

12. На сотрудничество с Организацией Объединенных Наций по-прежнему существенно влияла пандемия коронавирусной инфекции (COVID-19), в том числе из-за переноса или отмены очных мероприятий. Хотя цифровые технологии позволили обеспечить более разнообразное и инклюзивное взаимодействие с Организацией Объединенных Наций посредством удаленного участия, переход к встречам и взаимодействию в онлайн-формате поднял важные вопросы и проблемы, связанные с доступностью, кибербезопасностью и конфиденциальностью.

13. В связи со встречами председателей договорных органов в 2022 году УВКПЧ отметило¹⁶, что во время пандемии COVID-19 поступило меньше сообщений о репрессиях или запугивании в отношении лиц, представляющих информацию договорным органам или сотрудничающих с ними. Одним из факторов снижения числа сообщений о репрессиях или запугивании является сокращение масштабов участия в связи с отсутствием ясности и осведомленности о том, как участвовать через онлайн-каналы, отсутствием доступа к онлайн-каналам у жертв, их родственников, адвокатов и субъектов гражданского общества, а также отсутствием доверия к таким онлайн-каналам, в частности при предоставлении информации о деликатных вопросах или участии из среды повышенного риска.

14. В своем докладе Совету по правам человека о пространстве для деятельности гражданского общества и COVID-19¹⁷ Верховный комиссар ООН по правам человека отметила, что массовый переход на цифровые платформы усугубил связанные с этим риски, включая вторжение в частную жизнь, вмешательство в онлайн-контент без надлежащих гарантий и скоординированные враждебные действия в сети, которые

¹³ Термин «миротворческие операции» в данном контексте используется для обозначения как операций по поддержанию мира, так и специальных политических миссий.

¹⁴ См. URL: <https://media.un.org/en/asset/k1s/k1sm0x9zxm>.

¹⁵ См. URL: <https://www.ohchr.org/en/2022/01/security-council-open-debate-women-peace-and-security-protecting-participation-addressing>.

¹⁶ HRI/MC/2022/4, п. 3.

¹⁷ A/HRC/51/13, пп. 20–37 и 53–60.

часто носят гендерный характер. В докладе нашли отражение проблемы гражданского общества, в частности тот факт, что через 18 месяцев после начала пандемии аккредитованные неправительственные организации (НПО) все еще не смогли получить доступ в штаб-квартиру Организации Объединенных Наций, а Верховный комиссар отметила, что с марта 2020 года и до момента написания настоящего доклада в ходе сессий Совета по правам человека и его Рабочей группы по универсальному периодическому обзору не было проведено ни одного очного параллельного мероприятия НПО. Верховный комиссар также подчеркнула, что пожилые люди и инвалиды сталкиваются с дополнительными техническими барьерами, в том числе при использовании онлайн-платформ, не учитывающих требования доступности, а также с отсутствием у них знаний о том, как пользоваться такими инструментами.

15. В том же докладе Верховный комиссар подчеркнула позитивные изменения форм участия гражданского общества в форумах и процессах Организации Объединенных Наций. Совет по правам человека, например, разрешил НПО участвовать в работе посредством записанных видеообращений, а число письменных заявлений от НПО во время продолжающейся пандемии COVID-19 увеличилось на 63 % по сравнению с периодом до пандемии. Многие мероприятия в формате онлайн стали более доступными благодаря обеспечению синхронного перевода на жестовый язык, включая получение информации по бегущей строке, а также прямых трансляций на ВебТВ Организации Объединенных Наций и платформах социальных сетей Организации Объединенных Наций.

IV. Изменения в стратегиях и передовая практика

16. Совет по правам человека в своей резолюции 48/17 приветствовал передовую практику, применяемую государствами-членами для предупреждения и рассмотрения случаев запугивания и репрессий, о которой сообщалось ранее¹⁸, включая: законодательную базу, обеспечивающую право на доступ, и взаимодействие и сотрудничество с международными органами; продвижение и поддержку безопасной и благоприятной среды для гражданского общества в целях сотрудничества с Организацией Объединенных Наций в области прав человека; подотчетность и доступ к средствам правовой защиты в связи с предполагаемыми инцидентами.

17. В контексте выборов членов Совета по правам человека на период 2022–2024 годов, в соответствии с резолюцией 60/251 Генеральной Ассамблеи, одно государство-кандидат добровольно обязалось поддержать активное и значимое участие гражданского общества и правозащитников в работе Совета, в том числе путем содействия усилиям по борьбе со всеми формами репрессий в отношении таких лиц¹⁹. В декабре 2021 года группа государств-членов опубликовала заявление об общих обязательствах по вопросам о женщинах, мире и безопасности²⁰, в котором они обязались уделять приоритетное внимание женщинам-миротворцам и правозащитницам, обеспечить широкую представленность женщин-докладчиков из разных групп в Совете Безопасности и поддерживать их безопасное участие, включая абсолютную нетерпимость к репрессиям.

18. Во время открытых прений Совета Безопасности в январе 2022 года на тему «Защита участия: борьба с насилием в отношении женщин в процессах обеспечения мира и безопасности»²¹ несколько государств-членов рассмотрели риски, с которыми сталкиваются женщины и другие представители гражданского общества при взаимодействии с Организацией Объединенных Наций, в частности с Советом Безопасности. Верховного комиссара обнадежили усилия некоторых государств-членов по смягчению репрессий в отношении женщин-миротворцев, которые принимают участие в работе Совета Безопасности, в том числе в разработке специальных планов действий в чрезвычайных ситуациях в координации

¹⁸ См. URL: <https://www.ohchr.org/ru/reprisals/good-practices-preventing-and-addressing-reprisals>.

¹⁹ Вербальная нота Постоянного представительства Люксембурга (A/76/84).

²⁰ См. URL: https://www.norway.no/contentassets/1b036f2777f74bd3b8ff473555c63a98/220404-statement-of-shared-wps-commitments-2022_updated.pdf.

²¹ См. URL: <https://media.un.org/en/asset/k1s/k1sm0x9zxm>.

с миротворческими операциями Организации Объединенных Наций. Она приветствовала поддержку, оказываемую государствами-членами женщинам-докладчикам, которые сталкиваются с актами мести за сотрудничество с Советом Безопасности, включая техническую и финансовую помощь, а также защиту их прав.

19. Структура «ООН-женщины» продолжала укреплять свою институциональную готовность к борьбе с запугиванием и репрессиями путем улучшения поддержки и защиты субъектов гражданского общества и женщин-правозащитниц, сотрудничающих с Организацией, в том числе в цифровой сфере, и рассмотрела этот вопрос в своем стратегическом плане на 2022–2025 годы²². В марте 2022 года Структура «ООН-женщины» разработала специальное руководство по обеспечению безопасного и благоприятного пространства для участия гражданского общества в ежегодных сессиях Комиссии по положению женщин. В сотрудничестве с УВКПЧ и Комитетом НПО по положению женщин Структура «ООН-женщины» провела информационную сессию по репрессиям в рамках шестидесятой шестой сессии Комиссии по положению женщин в Нью-Йорке, в которой приняли участие более 300 представителей гражданского общества из более чем 70 стран.

20. Канцелярия Посланника Генерального секретаря по делам молодежи совместно с УВКПЧ приняла меры по обеспечению безопасности сотен молодых людей, сотрудничающих с Организацией Объединенных Наций. Канцелярия проводила брифинги по защите отдельных лиц и групп перед началом мероприятий, чтобы обсудить с молодыми людьми вопросы обеспечения их безопасности и распространяло протоколы о защите на нескольких языках среди участвующей в мероприятиях молодежи.

21. Всемирный банк продолжает свои усилия по отслеживанию достоверных сообщений и реагированию на них. Инспекционный совет получил 158 жалоб, касающихся 133 проектов, в 80 проектах из которых (60 %) содержались либо сообщения о репрессиях за сотрудничество с Всемирным банком, либо просьбы о конфиденциальности. В декабре 2021 года Инспекционный совет опубликовал доклад²³ о зарегистрированных случаях репрессий и принятых ответных мерах.

22. Канцелярия советника по вопросам соблюдения законодательства/омбудсмена Международной финансовой корпорации и Многостороннего агентства по инвестиционным гарантиям сообщила об угрозах и репрессиях в отношении тех, кого затронула ее деятельность с 2018 года. С 1 июля 2020 года по 30 июня 2021 года жалобщики высказывали опасения по поводу репрессий в 43 % случаев, рассмотренных Канцелярией, что соответствует показателю 2020 года. В контексте пандемии COVID-19 Канцелярия сосредоточилась на укреплении своего потенциала и поддержке лиц из группы риска в области цифровой безопасности.

23. В мае 2021 года Межучрежденческая рабочая группа по санкциям, введенным Организацией Объединенных Наций, рассмотрела неофициальные руководящие принципы для облегчения обмена информацией между экспертами Совета Безопасности и гуманитарными организациями и субъектами Организации Объединенных Наций. В декабре 2021 года УВКПЧ провело семинар по репрессиям для сотрудников Департамента по политическим вопросам и вопросам миростроительства и экспертов, оказывающих помощь комитетам по применению санкций, который был призван укрепить потенциал для смягчения последствий случаев запугивания и репрессий, связанных с сотрудничеством с Организацией Объединенных Наций.

²² См. URL: <https://www.unwomen.org/en/digital-library/publications/2021/09/un-women-strategic-plan-2022-2025>.

²³ World Bank, *Right to be Heard: Intimidation and Reprisals in World Bank Inspection Panel Complaints*, Emerging Lessons Series No.7, December 2021.

V. Обеспечение доступа к Организации Объединенных Наций, ее представителям и механизмам в области прав человека

24. Препятствия, с которыми сталкиваются отдельные лица и организации, выступающие на форумах Организации Объединенных Наций, были рассмотрены в предыдущих докладах²⁴. Продолжают поступать сообщения о попытках представителей государств блокировать или задерживать аккредитацию некоторых представителей гражданского общества. По-прежнему поступали сообщения о случаях, когда людей фотографировали без их согласия, иным образом помещали под наблюдение или когда их передвижения и заявления записывались без их согласия на заседаниях Организации Объединенных Наций или во время поездок на них. Продолжают поступать сообщения об угрозах в адрес отдельных лиц и НПО, нападках на них и их стигматизации в ходе онлайн-заседаний Организации Объединенных Наций, а также в адрес лиц, которые открыто вносят вклад в работу Организации или добиваются рассмотрения своих дел органами и механизмами Организации Объединенных Наций.

25. Правозащитные компоненты миротворческих операций и учреждения Организации Объединенных Наций, участвующие в защите гражданского населения, сообщали о сохраняющихся проблемах, связанных с доступом к отдельным лицам и сообществам. Кроме того, сообщалось о препятствиях для деятельности сотрудников Организации Объединенных Наций по мониторингу соблюдения прав человека и оказанию гуманитарной помощи. Совет Безопасности по-прежнему настоятельно призывает все стороны и государства обеспечить полный и беспрепятственный доступ и свободное передвижение для персонала миротворческих операций и связанного с ними персонала, а также экспертных механизмов, с тем чтобы они выполняли свои мандаты²⁵.

26. В последующих докладах²⁶ отмечаются озабоченности, связанные с объемом и методами работы Комитета по неправительственным организациям, органа, уполномоченного рассматривать заявления о предоставлении консультативного статуса при Экономическом и Социальном Совете. Комитет получил рекордное число новых заявлений о предоставлении статуса — 855 — на своей очередной сессии²⁷ и 651 заявление в рамках возобновленного сегмента. На своей очередной сессии Комитет рекомендовал предоставить консультативный статус в случае 432 заявлений и отложил 386 заявлений для дальнейшего рассмотрения²⁸. На возобновленной сессии он рекомендовал предоставить консультативный статус в случае 264 заявлений и отложил рассмотрение 320 заявлений²⁹.

27. На возобновленной сессии Комитета по неправительственным организациям 2021 года несколько государств-членов подчеркнули, что озабоченности, связанные с пандемией COVID-19, не должны уменьшать участие организаций гражданского общества в работе Организации Объединенных Наций в то время, когда их идеи становятся все более важными. Они напомнили о текущих дискуссиях относительно возможности включения гибридного компонента в интерактивный сегмент вопросов и ответов Комитета с НПО во время его сессий и подтвердили, что представителям

²⁴ См. три последних доклада: [A/HRC/48/28](#), [A/HRC/45/36](#) и [A/HRC/42/30](#).

²⁵ Резолюции Совета Безопасности [2593](#) (2021), [2596](#) (2021) и [2626](#) (2022) (Афганистан); [2612](#) (2021) (Демократическая Республика Конго); [2602](#) (2021) (Западная Сахара); [2624](#) (2022) (Йемен); [2618](#) (2022) (Кипр); [2584](#) (2021) (Мали); [2592](#) (2021) и [2628](#) (2022) (Сомали); [2588](#) (2021), [2558](#) (2021) и [2605](#) (2021) (Центральноафриканская Республика); [2625](#) (2022) (Южный Судан).

²⁶ См. предыдущие доклады Комитета по неправительственным организациям, URL: <http://csonet.org/index.php?menu=93>.

²⁷ Соответствует числу заявлений, поданных в 2020 году — 860 заявок, по сравнению с 204 в 2010 году; см. также [E/2020/32](#) (ч. I), п. 25; [E/2021/32](#) (ч. I); и [E/2022/32](#) (ч. I), п. 21.

²⁸ URL: <https://www.un.org/press/en/2021/ngo919.doc.htm>.

²⁹ URL: <https://www.un.org/press/en/2021/ngo929.doc.htm>.

НПО должно быть разрешено участвовать в сессиях дистанционно. Они также вновь выразили обеспокоенность по поводу отсутствия транспарентности, объективности и эффективности процедуры аккредитации, принятой в Комитете. Несколько государств-членов настоятельно призвали Комитет положить конец практике неоправданных задержек с рассмотрением заявлений, от которой непропорционально страдают правозащитные НПО³⁰.

28. Генеральный секретарь приветствует более широкое участие организаций гражданского общества в работе Комитета по неправительственным организациям, в том числе, по возможности, путем дистанционного интерактивного взаимодействия. Он вновь обращается к Комитету с призывом обеспечить справедливость и транспарентность критериев, применяемых для оценки организаций. Как уже отмечалось ранее, постоянные отсрочки рассмотрения заявлений о предоставлении консультативного статуса в некоторых случаях равносильны фактическому отказу, особенно в случаях с организациями, работающими в сфере прав человека³¹.

VI. Полученная информация о случаях запугивания и репрессий из-за сотрудничества с Организацией Объединенных Наций, ее представителями и механизмами в области прав человека

A. Замечание общего порядка

29. В настоящий доклад вошли сведения, собранные в период с 1 мая 2021 года по 30 апреля 2022 года в соответствии с резолюциями 12/2 и 24/24 Совета по правам человека, и информация об актах запугивания или репрессий в отношении отдельных лиц и групп в соответствии с резолюцией 12/2 Совета.

30. Полученная информация была проверена и в возможной степени подтверждена данными из первичных и иных источников. Если об этих случаях широко известно, приводится ссылка на публикации Организации Объединенных Наций. Кратко излагаются ответы, представленные правительствами, включая принятые позитивные меры³².

31. Настоящий доклад и приложения к нему не содержат исчерпывающего перечня случаев. Строго соблюдался принцип «не навреди», и личность предполагаемых жертв раскрывалась строго в соответствии с их согласием; по каждому сообщенному и сочтенному достоверным случаю проводилась оценка рисков. В итоге случаи, упоминание которых было сопряжено со слишком высоким риском для безопасности соответствующих лиц или членов их семей, были исключены из доклада, либо содержащиеся в них сведения были анонимизированы. Кроме того, ряд случаев, доведенных до сведения Генерального секретаря, были рассмотрены в конфиденциальном порядке.

32. Как и в предыдущих докладах по данной теме, из-за ограничений по объему дополнительная информация о новых случаях или о фактах, сообщенных в ходе отчетного периода, которая кратко излагается в основном докладе, вместе с полученными от правительств ответами на соответствующие вербальные ноты, содержится в приложении I. В приложении II содержится информация о новых обстоятельствах, сообщенных в ходе отчетного периода, по находящимся на рассмотрении случаям или ситуациям, упомянутым в предыдущих докладах, которые перечислены в основном докладе, вместе с ответами, полученными от правительств. С указанными в настоящем докладе сообщениями мандатариев специальных процедур

³⁰ E/2022/32 (ч. I), пп. 90–100.

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

³² Ответы правительства, полученные в установленный срок, были включены.

Совета по правам человека и ответами на них правительств можно ознакомиться на веб-сайте, посвященном сообщениям мандатариев специальных процедур³³.

В. Краткое описание случаев

Афганистан

33. Несколько структур Организации Объединенных Наций, включая Миссию Организации Объединенных Наций по содействию Афганистану и УВКПЧ, сообщили о многочисленных инцидентах и введенных де-факто властями³⁴ ограничениях, способствовавших созданию обстановки, в которой отдельные лица и группы воздерживаются от выражения инакомыслия и занимаются самоцензурой, опасаясь последствий, в том числе за взаимодействие и сотрудничество с Организацией Объединенных Наций.

Андорра

34. В приложении II содержится информация о новых событиях, связанных с положением г-жи Ванессы Мендозы Кортес из «Ассоциации за прекращение насилия в Андорре».

35. 1 июля 2022 года правительство ответило на вербальную ноту, направленную в связи с настоящим докладом.

Бахрейн

36. В приложении II содержится информация о новых событиях, связанных с положением г-на Абдулхади аль-Хаваджа, г-на Абдулджалила аль-Сингаса, г-на Сайеда Ахмеда аль-Вадаей, г-жи Эбтисам аль-Саег и г-на Хасана Мушаима.

37. 18 июля 2022 года правительство ответило на вербальную ноту, направленную в связи с настоящим докладом.

Бангладеш

38. Мандатарии специальных процедур рассмотрели вопрос о предполагаемом запугивании родственников исчезнувших лиц и представителей некоторых НПО в связи с их работой и сотрудничеством с Организацией Объединенных Наций, включая Рабочую группу по насильственным и недобровольным исчезновениям³⁵. Правительство ответило мандатариям и разъяснило усилия по розыску пропавших без вести лиц, отметив, что целью направленных родственникам информационных запросов было обеспечение правовой защиты.

39. Несколько структур Организации Объединенных Наций осудили убийство г-на Мохиба Уллаха, правозащитника и беженца из числа рохинджа, в лагере Кутупалонг в Кокс-Базаре после того, как он стал активнее выступать на международном уровне, в том числе в учреждениях Организации Объединенных

³³ См. URL: <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

³⁴ A/76/667-S/2022/64, пп. 33, 38, 40 и 63; см. также URL: https://unama.unmissions.org/sites/default/files/2_march_2022_srsg_briefing_security_council_english.pdf; URL: https://unama.unmissions.org/sites/default/files/26_january_2022_srsg_briefing_security_council_english.pdf; и URL: <https://www.ohchr.org/en/statements/2022/03/interactive-dialogue-high-commissioners-report-afghanistan>.

³⁵ См. BGD 5/2021. Все сообщения, упомянутые в настоящем докладе, можно найти по ссылке URL: <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>. См. также URL: <https://www.ohchr.org/en/press-releases/2022/03/un-experts-urge-bangladesh-end-reprisals-against-human-rights-defenders-and>.

Наций и в Совете по правам человека³⁶. Правительство ответило мандатариям³⁷, сообщив, что в ходе оперативного, независимого и беспристрастного расследования были арестованы 12 подозреваемых.

40. В приложении II содержится информация о новых событиях, связанных с положением правозащитной организацией «Одхикар» и г-на Адилура Рахмана Хана и г-на Насируддина Элана, соответственно секретаря-адвоката и исполнительного директора организации «Одхикар».

41. 22 июля 2022 года правительство ответило на вербальную ноту, направленную в связи с настоящим докладом.

Беларусь

42. Представители Организации Объединенных Наций обратили внимание на многочисленные рейды, аресты правозащитников, а также роспуск большого числа организаций гражданского общества, включая давних партнеров правозащитных органов и механизмов Организации Объединенных Наций³⁸. Сообщается, что в этот период были также рассмотрены законодательные поправки, влияющие на способность и желание субъектов гражданского общества взаимодействовать с Организацией Объединенных Наций.

43. Специальный докладчик по вопросу о положении в области прав человека в Беларуси отметила в своем докладе Совету по правам человека за 2022 год, что она не разглашает информацию об организациях гражданского общества, которые предоставили материалы, отметив высокий риск репрессий, и упомянула о репрессиях против двух НПО за их сотрудничество с Организацией Объединенных Наций³⁹. Роспуск ряда организаций гражданского общества, включая давних партнеров Организации Объединенных Наций, негативно сказался на взаимодействии с Организацией Объединенных Наций в течение отчетного периода.

44. В приложении II содержится информация о новых событиях, связанных с положением НПО «Правозащитный центр "Вясна"» и Офиса по правам людей с инвалидностью.

Бразилия

45. Мандатарии рассмотрели предполагаемые угрозы и запугивания в адрес г-жи Алессандры Корап Мундуруку после ее участия в Конференции Организации Объединенных Наций по изменению климата в 2021 году⁴⁰. Правительство ответило⁴¹ мандатариям, признав угрозы и насилие в ее адрес и поделившись информацией о текущих мерах защиты и совместном расследовании по ее делу.

46. 15 июля 2022 года правительство ответило на вербальную ноту, направленную в связи с настоящим докладом.

Бурунди

47. В приложении II содержится информация о новых событиях, связанных с положением г-на Армеля Нийонгере, г-на Дьедонне Баширахишизе, г-на Виталья Ншимиримана и г-на Ламберта Нигарура.

³⁶ См. BGD 5/2021; и A/HRC/49/76, пп. 11–15; см. также URL:

<https://www.unhcr.org/asia/news/press/2021/9/61559c984/unhcr-condemns-killing-of-rohingya-refugee-leader.html>, URL: <https://www.ohchr.org/en/2021/10/bachelet-shocked-killing-rohingya-human-rights-defender>.

³⁷ См. URL: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36723>.

³⁸ См. URL: <https://www.ohchr.org/en/2021/09/interactive-dialogue-interim-oral-update-ohchr-situation-human-rights-belarus>.

³⁹ A/HRC/50/58, пп. 93–96; доклад охватывал период с 1 апреля 2021 года по 30 марта 2022 года.

⁴⁰ См. BRA 2/2022.

⁴¹ См. URL: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36905> и URL: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36928>.

Камерун

48. В приложении II содержится информация о новых событиях, связанных с положением г-на Яна Йориса Капелле, г-на Принса Винсента Авази и г-на Элвиса Брауна Лума Мукуна.

Китай

49. В приложении II содержится информация о новых событиях, связанных с положением сети правозащитников «Фронт гражданских прав человека» и ее руководителя г-на Фиго Ху-Ун Чана, а также некоторых отдельных лиц, организаций гражданского общества и правозащитных групп в Гонконге (Китай) в связи с принятием Закона о национальной безопасности. В нем также содержится информация о новых событиях, связанных с положением г-на Шэня Юляня, г-жи Ли Цяочу, г-жи Ли Юхань, г-жи Сюй Янь, г-на Юй Вэньшэня, г-жи Чэнь Цзяньфан, г-жи Ван Юй, г-на Ми Чоньбяо, г-жи Ли Кэчжэнь, г-жи Ли Вэньцзу, г-на Вана Цюаньчжана, г-жи Ван Цяолин, г-на Ли Хэпин и г-на Цяна Тяньюна.

50. 1 августа 2022 года правительство ответило на вербальную ноту, направленную в связи с настоящим докладом.

Куба

51. В приложении II также содержится информация о новых событиях, связанных с положением г-на Хуана Антонио Мадрасо Луны и г-жи Мартаделы Тамайо Гонсалес из организации «Гражданский комитет за расовую интеграцию» и г-на Хосе Эрнесто Моралеса Эстрады из организации «Консультация по правовым вопросам и гражданскому обучению». 22 июля 2022 года правительство ответило на вербальную ноту, направленную в связи с настоящим докладом.

Кипр

52. Комитет против пыток рассмотрел утверждения о психологическом давлении и физическом запугивании в отношении г-на Алексея Демина после рассмотрения его жалобы в Комитет по статье 3 Конвенции⁴². Правительство ответило Комитету против пыток, категорически отвергнув обвинения и подтвердив информацию, представленную в предыдущих ответах.

53. 29 июня 2022 года правительство ответило на вербальную ноту, направленную в связи с настоящим докладом.

Демократическая Республика Конго

54. Совместное отделение Организации Объединенных Наций по правам человека зафиксировало 12 случаев запугивания и репрессий за сотрудничество с Миссией Организации Объединенных Наций по стабилизации в Демократической Республике Конго (МООНСДРК), включая угрозы убийством, угрозы судебного преследования, жестокое, бесчеловечное и унижающее достоинство обращение, покушение на убийство, физическое насилие и грабежи домов. Соответствующие имена и дополнительные сведения не разглашаются из опасения дальнейших репрессий⁴³.

Джибути

55. В приложении II содержится информация о новых событиях, связанных с положением г-на Кадара Абди Ибрахима из «Движения за демократию и свободу».

Египет

56. В приложении II содержится информация о новых событиях, связанных с положением г-на Ахмеда Шауки Абдельсаттара Мохамеда Амаши, г-на Эбрахима

⁴² HRI/MC/2022/4, п. 31.

⁴³ A/HRC/48/47, пп. 46–58.

Абдельмонема Метвалли Хегази, г-на Мохамеда эль-Бакера, г-на Рами Камеля Сайеда Салиба и г-на Бахи эд-Дина Хассана, а также информация о влиянии египетского законодательства на способность отдельных лиц и групп гражданского общества сотрудничать с Организацией Объединенных Наций.

Гватемала

57. Многие представители Организации Объединенных Наций выразили обеспокоенность по поводу продолжающегося запугивания, криминализации и угроз в адрес магистратов, судей и прокуроров за их работу по делам, расследованным при технической помощи Международной комиссии по борьбе с безнаказанностью в Гватемале, которая проводила работу в стране в течение 12 лет (2007–2019 годы) на основании соглашения между Организацией Объединенных Наций и правительством Гватемалы.

58. УВКПЧ зафиксировало увеличение числа нападок на прокуроров из Специальной прокуратуры по борьбе с безнаказанностью, а Верховный комиссар по правам человека отметил нападения и репрессии в отношении бывшего магистрата Конституционного суда, прокуроров и бывших прокуроров⁴⁴. Пресс-секретарь Генерального секретаря с озабоченностью отметил задержание как минимум двух человек, которые тесно сотрудничали с Международной комиссией по борьбе с безнаказанностью в Гватемале⁴⁵. Специальный докладчик по вопросу о независимости судей и адвокатов отметил аресты пяти прокуроров, г-жи Сиомары Соса, г-жи Паолы Эскобар, г-жи Алисс Моран, г-на Уильяма Раканака и г-жи Вирхинии Лапарра, а также адвоката и бывшего сотрудника Международной комиссии г-жи Лейли Сантисо.

59. В приложении II содержится информация о новых событиях, связанных с положением ряда судей и прокуроров: г-на Хуана Франсиско Сандовала, г-жи Ясмینی Барриос, г-на Мигеля Анхеля Гальвеса, г-на Эрики Айфана, г-на Пабло Ситумуля, г-жи Глории Поррас, г-на Франсиско де Мата Велы, г-на Аугусто Хордана Родаса и г-жи Клаудии Маселли.

60. 1 июля 2022 года правительство ответило на вербальную ноту, направленную в связи с настоящим докладом.

Индия

61. В приложении II содержится информация о новых событиях, связанных с положением Центра социального развития и его сотрудников, включая г-на Нобокишора Урихимбама, Коалиции гражданского общества Джамму Кашмир и ее председателя г-на Хуррама Парвеза, Центра содействия социальным проблемам и г-на Хенри Тифейна, а также о ситуации Международной сети солидарности далитов.

Индонезия

62. В приложении II содержится информация о новых событиях, связанных с положением г-жи Вероники Коман, г-на Виктора Йеймо, г-на Венсислауса Фатубуна и г-на Йонеса Доу.

63. 15 июля 2022 года правительство ответило на вербальную ноту, направленную в связи с настоящим докладом.

Иран (Исламская Республика)

64. Многие представители Организации Объединенных Наций выразили обеспокоенность по поводу участвовавших случаев применения насилия в отношении представителей гражданского общества, систематических произвольных задержаний правозащитников и адвокатов и длительных сроков тюремного заключения по общим обвинениям, связанным с национальной безопасностью. По сообщениям, такая обстановка усилила среди организаций и представителей гражданского общества

⁴⁴ A/HRC/49/20, пп. 56–57.

⁴⁵ См. URL: <https://www.un.org/sg/en/node/261868>.

страх репрессий за сотрудничество с Организацией Объединенных Наций и мешает им взаимодействовать с ней.

65. Специальный докладчик по вопросу о положении в области прав человека в Исламской Республике Иран выразил обеспокоенность по поводу высокого риска репрессий за взаимодействие с Организацией Объединенных Наций и правозащитными механизмами. В течение отчетного периода отдельные лица и их семьи выражали нежелание или отказывались дать согласие на принятие мер Организацией Объединенных Наций из-за опасения дальнейших репрессий. Имена соответствующих лиц и сведения о них не были разглашены из опасения дальнейших репрессий.

66. В приложении II содержится информация о новых событиях, связанных с положением г-на Манушера Бахтиари, г-на Вахида Афкари и г-на Хабиба Афкари.

Израиль

67. Многие представители Организации Объединенных Наций рассматривали обвинения в использовании контртеррористического законодательства, военных приказов и онлайн-слежки против правозащитников и представителей гражданского общества⁴⁶.

68. 19 октября 2021 года министр обороны Израиля включил шесть палестинских правозащитных и гуманитарных организаций, а именно Ассоциацию по оказанию помощи заключенным и защите прав человека «Аддамеер» (см. приложение II), организацию «Аль-Хак», Бисанский центр исследований и разработок, Международное движение в защиту детей — Палестина, Союз комитетов сельскохозяйственных рабочих и Союз комитетов палестинских женщин, в список «террористических организаций» в соответствии с Законом о борьбе с терроризмом 2016 года⁴⁷.

69. В приложении II содержится информация о новых событиях, связанных с положением Ассоциации по оказанию помощи заключенным и защите прав человека «Аддамеер» и г-на Иссы Амро.

Казахстан

70. Комитет против пыток выразил свою обеспокоенность по поводу утверждений о жестоком обращении во время содержания под стражей г-на Александра Александрова, который пользуется инвалидной коляской, потенциально связанных с рассмотрением его жалобы Комитетом⁴⁸.

Лаосская Народно-Демократическая Республика

71. В приложении II содержится информация о новых событиях, связанных с положением четырех членов коренной общины хмонгов Чао Фа и их родственников.

Ливия

72. Отдел по правам человека, правосудию переходного периода и верховенству права Миссии Организации Объединенных Наций по поддержке в Ливии (МООНПЛ) продолжает фиксировать предполагаемые угрозы, нападки, слежку и произвольные задержания в отношении правозащитников из-за сотрудничества с Организацией

⁴⁶ A/HRC/49/25, пп. 35 и 40; см. также URL: <https://www.ochaopt.org/content/un-agencies-and-association-international-development-agencies-stand-civil-society-organisations-occupied>.

⁴⁷ A/HRC/49/25, п. 38, и A/HRC/49/83, п. 29; см. также URL: <https://nbctf.mod.gov.il/en/Pages/211021EN.aspx> и документы № 371, 372, 373, 374, 375 и 376 от 19 октября 2021 года министра обороны в соответствии с Законом о борьбе с терроризмом (2016 год). Первоначальные решения в архиве УВКПЧ были изменены 19 ноября 2021 года.

⁴⁸ См. URL: https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/kaz/CAT%20840_2017_9474_E.pdf.

Объединенных Наций. Имена лиц и дополнительные сведения о них не были разглашены из опасения дальнейших репрессий.

73. Многие представители Организации Объединенных Наций продолжали отмечать влияние требований, предъявляемых к организациям гражданского общества, на их способность взаимодействовать с Миссией, включая требования сообщать о любом взаимодействии с должностными лицами Организации Объединенных Наций. МООНПЛ сообщила, что организациям гражданского общества запрещено участвовать в мероприятиях или организовывать их, в том числе в сотрудничестве с Организацией Объединенных Наций, если они официально не зарегистрированы.

Мальдивские Острова

74. В приложении II содержится информация о новых событиях, связанных с положением Комиссии по правам человека Мальдивских Островов.

75. 31 июля 2022 года правительство ответило на вербальную ноту, направленную в связи с настоящим докладом.

Мали

76. Отдел по правам человека и защите Многопрофильной комплексной миссии Организации Объединенных Наций по стабилизации в Мали (МИНУСМА) задокументировал один случай запугивания и репрессий в отношении двух лиц, которые, по сообщениям, были уволены из-за сотрудничества с Миссией. МИНУСМА также зафиксировала организованную онлайн-кампанию, которая препятствовала взаимодействию с Организацией Объединенных Наций и порождала самоцензуру.

Мексика

77. Мандатарии специальных процедур рассмотрели утверждения об уголовных расследованиях и запугивании за сотрудничество с Рабочей группой по произвольным задержаниям в отношении г-на Сальвадора Лейвы Морелоса Сарагосы, г-жи Вероники Хасмин Бербер Калье и г-жи Эльвиры Клаудии Мехиа Эрнандес за их обращения в суд с требованием выполнения мнения Рабочей группы от 2021 года в отношении их клиента.

78. В приложении II содержится информация о новых событиях, связанных с положением сотрудников Центра по вопросам правосудия в интересах мира и развития, г-на Фелипе Инохо Алонсо и г-жи Альмы Делии Рейна.

79. 29 июня 2022 года правительство ответило на вербальную ноту, направленную в связи с настоящим докладом.

Марокко

80. В приложении II содержится информация о новых событиях, связанных с положением г-жи Аминату Хайдар, г-на Эннаамы Асфари и г-жи Клод Манжэн-Асфари.

81. 27 июля 2022 года правительство ответило на вербальную ноту, направленную в связи с настоящим докладом.

Мьянма

82. Многие представители Организации Объединенных Наций отмечали введение постоянных ограничений, серьезно сужающих гражданское пространство, в том числе посредством усиленного наблюдения в интернете, отключения и закрытия Интернета и законодательных положений, криминализирующих деятельность в Интернете. Большинство собеседников, контактировавших с представителями Организации Объединенных Наций, дали согласие на публичное использование информации при условии, что личные данные и другие потенциально идентифицирующие элементы не будут раскрыты.

83. Независимый механизм по расследованию для Мьянмы призвал государства в приоритетном порядке оказывать поддержку и помощь тем, кто хочет сотрудничать с ним⁴⁹. Совет по правам человека призвал обеспечить беспрепятственный доступ к Организации Объединенных Наций и взаимодействие с ней без боязни репрессий, запугивания или нападения⁵⁰. Соответствующие имена и дополнительные сведения не были разглашены из опасения дальнейших репрессий.

Никарагуа

84. Многие представители Организации Объединенных Наций продолжали отмечать влияние ограничительных законов в отношении организаций гражданского общества на сотрудничество с Организацией Объединенных Наций⁵¹. Более 130 НПО, включая основные правозащитные НПО, были закрыты в первом квартале 2022 года за несоблюдение ряда нормативно-правовых актов, что ограничило их возможности и желание работать и сотрудничать с Организацией Объединенных Наций. УВКПЧ получило сообщения о том, что жители Никарагуа предпочитают не взаимодействовать с Организацией Объединенных Наций из-за страха репрессий против них и их семей⁵². По сообщениям, г-жа Кристи Мелисса Мартинес Нуньес подверглась запугиванию и слежке после того, как она обратилась в Рабочую группу по произвольным задержаниям по делу г-на Джона Кристофера Серна Суньига.

85. Совет по правам человека осудил все акты запугивания и репрессий, как онлайн, так и офлайн, со стороны государственных и негосударственных субъектов и призвал «правительство предупреждать, публично осуждать, расследовать и наказывать любые акты запугивания или репрессий и воздерживаться от таких актов»⁵³.

86. В приложении II содержится информация о новых событиях, связанных с положением г-на Феликса Алехандро Марадиаги, г-на Анибала Торуньо, Постоянной комиссии по правам человека и ее сотрудников.

Филиппины

87. В приложении II содержится информация о новых событиях, связанных с положением Альянса за улучшение положения в области прав человека «Карапатан» и ее генерального секретаря г-жи Кристины Палабай.

88. 26 июля 2022 года правительство ответило на вербальную ноту, направленную в связи с настоящим докладом.

Российская Федерация

89. В приложении II содержится информацию о влиянии ограничительного законодательства, в частности законов об «иностранных агентах» или «нежелательных организациях», на желание и способность субъектов гражданского общества взаимодействовать с международными органами, в том числе с Организацией Объединенных Наций.

Руанда

90. Мандатарии специальных процедур рассмотрели утверждения о запугивании и преследовании г-на Ноэля Зихабамве и связанных с ним лиц после его взаимодействия с Рабочей группой по насильственным и недобровольным исчезновениям с целью установления судьбы и местонахождения его братьев⁵⁴.

⁴⁹ См. URL: <https://media.un.org/en/asset/k1m/k1mwjzn24r>.

⁵⁰ Резолюция Совета по правам человека 49/23, п. 19, и резолюция 47/1, п. 13.

⁵¹ A/HRC/48/28, приложение I, п. 80.

⁵² См. URL: <https://media.un.org/en/asset/k1s/k1sk8m7sc5>.

⁵³ См. резолюцию 49/3 Совета по правам человека.

⁵⁴ См. RWA 2/2021.

Саудовская Аравия

91. В приложении II содержится информация о новых событиях, связанных с положением г-жи Луджайн аль-Хатлул, г-жи Самар Бадави, г-на Фавзан Мохсен Авада аль-Харби и г-на Иссы ан-Нухейфи.

92. 13 июля 2022 года правительство ответило на вербальную ноту, направленную в связи с настоящим докладом.

Южный Судан

93. Отдел по правам человека Миссии Организации Объединенных Наций в Южном Судане (МООНЮС) зафиксировал четыре случая репрессий или запугивания за фактическое или предполагаемое сотрудничество с Организацией Объединенных Наций. Как утверждается, эти акты были совершены службами национальной безопасности и военной разведкой Народных сил обороны Южного Судана предположительно с целью воспрепятствовать обмену докладами или информацией о правах человека с Организацией Объединенных Наций.

94. С августа 2021 года Комиссия по правам человека в Южном Судане и МООНЮС⁵⁵ задокументировали более активное подавление правительственными силами безопасности выступлений и деятельности субъектов гражданского общества, включая их сотрудничество с Организацией Объединенных Наций. Соответствующие имена и дополнительные сведения не были разглашены из опасения дальнейших репрессий.

Шри-Ланка

95. Многие представители Организации Объединенных Наций продолжали рассматривать утверждения о слежке, диффамации, создании препятствий и навязчивом контроле за деятельностью правозащитников и организаций гражданского общества. Согласно информации, полученной УВКПЧ, субъекты гражданского общества осуществляют свою деятельность в обстановке страха и недоверия, что мешает некоторым из них сотрудничать с Организацией Объединенных Наций и приводит к самоцензуре. В феврале 2022 года Верховный комиссар по правам человека отметила, что «слежка и преследование организаций гражданского общества, правозащитников и жертв продолжались»⁵⁶.

96. В приложении II содержится информация о новых событиях, связанных с положением г-жи Сандьи Экнелигода.

Судан

97. Комплексная миссия Организации Объединенных Наций по оказанию содействия в переходный период в Судане (ЮНИТАМС) задокументировала два случая репрессий за взаимодействие со Специальным представителем Генерального секретаря по Судану и ЮНИТАМС. Три члена «Сил свободы и перемен», г-н Таха Отман Ишак, г-н Шериф Мохамед Отман и г-н Хамза Фарук, были арестованы сразу после встречи со Специальным представителем Генерального секретаря в штаб-квартире ЮНИТАМС в Хартуме и, как сообщается, были допрошены о встрече и обмене информацией.

98. Г-жа Сулейма аль-Халифа, директор отдела по борьбе с насилием в отношении женщин при Министерстве социального развития, по сообщению, была допрошена Управление генерального прокурора после брифинга Специального представителя Генерального секретаря и главы ЮНИТАМС в Совете Безопасности 28 марта 2022 года⁵⁷, в ходе которого Специальный представитель упомянул о сотрудничестве ее отдела с Организацией Объединенных Наций. По сообщению, Управление

⁵⁵ A/HRC/49/78, пп. 22–29; S/2022/156, п. 63; и S/2021/566, п. 69.

⁵⁶ A/HRC/49/9, пп. 27 и 30.

⁵⁷ См. URL: <https://media.un.org/en/asset/k11/k11ts64c7y>.

прокурора по преступлениям против государства подало жалобу на г-жу аль-Халифу по обвинению в «преступлениях против государства».

Таиланд

99. В приложении II содержится информация о новых событиях, связанных с положением г-на Ода Саявонга.

100. 11 июля 2022 года правительство ответило на вербальную ноту, направленную в связи с настоящим докладом.

Туркменистан

101. В приложении II содержится информация о новых событиях, связанных с положением г-на Нургельды Халыкова.

Объединенные Арабские Эмираты

102. В приложении II содержится информация о новых событиях, связанных с положением г-на Ахмеда Мансура.

Венесуэла (Боливарианская Республика)

103. Многие представители Организации Объединенных Наций отмечали необоснованные ограничения в отношении субъектов гражданского общества, их преследования и публичную диффамацию, препятствующие их взаимодействию с Организацией Объединенных Наций. УВКПЧ и мандатарии специальных процедур продолжали выражать обеспокоенность по поводу законодательства, препятствующего работе организаций гражданского общества, некоторые из которых подвергаются уголовному преследованию в связи со своей деятельностью⁵⁸, в том числе за осуществление гуманитарных программ Организации Объединенных Наций (см. приложение II).

104. Мандатарии специальных процедур рассмотрели утверждения об угрозах и преследованиях в адрес г-жи Тересли Малаве Вадскьер после выхода и представления доклада Независимой миссии по установлению фактов в Боливарианской Республике Венесуэла⁵⁹. УВКПЧ сообщили, что г-жа Карен Каруси была повторно арестована и допрошена о ее взаимодействии с Организацией Объединенных Наций, в том числе о том, получает ли она вознаграждение от Организации за предоставление информации о нарушениях прав человека.

105. В приложении II содержится информация о новых событиях, связанных с положением НПО «Асуль посетиво» и пяти ее членов: г-на Йохана Мануэля Леона Рейеса, г-на Йорди Тобиаса Бермудеса Гутьерреса, г-на Лейнерса Кристиана Гутьерреса Диаса, г-на Алехандро Гомеса Ди Маджио и г-на Луиса Рамона Ферребуса Канбреры, а также в отношении г-жи Марии Лурдес Афиуни и г-на Фернандо Альбана и НПО «Провеа», «Венесуэльского центра наблюдения за общественными беспорядками» и «Форо пеналь».

Вьетнам

106. Многие представители Организации Объединенных Наций продолжали бороться с криминализацией, задержанием и суровыми приговорами в отношении правозащитников, в том числе по расплывчатым обвинениям в антигосударственной пропаганде, что в некоторых случаях усугублялось их сотрудничеством с Организацией Объединенных Наций⁶⁰. Мандатарии специальных процедур указывали на атмосферу страха, основываясь на утверждениях о том, что акты запугивания и репрессий последовали после того, как жертвы дали показания процедурам,

⁵⁸ A/HRC/47/55, п. 47; см. также VEN 7/2021 и VEN 9/2021.

⁵⁹ См. VEN 9/2021.

⁶⁰ A/HRC/48/28, пп. 129–133, приложение I, пп. 123–129, и приложение II, пп. 147–154; см. также VNM 4/2021.

установленным под эгидой Организации Объединенных Наций для защиты прав человека, или воспользовались ими⁶¹. Имена соответствующих лиц и сведения о них не могут быть разглашены из опасений дальнейших репрессий.

107. Мандатарии специальных процедур рассмотрели утверждения о запугивании и угрозах в адрес г-жи Х'Тхай Аюн и других женщин — жертв торговли людьми, некоторые из которых были репатриированы из Саудовской Аравии во Вьетнам, а также их родственников. Предположительно после сообщения и пресс-релиза мандатариев⁶² акты запугивания в отношении репатриированных жертв и их семей участились. Г-жа Х'Тхай Аюн была переселена в третью страну, и за ее делом внимательно следят несколько учреждений Организации Объединенных Наций⁶³.

108. Мандатарии также рассмотрели утверждения о длительном произвольном задержании и вынесении приговоров нескольким правозащитникам, в том числе г-же Фам Доан Транг за то, что она поделилась с Организацией Объединенных Наций и другими международными субъектами докладами о ситуации с правами человека в стране, которые, как сообщается, были использованы в качестве улик против нее⁶⁴.

109. Мандатарии специальных процедур выразили обеспокоенность по поводу поправок к нормативной базе НПО, устанавливающих необоснованно обременительные требования и ограничения, включая предварительное разрешение на организацию международных конференций и семинаров по правам человека очно или онлайн⁶⁵.

110. В приложении II содержится информация о новых событиях, связанных с положением г-на Нгуена Туонга Тхуи.

Йемен

111. УВКПЧ продолжало документировать ограничения на гуманитарную деятельность и деятельность в области развития со стороны хуситов, препятствующие проведению операций Организации Объединенных Наций и ограничивающие взаимодействие с представителями гражданского общества. Требования получать предварительное разрешение на проведение мероприятий Организации Объединенных Наций и предоставлять списки участников гражданского общества и официальных приглашенных в сочетании с новыми требованиями получать предварительное разрешение на передвижение по территориям, контролируемым хуситами, в некоторых случаях препятствовали взаимодействию с Организацией Объединенных Наций и способствовали самоцензуре⁶⁶.

112. Группа экспертов Организации Объединенных Наций по Йемену сообщила о произвольных арестах и задержаниях журналистов и правозащитников и угрозах в их адрес, что препятствует их способности выявлять нарушения международного права прав человека и сообщать о них⁶⁷.

113. Группа видных экспертов по Йемену, уполномоченная Советом по правам человека, выразила «озабоченность по поводу затянувшейся атмосферы страха в Йемене, которая не позволяет жертвам, свидетелям и организациям взаимодействовать с Группой или давать согласие на использование информации»⁶⁸.

114. В приложении II содержится информация о новых событиях, связанных с положением г-на Абдулмаджида Сабраха, организации по правам человека «Мватана»

⁶¹ См. VNM 3/2022.

⁶² См. VNM 5/2021; см. также URL: <https://www.ohchr.org/en/press-releases/2022/01/viet-nam-and-saudi-arabia-un-experts-call-protection-trafficked-workers>.

⁶³ См. VNM 3/2022.

⁶⁴ См. VNM 6/2021.

⁶⁵ См. VNM 7/2021.

⁶⁶ A/HRC/48/28, приложение I, пп. 131–132. Новые требования были введены Высшим советом по управлению и координации гуманитарных вопросов и международного сотрудничества путем принятия циркуляра № 29 от 29 августа 2021 года.

⁶⁷ S/2022/50, п. 97.

⁶⁸ A/HRC/48/20, п. 10.

и ее сотрудников, включая главу «Мватаны» г-жу Радхию аль-Мутавакель, а также г-на Акрама аль-Шавафи и его коллег из организации «Механизм наблюдения за правами человека».

115. 15 июля 2022 года правительство ответило на вербальную ноту, направленную в связи с настоящим докладом.

Государство Палестина

116. В приложении II содержится информация о событиях, связанных с положением нескольких палестинских и международных женских организаций и активистов.

VII. Выводы и рекомендации

117. В течение отчетного периода количество сообщений об актах запугивания и репрессий со стороны государственных и негосударственных субъектов в отношении лиц или групп, стремящихся сотрудничать или сотрудничающих с Организацией Объединенных Наций, оставалось большим. Хотя это отчасти является результатом улучшения документации и отчетности, полученные сообщения о случаях оцениваются как неисчерпывающие. Как и в предыдущих докладах, дополнительные случаи были исключены из настоящего доклада, а многие остаются незарегистрированными из-за соображений защиты.

118. Случаи и ситуации, которые были включены за годы работы в эти доклады и представлены в приложении II, — это не просто отдельные инциденты. Как подчеркивалось в предыдущих докладах, повторяющиеся случаи подкрепляют утверждение о том, что повторение аналогичных инцидентов в течение нескольких отчетных периодов может свидетельствовать о закономерностях. Я также отмечаю, что, когда в течение отчетного периода сразу несколько учреждений Организации Объединенных Наций поднимают вопрос о случаях или ситуациях, это может свидетельствовать о широко распространенных и серьезных случаях запугивания и репрессий за сотрудничество с Организацией. Это заслуживает нашего постоянного вовлечения, особенно когда гражданское пространство подвергается все большей деградации.

119. Представители Организации Объединенных Наций документально подтвердили применение законов и других документов, регулирующих деятельность НПО и их доступ к финансированию, включая иностранные средства и пожертвования, и устанавливающих обременительные требования к отчетности и налогообложению. Такие законы вынудили распустить некоторые НПО, препятствовали их регистрации и устанавливали ненужные и непропорционально высокие требования, которые создавали дополнительные препятствия для участия гражданского общества и его усилий по защите прав человека в Организации Объединенных Наций. Представители Организации Объединенных Наций также документировали случаи неправомерного использования антитеррористических законов против организаций гражданского общества и отдельных лиц за их гуманитарную и правозащитную деятельность и за их сотрудничество с Организацией Объединенных Наций и сообщали о них. Представители Организации Объединенных Наций выражают обеспокоенность по поводу принятия и применения законов о национальной безопасности, устанавливающих уголовную ответственность за предоставление информации международным субъектам. Такие законы могут привести к уголовной ответственности или быть истолкованными как приводящие к уголовной ответственности тех, кто предоставляет Организации Объединенных Наций информацию, связанную с правами человека.

120. Хотя цифровые технологии создали новые возможности, увеличение числа онлайн-взаимодействий из-за ограничений, связанных с пандемией COVID-19, продолжает поднимать важные вопросы и проблемы, связанные с

доступом, кибербезопасностью, неприкосновенностью частной жизни и конфиденциальностью, среди жертв, свидетелей и организаций гражданского общества, которые взаимодействуют с Организацией Объединенных Наций. Представители Организации Объединенных Наций указывают на все более многочисленные и тревожные свидетельства слежки в Интернете, вторжения в частную жизнь и кибератак государственных и негосударственных субъектов на коммуникации и деятельность жертв и гражданского общества. Возникающие риски включают в себя более масштабную цифровую слежку, в том числе использование шпионских программ и скоординированных онлайн-атак со стороны государственных и негосударственных субъектов. Как и в предыдущий отчетный период, почти половина инцидентов, упомянутых в настоящем докладе, включает утверждения о мониторинге и слежке, как онлайн, так и офлайн, за отдельными лицами и группами, которые сотрудничают или пытаются сотрудничать с Организацией Объединенных Наций.

121. Я обеспокоен тем, что это серьезно влияет на сотрудничество субъектов гражданского общества с Организацией Объединенных Наций и предоставление ими информации, повышая их потенциальную уязвимость перед актами запугивания и репрессий. Отсутствие доверия в цифровой сфере среди тех, кто предоставляет Организации Объединенных Наций информацию и свидетельские показания по деликатным вопросам, может помешать будущему сотрудничеству. В то же время я приветствую возможности, которые цифровые технологии открыли для более широкого и разнообразного участия в форумах и процессах Организации Объединенных Наций, и призываю учреждения системы Организации Объединенных Наций использовать эти возможности, обеспечивая включение недопредставленных групп населения и сообществ, в частности тех, которые страдают от цифрового разрыва и других барьеров.

122. В трети государств, упомянутых в настоящем докладе, отдельные лица и группы лиц воздерживались от сотрудничества с Организацией Объединенных Наций, скрывали свою личность или осуществляли самоцензуру, опасаясь репрессий или других форм ущерба. Как и в прошлом, в течение отчетного периода некоторые лица и организации отказывались взаимодействовать и встречаться с представителями Организации Объединенных Наций или представлять им информацию, либо иным образом подвергали себя самоцензуре, чтобы избежать уголовного преследования. Я обеспокоен тем, что ограничительное законодательство и стигматизация в общественном дискурсе привели к тому, что жертвы и гражданское общество отказываются от сотрудничества с Организацией Объединенных Наций. Я призываю все государства поддерживать безопасный и беспрепятственный доступ к Организации и сотрудничеству с ней, предупреждать и устранять все случаи запугивания и репрессий, а также поддерживать участие отдельных лиц и групп в работе Организации Объединенных Наций и содействовать ему.

123. Я по-прежнему обеспокоен тем, что в отчетном периоде сохранилась тенденция публичных заявлений о запугивании и репрессиях в отношении женщин-жертв и правозащитников, о которой говорилось в моем предыдущем докладе. Из почти 350 индивидуальных случаев, включенных в настоящий доклад, около 60 % касаются женщин, а из тех случаев, о которых было сообщено анонимно, значительная часть также касается женщин. Хотя все больше женщин сотрудничают с Организацией Объединенных Наций, в том числе используя возможности Интернета, риски такого взаимодействия слишком высоки.

124. Меня обнадеживает возросшая приверженность государств — членов Совета по правам человека, Генеральной Ассамблеи и Совета Безопасности решению проблемы запугивания и репрессий, особенно посредством усилий по защите участия женщин и целенаправленного насилия в отношении них в процессах обеспечения мира и безопасности. Женщины-правозащитницы и миротворцы, в частности, сталкиваются с огромными рисками при взаимодействии с Организацией Объединенных Наций, особенно с Советом Безопасности и ее миротворческими операциями. Хотя их защита должна

волновать всех нас, она не должна использоваться как предлог для исключения их голосов. Их понимание, опыт и взгляды имеют решающее значение для работы Совета Безопасности и обеспечения прочного мира и безопасности во всем мире. Международному сообществу необходимо устранить риски и обеспечить согласованные действия по защите, поддержке, финансированию и обеспечению значимого участия женщин-правозащитниц и миротворцев во всех процессах мира и безопасности.

Annex I

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

1. Afghanistan

1. During the reporting period, the UN Security Council,¹ OHCHR,² and special procedure mandate holders of the Human Rights Council³ have addressed the increasing erosion of civic space in Afghanistan, including the violence and daunting challenges faced by women and girls, as well as former public officials, victims of human rights violations, journalists, and civil society actors.

2. Since the Taliban takeover in August 2021, several UN actors, including the United Nations Assistance Mission in Afghanistan (UNAMA) and OHCHR, have reported numerous incidents and restrictions imposed by the *de facto* authorities,⁴ that have contributed to an environment where individuals and groups refrain from voicing dissent and engage in self-censorship for fear of repercussions, including for engagement and cooperation with the UN. Names and details of individuals concerned are withheld for fear of further reprisals.

3. In her March 2022 report to the Human Rights Council, the High Commissioner noted that human rights NGOs have become largely non-operational, due to restrictions imposed by *de facto* authorities and being fearful of repercussions. Lack of access to funding is another challenge that prevents civil society organisations from continuing their operations (A/HRC/49/24, AUV, para. 54). The *de facto* authorities have introduced a series of Orders and Instructions that as a result limit women's freedom of movement (*ibid.*, paras. 36–37).

2. Bangladesh

4. On 21 February 2022, special procedures mandate holders addressed allegations of intimidation and harassment of **relatives of disappeared persons, human rights defenders and civil society organizations** related to their work and co-operation with international bodies and United Nations mechanisms (BGD 2/2022). They drew the Government's attention to the fact that their communication did not contain personal details of several alleged victims for fear of further reprisals. On 30 December 2021, the Government announced that it was investigating 76 pending cases with the United Nations Working Group on Enforced or Involuntary Disappearances (WGEID). However, between December 2021 and February 2022, authorities reportedly raided the homes of some victims' relatives and intimidated them. Representatives of some NGOs working in the search of victims and of enforced disappearances and advocating for accountability were also allegedly affected, Odhikar was one of them (see Annex II). Mandate holders expressed concern that the

¹ S/2022/64; S/2021/759.

² <https://www.ohchr.org/en/press-briefing-notes/2022/02/press-briefing-notes-afghanistan>; <https://www.ohchr.org/en/2021/09/press-briefing-notes-afghanistan>.

³ <https://www.ohchr.org/en/press-releases/2021/09/afghanistan-journalists-risk-persecution-need-urgent-protection-un-experts>.

⁴ A/76/667-S/2022/64, paras. 33, 38, 40, and 63. See also https://unama.unmissions.org/sites/default/files/2_march_2022_srsg_briefing_security_council_english.pdf; https://unama.unmissions.org/sites/default/files/26_january_2022_srsg_briefing_security_council_english.pdf; and <https://www.ohchr.org/en/statements/2022/03/interactive-dialogue-high-commissioners-report-afghanistan>.

reported intimidation may have been directed against relatives and human rights defenders for their co-operation with United Nations entities, including the WGEID (BGD 2/2022).

5. On 14 March 2022, special procedures mandate holders publicly called⁵ on authorities to immediately cease reprisals against human rights defenders and relatives of forcibly disappeared persons for their activism and co-operation with international human rights bodies and United Nations mechanisms. They expressed concern that the reported reprisals may have a chilling effect and deter others from reporting on issues of public interest, including human rights, and from cooperating with the United Nations, its representatives, and mechanisms.

6. On 12 May 2022, the Government responded⁶ to mandate holders stating its commitment to ensuring that any individual reportedly missing or unaccounted for be rescued or traced with the cooperation of their families and friends. It noted that in order to trace the missing persons, the Government needed to have further information on alleged disappeared persons since relevant authorities did not have records of many of the 76 cases. The Government informed that it had issued letters with requests for information to the relatives and that its efforts are not to silence families of alleged victims, but rather to offer them a space for legal protection.

7. Several United Nations actors, including United Nations High Commissioner for Refugees,⁷ the High Commissioner for Human Rights⁸ and the Special Rapporteur on the human rights situation in Myanmar⁹ condemned the killing on 29 September 2021 of **Mr. Mohib Ullah**, a Rohingya human rights defender and refugee in Kutupalong camp in Cox's Bazar. Mr. Ullah was gunned down by unidentified individuals following his increased international advocacy on the human rights situation of the Rohingya, including with United Nations entities and at the Human Rights Council. On 18 November 2021, a group of mandate holders addressed the killing Mr. Ullah and the subsequent death of at least six other Rohingya refugees (BGD 5/2021). Following his death, activists linked to Mr. Ullah and his relatives raised protection concerns and reported that a climate of fear had mounted in the camps (BGD 5/2021).

8. On 3 January 2022, the Government responded to mandate holders¹⁰ stating that law enforcement agencies had not been aware of any threats to Mr. Ullah. Immediately after his killing, a murder case was filed and a prompt, independent, and impartial investigation conducted and law enforcement arrested twelve 12 suspects. The Government informed that the security of all the family members of Mr. Mohib Ullah had been ensured. According to information received by OHCHR, the killing of Mr. Ullah had a chilling effect on human rights activists in the camps, many of whom went into hiding or fled the camps, inhibiting cooperation with the UN and leading to self-censorship.

9. On 22 July 2022 the Government responded to the note verbale sent in connection to the present report underlining its strong commitment and efforts in realizing human rights and its active cooperation with United Nations human rights mechanisms (See annex II). It also provided information on the outcomes of the police investigation in the murder of Mr. Mohib Ullah and the police protection granted to his family.

⁵ <https://www.ohchr.org/en/press-releases/2022/03/un-experts-urge-bangladesh-end-reprisals-against-human-rights-defenders-and>.

⁶ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36948>.

⁷ <https://www.unhcr.org/asia/news/press/2021/9/61559c984/unhcr-condemns-killing-of-rohingya-refugee-leader.html>.

⁸ <https://www.ohchr.org/en/2021/10/bachelet-shocked-killing-rohingya-human-rights-defender>.

⁹ A/HRC/49/76 AUV, paras. 11–15.

¹⁰ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36723>.

3. Belarus

10. In the context of an intensified crackdown on **human rights defenders and civil society organizations**, the High Commissioner for Human Rights¹¹ and special procedures mandate holders addressed multiple raids, arrests of human rights defenders as well as the dissolution of a large number of civil society organizations, including long-standing partners of the UN human rights bodies and mechanisms.¹² Legislative changes during the period reportedly affected the ability and willingness of civil society actors to engage with the UN were also addressed.

11. In her 2022 report to the Human Rights Council,¹³ the Special Rapporteur on the situation of human rights in Belarus noted that, unlike in previous years, the report withheld information about the civil society organizations that contributed input noting the high risks of reprisals that individuals and groups face for engaging with international human rights mechanisms (para. 17). Noting the “virtual annihilation” of civil society, she referred to reprisals against two NGOs for their cooperation with the UN (paras. 93–96, and see also Annex II below).

12. The Special Rapporteur expressed concerns about amendments to the Criminal Code in June 2021 and January 2022 (ibid., paras. 24–30). In particular, she noted that criminal liability for “discrediting the Republic of Belarus” was subject to an increased penalty of four years of imprisonment and applicable, among other things, to the “dissemination of deliberately false information about the political, economic, social, military or international situation of the Republic of Belarus” (ibid para. 24). The Special Rapporteur also noted that the concept of “extremist activities” was significantly expanded to include acts such as disseminating deliberately false information about the situation in Belarus and discrediting Belarus (ibid para. 29).

13. According to information received by OHCHR, the dissolution of civil society organizations, including long-standing partners of the UN, has negatively impacted their ability to engage with the UN during the reporting period. The aforementioned legislative changes, in particular, increased penalties for “discrediting the Republic of Belarus” and expanded of the concept of “extremist activities” and have reportedly inhibited civil society actors from cooperating or visibly sharing information and testimony with the UN given the increased risks of criminal liability. Names and details of individuals and groups affected are withheld for fear of further reprisals.

4. Brazil

14. On 18 February 2022, mandate holders addressed allegations of intimidation and threats against **Ms. Alessandra Korap Munduruku** following her participation in the 2021 UN Climate Change Conference (COP26), which took place in Glasgow, United Kingdom (BRA 2/2022). Ms. Munduruku is an environmental human rights defender, an indigenous leader and the coordinator of the Associação indígena Pariri of the Tapajós Itaituba region.

15. In November 2021, Ms. Munduruku participated in the COP26 as part of a delegation of Indigenous Peoples from Brazil. During the conference, Ms. Munduruku and other indigenous activists allegedly received threats and were intimidated when they denounced large mining and logging corporations for the encroachment of indigenous territories as well as the lack of protection from the State, and its failure to demarcate the territories. At the conference, Ms. Munduruku reportedly suffered an aggressive rebuke by an individual. Security guards at the event had to intervene and ask the man to leave the venue. Upon return to her community, Ms. Munduruku allegedly experienced increased threats and intimidation,

¹¹ <https://www.ohchr.org/en/2021/07/comment-un-high-commissioner-human-rights-michelle-bachelet-belarus>.

¹² <https://www.ohchr.org/en/2021/09/interactive-dialogue-interim-oral-update-ohchr-situation-human-rights-belarus>.

¹³ A/HRC/50/58, covering the period from 1 April 2021 to 30 March 2022.

including the vandalization of her home, which forced her and her family to relocate for their safety (BRA 2/2022).

16. On 19 April and 3 May 2022, the Government responded¹⁴ to mandate holders acknowledging that Ms. Munduruku is an indigenous leader who has been the victim of threats and violence in a region experiencing tensions in recent years. It provided information regarding the measures adopted to protect Ms. Munduruku, including a police enquiry part of a joint investigation initiated between the Federal Prosecution Office (Public Ministry) in Santarém/Pará and the Federal Police station in that city. The Government informed that Ms. Munduruku is benefitting from the Protection Programme by Human Rights Defenders of the State of Pará. It stated that the competent authorities are committed to take the appropriate measures to safeguard Mr. Mundurku's life, physical integrity and safety.

17. On 15 July 2022, the Government responded to the note verbale sent in connection to the present report noting the lack of factual or concrete elements pointing to intimidation or reprisals by government authorities against Alessandra Korap Munduruku. The Government informed about inquiries and police investigations into threats against indigenous leaders and communities including against Ms. Alessandra Munduruku, measures to protect her under the Program for the Protection of Human Rights Defenders as well as overall efforts to improve the program, and to respond to threats or acts of violence against human rights defenders. The Government also informed about two main legal actions to protect indigenous peoples and leaders in the indigenous lands of Munduruku and Sai Cinza, and about the 8 July 2022 recommendation by a public prosecutor, instructing the National Foundation for Indigenous Peoples to adopt measures to ensure the safety of Munduruku people.

5. Cyprus

18. On 8 September 2021, the UN Committee against Torture addressed allegations of psychological and physical pressure as reprisals against **Mr. Aleksei Demin**, held in the Nicosia Central Prison, following information from the Committee to the State party on 15 July 2021 that it had decided to examine the admissibility of Mr. Demin's complaint under article 3 of the Convention (Ref: G/SO 229/31 CYP(1)).¹⁵

19. Since 15 July 2021, Mr. Demin has reportedly been subjected to constant psychological and physical pressure by other detainees, allegedly ordered, instigated and encouraged by the prison administration. Since that time, several detainees have repeatedly demanded that Mr. Demin withdraws his complaints to the Prisons Board and to the Committee against Torture and have reportedly provoked him into fights during his daily walks. Mr. Demin has also been threatened by prison authorities with a transfer to a block with convicted inmates if he did not do withdraw his complaints.

20. Fearing for his safety, Mr. Demin withdrew his complaint to the Nicosia Central Prisons and the Prisons Board. Despite this, reprisals have allegedly continued, reportedly with the aim of forcing him to also withdraw his complaint to the Committee against Torture. Two other detainees, who had previously agreed to testify as Mr. Demin's witnesses, were also reportedly threatened with reprisals by the prison authorities. The Committee expressed concern that the allegations of ill-treatment may be related to Mr. Demin's complaint submitted to it.

21. On 30 May 2022, the Government responded¹⁶ to the Committee rejecting categorically the ill-treatment allegations following complaints by Mr. Demin highlighting that they are factually incorrect. The Government stated that Mr. Demin declined to call the police for an investigation into the reported threats for his complaints, despite being asked several times in his mother tongue by the Police. It also informed that the Police initiated in several occasions investigations to address Mr. Demin's claims and that he expressed no wish to mention anything. It also informed that Mr. Demin has freedom of movement enjoying

¹⁴ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36905>; and <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36928>.

¹⁵ https://tbinternet.ohchr.org/Treaties/cat/Shared%20Documents/CYP/int_cat_rle_CYP_9475_E.pdf.

¹⁶ https://tbinternet.ohchr.org/Treaties/cat/Shared%20Documents/CYP/int_CAT_rle_CYP_9568_E.pdf.

everyday life like any other prisoner, and that he expressed no complaints about the conditions of his detention. The Government additionally indicated that it had already provided information to the Committee in a number of replies in January and March 2022.

22. On 30 June 2022 the Government responded to the note verbale sent in connection to the present report reiterating its reply to the Committee against Torture (see above) and highlighting its main factual elements.

6. Democratic Republic of the Congo

23. During the reporting period, the United Nations Joint Human Rights Office (UNJHRO) of the UN Mission for the Stabilization of the Democratic Republic of the Congo (MONUSCO) documented twelve incidents of intimidation and reprisals for cooperation with the Mission ([A/HRC/48/47](#), paras. 46–58). Incidents were attributed to State actors and armed groups in different regions affecting 12 members of civil society organizations, one journalist, three humanitarian NGOs, and a group of 225 victims and witnesses of human rights abuses (153 women, 68 men and four minor girls) participating in a court proceeding supported by the Mission. Names and further details are withheld due to fear of further reprisals.

24. Reportedly, six members of civil society organizations received death threats, three were threatened with legal action, and two were subjected to and survived cruel, inhuman, and degrading treatment and attempted murder. The three organizations were threatened with legal action by the leader of an armed group for sharing information with the UN on alleged human rights abuses by that armed group, including allegations of rape and child recruitment.

25. The group of 225 victims and witnesses taking part in the aforementioned court proceeding suffered physical attacks, looting at their homes, and death threats by members of the armed group whose leader was arrested and involved in the said proceeding as defendant. The violence and abuses took place following their sharing of information and cooperation with the Mission in support of the court proceedings.

26. Five of the incidents were documented in the Lubero territory of Beni; three in the Nyabiondo and Masisi territories in the North Kivu; two in the Kamomia territory of Kasai, one in Baraka territory of South Kivu, and one in Maniema. Six incidents were attributed to government authorities (3), the Congolese armed forces (1), the police (1), and intelligence services (1). The remaining six were reportedly perpetrated by various armed groups.

7. Guatemala

27. Alleged acts of reprisals against **magistrates, judges, and prosecutors** who worked on cases investigated with the technical assistance of the International Commission against Impunity (CICIG) were included in previous Secretary-General's reports (see Annex II).¹⁷ The CICIG operated for 12 years in the country (2007–2019) based on an agreement between the United Nations and the Government of Guatemala. During the reporting period, multiple UN actors raised concerns about ongoing intimidation, criminalization, and threats against magistrates, judges and prosecutors for their work on cases investigated with the technical assistance of CICIG.

28. OHCHR documented an increase in the targeting of prosecutors from the Special Prosecutor's Office Against Impunity (FECI), including their detention as well as stigmatisation campaigns and threats in social media against them. During the reporting period, several judges, former judges, magistrates and prosecutors left the country due to the increased level of risks and threats against them. In her 2022 report, the High Commissioner for Human Rights noted attacks and reprisals against judges, a magistrate and a former magistrate of the Constitutional Court, and prosecutors and former prosecutors ([A/HRC/49/20](#), para. 56).

¹⁷ [A/HRC/42/30](#), para. 54, Annex I, paras. 40–; [A/HRC/45/36](#), Annex II, paras. 56–59; 42 [A/HRC/48/28](#), Annex II, paras. 56–61.

29. On 11 February 2022,¹⁸ the Spokesperson of the UN Secretary-General noted with concern the detention of at least two individuals who cooperated closely with the CICIG. On 31 March 2022, the Special Rapporteur on the independence of judges and lawyers addressed the arrests between 10 and 23 February 2022 of five prosecutors and one lawyer who had worked with the FECI in a high-profile case against public officials and organized crime, including many investigated with the technical assistance of the CICIG (GTM 1/2022). The prosecutors are **Ms. Siomara Sosa, Ms. Paola Escobar, Ms. Aliss Morán, Mr. William Racanac and Ms. Virginia Laparra**, and the lawyer is **Ms. Leily Santizo**, also former CICIG staff. Charges included counts of abuse of authority, usurpation of functions, obstruction to justice and false testimony. Trial against four of the prosecutors is ongoing. Virginia Laparra remains in pretrial detention since 23 February 2022.

30. On 1 July 2022, the Government responded to the note verbale sent in connection to the present report with information on the detention situation and ongoing trials against the prosecutors Ms. Siomara Sosa, Ms. Paola Escobar, Ms. Aliss Morán, Mr. William Racanac and Ms. Virginia Laparra and the pretrial detention of Ms. Leily Santizo, all of them under charges of abuse of authority, obstruction of justice and false testimony as well as additional information on the situation of other judges and magistrates of the Constitutional Court. The Government also shared information on the situation of the independence of judges and lawyers and the protection of the judiciary, and clarified that the authorities are not aware of alleged acts of intimidation and reprisals or attacks against judges and prosecutors.

8. Iran (Islamic Republic of)

31. Multiple United Nations actors raised concerns about an increased use of violence against civil society actors, including in particular excessive use of force in the context of peaceful demonstrations and the widespread, systematic and continued arbitrary detention of human rights defenders and lawyers following unfair trials and long prison sentences on broad national security-related charges.¹⁹ They also expressed concerns about legislative developments in connection with increased surveillance and privacy risks. Reportedly, this environment has intensified the fear of reprisals for cooperation with the United Nations among civil society, including victims of human rights violations and their family members, preventing them from engaging with the United Nations and human rights mechanisms.

32. In his 2022 report to the Human Rights Council, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran raised concerns about “the high risk of reprisals that individuals and organizations face for engaging with international human rights mechanisms [...] and called on the Government to open the space for engagement, particularly with domestic actors and civil society.”²⁰

33. According to information received by OHCHR during the reporting period, some families of victims of human rights violations were allegedly warned by the authorities against raising their cases publicly, including with the United Nations. Allegedly, on at least two occasions, the families of victims of human rights violations were evicted from their homes due to pressure from the authorities on their landlord following their public and United Nations’ engagement on their relative’s case. During the reporting period, individuals and their families expressed reluctance about or declined United Nations action on their cases due to fear of further reprisals. Names and details of individuals concerned are withheld for fear of further reprisals.

34. On 10 January 2022, the General Assembly in resolution [76/178](#) on the situation of human rights in the Islamic Republic of Iran called upon Iran “to release persons detained for the exercise of their human rights and fundamental freedoms [...] and to end reprisals against human rights defenders, peaceful protesters and their families, journalists and media workers

¹⁸ <https://www.un.org/sg/en/node/261868>.

¹⁹ <https://www.ohchr.org/en/speeches/2022/03/global-update-bachelet-urges-inclusion-combat-sharply-escalating-misery-and-fear>. See also [A/HRC/49/75](#), paras. 9–12 and 22–26, and [IRN 12/2021](#), [IRN 14/2021](#), [IRN 16/2021](#), [IRN 22/2021](#), [IRN 27/2021](#), [IRN 28/2021](#), [IRN 31/2021](#), [IRN 33/2021](#), [IRN 35/2021](#), [IRN 1/2022](#).

²⁰ [A/HRC/49/75](#), para. 4.

covering the protests and individuals who cooperate or attempt to cooperate with the United Nations human rights mechanisms”.²¹

9. Israel

35. During the reporting period, multiple UN actors addressed allegations of new restrictive measures and actions taken against human rights defenders and civil society actors engaged in documenting violations and advocating for accountability. This included the use of counter-terrorism legislation, military orders and online surveillance to halt, restrict or criminalize legitimate human rights and humanitarian work, including by United Nations partners.²²

36. On 19 October 2021, the Israeli Minister of Defence designated six Palestinian human rights and humanitarian organizations, namely, **the Addameer Prisoner Support and Human Rights Association** (See Annex II), **Al Haq, the Bisan Center for Research and Development, Defense for Children International – Palestine, the Union of Agricultural Work Committees and the Union of Palestinian Women’s Committees** as “terror[ist] organizations” under the Counter-Terrorism Law 5776 of 2016.²³ On 3 November 2021, the Israeli Military Commander of the West Bank further declared five of the organizations as ‘unlawful’.²⁴

37. On 25 October 2021, special procedures mandate holders publicly condemned the designations and noted that “at least for one of these organizations this decision may have been taken as a form of reprisal for cooperation with UN entities”.²⁵ In her February 2022 report to the Human Rights Council, the High Commissioner for Human Rights emphasized that “these organizations have worked for decades to promote human rights and provide critical humanitarian assistance in the Occupied Palestinian Territory, and are key partners of the United Nations”.²⁶

38. In its Concluding observations on the fifth periodic report of Israel adopted on 22 March 2022, the Human Rights Committee expressed its concern that “Counter-Terrorism Law 5776-2016 contains vague and overbroad definitions of ‘terrorist organization’ and ‘terrorist act’ and may be used to oppress and criminalize legitimate political or humanitarian acts, as illustrated by the designation, in October 2021, of six Palestinian civil society organization and terrorist organizations based on secret information.” (CCPR/C/ISR/CO/5 paras. 18 and 19).

39. In July 2021, the offices of Defense of Children International Palestine (DCIP) in Ramallah were allegedly raided (ISR 8/2021) as well as the offices of Bisan Center for Research and Development, and one staff in each of the NGOs – Addameer (See Annex II), Al-Haq and Bisan Center for Research and Development – were surveilled and had their phones hacked with NSO Group’s Pegasus spyware.²⁷ (ISR 11/2021).

10. Kazakhstan

40. On 11 November 2021, the United Nations Committee against Torture addressed allegations of ill-treatment while in detention of **Mr. Aleksandr Aleksandrov**, user of a

²¹ A/RES/76/178.

²² A/HRC/49/25 paras. 35, 40. See also <https://www.ochaopt.org/content/un-agencies-and-association-international-development-agencies-stand-civil-society-organisations-occupied>.

²³ A/HRC/49/25 para. 38 and A/HRC/49/83 para. 29. See also, <https://nbctf.mod.gov.il/en/Pages/211021EN.aspx> and Designation No. 371, 372, 373, 374, 375, 376, on 19 October 2021 of the of the Minister of Defence in accordance with the Anti-Terrorism Law, 2016. The original decisions, on file with OHCHR, were changed on 19 November 2021.

²⁴ A/HRC/49/25 para. 36 and footnote 68. The Union of Agricultural Work Committees had previously been declared as “unlawful” in January 2020.

²⁵ UN experts condemn Israel’s designation of Palestinian human rights defenders as terrorist organisations | OHCHR.

²⁶ A/HRC/49/25 para. 36.

²⁷ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26908>.

wheelchair and imprisoned in the penal colony No. UK 161/3 near the city of Zhitikara in the Kostanay region, following his submission of a complaint to the Committee claiming violations under article 3 of the Convention (Ref: G/SO 229/31 KAZ (13), CAT case 840/2017).²⁸

41. On 6 September 2019, Mr. Aleksandrov was reportedly subjected to torture, psychological and physical pressure from other detainees, allegedly instigated and encouraged by the administration of the prison. Reportedly, Mr. Aleksandrov could not submit this information to the Committee earlier due to threats. Furthermore, Mr. Aleksandrov reportedly submitted his comments on the State party's observations on admissibility and merits of his complaint. The Committee did not receive these comments and expressed concern that the ill-treatment allegations may be related to the complaint submitted to the Committee.

11. Libya

42. During the reporting period, multiple UN actors continued to address the impact of requirements imposed on civil society organizations on their ability to operate independently and engage with the United Nations in the field of human rights.²⁹ The January 2022 report of the United Nations Support Mission in Libya (UNSMIL) to the Security Council noted that legal measures to curtail the activities of civil society organizations continued to be imposed, including denying the registration of civil society organizations and requiring them to report any interaction with United Nations officials (S/2022/31, para. 53).

43. The Human Rights, Transitional Justice and Rule of Law Division of UNSMIL reported that, on 6 April 2022, the Tripoli Civil Society Commission issued a statement banning **Libyan NGOs** from participating in or organizing activities (i.e. trainings) abroad or in collaboration with the international community, including the United Nations, unless the activities and related organisations have been registered with the Commission officially. On 11 October 2021, the Tripoli Civil Society Commission issued a Circular in application of Executive Decree 286 (2018)³⁰ requiring all civil society organizations registered in the last five years to re-register or be considered illegitimate and dissolved by the Commission.

44. The Human Rights, Transitional Justice and Rule of Law Division of UNSMIL continued to document incidents of threats, harassment, and arbitrary detention by state actors in Tripoli, the Benghazi Internal Security Agency (ISA), and by state-affiliated armed groups against **human rights defenders** for their cooperation or perceived cooperation with the UN. Members of civil society organizations and social movements have reportedly been monitored and some individuals placed under surveillance, which is having a chilling effect and inhibiting cooperation and engagement with the UN. Names and further details of those concerned are withheld due to fear of further reprisals. OHCHR and UNSMIL are closely following the cases and are in contact with relevant authorities.

12. Mali

45. During the reporting period, the UN Independent Expert on the human rights situation in Mali,³¹ and other UN actors,³² expressed concern about the shrinking of civic space, noting that this negative climate has led several actors to self-censor out of fear of reprisals by the Malian transitional authorities and/or their supporters. The Human Rights and Protection Division of the Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) documented an organized online campaign targeting individuals who had expressed

²⁸ https://tbinternet.ohchr.org/Treaties/cat/Shared%20Documents/KAZ/CAT%20840_2017_9474_E.pdf.

²⁹ A/HRC/48/28, Annex I para. 63–68.

³⁰ A/HRC/48/28, Annex I, para. 66.

³¹ <https://www.ohchr.org/en/press-releases/2022/02/mali-improvement-security-situation-civic-space-and-democratic-debate>.

³² <https://www.ohchr.org/en/speeches/2022/03/global-update-bachelet-urges-inclusion-combat-sharply-escalating-misery-and-fear>; and <https://www.ohchr.org/en/press-briefing-notes/2022/04/concerns-independent-media-mali-after-shutdowns>.

dissenting opinions against the authorities or criticism of the conduct of members of the Malian Defence and Security Forces during military or counter-terrorism operations. MINUSMA received information and testimonies from credible sources that the campaign had dissuaded civil society actors from engaging with the UN and led to self-censorship. Names and details of those concern are withheld for fear of retaliation.

46. MINUSMA documented one incident of intimidation and reprisals against two individuals for cooperating with the Mission. On 10 December 2021, one man and his wife from the Sarakolé community in Dogofry commune (Ségou region) were targeted by Dozos traditional hunters on grounds that they provided early warning on violence across communal lines in the area and collaborated with MINUSMA. The perpetrators reportedly set fire to the victims' dwelling while they were inside, resulting in serious injuries on the woman.

13. Mexico

47. On 17 March 2022, mandate-holders addressed allegations of criminal investigations and other acts of intimidation and reprisal for cooperation with the UN Working Group on Arbitrary Detention (WGAD) against **Mr. Salvador Leyva Morelos Zaragoza, Ms. Verónica Jazmín Berber Calle and Ms. Elvira Claudia Mejía Hernández**, public officials from the Federal Public Defence Office (MEX 4/2022). All three public officials assumed within their mandate the legal defence and representation of Ms. Brenda Quevedo before national and international entities, including the WGAD. In August 2020, the WGAD adopted Opinion 45/2020³³ according to which Ms. Quevedo had been arbitrarily detained since 2009. In October 2021, the WGAD welcomed the Government of Mexico's statement that it would implement its Opinion.³⁴

48. Between October 2020 and April 2021, Ms. Quevedo's defence brought a series of legal actions at the national level demanding the implementation of the WGAD's recommendations. Reportedly, as a result of these actions, the Attorney General's Office has initiated three investigations against the defence team. On 12 February 2022, Mr. Morelos Zaragoza's home was searched in his absence and reportedly without prior notice, identification of the authors, or production of a search warrant. On 15 and 16 February 2022, at the request of the Public Prosecutor's Office, Ms. Quevedo's legal defence team presented itself before the Public Prosecutor and requested access to the investigation file (MEX 4/2022).

49. From 15 to 26 November 2021, the United Nations Committee on Enforced Disappearances (CED) conducted an official visit to Mexico. In its end-of-mission statement³⁵ and its visit report,³⁶ the CED condemned the vandalising of a memorial site in the city of Guadalajara (state of Jalisco) following its conversation with victims' groups. It recalled that no one who has participated in conversations or contributed information to the Committee should be subject to reprisals.

50. On 29 June 2022, the Government responded to the note verbale sent in connection to the present report clarifying that there are no records on the alleged investigations against Mr. Salvador Leyva Morelos Zaragoza, Ms. Verónica Jazmín Berber Calle and Ms. Elvira Claudia Mejía Hernández by the Attorney General's Office.

³³ https://www.ohchr.org/sites/default/files/Documents/Issues/Detention/Opinions/Session88/A_HRC_WGAD_2020_45_Advance_Edited_Version.pdf; see also <https://www.ohchr.org/en/press-releases/2020/10/mexico-human-rights-experts-welcome-promised-release-brenda-quevedo-cruz?LangID=E&NewsID=26382>.

³⁴ <https://www.ohchr.org/en/press-releases/2020/10/mexico-human-rights-experts-welcome-promised-release-brenda-quevedo-cruz>.

³⁵ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27877&LangID=E>.

³⁶ CED/C/R.9 (Observations and recommendations), paras. 88–89 and 100.

14. Myanmar

51. Multiple United Nations (UN) actors have noted the imposition of continuous restrictions severely limiting civic space, including through online intensified surveillance, Internet blackouts and shutdowns, and legal provisions criminalizing online activity and sharply curbing access to the Internet. In her reports and updates to the Human Rights Council during the reporting period, the United Nations High Commissioner for Human Rights noted that there is virtually no civic space left across the country, and that intense surveillance, including by digital means, amplifies the danger to activists in all military-controlled areas.³⁷ (A/HRC/49/72, para. 47).

52. This context amplifies the risks for victims, survivors, witnesses, and human rights defenders to engage with UN entities, human rights bodies, and mechanisms. Due to protection concerns, most UN interlocutors provided consent for the public use of information as long as personal details and other potentially identifying elements were not disclosed. Similarly, alleged victims and witnesses often declined to give interviews due to personal security concerns. Some UN actors have requested support to protect those who engage with them (see below). Relevant names and additional details are withheld for fear of further reprisals.

53. On 13 September 2021, in his closing remarks responding to interventions on the need to prevent reprisals for cooperation with the Independent Investigative Mechanism for Myanmar, the Head of the Mechanism noted³⁸ that their highest priority for States' support and assistance to the Mechanism was the protection of those who wanted to cooperate with it, as many of these individuals feel at risk.

54. In its April 2022 and July 2021 resolutions on Myanmar,³⁹ the Human Rights Council called for immediate, unrestricted and unmonitored access for all United Nations entities and mechanisms, including through the lifting of Internet shutdowns and all other Internet restrictions that hinder the flow of information essential for accountability, and to ensure that civil society organizations, human rights defenders, lawyers, victims, survivors, witnesses and other individuals have unhindered access to and can communicate with the United Nations and other human rights entities without fear of reprisals, intimidation or attack (res 49/23, OP 19 and res 47/1, OP13).

15. Nicaragua

55. During the reporting period, multiple UN actors continued to address intimidation and reprisals for cooperation with the UN, in particular the impact of restrictive laws on the ability and willingness of civil society organizations to cooperate with the United Nations.⁴⁰ In the first quarter of 2022, over 130 NGOs, including the country's main human rights NGOs, were liquidated for alleged non-compliance with several laws and regulations.^{41, 42} It has been reported to OHCHR that enforcement of this legislation has severely limited the capacity and willingness of civil society organizations to carry out their activities in Nicaragua, thus also constraining their cooperation with the UN. On 2 April 2022, a new Law on the Regulation and Control of Non-Profit Organizations (No. 1115) was adopted, further restricting the activities of civil society actors⁴³ and their ability to engage with the UN.

³⁷ <https://www.ohchr.org/en/statements-and-speeches/2022/03/interactive-dialogue-situation-human-rights-myanmar>.

³⁸ <https://media.un.org/en/asset/k1m/k1mwjzn24r> (time stamp 52:10).

³⁹ Resolution on the situation of human rights in Myanmar (A/HRC/RES/49/23); resolution on the situation of human rights of Rohingya Muslims and other minorities in Myanmar (A/HRC/RES/47/1).

⁴⁰ A/HRC/48/28, Annex I para. 80.

⁴¹ Laws No. 147 on Non-Profit Legal Persons; No. 977 against Money Laundering, Financing of Terrorism and Financing of the Proliferation of Weapons of Mass Destruction and its regulations; No. 1040 on the Regulation of Foreign Agents; No. 1042 on Cybercrimes, and No. 1055 on the defence of the rights of the people to independence, sovereignty, and self-determination for peace.

⁴² <https://www.ohchr.org/en/statements/2022/05/nicaraguas-crackdown-civil-society>.

⁴³ <https://www.ohchr.org/en/statements/2022/05/nicaraguas-crackdown-civil-society>.

56. In the presentation⁴⁴ of her March 2022 report to the Human Rights Council (A/HRC/49/23, paras. 45–52), the High Commissioner for Human Rights urged the repeal of the legislation unduly restricting the civic and democratic space. In her reply during the dialogue, the Deputy High Commissioner for Human Rights⁴⁵ noted that OHCHR had received reports about Nicaraguans choosing not to communicate with the United Nations due to fear of reprisals against them and their families. She called on authorities to cease, publicly condemn, and sanction any attack or harassment against political activists, journalists, and human rights defenders, including those who cooperate with the United Nations, and their families.

57. In March 2022, the Human Rights Council adopted resolution 49/3 on the promotion and protection of human rights in Nicaragua condemning all acts of intimidation and reprisal, both online and offline, by State and non-State actors against individuals and groups who seek to cooperate or have cooperated with the United Nations. The Council called upon the “Government to prevent, refrain from and publicly condemn, investigate and punish any acts of intimidation or reprisal for cooperation with the United Nations” (A/HRC/RES/49/3).

58. According to information received by OHCHR, **Ms. Christy Melissa Martínez**, a young student leader and women human rights defender, was subject to intimidation and surveillance following her engagement with UN human rights mechanisms on the arbitrary detention of Mr. John Christopher Cerna Zuñiga, also a student leader and a human rights defender. Between April and October 2021, Ms. Martínez shared information with mandate holders, including the Special Rapporteur on the situation of human rights defenders and the Working Group on Arbitrary Detention on the detention, sentencing, and ill-treatment of Mr. Cerna Zuñiga. In May and June 2021, mandate holders addressed allegations about Mr. Cerna Zuñiga’s situation (NIC 3/2021).⁴⁶ Following her interactions with the UN, Ms. Martínez’s reportedly experienced restrictions to visit Mr. Cerna Zuñiga, including a request by prison staff to sign documents committing not to share with international organizations the information she obtained during the visits. Her apartment was searched, and she was followed and intimidated by police officers. Ms. Martínez relocated within the country for a few months and, in October 2021, left Nicaragua fearing for her safety.

16. Rwanda

59. On 5 November 2021, mandate holders addressed allegations of intimidation and harassment by government officials against **Mr. Noël Zihabamwe** and individuals associated with him following his engagement with the United Nations Working Group on Enforced and Involuntary Disappearances to establish the fate and whereabouts of his brothers, **Mr. Antoine Zihabamwe** and **Mr. Jean Nsengimana** (RWA 2/2021). Mr. Zihabamwe is a Rwandan human rights defender based in Australia and founder of the African Australian Advocacy Centre.

60. While Mr. Zihabamwe has allegedly faced numerous threats and intimidation from Rwandan government officials in the past, mandate holders expressed concern that the latest acts of intimidation appear to be related to the filing, on 4 June 2021, of complaints of enforced disappearance with the UN Working Group about his two brothers. The filing of the complaints was reported by Australia media and echoed by a Rwandan newspaper that allegedly portrayed Mr. Zihabamwe as being involved with Rwandan Alliance for National Pact (RANP), which the Government has labelled as a terrorist organisation. Furthermore, between 18 and 21 June 2021, several individuals associated with Mr. Zihabamwe were interrogated by the Rwanda Investigation Bureau, were refused medical treatment, and threatened and evicted from their homes. The Working Group transmitted the two cases to the Government of Rwanda on 15 October 2021 (RWA 2/2021).

⁴⁴ <https://www.ohchr.org/en/statements/2022/03/annual-report-united-nations-high-commissioner-human-rights-situation-human>.

⁴⁵ <https://media.un.org/en/asset/k1s/k1sk8m7sc5>.

⁴⁶ <https://www.ohchr.org/es/2021/06/nicaragua-un-expert-deplores-spate-attacks-and-arrests-human-rights-defenders>.

17. South Sudan

61. During the reporting period, the United Nations Mission in South Sudan (UNMISS) Human Rights Division documented four incidents of reprisals or intimidation for actual or perceived cooperation with the United Nations. The cases were allegedly perpetrated by the National Security Services (NSS) and the South Sudan Peoples Defence Force (SSPDF) Military Intelligence (MI) with the reported aim of impeding the sharing of human rights reports or information with the United Nations. Names and details of those affected are withheld for fear of further reprisals.

62. One incident took place in October and December 2021 when UNMISS Human Rights Division in Juba and Wau was requested to obtain written authorization from NSS to conduct human rights activities with civil society actors, and produce the agenda and list of participants. UNMISS engaged with the NSS who informed that there is a Directive requiring NSS to be notified of all workshops/trainings and conferences taking place in hotels for clearance, and to know content of discussions. Reportedly, the Directive does not exempt UNMISS or United Nations entities from this procedure, hence all programs of any trainings/workshops conducted by any UNMISS or any United Nations agency must be submitted in advance. Failure to do so could reportedly lead to the cancellation of the activity. As UNMISS does not share with the Government information such as agenda and/or list of participants of events it organizes, it requested for a copy of the new Directive, but to no avail.

63. A second incident took place in Juba and involved the arbitrary arrest of seven journalists by NSS officers for covering a press conference with members of parliament on 22 February 2022. The journalists were reportedly locked up in room by an NSS official who stated that they were illegally covering a press conference, made them delete their recordings, and threatened them to desist from publishing any news on the press conference. Upon release, the journalists were reportedly threatened with re-arrest if they shared information with the United Nations and international partners.

64. A third incident took place on 28 March 2022 when SSPDF soldiers interrupted a United Nations community meeting and prevented a 28-year-old student from assisting the United Nations team with interpretation. As the United Nations convoy left the area, the military took the student to their headquarters in the area and held him in the premises for nine days. During this time, the student was reportedly interrogated and forced to admit accusations of being a spy and collaborator to opponents of the government. The soldiers took his personal belongings, including a phone. Apart from verbal threats, the student was not physically harmed and was later released.

65. A fourth incident involved the physical assault and threats to one individual after sharing information with UNMISS team in Juba, on 29 March 2022. Following a brief meeting with UNMISS, the victim was reportedly followed by SSPDF Military Intelligence agents who stopped him, ordered him to surrender his phone, and held him in custody for a few hours. Allegedly, after searching his phone, the victim was severely beaten and his mobile phone and money confiscated. Following UNMISS advocacy, the victim was released.

66. Beyond these incidents, since August 2021, the United Nations Commission on Human Rights in South Sudan and UNMISS⁴⁷ have documented the increased suppression by government security forces of civil society actor's voices and activities, including for their cooperation with the United Nations. UNMISS received reports of individuals being photographed, surveilled, or whose movements, phones or social media posts were recorded or monitored without their consent at, or during travel to, United Nations meetings. Both the United Nations Commission on Human Rights in South Sudan and UNMISS reported extensive physical and electronic surveillance, intimidation, arbitrary arrest and detention by security forces, which underpins a climate of fear deterring victims and witnesses from contacting or engaging with the UN and fostering self-censorship.

⁴⁷ [A/HRC/49/78](#), paras. 22–29; [S/2022/156](#) para. 63; and [S/2021/566](#), para. 69.

18. Sri Lanka

67. Multiple UN actors have continued to address allegations of surveillance, vilification, obstruction, and intrusive scrutiny of the activities of human rights defenders and civil society organizations, noting that such behaviours in the past had a chilling effect on Sri Lankan human rights defenders, including on their engagement with the Human Rights Council. According to information received by OHCHR, civil society actors operate in an environment of fear and mistrust that inhibits some from cooperating with the United Nations, leading to self-censorship. Names and further details of individuals and groups affected are withheld for fear of further reprisals.

68. In her 2022 report presented to the Human Rights Council pursuant to resolution 46/1, the High Commissioner for Human Rights noted that “the pattern of surveillance and harassment of civil society organizations, human rights defenders and victims highlighted in previous reports has continued”⁴⁸ (A/HRC/49/9, para. 27). The report noted that civil society and activists are regularly visited in their offices or homes or called by the police and questioned about staff and donors’ details, foreign contacts, travel history, or social media accounts. The Government asserted that such scrutiny is necessary to combat money-laundering and financing of terrorism (ibid, para. 28). NGOs report working under surveillance and having to inform and get approval for any activity (ibid para. 29). The High Commissioner expressed concern by the Government’s public responses to human rights advocacy by well-known and respected civil society representatives and its conflation with Liberation Tigers of Tamil Eelam (LTTE) propaganda. She noted that similar interventions in the past have had a chilling effect on Sri Lankan human rights defenders, including in their interaction with the Human Rights Council (ibid para. 30). In its comments to the High Commissioner’s report, the Government stated that it maintains a vigorous engagement with civil society to obtain their insights and to harness their expertise and support in achieving reconciliation and development. It affirmed that there are no restrictions on civil society space in any part of Sri Lanka (A/HRC/49/G/16, paras. 52–58).

69. In his 2021 follow up report to the Human Rights Council on his 2017 visit to Sri Lanka, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence raised concerns about reports of increased, both in frequency and intensity, harassment, threats, surveillance and obstruction of activities of victims and human rights defenders (A/HRC/48/60, Add.2, para. 36). In its comments to this report, the Government refuted claims of alleged “harassment, threats,[and] surveillance” inviting all parties to submit their complaints to the competent national mechanisms. The Government noted that the Security Forces and intelligence agencies do not monitor any specific group, besides their routine security networks in the interest of national security (A/HRC/48/60, Add.6, paras. 47–51).

19. Sudan

70. According to information received by OHCHR, while civic space opened up under the transitional government in Sudan, the military coup of 25 October 2021 resulted in an erosion of human rights gains, including undue restrictions on the rights to freedom of expression, peaceful assembly and association. This has led to an increasingly hostile environment for human rights defenders and civil society activists with many facing arbitrary arrests and detention. During the reporting period, UNITAMS documented two reprisals incidents for engagement with the Special Representative of the Secretary-General (SRSG) for Sudan and the United Nations Integrated Transitional Assistance Mission in Sudan (UNITAMS).

71. On 4 November 2021, three members of the Forces for Freedom and Change (FFC), Messrs. **Taha Othman Ishaq, Sherif Muhammad Othman, and Hamza Farouk**, were arrested shortly after meeting with the SRSG at UNITAMS’s headquarters in Khartoum to discuss political developments in Sudan, including implications for the transition following the military coup. The meeting was attended by several members of the FFC, most of whom

⁴⁸ <https://www.ohchr.org/en/statements/2022/03/update-and-interactive-dialogue-sri-lanka>.

had been in hiding prior due to threats of arrest and violence by state security forces. The three FFC members were arrested close to the UNITAMS headquarters and detained for three weeks, when they were released along with other political detainees. During their arrest, they were reportedly asked about their meeting at UNITAMS and the nature of the information they shared. UNITAMS issued a statement on 5 November condemning the arrest and urging the authorities to release them immediately.⁴⁹

72. On 7 April 2022, **Ms. Sulaima Al-Khalifa**, Director of the Unit for Combatting Violence against Women under the Ministry of Social Development, was reportedly summoned by Office of the Prosecutor of Crimes against the State in Khartoum following the briefing by the SRSg and Head of UNITAMS to the UN Security Council on 28 March 2022 on the situation in the Sudan and activities of UNITAMS,⁵⁰ during which the SRSg referred to her Unit's cooperation with the UN. Ms. Al-Khalifa was reportedly questioned about statements made and interviews given regarding sexual violence in Sudan as well as about the sources of information used for the UN Security Council briefing. The General Prosecutor's office reportedly filed a complaint against Ms. Al-Khalifa on charges of "crimes against the State", but she was released on bail the same day. On 12 April 2022, she was again summoned to the Office of the Prosecutor of Crimes against the State for questioning and informed that state security agents would visit her office.

73. Ms. Al-Khalifa participated in an integrated working group with local and civil society partners established by the UN in October 2021 to monitor and consolidate information on cases of sexual violence and to coordinate access to medical, legal, and psychosocial assistance for survivors. The participation of the Ministry of Social Welfare in the working group was noted in the report of the Secretary-General on the situation in the Sudan (S/2022/172, para. 43). The Special Representative of the Secretary-General for Sudan, UNITAMS and OHCHR are following the case closely and are in contact with relevant authorities.

20. Venezuela (Bolivarian Republic of)

74. During the reporting period, multiple UN actors have addressed undue restrictions on, harassment, and public vilification of civil society actors inhibiting their engagement with the UN. OHCHR and mandate holders continued to raise concerns about legislation impeding the work of civil society organizations, some of which face criminal prosecution related to their work (A/HRC/47/55, para. 47, VEN 7/2021 and VEN 9/2021), including for implementing UN humanitarian programmes (see annex II). NGOs, journalists, media workers and human rights activists reported limiting or ceasing their activities due to fear of prosecution. Many reported leaving the country owing to rumours of investigations or arrest warrants against them. Others decided to exercise self-censorship (A/HRC/47/55, para. 62).

75. On 7 July and 19 November 2021, mandate holders addressed various laws in force, or in the process of being adopted affecting the functioning of NGOs, including their cooperation or engagement with the UN (VEN 7/2021 and 8/2021). Noting previous concerns about additional legal and administrative controls introduced on the registration, funding and operation of NGOs, mandate holders addressed the alleged exacerbation of pre-existing obstacles to their work, including the multiplication of registries and inspection mechanisms as well as the lack of information on the sanctions for non-compliance and the restrictions on access to foreign funding (A/HRC/47/55 and VEN 5/2020). They asked the Government about the application of the mentioned regulatory framework and mechanisms to NGOs cooperating with the UN in the implementation of the Humanitarian Response Plan (VEN 8/2021).

76. On 14 January 2022, mandate holders addressed allegations of increased threats and harassment against **Ms. Theresly Malavé Wadskier** following the release and presentation of the report of the Independent Fact-Finding Mission on Venezuela in September 2021,

⁴⁹ <https://unitams.unmissions.org/en/unitams-statement-detention-members-ffc%E2%80%99s-central-council>.

⁵⁰ <https://media.un.org/en/asset/k11/k11ts64c7y> (time stamp 07:50–08:25).

which included a number of cases that she represented (VEN 9/2021). Those cases are linked to alleged violations by the General Directorate of Military Counterintelligence (DGCIM) and the Bolivarian Intelligence Service (SEBIN). Ms. Malavé is a human rights lawyer and director and founding member of the organization “Justicia y Proceso Venezuela” (JUYPROVEN). While Ms. Malavé had reportedly received threats and harassment in the past, mandate holders expressed concern that these increased following the release and presentation of the 2021 report of the Fact-Finding Mission. After the presentation of the report of the Fact-Finding Mission, Ms. Malavé reportedly suffered intensified harassment by officials from the First Special Court of First Instance in Trial Functions with National Jurisdiction in Terrorism, where she acts as legal defence in several high-profile cases, as well as physical surveillance and intimidation at her residence by DGCIM officials. Due to this situation, part of Ms. Malavé’s family relocated outside of the country (VEN 9/2021).

77. According to information received by OHCHR, on 10 March 2022, **Ms. Karen Caruci**, human rights lawyer who had reportedly been subjected to arbitrary detention and torture or ill-treatment in December 2020 (VEN 7/2021), was re-arrested in relation to her exposure on social media of corruption in the Lara state branch of the Attorney General Office. Reportedly, Ms. Caruci was questioned about her engagement with the UN and asked whether she was remunerated by the UN for sharing information on human rights violations. Ms. Caruci represents alleged victims of torture, cruel, inhuman and/or degrading treatment presumably perpetrated by State security agents. In April 2021, a first-instance criminal court granted Ms. Caruci national protection measures. On 11 March 2022, a judge from the Caracas-based Third Special Court of First Instance on Terrorism reportedly confirmed the charge of incitement to hatred against Ms. Caruci, and she was conditionally released the same day, pending investigation. OHCHR is monitoring the case and in contact with relevant authorities.

21. Viet Nam

78. Multiple UN actors, including the High Commissioner for Human Rights,⁵¹ her Spokesperson⁵² and mandate holders continued to address the criminalization, detention, and severe sentencing of human rights defenders, including on vague anti-State propaganda charges, which is aggravated when there is cooperation with the UN (VNM 4/2021).⁵³ Special procedures mandate holders raised the issue of amendments to the NGO regulatory framework imposing unreasonably burdensome requirements and restrictions, including prior approval for the organization of human rights international conferences and seminars, whether in-person or online (VNM 7/2021). The Government responded⁵⁴ noting that the amendments are not meant to limit but to ensure transparent and effective operations, especially in financial matters, and that they do not prohibit or limit conferences and seminars but stipulate the process of applying for permission to organize international conferences and seminars.

79. During the period, mandate holders pointed to an environment of fear based on allegations that acts of intimidation and reprisals followed after victims shared their testimonies with, and availed themselves of, procedures established under the auspices of the UN for the protection of human rights, in particular Special Procedures of the Human Rights Council (VNM 3/2022). Mandate holders noted that such cases do not only aim to silence specific individuals or groups but contribute to a climate of self-censorship inhibiting others from engaging with and reporting to the United Nations (VNM 6/2021). Names and details of all individuals and groups concerned during the period cannot be disclosed for fear of further reprisals.

80. On 26 April 2022, mandate holders addressed allegations of intimidation and threats for cooperation with the UN against **Ms. H’Thai Ayun** and other women, victims of trafficking, some of whom were repatriated from the Kingdom of Saudi Arabia to Viet Nam,

⁵¹ <https://www.ohchr.org/en/speeches/2022/03/global-update-bachelet-urges-inclusion-combat-sharply-escalating-misery-and-fear>.

⁵² <https://www.ohchr.org/en/press-briefing-notes/2021/12/press-briefing-notes-viet-nam>.

⁵³ A/HRC/48/28 paras. 129–133, Annex I paras. 123–129, Annex II paras. 147–154.

⁵⁴ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36915>.

as well as their relatives (VNM 3/2022). Mandate holders had sent a communication to the Government on 25 October 2021 addressing reported human rights abuses perpetrated against a group of Vietnamese women and girls' victims of trafficking in Saudi Arabia (VNM 5/2021). The Government replied on 5 March 2022,⁵⁵ and a group of women and girls were repatriated to Viet Nam.

81. Reportedly, following the publication of the abovementioned communication and a press release issued on 4 November 2021,⁵⁶ there was an escalation of acts of intimidation against repatriated victims and their families. The case of Ms. H'Thai Ayun is indicative of the aggravated targeting following the intervention by mandate holders. Ms. H'Thai Ayun was a victim of trafficking who very vocally denounced the situation, including on social media, and requested the protection from relevant authorities in Saudi Arabia. In December 2021, given the deterioration of her situation and credible and well-founded fears for her safety if returned to Viet Nam, Ms. H'Thai Ayun was relocated to a third country and her case is being closely followed by several UN agencies (VNM 3/2022).

82. On 22 November 2021, mandate holders addressed allegations of long-term arbitrary detention and sentencing of several human rights defenders, including that of **Ms. Pham Doan Trang** for sharing reports on the human rights situation in the country with the UN and other international actors (VNM 6/2021).⁵⁷ Ms. Trang is a blogger, journalist and democracy activist. In September 2021, the UN Working Group on Arbitrary Detention deemed her detention arbitrary (Opinion 40/2021).

83. Ms. Trang was reportedly placed under de facto house arrest in February 2018 and formally arrested on 6 October 2020. She was prosecuted for her articles and reports on the human rights situation in Viet Nam, including an analysis of a 2016 report on the Formosa Ha Tinh Steel Plant environmental disaster that was shared with the UN. Ms. Trang is being held in Hoa Lo Prison.

84. On 29 October and 23 December 2021⁵⁸ mandate holders addressed Ms. Trang's detention and charges, where reports shared with the UN were allegedly used as evidence against her. They noted that the sharing of testimonies and reports is a common way of communicating with the UN, and its criminalization ultimately undermines the UN human rights system as a whole. The Formosa disaster was extensively addressed by UN mandate-holders at the time.⁵⁹ On 14 December 2021, Ms. Trang was sentenced to nine years imprisonment.⁶⁰

85. According to information received by OHCHR, on 14 December 2021, Ms. Trang was sentenced by Hanoi People's Court to 9 years in prison for allegedly conducting anti-State propaganda. She has reportedly been denied family visits since her trial in December 2021, and there are serious concerns about her deteriorating physical condition. On 27 January 2022, Ms. Trang's request for appeal was reportedly accepted, and the appeal trial is expected to take place after May 2022.

⁵⁵ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36838>.

⁵⁶ <https://www.ohchr.org/en/press-releases/2021/11/viet-nam-and-saudi-arabia-un-experts-call-protection-trafficked-workers>.

⁵⁷ See also VNM 3/2020 and VNM 5/2020; and Government replies <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35828> <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35828>.

⁵⁸ <https://www.ohchr.org/en/2021/11/viet-nam-release-writer-held-propaganda-charges-un-experts>; <https://www.ohchr.org/en/press-releases/2021/12/viet-nam-un-experts-appalled-conviction-four-human-rights-defenders>.

⁵⁹ VNM 5/2016 and Government reply; VNM 1/2017; VNM 4/2017 and Government reply; VNM 2/2018 and Government reply; VNM 8/2018 and Government reply; and VNM 2/2022 and Government reply. See also <https://www.ohchr.org/en/press-releases/2018/02/viet-nam-un-rights-experts-urge-release-activists-jailed-protesting-toxic>.

⁶⁰ <https://www.ohchr.org/en/press-briefing-notes/2021/12/press-briefing-notes-viet-nam>.

22. Yemen

86. During the reporting period, OHCHR continued to document restrictions on humanitarian and development activity by the Houthis inhibiting United Nations operations and limiting engagement with civil society actors.

87. Requirements by the Houthi Supreme Council for the Management and Coordination of Humanitarian Affairs and International Cooperation (SCMCHA)⁶¹ for international organizations to obtain prior permission for events, including United Nations events, and to share lists of civil society participants and official invitees, coupled with new requirements to obtain prior approval for movements within Houthi-controlled areas,⁶² have on occasion served to discourage engagement with the United Nations and encourage self-censorship. Furthermore, monitoring and surveillance of human rights work, offline and online, has been increasingly documented and reported (see Annex II).

88. In its 2022 report to the Security Council, the **United Nations Panel of Experts on Yemen** noted that the arbitrary arrest and detention of journalists and human rights defenders, and threats against them, continued to be widespread over the course of the reporting period, affecting their ability to document and report on violations. (S/2022/50, para. 97) The Panel of Experts determined that the publication of Annex 34 of their report on violations in the context of detention attributed to the Houthis may pose a threat to individuals and entities, as well as their activities in Yemen, and deemed that the information contained therein was not for publication (S/2022/50, p. 269).

89. In its 2021 report to the Human Rights Council, the **Group of Eminent Experts for Yemen** expressed concern about the protracted climate of fear and lawlessness in Yemen noting that, even when it adopted methodologies aimed at ensuring the safety and security of victims, witnesses and organizations, fear still deterred many from engaging with the Group, or giving consent to the use of information (A/HRC/48/20, para. 10).

90. On 15 July 2022, the Government of Yemen responded to the note verbale sent in connection to the present report sharing factual clarifications and updates on the information therein contained. The Government noted its readiness to address cases of intimidation and reprisals, underlining the criticality of filing cases with local authorities to enable an immediate response and protection by security forces and the judiciary, and expressed support to the role of the UN in Yemen.

⁶¹ A/HRC/48/28, Annex I paras. 131–132.

⁶² New requirements were introduced by the SCMCHA through the adoption of Circular No. 29 dated 29 August 2021.

Annex II

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

1. Andorra

1. The case of **Ms. Vanessa Mendoza Cortés**, from the NGO Associació Stop Violències Andorra that works on sexual and reproductive rights of women and girls, was included in the 2020 and 2021 reports of the Secretary-General¹ on allegations of a criminal investigation for her engagement with the Committee on the Elimination of Discrimination against Women (CEDAW) in October 2019. The Committee and mandate holders addressed the case ([AND 1/2020](#)).² The Government stated that Ms. Mendoza Cortés had used her participation in the CEDAW session to accuse Government entities of extremely serious practices, which could constitute criminal offences. The case of Ms. Cortés was also addressed during the Universal Periodic Review of Andorra in 2021³ to which the Government replied that there was no judicial harassment, and that the judiciary was independent and followed the procedures established by law.

2. It was reported to OHCHR that, as of 30 April 2022, the legal case against Ms. Mendoza Cortés on grounds of infringement of article 325 of the Criminal Code of Andorra (crimes against the prestige of the institutions) is still open and pending. On 15 March 2022, Ms. Mendoza Cortés reportedly requested the formal closure of the file. As of 30 April 2022, the request had reportedly not been heard.

3. On 1 July 2022, the Government responded to the note verbale sent in connection to the present report recalling that the General Prosecutor's Office had decided there was sufficient evidence to pursue the case on grounds of infringement of article 325 of the Criminal Code (crimes against the prestige of the institutions) and that the sentence was still pending.

2. Bahrain

4. Multiple UN actors, including the Committee on Economic, Social and Cultural Rights and special procedures mandate holders (see below), continued to address the ongoing long-term detention, heavy sentencing under counter-terrorism legislation, torture, ill-treatment, and lack of access to adequate medical care in detention of several human rights defenders for their engagement with the UN as part of their human rights work.

5. The case of **Mr. Abdulhadi Al-Khawaja** was included in the 2011, 2012 and 2021 reports of the Secretary-General⁴ on allegations of arbitrary arrest, torture and heavy sentencing following his engagement with the UN, including the UPR and the treaty bodies. Since 2011, Mr. Al-Khawaja is serving a life sentence on terrorism related charges. Mr. Al-Khawaja is a human rights defender and former Protection Coordinator of Frontline Defenders as well as former President of the Bahrain Centre for Human Rights (BCHR). His case has been addressed by special procedures mandate holders on several occasions⁵ to which the Government has responded.⁶ In 2012, the Working Group on Arbitrary Detention

¹ [A/HRC/45/36](#), para. 44, Annex I, paras. 5–7; [A/HRC/48/28](#), Annex II paras. 1–4.

² <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25833>.

³ [A/HRC/46/11](#), paras. 60 and 84.5.

⁴ [A/HRC/21/18](#), paras. 53–54; [A/HRC/18/19](#), paras. 15–24; [A/HRC/48/28](#) Annex II paras. 7–8.

⁵ [BHR 3/2012](#); [18/2011](#); [17/2011](#); [9/2011](#); [5/2011](#); [4/2011](#); [2/2009](#); [2/2007](#); [6/2005](#).

⁶ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=30542>;
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=30543>;
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=30544>;
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=30545>;
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=30187>.

found the detention of Mr. Al-Khawaja arbitrary (Opinion No. 6/2012). On 22 June 2021, the Special Rapporteur on the situation of human rights defenders publicly called⁷ on Bahrain to release three human rights defenders held in long term detention and with a deteriorated health condition, including Mr. Al-Khawaja. According to information received by OHCHR, as of 30 April 2022, Mr. Al-Khawaja is still in detention and his health status and access to adequate medical care remain a source of serious concern.

6. The case of **Mr. Abduljalil Al-Singace** was included in the 2011, 2012 and 2021 reports of the Secretary-General⁸ on allegations of arbitrary arrest, torture and heavy sentencing following his engagement with several UN bodies and mechanisms, including the UPR and the treaty bodies. Since 2011, Mr. Al-Singace is serving a life sentence on terrorism related charges. Mr. Al-Singace was the Director and Spokesperson of the Human Rights Bureau of the Haq Movement for Civil Liberties and Democracy. Mr. Al-Singace has a disability and requires the use of a wheelchair, and his case has been addressed by special procedures mandate holders on several occasions⁹ to which the Government has responded.¹⁰

7. On 15 November and 29 December 2021, special procedures mandate holders addressed the long-term detention and deteriorating health of Mr. Al-Singace and expressed concerns about allegations of torture, ill-treatment as well as poor conditions of detention. Mr. Al-Singace reportedly lacked reasonable accommodation for his disability, which required the use of a wheelchair (BHR 4/2021 and BHR 5/2021). On 8 July 2021, Mr. Al-Singace started a hunger strike in protest for the ill-treatment and the alleged confiscation of papers written over the course of four years in prison. On 18 July 2021, after a week in Al-Kalaa Hospital, Mr. Al-Singace was transferred to Ebrahim Khalil Kando Community Medical Centre, where he has reportedly remained since.

8. On 1 February 2022, the Government replied to mandate holders¹¹ noting that Mr. Al-Singace received comprehensive care and was granted all the rights established by law, including the right to communicate with his family and the right to receive visits on an ongoing basis. Regarding the allegations that Mr. Al-Singace was subjected to various forms of ill-treatment, it stressed that they were untrue and unsubstantiated. According to information received by OHCHR, as of 30 April 2022, Mr. Al-Singace's health status and limited access to adequate medical care remain of serious concern.

9. On 4 March 2022, in its concluding observations¹² following the consideration of the initial report of Bahrain, the Committee on Economic, Social and Cultural Rights expressed concern about the lack of information regarding the situation of several human rights defenders, including **Mr. Al-Khawaja and Mr. Al Singace**. The Committee recommended the State to protect human rights defenders from harassment, intimidation, and reprisals, and ensure the effective protection of Mr. Al-Khawaja and Al Mr. Singace.

10. The cases of **Mr. Sayed Ahmed Al- Wadaei** and several of his relatives were included in the 2018, 2019 and 2020 reports of the Secretary-General¹³ on allegations of arbitrary arrest, ill-treatment, removal of citizenship and reprisals against family members for Mr. Al-Wadaei's continuous engagement with the UN. Mr. Al-Wadaei, a human rights defender and co-founder of the NGO Bahrain Institute for Rights and Democracy (BIRD), fled Bahrain in 2012 and currently lives in exile. The Working Group on Arbitrary Detention found the detention of Mr. Al-Wadaei's relatives to be arbitrary, in reprisal for his cooperation with the UN, and based on their family ties with him.¹⁴ According to information received by OHCHR, in July 2021, forensic evidence from an investigation reportedly

⁷ <https://www.ohchr.org/en/press-releases/2021/06/bahrain-un-expert-alarmed-prolonged-detention-human-rights-defenders>.

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

⁹ BHR 1/2019, 5/2016, 18/2011, 4/2011, 7/2010, and 5/2010.

¹⁰ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34960>;
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=2110>.

¹¹ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36840>.

¹² E/C.12/BHR/CO/1, paras. 8–9.

¹³ A/HRC/39/41, Annex I para. 5; A/HRC/42/30, Annex II, paras. 3–6; A/HRC/45/36, Annex II paras. 1–4;

¹⁴ WGAD/2018/51, paras. 85, 93 and 96.

showed that Mr. Al-Waedi was amongst nine human rights defenders targeted and successfully hacked using NSO Group's Pegasus spyware on their mobile phones between June 2020 and February 2021. During the reporting period, relatives of Mr. Al-Wadaei have allegedly continued to suffer intimidation and harassment, including his wife and brother-in-law.

11. The case of **Ms. Ebtisam Al-Saegh**, a women human rights defender working for the NGO SALAM for Democracy and Human Rights, was included in the 2017, 2018 and 2019 reports of the Secretary-General¹⁵ on allegations of travel restrictions and terrorism charges following her cooperation with the United Nations, in particular the Human Rights Council. Ms. Al-Saegh's case has been addressed by special procedures mandate holders on several occasions¹⁶ to which the Government has provided several replies.¹⁷ On 18 January 2022, the Special Rapporteur on the situation of human rights defenders publicly expressed concern¹⁸ at the reported targeting of women human rights defenders in Bahrain with NSO Group's Pegasus spyware, and quoted Ms. ElSaegh. According to information received by OHCHR, in January 2022, forensic evidence from an investigation reportedly showed that Ms. Al-Saegh mobile device was targeted and successfully hacked using Pegasus spyware at least eight times between August and November 2019.

12. The case of **Mr. Hassan Mushaima**, the former Secretary of the main opposition group Haq Movement for Liberty and Democracy, who was imprisoned and sentenced to life on terrorism charges, was included in the 2011, 2012 and 2021 reports of the Secretary-General¹⁹ following his engagement with the UN human rights mechanisms, including the Human Rights Council and the Committee against Torture. Special procedures mandate holders addressed his situation on multiple occasions,²⁰ to which the Government has replied providing information about his detention conditions and health status.²¹ According to information received by OHCHR, on 18 July 2021, Mr. Mushaima was reportedly transferred to Kanoo Medical Centre where he remains at present. In September 2021, following Mr. Mushaima's refusal of an offer for conditional release, his video and phone calls to his family have been suspended. As of 30 April 2022, Mr. Mushaima's health status and access to adequate medical care remain a source of serious concern.

13. On 18 July 2022 the Government responded to the note verbale sent in connection to the present report and reiterated that actions taken against the aforementioned individuals did not relate to their human rights activity or their contacts with international organizations, as it is alleged, but to the acts they committed which were illegal acts under national laws. Regarding the health care provided at correction and rehabilitation centres, it noted that the health situation in correctional and rehabilitation centres conforms to all medical standards.

14. Concerning the situation of Messrs. Al-Khawaja, Al-Singace and Mushaima, the Government stated that they were accused of inciting hatred and contempt for the regime, calling for disobeying the Government, disseminating false news, possessing publications promoting the overthrow of the political system, publicly insulting the army of the Kingdom,

¹⁵ A/HRC/42/30, Annex II paras. 4, 7 and 9; A/HRC/39/41, Annex II paras. 4–8; A/HRC/36/31, Annex I para. 7.

¹⁶ BHR 4/2016; BHR 8/2017; BHR 9/2017; BHR 7/2018.

¹⁷ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=2101>;
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=2078>;
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33610>;
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33623>;
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34562>.

¹⁸ <https://twitter.com/MaryLawlorhrds/status/1483441923214000129>.

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

²⁰ BHR 2/2007; BHR 3/2011; BHR 4/2011; BHR 17/2011; BHR 4/2012; BHR 5/2014; BHR 1/2019.

²¹ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=30648>;
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=30287>;
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=30187>;
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=30864>;
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=32017>;
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34961>;
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34960>.

and organizing and participating in unauthorized and illegal demonstrations, in breach of national law. It also shared information on their health status and treatment provided, including with regard to the impact of Mr. Al-Singace's hunger strike. Regarding the health status of Mr. Mushaima, the Government informed that he has been at Kanu Medical Centre since 18 July 2021, under the supervision of a general medical practitioner.

15. Concerning the situation of Mr. Al-Wadaei, the Government denied that his family was targeted because of his human rights activity or cooperation with the United Nations. It noted that a wide range of rights and freedoms can be enjoyed in Bahrain, including the right to express opinions and disseminate them verbally, in writing or otherwise and that the competent authorities do not take criminal action against anyone for engaging in political, rights-related or social activities.

16. Regarding the situation of Ms. Al-Saegh, the Government denied she was targeted because of her human rights activity and for cooperating with the United Nations. It informed that she was involved in organizing and managing an illegal group with the aim of subverting the law, preventing State institutions from carrying out their functions, attacking the personal freedom of citizens and undermining national unity. The Government noted that Ms. Al-Saegh used human rights work as a cover to disseminate information and fake news about the situation in Bahrain and undermine its reputation abroad and provided information about the legal case against her in 2017, which was referred to the courts. She was released on 22 October 2017.

3. Bangladesh

17. The case of human rights organization **Odhikar, Mr. Adilur Rahman Khan and Mr. Nasiruddin Elan**, Secretary and Director of Odhikar, was included in the 2011, 2019, 2020 and 2021 reports of the Secretary-General²² on alleged accusations of anti-State and anti-Government activities following their engagement in the first cycle of the UPR of Bangladesh in 2009. The detention and charges against Odikhar staff as well as threats, harassment, surveillance, and the killing of one of its staff have been addressed by special procedures mandate holders since 2013.²³ Odhikar's bank account was frozen under the Foreign Donations (Voluntary Activities) Regulations Bill of 2016.

18. On 7 December 2021, special procedures mandate holders addressed developments in the ongoing legal proceedings against Mr. Khan and Mr. Elan related to the 2013 case against them under the Information and Communication Technology Act, 2006 (BGD 6/2021). Despite the application for Review to the Appellate Division filed on 12 September 2021, the Dhaka Cyber Tribunal resumed the trial and to date several witness hearings have taken place. If found guilty, Mr. Khan and Mr. Elan could face up to seven years' imprisonment.

19. On 21 February 2022, mandate holders addressed allegations of intimidation and harassment against Odikhar for their sustained cooperation with the United Nations, in a context of a wave of raids and intimidation against relatives of disappeared persons and civil society organizations due to their work and co-operation with international bodies and United Nations mechanisms (BGD 2/2022). On 5 February 2022, the Minister of Foreign Affairs told the press that "certain UN bodies transmitted to the Government an inaccurate list of disappeared people in Bangladesh" (...) "prepared with the assistance of a Bangladeshi civil society organization." Two days later, Odikhar allegedly received a letter from the NGOs Affairs Bureau Office inquiring about the cases of individuals forcibly disappeared and extra judicially killed it documented between 2009 and 2011 (BGD 2/2022).

20. On 12 May 2022, the Government responded²⁴ to mandate holders and addressed the allegations of reprisals against ODIKHAR. Should there be any incident of intimidation or

²² A/HRC/18/19, paras. 25–26; A/HRC/42/30, para. 40 and Annex II, paras. 11–12; 10–11; A/HRC/45/36, para. 47 and Annex II, paras. 8–9; A/HRC/48/28, Annex II paras.

²³ BGD 1/2017, 6/2015, 2/2014, 15/2013, 10/2013, and, 9/2013.

²⁴ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36948>.

reprisals, the Government noted that judicial intervention should be sought immediately rather than trying to raise allegations supported by inadequate information.

21. According to information received by OHCHR, Odikhar and its staff continue to be under surveillance, which reportedly intensified after 10 December 2021. As of April 2022, Odikhar's bank accounts remain frozen and their application to the NGO Affairs Bureau for the renewal of its registration is pending. During the reporting period, Odikhar has continued to engage with the United Nations bodies and mechanisms, including by submitting information, statements, and communications to Special Procedures, in particular to the United Nations Working Group on Enforce or Involuntary Disappearance (WGEID).

22. On 22 July 2022, the Government responded to the note verbale sent in connection to the present report (See Annex I) and clarified that the alleged acts of intimidation and harassment against the relatives of the reported disappeared persons, human rights defenders and civil society organizations was a misrepresentation. Regarding the case of Odikhar and Mr. Adilur Rahman Kan and Mr. Nasiruddin Elan, (Secretary and Director of Odikhar), it reiterated their bias against the authorities and clarified that the administrative and legal action against the organizations was due to the corruption findings of an investigation. The Government informed about its decision not to approve Odikhar's application for renewal of registration, for its failure to comply with applicable legislation, the lack of response to respond to the objections in audit reports concerning projects funded with foreign donations and due to irregularities related to fee payments and VAT. The Government clarified that that the Cyber Crime Tribunal had resumed the trial of Odikhar's Secretary and Director in accordance with the law and rejected allegations of intimidation and reprisals against the two.

4. Belarus

23. The case of the **NGO Human Rights Centre Viasna**, which promotes human rights and provided legal aid in Belarus, was included in the 2021 report of the Secretary-General²⁵ on allegations of raids, arbitrary arrest, and criminal charges, which increased following their intensified cooperation with the United Nations.

24. In her 2022 report to the Human Rights Council, the Special Rapporteur on the situation of human rights in Belarus²⁶ addressed the situation of Viasna's staff and the targeting of the NGO. On 7 September 2021, a group of mandate holders addressed the arrest and criminal prosecution under articles 243 (tax evasion) and 342 (violation of public order) of the Criminal Code of several Viasna representatives, staff members and collaborators (BLR 8/2021). They expressed concern that these events unfolded in the context of the adoption of the UN Human Rights Council resolution 47/19 on the situation of human rights in Belarus, and the renewal of the mandate of the Special Rapporteur on the situation of human rights in Belarus on 13 July 2021.

25. In September 2021, mandate holders addressed the dissolution of several NGOs on 23 July 2021, including the **Office for the Rights of Persons with Disabilities**. The case of this NGO working on the rights of persons with disabilities was included in the 2021 report of the Secretary-General²⁷ on allegations of raids, seizure of equipment, criminalization, and ill-treatment of its director for cooperation with the UN (BLR 8/2021). The dissolution of the Office of Persons with Disabilities was also addressed by the Special Rapporteur on the situation of human rights in Belarus in her 2022 report to the Human Rights Council.²⁸

²⁵ A/HRC/48/28, Annex I para. 2.

²⁶ A/HRC/50/58, paras. 93–94.

²⁷ A/HRC/48/28, Annex I paras. 3–7.

²⁸ A/HRC/50/58, paras. 93 and 95.

5. Burundi

26. Since 2017, reports of the Secretary-General²⁹ have included the cases of human rights lawyers **Mssrs. Armel Niyongere, Dieudonné Bashirahishize, Vital Nshimirimana and Lambert Nigarura** on allegations of the disbarment of three of the lawyers and suspension of one by the Court of Appeal at the request of the Public Prosecutor following their cooperation with the Committee against Torture during the consideration of a special report on Burundi in July 2016.³⁰ The lawyers were previously accused of participating in an insurrectional movement and attempted coup d'état, and sentenced in absentia to life imprisonment and ordered a financial compensation, which included the seizure of financial assets of their families.³¹ According to information received by OHCHR, as of 30 April 2022, Mr. Niyongere, Mr. Bashirahishize, and Mr. Nshimirimana have not yet obtained a copy of the Supreme Court's judgement issued in April 2021, which makes it difficult for them to challenge it. The three lawyers remain in exile due to fears of further retaliation.

27. In October 2021, the Human Rights Council adopted resolution 48/16 on the situation of human rights in Burundi, where the Council called upon the Government to refrain from all acts of intimidation or reprisal against human rights defenders, including those who are cooperating with international human rights mechanisms and the Human Rights Council ([A/HRC/RES/48/16](#), see OPs 2 and 15).

6. Cameroon

28. The case of civil society organization **Organic Farming for Gorillas Cameroon (OFFGO)** was included in the 2020 and 2021 reports of the Secretary-General³² on allegations of reprisals following a communication by special procedures mandate holders ([CMR 3/2019](#)).³³ Reprisals have allegedly included the expulsion from the country of Mr. Jan Joris Capelle, a Belgian national and co-founder of the organization, threats against traditional chief, Mr. Prince Vincent Awazi, and death threats and attacks against Mr. Elvis Brown Luma Mukuna, the organization's lawyer, and his relatives ([CMR 5/2019](#)). Incidents have regularly been reported to the National Commission on Human Rights of Cameroon. In her 2021 thematic report, the Special Rapporteur on the situation of human rights defenders noted the continued threats and physical attacks against Mr. Luma Mukuna and his relatives ([A/HRC/46/35](#), para. 76).

29. On 20 April 2022, special procedures mandate holders addressed allegations of continued threats against Mr. Capelle and Mr. Luma Mukuna and a kidnapping attempt by six unidentified armed individuals against Mr. Luma Mukuna on 6 November 2021 ([CMR 4/2022](#)). In January and February 2022, following the killing of a prominent lawyer and head of the law firm where Mr. Luma Mukuna works, he reportedly received threats in person and on his phone, including death threats. Unidentified individuals reportedly told him that "he will be next" and urged him to "stop working with Mr. Capelle" and "interacting with the United Nations". According to information received by OHCHR, the recent death threats and kidnapping attempt and the alleged lack of investigation by relevant authorities, coupled with the history of violence against Mr. Capelle, Mr. Luma Mukuna and Mr. Awazi, inflict fear and serious concern about the risk of further reprisals against them for their ongoing engagement with the United Nations.

7. China

30. During the reporting period, special procedure mandate holders addressed and followed up on the arrest, subsequent enforced disappearance and detention of human rights

²⁹ [A/HRC/36/31](#), para. 24, Annex I, paras. 11–15; [A/HRC/39/41](#), Annex II, paras. 12–13; [A/HRC/42/30](#), Annex II, paras. 13–14; [A/HRC/45/36](#), Annex II, para. 10; [A/HRC/48/28](#), Annex II, para. 13.

³⁰ [CAT/C/BDI/CO/2/Add.1](#), paras. 33 and 34.

³¹ [A/HRC/48/28](#), Annex II para. 13.

³² [A/HRC/45/36](#), para. 53, Annex I paras. 21–23 and [A/HRC/48/28](#), Annex II paras. 14–16.

³³ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34800>.

defenders, including in relation to alleged victims of reprisals for cooperation with the United Nations (CHN 2/2022³⁴) and expressed concern at the continued use of residential surveillance in a designated location.³⁵ They also addressed arrests and detention of human rights defenders and pro-democracy activists under the 2020 Law of the People's Republic of China on Safeguarding National Security in Hong Kong ("National Security Law"), (CHN 10/2021).³⁶

31. The case of the **human rights defender network Civil Human Rights Front** was included in the 2021 Secretary-General report on reprisals,³⁷ on allegations that it was placed under police investigation, inter alia, for having sent a joint letter to the United Nations High Commissioner for Human Rights, further to which the head of the network **Mr. Figo Hu-Wun Chan** received a formal letter of inquiry about the purpose of the letter. The Government's reply of 20 August 2021, included in the 2021 Secretary-General report, noted in relation to the Civil Human Rights Front that the organization had allegedly violated the registration requirements under section 5 of the Societies Ordinance and that Mr. Figo Hu Wun Chan had been sentenced to 18 months' imprisonment after he had pleaded guilty to "inciting others to knowingly take part in an unauthorized assembly" on 1 October 2019, under section 17 A (3) of the Public Order Ordinance (Cap. 245 of the Laws of Hong Kong). According to information received by OHCHR, the human rights defender network Civil Human Rights Front publicly announced its disbandment in August 2021 and Mr. Figo Hu Wun Chan remains in prison.

32. The cases of some **representatives of civil society organizations** in the Hong Kong Special Administrative Region, who declined to engage further with UN human rights mechanisms, including special procedures and treaty bodies, or have their cases taken up by the UN, due to fear that they would be in contravention of the National Security Law (2020),³⁸ were included in the 2021 report of the Secretary-General.³⁹ The main reported concern is that they risked being targeted for "collusion with a foreign country or with external elements to endanger national security". The Government responded, rejecting what it called "biased and groundless accusations" against the Hong Kong National Security Law which, it stated, did "not affect the lawful exercise of rights and freedoms by Hong Kong residents, [...] and general engagement and cooperation with international organizations (including the United Nations)."⁴⁰

33. According to information received by OHCHR, during the reporting period, some civil society organizations and human rights groups in Hong Kong have disbanded, ceased operations, or/and gone into exile due to the National Security Law, and some individuals associated with civil society and human rights groups were reportedly arrested under the law, or targeted and left Hong Kong. Civil society actors from within the region and abroad have continued to express fear of cooperation with the United Nations, discontinued cooperation or declined to engage with OHCHR and UN human rights mechanisms since they perceive this cooperation could be construed as in contravention with the National Security Law, and in particular with its provisions under "collusion with a foreign country or with external elements to endanger national security".⁴¹ Names and details of individuals and groups concerned are withheld for fear of reprisals.

34. The case of **Mr. Shen Youlian**, human rights defender in Guizhou province, was included in the 2021 report of the Secretary-General⁴² on allegations that he had been administratively detained for 10 days following his posting of an open online letter to the High Commissioner. In the letter, Mr. Shen Youlian described his efforts to popularize the

³⁴ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36931>.

³⁵ A/HRC/48/57, para. 71.

³⁶ <https://www.ohchr.org/en/press-releases/2021/11/hong-kong-arrests-under-security-law-are-serious-concern-un-experts-call>.

³⁷ A/HRC/48/28, para. 56, Annex I, para. 26.

³⁸ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26033&LangID=E>;
<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26640&LangID=E>;
<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25978&LangID=E>;
<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26006>.

³⁹ A/HRC/48/28, para. 55, Annex I paras. 20–22 and 27–28.

⁴⁰ Ibid.

⁴¹ <https://www.gld.gov.hk/egazette/pdf/20202448e/egn2020244872.pdf>.

⁴² A/HRC/48/28, para. 57, Annex I, para. 25.

content of the Universal Declaration of Human Rights, organize events for Human Rights Day since 2005 together with other defenders, the alleged suppression of their activism and his experience of detention in 2011, 2016 and 2019 for the planning of Human Rights Day events.

35. According to information received by OHCHR, during the reporting period, authorities subjected Mr. Shen Youlian to house arrest and surveillance for a total of 27 days, including on 4 June, 9 July and Human Rights Day 2021. On 16 March 2022, public security officers and neighbourhood committee members reportedly arrived at Mr. Shen Youlian's home, informed him he was suspected of "illegally engaging in activities in the name of an organization" based on an essay he had written in 2021 about human rights. Mr. Shen Youlian's residence was searched and his computer, hard drive, and phone confiscated. Mr. Shen Youlian was allegedly then taken to the Case Investigation Center of the Huaxi District Public Security Branch where he was asked to change into a jail uniform and was held overnight for interrogation. It was reported to OHCHR that Mr. Shen Youlian was questioned about his activities, asked to match several online usernames with the legal names of several people he had met online and threatened with detention for 10 days. Mr. Shen Youlian was released the next morning and on 22 March 2022 he reportedly filed a complaint with the police inspector about the search of his residence and his interrogation. A week later, on 29 March 2022, public security officials from the State Security division allegedly went to his home and threatened to punish him for filing his complaint.

36. The case of a human rights defender against gender-based violence and for labour rights, **Ms. Li Qiaochu**, was included in the 2021 report of the Secretary-General⁴³ on allegations that her detention was a reprisal for meeting online with two experts from the Working Group on Enforced or Involuntary Disappearances in September 2020.⁴⁴ Ms. Li Qiaochu worked to publicize details of alleged torture inflicted on her partner, the detained rights activist Mr. Xu Zhiyong, and his colleague, lawyer Mr. Ding Jiayi⁴⁵ (see also [CHN 4/2021](#)⁴⁶). On 24 September 2020, Ms. Luo Shengchun, the wife of Mr. Ding Jiayi, had tweeted about the meeting held with the two UN experts, including Ms. Li Qiaochu.

37. According to information received by OHCHR, on 28 February 2022, Ms. Li Qiaochu was indicted after being held in custody for over a year at the Linyi Municipal Public Security Bureau for "inciting subversion of state authority" acting on the instruction of her partner Mr. Xu Zhiyong to publish his articles with the intention of "overthrowing the social system." Reportedly, Ms. Li Qiaochu was refused access to a lawyer until 27 August 2021, nearly seven months into her detention. All four prior applications for visits requested by her lawyer had allegedly been rejected on grounds that a visit would reveal state secrets and compromise the criminal investigation. Family requests to release her on bail for medical reasons have reportedly been rejected.

38. On 3 February 2022, special procedure mandate holders followed up on the case of Ms. Li Qiaochu addressing allegations of lack of due process in the judicial proceedings against her, allegations regarding her treatment in detention and the alleged significant deterioration of her health while in detention ([CHN 2/2022](#)).

39. The case of human rights lawyer **Ms. Li Yuhan**, who had engaged with UN human rights mechanisms and whose detention was considered arbitrary by the Working Group on Arbitrary Detention,⁴⁷ was included in the 2019, 2020 and 2021 reports of the Secretary-General.⁴⁸ According to information received by OHCHR, on 20 October 2021, Ms. Li Yuhan was tried for the charges of "picking quarrels and provoking trouble" and "fraud" by the Heping District People's Court in Shenzang, Liaoning province, after being held in pre-trial detention for more than four years at the Shenzang No. 1 Detention Center. Reportedly, only one of her two defense lawyers was able to represent Ms. Li Yuan at the trial, after the authorities revoked the firm's operating license of the other lawyer. Reportedly, the court

⁴³ [A/HRC/48/28](#), para. 58, Annex I, para. 26.

⁴⁴ See also [CHN 4/2021](#).

⁴⁵ During the reporting period the Working Group on Arbitrary Detention found the detention of Mr. Ding Jiayi to be arbitrary ([A/HRC/WGAD/2021/30](#) para. 85).

⁴⁶ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36396>.

⁴⁷ [A/HRC/WGAD/2018/62](#), paras. 59, 62, 77–78.

⁴⁸ [A/HRC/42/30](#), para. 45 and Annex I, paras. 13, 15, [A/HRC/45/36](#), Annex II, para. 14; [A/HRC/48/28](#), para. 59, Annex II, para. 17.

rejected the request of human rights lawyer Ms. Wang Yu to be appointed as her personal representative (see below). During the reporting period, Ms. Li Yuhuan's trial was repeatedly postponed. Allegedly, she was brought before the court several times and was urged to plead guilty to the charges, which Ms. Li Yuhuan refused to do. It was reported to OHCHR that Ms. Li Yuhuan suffers from poor health, including cardiovascular, gastric and other diseases.

40. The case of **Ms. Xu Yan**, who had engaged with UN human rights mechanisms, was included in the 2019, 2020, and 2021 reports of the Secretary-General⁴⁹ in relation to her interrogation for her campaign for the release of her detained husband, **Mr. Yu Wensheng**, a human rights lawyer whose detention was considered arbitrary by the Working Group on Arbitrary Detention⁵⁰ and whose case was addressed by other special procedure mandate holders (CHN 5/2018).⁵¹ According to information received by OHCHR, Ms. Xu was allegedly prevented from leaving her house twice during the reporting period: on 17 September 2021 by State Security from the Shijingshan District, when she was planning to attend an event at the U.S. Embassy; and on 10 December 2021 by unidentified persons preventing her from publicly observing Human Rights Day. On 1 March 2022, Mr. Yu Wensheng was reportedly released after completing a four-year sentence. On 1 April 2022, Ms. Xu Yan and her husband were allegedly prevented from leaving Beijing for a vacation.

41. The case of **Ms. Chen Jianfang**, a human rights defender, was included in the 2014, 2019, 2020 and 2021 reports of the Secretary-General⁵² on allegations of intimidation and reprisal for her campaign for civil society participation in the UPR, including a tribute to Ms. Cao Shunli⁵³ on the fifth anniversary of her death (CHN 11/2013).⁵⁴ On 19 August 2019, special procedures mandate holders raised concern about Ms. Chen Jianfang's alleged arbitrary detention and enforced disappearance (CHN 16/2019).⁵⁵ According to information received by OHCHR, a Shanghai court convicted Ms. Chen Jianfang of "subversion of state power" on 19 March 2021 and sentenced her to three years in prison. She reportedly rejected multiple attempts by the Government to appoint a lawyer for her because they were not of her own choosing. Reportedly, Ms. Chen Jianfang should have been released on 18 March 2022, after completing the 3-year sentence. Ms. Chen is reportedly held at the Shanghai Municipal Detention Center.

42. The case of lawyer **Ms. Wang Yu** was included in the 2018, 2019, 2020 and 2021 reports of the Secretary-General⁵⁶ on allegations of arrest and charges of "subversion of state power," (CHN 6/2015),⁵⁷ including in connection to her role in the case of **Ms. Cao Shunli** who had cooperated with the UN. On 26 November 2020, the Beijing Justice Bureau reportedly cancelled Ms. Wang Yu's license to practice law. According to information received by OHCHR, during the reporting period, Ms. Wang Yu continued to face surveillance and harassment by the police. Reportedly, she was unable to obtain a passport and hence could not travel overseas and was under surveillance when travelling within China. At the time of writing, Ms. Wang Yu remained disbarred, although she reportedly continued to provide legal assistance by being appointed by the Court as a personal representative, rather than as an attorney. It was reported to OHCHR that Ms. Wang Yu faced obstacles in her legal assistance work as personal representative. Reportedly, the Heping District Court officials in Shenyang rejected, Ms. Wang Yu's request to be appointed as Ms. Li Yuhuan's personal representative in her trial of 20 October 2021. (See above).

⁴⁹ A/HRC/42/30, para. 45 and Annex I, paras. 13, 17, A/HRC/45/36, Annex II, para. 16; A/HRC/48/28, para. 59, Annex II, para. 19.

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

⁵¹ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33962>.

⁵² A/HRC/27/38, para. 17, A/HRC/42/30, Annex II, para. 18; A/HRC/45/36, Annex II, para. 19–20, A/HRC/48/28, para. 59, Annex II, para. 20.

⁵³ A/HRC/27/38, paras. 17–19, A/HRC/30/29, Annex I, para. 1, A/HRC/33/19, para. 39, A/HRC/39/41, Annex I, para. 10–11, A/HRC/42/30, Annex II, paras. 17–19; A/HRC/45/36, Annex II, paras. 19, 21, 34.

⁵⁴ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=32042>.

⁵⁵ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34911>.

⁵⁶ A/HRC/39/41, Annex I, para. 10–12; A/HRC/42/30, Annex II, para. 19; A/HRC/45/36, Annex II, para. 21, A/HRC/48/28, para. 59, Annex II, para. 21.

⁵⁷ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=32826>.

43. The cases of **Mr. Mi Chongbiao** and his wife **Ms. Li Kezhen** were included in the 2018, 2019, 2020 and 2021 reports of the Secretary-General,⁵⁸ after Mr. Mi Chongbiao posted a complaint online that was submitted to the Human Rights Council. According to information received by OHCHR, during the reporting period, Mr. Mi Chongbiao and Ms. Li Kezhen remained in their home in Yanyun District in Guiyang, Guizhou province, under informal house arrest, as they have since 2012. Their residence reportedly remains surrounded by guards, and police continue to follow them when they leave home. During the reporting period, Mr. Mi Chongbiao and Ms. Li Kezhen were reportedly only permitted visits from family, not friends, and they were only allowed to leave their residence to purchase food and other basic items.

44. The case of **Ms. Li Wenzu** was included in the 2017, 2019, 2020 and 2021 reports of the Secretary-General⁵⁹ on allegations of her arbitrary arrest and detention following her cooperation with the Special Rapporteur on extreme poverty and human rights during his visit to China in August 2016 (CHN 9/2016).⁶⁰ According to information received by OHCHR, during the reporting period, Ms. Li Wenzu and her family remained under surveillance by the authorities. On 2 August 2021, officials reportedly refused to issue a passport for the son of Ms. Li Wenzu and Mr. Wang Quanzhang, citing COVID-19 restrictions and failed to provide the legal basis for this refusal, alleging this was a matter of “state secret.” On 15 October 2021, Ms. Li Wenzu was allegedly subjected to 24-hour police surveillance after she announced her candidacy for a 2021 district-level People’s Congress race in Beijing along with 13 other candidates. Allegedly, officials pressured Ms. Li Wenzu’s landlord to compel her to abandon the family’s rented apartment. On 1 November 2021, four days before the polling date, all 14 candidates withdrew from the election, citing threats to their personal safety from the authorities.

45. Reportedly, Ms. Li Wenzu and **Mr. Wang Quanzhang** were prevented from leaving their home on 10 December 2021 and observing Human Rights Day by several individuals who refused to identify themselves. This was the second year in a row that Ms. Li was prevented from leaving her home to commemorate Human Rights Day. According to information received, during the reporting period, Mr. Wang Quanzhang, whose detention was considered arbitrary by the Working Group on Arbitrary Detention,⁶¹ reportedly filed numerous petitions, complaints and public information requests with relevant bureaus about alleged legal violations committed by authorities during his detention, trial, and imprisonment, with no response at the time of writing. Reportedly, Mr. Wang sought to file a civil suit against the authorities for the alleged violations of his rights during detention, but had received no response at the time of writing. On 30 November 2021, Mr. Wang Quanzhang and two other human rights lawyers including Ms. Wang Yu (see below) – were reportedly detained for interrogation by public security authorities from the Changqing District police station in Kiamuzse, Heilongjiang province after they sought to file a complaint with the Discipline and Inspection Committee of nearby Xiangyang District regarding legal violations in the trial of a Falungong practitioner.

46. The case of **Ms. Wang Qiaoling** was included in the 2017, 2019, 2020 and 2021 reports of the Secretary-General⁶² on allegations of intimidation and harassment for her cooperation with the Special Rapporteur on extreme poverty and human rights during his visit to China in August 2016 (A/HRC/34/75, CHN 9/2016).⁶³ On 8 May 2021, the conditions of the four-year suspended sentence for “subversion of state authority” of **Mr. Li Heping**, (CHN 3/2017, CHN 5/2017),⁶⁴ Ms. Wang Qialing’s husband, were lifted. According to information received by OHCHR, during the reporting period, Mr. Li Heping and Ms. Wang, reportedly continued to be subjected to occasional physical surveillance and harassment by

⁵⁸ A/HRC/39/41, Annex I, para. 15–16, A/HRC/42/30, Annex II, para. 21; A/HRC/45/36, Annex II, para. 23, A/HRC/48/28, para. 59, Annex II, para. 23.

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

⁶⁰ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33318>.

⁶¹ A/HRC/WGAD/2018/62, paras. 59, 62, 77–78.

⁶² A/HRC/36/31, Annex I, paras. 20–21, A/HRC/42/30, Annex II, paras. 23–24, A/HRC/45/36, Annex II, para. 25 and A/HRC/48/28, para. 59, Annex II, para. 25.

⁶³ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33318>.

⁶⁴ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33449>;
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33516>.

State officials, reportedly stationed in the proximity of their home, that at times prevented them from leaving home. On 16 July 2021, Ms. Wang Qiaoling was allegedly prevented from visiting a human rights lawyer, Mr. Jiang Tianjong in Henan province, by some eight State Security officials, who argued she required higher-level approval for the visit. For a second year in a row, on 10 December 2021, they were allegedly prevented from leaving their home to observe Human Rights Day.

47. The case of lawyer **Mr. Jiang Tianyong** was included in the 2017, 2019, 2020 and 2021 reports of the Secretary-General⁶⁵ on allegations of intimidation and harassment for his cooperation with the Special Rapporteur on extreme poverty and human rights during his visit to China in August 2016⁶⁶ and was the subject of actions by special procedures mandate holders (CHN 9/2019⁶⁷ and CHN 13/2016, CHN 15/2016;⁶⁸ CHN 3/2017).⁶⁹ The Working Group on Arbitrary Detention found the detention of Mr. Jiang Tianyong arbitrary (A/HRC/WGAD/2018/62, paras. 59, 62, 77, 78).⁷⁰ On 24 September 2019, special procedures mandate holders⁷¹ had called upon China to immediately end harassment and surveillance of Mr. Jiang Tianyong. According to information received by OHCHR, Mr Jiang Tianyong reportedly remained under house arrest during the reporting period, with a travel ban abroad, and prevented from reuniting with this family. Reportedly, he was under close surveillance by local public security at his parents' home in Luoshan, where he has been since his release from prison in February 2019. On 28 February 2022, the part of his sentencing depriving him of political rights for three years expired and, on 1 March 2022, he allegedly received a "notice of expiry of the period of deprivation of political rights." Reportedly, since 1 March 2022 the degree of surveillance has decreased to a certain extent, and he is allowed to leave his home but restrictions are still in force. At the time of writing, he remained under camera surveillance and must inform and seek the approval of the relevant authorities to leave his home.

48. On 1 August 2022, the Government responded to the note verbale sent in connection to the present report. Regarding the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (Hong Kong National Security Law), the Government categorically disagreed with the allegations set out in the report, which it deemed biased and unjustified. In the view of the Government, the allegations that the Law has created a chilling effect, caused local civil society to refuse to cooperate with the United Nations and resulted in the dissolution and cessation of operation of some organizations are false and biased.

49. The Government noted that the Law does not affect the lawful exercise of the rights and freedoms of Hong Kong residents, including the right to criticize the Government, nor does it affect freedom of information, academic freedom, policy research, general business activities and general dealings and cooperation with international organizations, including the United Nations. The Government stated that the four categories of offences under the Hong Kong National Security Law are clearly defined, and the elements constituting the offences, penalties, mitigating factors and other consequences of the offences are also explicitly set out. Whether an act constitutes an offence depends on the facts and circumstances of each case, and it is therefore neither possible nor appropriate to draw overly general conclusions. The Government considered that the law has achieved its intended effect and restored stability and security in an effective manner and that whether individual organizations choose to remain in or leave the Hong Kong Special Administrative Region depends on a wide range of factors and is entirely their decision.

50. Regarding the Civil Human Rights Front and Mr. Figo Hu-wun Chan, the Government stated that the Civil Human Rights Front was suspected of having violated the registration requirement under section 5 of the Societies Ordinance. the Government explained that the

⁶⁵ A/HRC/36/31, Annex I, paras. 22–24, A/HRC/39/41, Annex II, paras.14–16, A/HRC/42/30, para. 46 and Annex II, paras. 25–26 and 31, A/HRC/45/36, Annex II, para. 26 and A/HRC/48/28, para. 59, Annex II, para. 26.

⁶⁶ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20987>.

⁶⁷ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34846>.

⁶⁸ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33355>.

⁶⁹ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33449>.

⁷⁰ A/HRC/WGAD/2018/62, para. 59, 62, 77, 78.

⁷¹ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25046&LangID=E>.

organization had been requested to provide information under section 15 of the Ordinance and did not provide it. Therefore, after completing the investigation and obtaining legal advice, the police took action to prosecute Mr. Figo Hu-wun Chan, former convenor of the organization, for “failing to comply with the requirements of the notice to submit information”, in violation of section 16(2) of the Ordinance. The Government reported that on 1 November 2021, Mr. Chan pleaded guilty to the charge of organizing, knowingly participating in and inciting others to knowingly participating in unauthorized assemblies, was fined 8,000 Hong Kong dollars. He and was sentenced to 22 months’ imprisonment.

51. Regarding the situation of Mr. Shen Youlian, the Government noted that the judiciary has not taken any coercive measures against him, and that he has not been “detained” or “suppressed”. Regarding Ms. Li Qiaochu, the Government informed that on 6 February 2021, the public security authorities placed her in criminal detention on suspicion of (having committed?) criminal acts. On 14 March 2021, the procuratorial authorities approved her arrest. On 7 March 2022, the People’s Procuratorate of Linyi city, Shandong Province, charged Ms. Li Qiaochu with inciting the subversion of State power and filed an indictment with the Intermediate People’s Court of Linyi city. Currently, the case is being considered in the first instance division of that court.

52. Regarding the situation of Ms. Li Yuhan, the Government noted that she was placed in criminal detention by the public security authorities in October 2017 on suspicion of picking quarrels and provoking trouble and she was arrested on 15 November of that same year. On 20 October 2021, the People’s Court of Heping District, Shenyang city, Liaoning Province, began her trial on suspicion of picking quarrels and provoking trouble as well as committing fraud, but it has yet to hand down a verdict.

53. Regarding Mr. Yu Wensheng and Ms. Xu Yan, the Government noted that on 17 June 2020, Mr. Yu Wensheng was sentenced by the Intermediate People’s Court of Xuzhou city, Jiangsu Province, to four years’ imprisonment and three years’ deprivation of political rights for his offences. After the sentence was pronounced, he filed an appeal. On 24 December 2020, the High People’s Court of Jiangsu Province rejected the appeal and upheld the sentence. The Government noted that the judiciary has tried the case of Ms. Xu Yan in strict accordance with the law, fully safeguarded her litigation rights, and has not taken any coercive measures against her.

54. Regarding the situation of Ms. Chen Jianfang, the Government informed that on 30 August 2019 the First Branch of the People’s Procuratorate of Shanghai Municipality charged her with criminal acts and filed an indictment with the First Intermediate People’s Court of Shanghai municipality. It also informed that the court held a hearing on 19 March 2021, but it has yet to hand down a verdict. Concerning Ms. Wang Yu, the Government informed that she was placed in criminal detention in July 2015 on suspicion of criminal acts and was transferred to residential surveillance at a designated residence on 7 August of that same year. In July 2016, Ms. Wang Yu was released on bail pending trial and her bail was lifted in July 2017. The Government stated that the judiciary has handled the case in accordance with the law, fully protecting all her basic rights, and is not taking any coercive measures against her.

55. Regarding the situation of Mr. Mi Chongbiao, the Government informed that he was detained in May 2012 on suspicion of picking quarrels and provoking trouble and later transferred to residential surveillance at a designated residence, from which he was released in August 2012. The Government stated that the judiciary is not taking any coercive measures against him, and that he has not been placed under “house arrest” or “tortured”. Regarding Mr. Wang Quanzhang and Ms. Li Wenzu, the Government informed that on 28 January 2018, Mr. Wang Quanzhang was sentenced to four and half years’ imprisonment and five years’ deprivation of political rights by the Second Intermediate People’s Court of Tianjin municipality for criminal acts. In April 2020, he was released following completion of his sentence. The Government stated that the judiciary is not taking any coercive measures against either of them, and that they have not been harassed or arbitrarily detained.

56. Concerning the situation of Mr. Li Heping and Ms. Wang Qiaoling, the Government informed that on 28 April 2017, the court sentenced Mr. Li Heping to three years’ imprisonment, four years’ probation and four years’ deprivation of political rights in accordance with the law. According to the Government, Mr. Li Heping stated in court that

he accepted the verdict and would not appeal. The Government stated that the judiciary has not taken any coercive measures against Ms. Wang Qiaoling, and that she has not been intimidated or harassed. Regarding Mr. Jiang Tianyong, the Government informed that he was sentenced to two years' imprisonment and three years' deprivation of political rights for his criminal acts and released following completion of his sentence on 28 February 2019. The deprivation of his political rights ended in February 2022. The Government stated that the judiciary is not taking any coercive measures against him, and that he has not been intimidated or harassed.

8. Cuba

57. The case of **Mr. Juan Antonio Madrazo Luna**, member of the Comité Ciudadanos por la Integración Racial (CIR), was included in the 2019, 2020 and 2021 reports of the Secretary-General⁷² on allegations of travel restrictions that prevented his engagement with the Committee on the Elimination of Racial Discrimination and the Universal Periodic Review session in 2018. The case of **Ms. Marthadela Tamayo González**, member of CIR working on women's rights, was included in the 2018 and 2021 reports of the Secretary-General for the same reasons.⁷³ According to information received by OHCHR, both Mr. Madrazo Luna and Ms. Tamayo González have continued to suffer intimidation and harassment by the police during the reporting period. They have reportedly been under constant surveillance by police agents during the period. In addition, both were arbitrarily arrested several times during the reporting period, interrogated and deprived of their liberty for a few hours each time. It is reported that other members of the CIR have also been intimidated by the police and asked to warn Ms. Tamayo Gonzalez to discontinue her human right work referring to her engagement with the United Nations, and to inform Mr. Madrazo Luna that he will not be allowed to travel abroad.

58. The case of **Mr. José Ernesto Morales Estrada**, of Consejería Jurídica e Instrucción Cívica (CJIC), was included in the 2018, 2020 and 2021 reports of the Secretary-General⁷⁴ on allegations of threats and a travel ban following his engagement with the United Nations Committee on the Elimination of Racial Discrimination and the Forum on Minority Issues in 2017, and interrogation following his engagement with the United Nations in Geneva in 2019. In 2020 and 2021, Mr. Morales Estrada was reportedly subjected to the arbitrary imposition of multiple fines by police agents, allegedly with the aim of obstructing his work and intimidating him. According to information received by OHCHR, on 6 February 2022, he was allegedly summoned to the police station and questioned about his travels abroad in January 2022. On 20 May 2022, the police reportedly confiscated Mr. Morales Estrada's driver's license due to several unpaid fines which were reportedly arbitrarily imposed (see above). Since that date, Mr. Morales Estrada has reportedly been unable to drive since his license has not been returned.

58bis. On 22 July 2022, the Government responded to the note verbale sent in connection to the present report, noting that the time provided to respond was inadequate, and rejecting the allegations about acts of reprisals against Mr. Madrazo Luna, Ms. Tamayo Gonzalez and Mr. Morales Estrada. The Government qualified the allegations of intimidation, harassment, arbitrary arrest and surveillance of Mr. Madrazo Luna and Ms. Tamayo Gonzalez as unfounded, and underlined the lack of a demonstrated link between their cooperation with the United Nations and the alleged actions against them. The Government also rejected the alleged harassment of Mr. Morales Estrada upon return from his travel abroad and clarified that his driving licence had been confiscated in accordance with the law. The Government firmly rejects the use of United Nations human rights mechanisms to channel false allegations with the only aim of tarnishing its human rights record.

⁷² [A/HRC/39/41](#), Annex I, para. 25; [A/HRC/42/30](#), Annex II, paras. 36–37; [A/HRC/45/36](#), Annex II, para. 39; [A/HRC/48/28](#), Annex II paras. 33–34 and 37.

⁷³ [A/HRC/39/41](#), Annex I, para. 25 and [A/HRC/48/28](#), Annex II paras. 33–34 and 37.

⁷⁴ [A/HRC/45/36](#), Annex II paras. 40–41; [A/HRC/39/41](#), Annex I, paras. 22–23; [A/HRC/48/28](#), Annex II paras. 36–37.

9. Djibouti

59. The case of **Mr. Kadar Abdi Ibrahim**, of the Mouvement pour la démocratie et la liberté (MoDEL), was included in the 2018, 2019, 2020 and 2021 reports of the Secretary-General⁷⁵ on allegations of passport confiscation by the authorities related to his engagement with the UPR review of Djibouti in May 2018 (DJI 1/2018). In 2021, the Government responded stating that Mr. Ibrahim continues his anti-constitutional and illegal activities, that MoDEL receives funds from abroad and has connections with extremist movements, and it therefore reserves the right to restrict his movements.⁷⁶

60. According to information received by OHCHR, as of 30 April 2022, Mr. Ibrahim's passport remains confiscated by the Service de Documentation et Sécurité (SSD), which has hindered his human rights work and prevented further cooperation with the United Nations. The lack of passport reportedly forced Mr. Ibrahim to decline invitations during the reporting period to directly engage with partners and actors outside the country.

10. Egypt

61. Multiple United Nations actors during the reporting period addressed the targeting and prolonged detention of victims of alleged reprisals for cooperation with the United Nations, including based on counter-terrorism and national security legislation.⁷⁷ Special procedures mandate holders publicly denounced the misuse of counter-terrorism measures against civil society activists, lawyers, journalists, and human rights defenders,⁷⁸ and called upon the Government to put a halt to it, review the legislation and “to ensure an open, secure and safe environment that is free from all acts of intimidation, harassment and reprisals”.⁷⁹

62. The case of **Mr. Ahmed Shawky Abdelsattar Mohamed Amasha**, human rights defender and co-founder of the League for the Families of the Disappeared who supported families of those forcibly disappeared and arbitrarily detained, including by submitting cases to the Working Group of Enforced and Involuntary Disappearances (WGEID), was included in the 2017, 2018, 2019, 2020 and 2021 reports of the Secretary-General⁸⁰ on allegations of abduction, detention, and torture. In November 2017, the Working Group on Arbitrary Detention (WGAD) found Mr. Amasha's detention arbitrary, requested his immediate release and called on the Government to provide him with full reparations in accordance with international law.⁸¹ On 4 October 2019, he was released on bail and required to report to the police station twice a week. On 17 June 2020, he was arrested by police officers and his whereabouts were unknown until 12 July 2020 when he appeared at the Office of the Supreme States Security Prosecutor for investigation on the charge of “joining a terrorist group” (Case No. 1360 of 2019). His whereabouts were again unknown until 7 December 2020, when Mr. Amasha was seen in a glass cell along with other detainees in Tora Maximum Security Prison II. He is reportedly summoned to appear before the Prosecutor every 15 days, who reportedly extends Mr. Amasha's detention in absentia.

63. According to information received by OHCHR, between June and July 2020, Mr. Amasha was allegedly tortured, and his left ribs were broken while in custody. He allegedly

⁷⁵ A/HRC/39/41, Annex I, para. 3; A/HRC/42/30, Annex II, paras. 40–41; A/HRC/45/36, Annex II, paras. 42–43; A/HRC/48/28, Annex II paras. 38–39.

⁷⁶ A/HRC/48/28, Annex II para. 39.

⁷⁷ EGY 5/2021, EGY/8/2021, EGY 1/2022, A/HRC/WGAD/2021/45. See also CEDAW/C/EGY/CO/8-10, para. 30, <https://www.ohchr.org/en/press-releases/2021/07/egypt-human-rights-defenders-held-incommunicado-face-spurious-charges-says>, <https://www.ohchr.org/en/press-releases/2021/12/un-experts-urge-release-rights-defenders-egypt-condemn-misuse-counter>.

⁷⁸ <https://www.ohchr.org/en/press-releases/2021/12/un-experts-urge-release-rights-defenders-egypt-condemn-misuse-counter>.

⁷⁹ <https://www.ohchr.org/en/press-releases/2021/07/egypt-human-rights-defenders-held-incommunicado-face-spurious-charges-says>.

⁸⁰ A/HRC/36/31, para. 33, Annex I, para. 34; A/HRC/39/41, Annex II, para. 17–18, 21; A/HRC/42/30, Annex II, paras. 45–46; A/HRC/45/36, para. 70 Annex II, paras. 44–46; A/HRC/48/28, para. 63, Annex, para. 42–43.

⁸¹ A/HRC/WGAD/2017/78, paras. 89–91.

underwent forensic medical examination without a lawyer being present and never received the results. On 10 April 2022, his pre-trial detention was extended for another 45 days at the Institute of Police Secretaries in the Tora Prison in the presence of Mr. Amasha and his lawyer. Reportedly, the maximum period of pre-trial detention applicable to Mr. Amasha in accordance with Egyptian law will be reached in mid-July 2022. Mr. Amasha shares a cell of 3 by 1.5 meters with nine other inmates, and is denied access to medicines, books, pen and papers.

64. The case of **Mr. Ebrahim Abdelmonem Metwally Hegazy**, human rights lawyer and the co-founder of the Association of the Families of the Disappeared, was included in the 2018, 2019, 2020 and 2021 reports of the Secretary-General⁸² on allegations of enforced disappearance and torture for his attempted cooperation in September 2017 with the WGEID. In 2019, the WGAD found Mr. Metwally's detention arbitrary, noting that it amounted to an act of retaliation for cooperation with the UN, and urged his immediate release as well as compensation and other reparations.⁸³ At the March 2021 session of the Human Rights Council, a group of 26 Member States called for Mr. Metwally's release.⁸⁴ According to information received by OHCHR, on 26 August 2020, the Criminal Court of Cairo had ordered the release of Mr. Metwally under precautionary measures in Case No. 1470 of 2019. However, Mr. Metwally was reportedly kept in detention, and on 6 September 2020, he was brought to the Supreme State Security Prosecution, linked to a different case (no. 786/2020). He was accused of "leadership of a terrorist group formed while in detention," "communicating with foreign agents to harm State security", and "using the internet for terrorist purposes" (punishable under arts. 12, 14 and 29 of the Anti-Terrorism Law), as well as of establishing an illegal organization and publishing false news and rumours (arts. 86 bis and 188 of the Penal Code).

65. On 16 June 2021, special procedures mandate holders addressed the arbitrary detention of other human rights defenders including Mr. Metwally allegedly for his cooperation with the United Nations. (EGY 5/2021).⁸⁵ According to information received by OHCHR, Mr. Metwally is currently detained at Tora Maximum Security Prison 2 in solitary confinement. Reportedly, he suffers from increasingly severe health problems due to the poor detention conditions and requires urgent surgery to avoid serious complications that could be life-threatening. On 15 February 2022, the Cairo Criminal Court renewed his detention under the aforementioned Case No. 786 of 2020.

66. The case of **Mr. Mohamed El-Baquer**, a human rights lawyer affiliated with the Adalah Center for Rights and Freedoms, was included in the 2020 and 2021 reports of the Secretary-General.⁸⁶ The case related to his arrest, ill-treatment and terrorism and national security charges following the engagement of the Adalah Center, in Egypt's 2019 Universal Periodic Review (UPR) concerning the human rights situation of the Nubians (EGY 11/2019). In July 2020, special procedures mandate holders addressed Mr. El-Baquer's pre-trial detention related to "publishing false news, belonging to a terrorist group and receiving funds to carry out the goals of this group" and his fair trial guarantees (EGY 10/2020). In February 2020, the Court ordered his release, but this decision was overturned. In August 2020, Mr. El Baquer was accused of "joining a terrorist organization" and "participating in a criminal agreement with the intention of committing a terrorist crime". On 19 November 2020, Mr. El-Baquer was included in the terrorist list as published in the Egyptian Official Gazette. Multiple UN actors have addressed the situation of Mr. El-Baquer repeatedly with

⁸² A/HRC/39/41, para. 38, Annex I, para. 32–35; A/HRC/42/30, para. 52 and Annex II, paras. 42–44; A/HRC/45/36, para. 70 Annex II, paras. 44–46; A/HRC/48/28, para. 63, Annex II, paras. 40–41.

⁸³ A/HRC/WGAD/2019/41, paras. 34, 40, 46, 51, 56. See also (A/HRC/45/13, para. 63).

⁸⁴ Item 4, General Debate, 32nd Meeting, 46th Regular Session Human Rights Council, 12 March 2021, at <https://media.un.org/en/asset/k14/k141uwvm66> (time stamp 00:42:30).

⁸⁵ See also, <https://www.ohchr.org/en/press-releases/2021/07/egypt-human-rights-defenders-held-incommunicado-face-spurious-charges-says>.

⁸⁶ A/HRC/45/36, para. 67 and Annex I, paras. 45–46; A/HRC/48/28, para. 63, Annex II, paras. 46–47.

the relevant authorities, including allegations of acts of reprisals for his cooperation with the UN.⁸⁷

67. On 16 June 2021, special procedures mandate holders addressed the case of Mr. El-Baqer and other human rights defenders (EGY/ 5/2021) and called publicly upon the Government to release him from prison, and to ensure an open, and safe “environment free from intimidation, harassment and reprisals.”⁸⁸ On 13 August 2021, special procedures mandate holders raised serious concern that the detention and listing of Mr. El-Baqer in the terrorist list may be specifically related to his engagement during Egypt’s UPR in 2019. (EGY/8/2021). On 1 December 2021, special procedure mandate holders reiterated publicly their call to the Government to release Mr. El-Baqer noting the arbitrary nature of his detention.⁸⁹

68. On 14 January 2022, the WGAD adopted its opinion No. 45/2021 and found Mr. El-Baqer’s detention to be arbitrary, requested his immediate release and called for the Government to provide compensation and reparations. The Working Group requested the Government “to ensure that all acts of intimidation against individuals who cooperate with the United Nations, such as Mr. El-Baqer, who collaborated with the universal periodic review of the Human Rights Council, cease”, that “an impartial and effective investigation is carried out in relation to such acts and that those responsible are brought to justice.” (A/HRC/WGAD/2021/45 paras. 84, 88, 102, 108 and 111).

69. On 17 March 2022, special procedure mandate holders addressed allegations of violations of due process and fair trial in the sentencing of Mr. El-Baqer, and his continued inclusion in the terrorist list (EGY 1/2022). Reportedly, on 16 October 2021, Mr. El-Baqer was referred to the Emergency State Security Court (ESSC) under a new Case No. 1228/2021 accused of “spreading false news undermining national security” and “using social media to commit publishing offenses.” Although the state of emergency was lifted 10 days after, the ESSC remains in place for cases referred to it beforehand, including Mr. Baqer’s case. Under ESSC, verdicts are not subject to appeal and can only be commuted or overturned by the President of the Republic. Reportedly, on 23 November 2021, the court of Cassation rejected Mr. El-Baqer’s appeal to remove him from the terrorist list and on 20 December, he was sentenced to four years in prison in Case No. 1228/2021. On 22 December 2022, on social media, OHCHR urged Egypt to release Mr. El-Baqer, amongst others, after he received this sentence, citing concerns over arbitrary detention and breaches of fair trial standards.⁹⁰ Reportedly, Mr. El-Baqer remains in pre-trial detention under Case No. 1356/2019 accused of “belonging to a terrorist group” and “funding a terrorist group” and hence at risk of long-term detention if tried and convicted under these charges (EGY 1/2022). It is reported that Mr. El-Baqer’s defence team obtained a certificate from the court proving that the sentence period was calculated from the ratification date of 3 January 2022 until 3 January 2026, which effectively means that the past two and a half years of pretrial detention were not taken into account.

70. The case of **Mr. Ramy Kamel Saied Salib**, a human rights defender of the Maspero Youth Foundation working on the rights of members of the Coptic Christian minority, was included in the 2020 and 2021 report of the Secretary General⁹¹ related to his arrest, detention and torture, allegedly for his attempted participation in the 2019 Forum on Minority Issues (EGY 13/2019⁹²). On 23 November 2019, he was placed in pre-trial detention on charges of joining a terrorist group and spreading false news. On 29 July 2020, special procedures mandate holders addressed Mr. Kamel’s pre-trial detention, fair trial guarantees, the periodic renewal of his detention without his presence or that of his lawyers and his health conditions

⁸⁷ Item 4, General Debate, 32nd Meeting, 46th Regular Session Human Rights Council, 12 March 2021, at <https://media.un.org/en/asset/k14/k14luwvm66> (time stamp 00:42:30). See also, EGY 1/2022, EGY/ 5/2021, EGY/8/2021, EGY 10/2020, EGY 11/2019.

⁸⁸ <https://www.ohchr.org/en/press-releases/2021/07/egypt-human-rights-defenders-held-incommunicado-face-spurious-charges-says>.

⁸⁹ <https://www.ohchr.org/en/press-releases/2021/12/un-experts-urge-release-rights-defenders-egypt-condemn-misuse-counter>.

⁹⁰ <https://twitter.com/UNHumanRights/status/1473687100935622661>.

⁹¹ A/HRC/45/36, para. 69 and Annex I, paras. 47–48; A/HRC/48/28, para. 63, Annex II, paras. 46–47.

⁹² <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35512>.

(EGY 10/2020). They also raised concerns publicly, including on the increasing risk of COVID-19 due to pre-existing medical conditions of Mr. Kamel.⁹³

71. In February 2021, mandate holders addressed the situation of Mr. Kamel again expressing concerns about his health condition, which has reportedly deteriorated significantly since his arrest (EGY 2/2021). According to information received by OHCHR, since his arrest, Mr. Kamel's pre-trial detention has been continuously renewed pending investigations. No trial has reportedly been set for his case. On 5 May 2021, Mr. Kamel was reportedly summoned by the Public Prosecution who informed him that he is banned from international travel. On 16 June 2021, special procedures mandate holders addressed the arrest and detention of Mr. Kamel and other human rights defenders and acts of intimidation and reprisals for his engagement with international human rights mechanisms and publicly called for his release from prison. (EGY/ 5/2021).⁹⁴ Reportedly, Mr. Kamel has been held in solitary confinement since his initial hearing to the detriment of his mental health. (EGY/ 5/2021) and was released on 8 January 2022 after spending more than two years in pre-trial detention since his arrest.

72. The case of **Mr. Bahey El Din Hassan**, of the Cairo Institute for Human Rights Studies (CIHRS) was included in the 2019, 2020 and 2021 reports of the Secretary-General⁹⁵ following criminal charges, a travel ban, and an asset freeze allegedly related to his cooperation with the United Nations (EGY 16/2017). On 19 September 2019, Mr. Hassan was sentenced in absentia to three years in prison and a fine by the Cairo Felony Court (Case No. 5530/2019) for a Twitter commentary he posted related to the Public Prosecution. On 25 August 2020, Mr. Hassan was convicted in absentia by the Fifth Terrorism Circuit Court in Cairo to 15 years imprisonment under article 34 of the 2018 cybercrimes law in apparent reprisals for his cooperation with the UN (EGY 13/2020). In October 2020, mandate holders publicly stated that the verdict was "an act of reprisal, seemingly punishing for his cooperation with the United Nations", and that "Egypt is using exceptional 'Terrorism Circuit Courts' to target human rights defenders, silence dissent, and to lock up activists during the COVID-19 pandemic."⁹⁶ According to information received by OHCHR, in light of his conviction in absentia, Mr. Hassan continues to be unable to return to Egypt or exercise his rights as an Egyptian citizen, and remains in exile.

73. Multiple UN actors have addressed the impact of **Egyptian legislation on the ability of individuals and civil society groups to cooperate with the United Nations**. This has been included in the report of the Secretary-General since 2017.⁹⁷ On January 2021, the implementing regulations of NGO Law 149/2019⁹⁸ were adopted (Prime Ministerial Decree 104 of 2021). Under the Law, civil society actors' engagement with foreign entities such as the United Nations, requires prior authorization by the Ministry of Interior. On 9 July 2021 (EGY 6/2021), special procedures mandate holders raised concerns about the apparent negative impact on civic space and NGOs of NGO Law 149/2019 and its 2021 regulations. Allegedly, the Law and its by-law limit NGOs' ability to receive and use foreign funding and their areas of work. It also grants the Government discretionary power to deny NGOs registration and without a time limit. According to information received by OHCHR, in January 2022, Egypt's cabinet agreed to postpone the deadline for NGO registration under the NGO Law and reportedly, the deadline was then again officially extended.

⁹³ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26182&LangID=E>.

⁹⁴ <https://www.ohchr.org/en/press-releases/2021/07/egypt-human-rights-defenders-held-incommunicado-face-spurious-charges-says>.

⁹⁵ A/HRC/42/30, para. 50 Annex II, para. 50; A/HRC/45/36, para. 70 Annex II, para. 49; A/HRC/48/28, para. 63, Annex II, paras. 44–45.

⁹⁶ <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26364&LangID=E>.

⁹⁷ A/HRC/36/31, Annex I, para. 33, A/HRC/39/41, Annex I para. 19–22, A/HRC/42/30, paras. 48–50 and Annex II, A/HRC/45/36, Annex II, paras. 50–53, A/HRC/48/28, Annex II, paras. 50–11.

⁹⁸ See A/HRC/45/36, Annex II para. 51–53.

11. Guatemala

74. Alleged acts of reprisals against a number of **judges and prosecutors**, in particular those who worked on cases investigated with the technical assistance of the International Commission against Impunity (CICIG), were included in the 2019, 2020 and 2021 Secretary-General's reports.⁹⁹ The Commission operated for 12 years in the country, until 2019, based on an agreement between the United Nations and the Government of Guatemala.

75. OHCHR continued to document the targeting of **Mr. Juan Francisco Sandoval**, Chief Prosecutor of the Special Prosecutor's Office against Impunity (FECI).¹⁰⁰ On 23 July 2021, the General Attorney dismissed Mr. Sandoval reportedly without following the disciplinary proceeding established by law. Mr. Sandoval left the country the same day, alleging fear for his safety. Reportedly, undue criminal procedures against him continue.

76. On 1 July 2021, the Special Rapporteur on the independence of judges and lawyers¹⁰¹ urged authorities to tighten protection for the country's judiciary, noting that judges **Ms. Yasmín Barrios**, **Mr. Miguel Gálvez**, **Ms. Erika Aifán** and **Mr. Pablo Xitumul de Paz** had submitted a complaint to the Public Prosecutor's office about increased surveillance and harassment. According to information received by OHCHR, on 9 February 2022, the Supreme Court of Justice lifted the immunity of Judge Pablo Xitumul de Paz and rejected an appeal by Ms. Aifán against an ongoing pre-trial process allowing the investigations against her to continue. The legal processes have reportedly presented serious irregularities. On 9 March 2022, the Supreme Court of Justice suspended Mr. Xitumul from his position. On 21 March 2022, Ms. Aifán resigned and left the country alleging "lack of sufficient guarantees for her protection" and threats against "her life and integrity".

77. In her 2022 report to the Human Rights Council, the High Commissioner noted that Constitutional Court magistrates were appointed for the period 2021-2026, except for **Ms. Gloria Porras**, who was not sworn in on 13 April 2021 by the Congress due to the filing of several legal actions seeking to prevent her re-election. Given the withdrawal of her immunity and the risk to her safety, Ms. Porras left the country on that day. According to information received by OHCHR, on 29 March 2022, the Constitutional Court suspended Ms. Gloria Porras' election alleging that it did not comply with national requirements, including secrecy of the vote. It is reportedly the first time that the election of a magistrate is cancelled for this reason. **Mr. Francisco De Mata Vela** reportedly continues to suffer retaliation in the form of requests by the Supreme Court of Justice and Congress to lift his immunity (A/HRC/49/20, para. 55).

78. The situation of the head of the national human rights institution and Ombudsperson **Mr. Augusto Jordán Rodas** was included in the 2021, 2020 and 2019 reports of the Secretary-General¹⁰² following attempts to undermine the institution for its support to CICIG's work. In her 2022 report, the High Commissioner noted that the Office of the Ombudsperson continued to face discrediting campaigns and obstacles in the fulfilment of his mandate, including unjustified delays in the allocation of the institution's budget. Likewise, the Deputy Ombudsperson **Ms. Claudia Maselli** is facing criminal proceedings related to the exercise of her official duties for alleged breach of duties (February 2021) and abuse of authority (August 2021) (A/HRC/49/20, para. 10).

79. On 1 July 2022, the Government responded to the note verbale sent in connection to the present report with information on the situation and ongoing legal cases against Mr. Francisco de Mata Vela. It noted that 20 of the 23 legal cases against Mr. de Mata Vela were dismissed in application of the principles of legality and due diligence. The Government

⁹⁹ A/HRC/42/30, para. 54, Annex I, paras. 40–42; A/HRC/45/36, Annex II, paras. 56–59; A/HRC/48/28, Annex II, paras. 56–61.

¹⁰⁰ See A/HRC/48/28, Annex II, para. 56.

¹⁰¹ <https://www.ohchr.org/en/press-releases/2021/07/guatemala-top-judges-face-threats-must-be-protected-expert?LangID=E&NewsID=27254>; <https://www.ohchr.org/en/press-releases/2021/07/guatemala-top-judges-face-threats-must-be-protected-expert?LangID=E&NewsID=27254>.

¹⁰² A/HRC/42/30, para. 55, Annex II, para. 52; A/HRC/45/36, Annex II, para. 61; A/HRC/48/28, Annex II, para. 59.

noted that, at no time, has the General Attorney carried out any type of political persecution against the said magistrate, nor has it violated his judicial independence. Regarding situation of and legal cases against Mr. Xitimul de Paz, the Government noted that the case to lift his immunity was transferred to the first instance criminal court of Mixco and a hearing is expected on 22 July 2022. It informed that Mr. Xitimul de Paz remains separated from office since the date of his suspension on 9 March 2022. The Government also provided information concerning the situation of Ms. Maselli and the status of legal cases against her for alleged breach of duties and abuse of authority. She is currently benefitting from alternative measures.

12. India

80. The situation of the **Centre for Social Development (CSD)** in Manipur and its staff, including its secretary **Mr. Nobokishore Urikhimbam**, were included in the 2018, 2019, 2020 and 2021 reports of the Secretary-General¹⁰³ on allegations of surveillance, the freezing of bank accounts under the Foreign Contribution Regulations Act (FCRA) and attempted killing of close relatives for his human rights work and his engagement with the United Nations in relation to uranium mining and cement factories in Meghalaya (IND 18/2019). During the previous reporting period, CSD allegedly refrained from sharing information on environmental damage and health risks to communities from mining in Manipur with the United Nations for fear of further reprisal.

81. According to information received by OHCHR, Mr. Urikhimbam and his relatives have continued to suffer intimidation, harassment, and physical violence during the reporting period. On 26 February 2022, Mr. Urikhimbam's son, secretary of United NGOs Mission Manipur, was brutally assaulted at gun point by unknown individuals who took him in car, assaulted him and threatened to kill him, and dropped him at a police station seriously injured. On 20 February 2022, two unknown individuals verbally attacked Mr. Urikhimbam's wife, who is the secretary of the NGO Women Action for Development. In July 2021, as stipulated under the FCRA, the CSD reportedly submitted the application to renew its five-year NGO registration that was due to expire on 30 June 2022. As of 30 April 2022, the NGO registration certificate of the CSD had allegedly not been renewed. During the reporting period, members of CSD made statements at the 49th session of the Human Rights Council.

82. The situation of the **Central Jammu and Kashmir Coalition of Civil Society (JKCCS)**, a union of various non-profit organizations based in Srinagar, was included in the 2020 and 2021 reports of the Secretary-General on allegations of reprisals, including for cooperation with OHCHR in the preparation of the 2019 report on the situation of human rights in Indian-administered Kashmir and Pakistan-administered Kashmir.¹⁰⁴ The situation of JKCCS and its chair, **Mr. Khurram Parvez**, and other members of the coalition were included in the 2017, 2018, 2019 and 2021 reports of the Secretary-General¹⁰⁵ and have been addressed by special procedures mandate holders on several occasions¹⁰⁶ to which the Government has responded.¹⁰⁷ Mr. Parvez has reportedly been subjected to travel bans, ill-treatment, arbitrary arrest, and detention on counter-terrorism charges in relation to his cooperation with the United Nations over the years. In May 2021, Mr. Parvez was still under a travel ban. In August 2021, the Government responded stating that Mr. Parvez's detention was justified by the 1978 Jammu and Kashmir Safety Act, and that he had been provided legal and medical assistance and access to his family, subject to security requirements.

¹⁰³ A/HRC/39/41, para. 50 and Annex I paras. 63–65; A/HRC/42/30, Annex II, para. 57; A/HRC/45/36, para. 76, Annex II, paras. 72–73.

¹⁰⁴ A/HRC/42/30, para. 58 and Annex II, para. 59; A/HRC/48/28, Annex II paras. 62–64.

¹⁰⁵ A/HRC/36/31, paras. 36; A/HRC/39/41, Annex II, paras. 23–24; A/HRC/42/30, para. 58 and Annex II, para. 59; A/HRC/48/28 Annex II paras. 62–64.

¹⁰⁶ IND 7/2016; IND 9/2016; and IND 2/2020.

¹⁰⁷ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35607>;
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35606>;
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=2113>;

83. On 1 December 2021, special procedures mandate holders addressed allegations of raids, confiscation of materials and equipment and the arbitrary arrest on 22 November 2021 of Mr. Parvez on charges related to conspiracy and terrorism under the Criminal Code and the Unlawful Activities prevention (UAP) Act (IND 19/2021). If convicted, Mr. Parvez could reportedly face up to 14 years in prison and the death penalty. Mandate holders expressed concern that, in his search for accountability, Mr. Parvez has been the victim of a number of incidents of reprisals, reportedly for sharing this information with the United Nations.¹⁰⁸ On 5 January 2022, the Government responded, the details of which were not made public due to their confidential nature.¹⁰⁹ According to information received by OHCHR, as a result of increased surveillance, online and offline, and police questioning and intimidation of JKCCS staff and associated personnel, their human rights work has been impacted. Since 2020, JKCCS has not issued any public reports on the human rights situation in the Indian-administered Kashmir and Pakistan-administered Kashmir. Names and details of those concerned are withheld for fear of further reprisals.

84. The situation of **Mr. Henri Tiphagne**, from the **Centre for Promotion of Social Concerns (CPSC, also known as People's Watch)**, was included in the 2018, 2019 and 2021 reports of the Secretary-General.¹¹⁰ Special procedures mandate holders expressed concern at the use of the Foreign Contribution (Regulation) Act of 2010 (FCRA) to restrict the work of non-governmental organizations seeking to cooperate with the UN (OTH 27/2017), and noted that the non-renewal of CPSC's license was a clear case of reprisal for Mr. Tiphagne's cooperation with the UN (IND 14/2018). In August 2021, the Government responded stating that the FCRA was enacted to regulate the acceptance and utilization of foreign contributions and ensure that these funds are not detrimental to the national interest. The Financial Action Task Force requires that non-profit organizations not be used for the financing of terrorism.

85. According to information received, the case of the renewal of the license to receive foreign funding remains pending at the High Court of New Delhi. The last time it was reportedly listed was on 14 March 2022, but it was reportedly not heard then. On 6 January 2022, the Central Bureau of Investigation (CBI) filed a First Information Report (FIR) under several provisions of the Criminal Code and the FCRA. Under the FIR, the CPSC trustees are designated as the first accused, People's Watch Program Unit of CPSC and Mr. Tiphagne are the second, and the third accused are unknown person(s) which reportedly opens the possibility to include the name of anyone associated with CPSC. In January and February 2022, officers from the CBI allegedly conducted searches with warrant in the CPSC-People's Watch premises. On 21 January 2022, following the first search by the CBI, a complaint was filed with the National Human Rights Commission of India requesting its intervention, but it was reportedly dismissed on grounds that the case is pending adjudication by the High Court of Delhi.

86. The situation of the **International Dalit Solidarity Network (IDSN)**, a Denmark-based NGO working against caste-based discrimination and for the rights of Dalits, was included in the 2020 and 2021 reports of the Secretary-General.¹¹¹ Since 2008, IDSN application for consultative status with the ECOSOC has been repeatedly deferred, limiting its engagement with the United Nations. IDSN has reportedly the longest pending application in the history of the Committee, with 32 deferrals, after having received over 100 written questions from the Government of India, to which IDSN has answered. In August 2021, the Government stated that it is not aware of any incident of reprisal or intimidation against this organization, and that legitimate scrutiny of an application for a special status with the United Nations cannot be termed as a 'reprisal'.¹¹²

¹⁰⁸ <https://www.ohchr.org/en/press-releases/2021/12/un-experts-urge-indian-authorities-stop-targeting-kashmiri-human-rights>.

¹⁰⁹ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36734>.

¹¹⁰ A/HRC/39/41, para. 50, and Annex I, paras. 61–62; A/HRC/42/30, para. 58 and Annex II, para. 58; A/HRC/48/28, Annex II para. 65.

¹¹¹ A/HRC/45/36, para. 75 and Annex I, paras. 58–59; A/HRC/48/28, Annex II para. 69.

¹¹² A/HRC/48/28, Annex II, para. 70.

87. According to information received by OHCHR, during the consideration of IDSN's application by the Committee at its 2021 regular session on 26 May and 7 September 2021, the Government of India citing the 2019 annual report of the NGO, asked about meetings that IDSN staff held with officials and diplomats on the fringes of the 40th session of the Human Rights Council in February-March 2019, and requested information about the agenda, outcome, and participants (Questions 98 and 101 respectively).¹¹³ The NGO reportedly answered the questions. As of 30 April 2022, IDSN's application for ECOSOC status remains deferred. The protracted deferral of IDSN's application, now for 15 years, reportedly limits its access to UN bodies and entities, excluding it from attending meetings, delivering.

13. Indonesia

88. The case of **Ms. Veronica Koman**, a human rights lawyer to Papuans, was included in the 2021 report of the Secretary-General¹¹⁴ on allegations of acts of harassment, intimidation and threats for reporting on the situation in West Papua and Papua provinces (Papua region), that included engaging with OHCHR (IDN 7/2019¹¹⁵). On 9 December 2021, special procedures mandate holders addressed threats and intimidation of Ms. Koman and her family in relation to her work advocating for human rights in the Papua region and expressed concern that the increased targeting of Ms. Koman's relatives could be linked to her cooperation with the United Nations. Ms. Koman is currently in exile due to the alleged risks to her security. She reportedly faces several charges, including "incitement", "spreading fake news", "and "disseminating information aimed at inflicting ethnic hatred", and was put in the national wanted list by the authorities (IDN 10/2021¹¹⁶).

89. Acts of intimidation and threats against Ms. Koman's family reportedly begun on 31 May 2021, a fortnight after Ms. Koman had announced, together with a human rights organisation, the submission of a complaint to United Nations special procedures, regarding the case of Mr. Victor Yeimo of West Papua (see below). Reportedly, the house of Ms. Koman's parents came under surveillance and Ms. Koman received photos of their house from unknown Twitter accounts. On 5 October 2021, a few days after national news outlets broadcasted that Ms. Koman was one of the Indonesian human rights defenders mentioned in the Secretary-General's report on cooperation with the United Nations, unknown individuals, including one claiming to be a police officer, visited the house of Ms. Koman's parents, inquiring about her. In October and November 2021, unidentified individuals left several packages in the house of Ms. Koman parents. One of the packages was on fire and the other two had explosive devices and contained threatening messages, including a death threat (IDN 10/2021). On 15 December 2021, special procedures mandate holders publicly called upon the Government to stop reprisals against Ms. Koman and her parents.¹¹⁷

90. On 9 February 2022, the Government responded¹¹⁸ to mandate holders noting that the charges brought against Ms. Koman were not a form of intimidation but a legal enforcement measure as the police had made her a suspect in an investigation and rejected allegations of reprisals against Ms. Koman. It provided information on the response by the Regional Police to incidents reported, and the outcomes of the investigation carried out by various police units.

91. The case of **Mr. Victor Yeimo**, a human rights activist in West Papua who is the international spokesperson of the West Papua National Committee (Komite Nasional Papua Barat/KNPB), was included in the 2021 reports of the Secretary-General,¹¹⁹ on allegations of

¹¹³ <https://media.un.org/en/asset/k1z/k1zibahjye?kalturaStartTime=2990;>
[https://media.un.org/en/asset/k13/k135x69p2n?kalturaStartTime=1650.](https://media.un.org/en/asset/k13/k135x69p2n?kalturaStartTime=1650)

¹¹⁴ A/HRC/48/28, para. 72, Annex I, paras. 48–49.

¹¹⁵ [https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34873.](https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34873)

¹¹⁶ [https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36800.](https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36800)

¹¹⁷ [https://www.ohchr.org/en/press-releases/2021/12/indonesia-stop-reprisals-against-woman-human-rights-defender-un-expert.](https://www.ohchr.org/en/press-releases/2021/12/indonesia-stop-reprisals-against-woman-human-rights-defender-un-expert)

¹¹⁸ [https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36800.](https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36800)

¹¹⁹ A/HRC/48/28, para. 73, Annex I, para. 49.

arrest without warrant and charges, inter alia, of incitement (to riots) and treason, reportedly in connection to his calls for self-determination of the Papuan people, including at the United Nations Human Rights Council in Geneva in March 2019.¹²⁰ On 30 June 2021, special procedure mandate holders addressed allegations of reprisals against Mr. Yeimo for his cooperation with United Nations human rights mechanisms and expressed concerns that his arrest on charges of treason and incitement was related to his involvement in anti-racism and self-determination campaigns in West Papua and linked to his cooperation with the Human Rights Council. On 13 March 2019, Mr. Yeimo addressed the Human Rights Council during the General Debate under item 4 and spoke at an NGO side event on the human rights situation in West Papua.¹²¹ On 20 September 2021, mandate holders publicly raised concerns about the charges against Mr. Yeimo and called on the Government to provide him with proper medical care to prevent his death in prison.¹²² (See [IDN/6/21](#)). On 30 August 2021, the Government responded,¹²³ clarifying the legal and factual basis for the charges against Mr. Yeimo, rejecting the allegation that the investigation on Mr. Yeimo is connected to his participation and work with the Human Rights Council, and noting that no government official had made any statement to that effect. It also provided information on Mr. Yeimo's detention conditions, including medical care.

92. The case of **Mr. Wensislaus Fatubun**, human rights defender and advisor for human rights of the Papuan People's Assembly (MRP) was included in the 2021 report of the Secretary-General on allegations that he was arrested, questioned about his advocacy and engagement with international mechanisms and released the following day.¹²⁴ **Mr. Yones Douw**, a member of the indigenous Me tribe, who documents alleged violations in West Papua, ([IDN 2/2020](#)¹²⁵), was included in the 2021 report of the Secretary-General on allegations that he was targeted, questioned by military officers, monitored and followed in relation to documentation and reporting of alleged human rights violations to OHCHR.¹²⁶ According to information received by OHCHR, Mr. Fatubun and Mr. Douw continued to receive phone calls from the authorities inquiring about their work, and who they report to. They were both reportedly followed and remained under surveillance by unidentified individuals. Reportedly, on 31 March 2022, the residence of Mr. Douw was also under the surveillance of a drone.

93. On 15 July 2022, the Government responded to the note verbale sent in connection to the present report, reaffirming its position, condemning intimidation and reprisals for cooperation with the United Nations, and recognizing the role of human rights defenders in the advancement of human rights. The Government rejected the allegations of reprisals against Ms. Veronica Koman and clarified that law enforcement had approached the house of her parents in the course of an investigation on a package they had received. The Government also clarified the legal and factual basis for the charges against Mr. Yelmo and rejected any links between the investigation and his participation in the Human Rights Council. The Government also regretted the retention of Mr. Wensislaus case despite the lack of significant developments on his case, and categorically rejected the allegations of reprisals against Mr. Yones Douw, and his alleged surveillance, and requested the deletion of his case.

14. Iran (Islamic Republic of)

94. The case of **Mr. Manouchehr Bakhtiyari**, the father of Pouya Bakhtiari, a protestor who was shot in the head by security forces and killed during the nationwide November 2019 protests, was included in the 2021 report of the Secretary General¹²⁷ on allegations of repeated arrests, interrogations and threats for publicly calling for justice for his son's death, including

¹²⁰ See <https://media.un.org/en/asset/k15/k15al6ps0l>.

¹²¹ Ibid.

¹²² <https://www.ohchr.org/en/press-releases/2021/09/indonesia-life-jailed-west-papuan-activist-danger-without-urgent-medical>.

¹²³ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36530>.

¹²⁴ A/HRC/48/28, para. 71, Annex I, paras. 44–45.

¹²⁵ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35417>.

¹²⁶ A/HRC/48/28, para. 71, Annex I, paras. 46.

¹²⁷ A/HRC/48/28, para. 76 and Annex I, para. 52.

in an open letter to the United Nations High Commissioner for Human Rights and others.¹²⁸ He was arrested on 20 January 2020 with other members of his family, repeatedly threatened to prevent him from speaking publicly of his son's death,¹²⁹ charged with national security crimes, and released on bail.

95. According to information received by OHCHR, Mr. Bakhtiyari was arrested again on 29 April 2021. During the arrest in their home, Mr. Bakhtiyari and his wife, **Ms. Sara Abbasi**, were reportedly severely beaten by agents of the Ministry of Intelligence, who allegedly broke Mr. Bakhtiyari's fingers, slammed Ms. Abbasi's face and head against the wooden headboard of the bed and pushed their new-born baby to the floor. Reportedly, Mr. Bakhtiyari sustained serious injuries during the course of the arrest and was allegedly subjected to torture during his interrogation and detained incommunicado for 77 days. The authorities rejected three different lawyers he had chosen, with only the fourth lawyer chosen by the family allowed to represent him. Mr. Bakhtiyari was convicted of national security charges and sentenced to three years' imprisonment and one-year exile outside the city of Tehran.¹³⁰ Ms. Abbasi and her child were evicted from their house, reportedly following pressure on the landowner by the authorities. In his 2022 report to the Human Rights Council, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran addressed the case of Mr. Manouchehr Bakhtiari as an illustrative example of what appears to be a State policy of intimidating, prosecuting or silencing those who call for accountability, justice and truth, whether they are victims themselves, relatives, human rights defenders, lawyers or organizations".¹³¹

96. The case of **Messrs. Vahid and Habib Afkari** was included in the 2021 report of the Secretary General.¹³² Messrs. Vahid and Habib Afkari were detained following their participation in protests, and placed in solitary confinement on 5 September 2020,¹³³ reportedly in retaliation for their family's request for United Nations action on behalf of their brother, **Mr. Navid Afkari**, and to prevent them from sharing information about the circumstances of his execution, which followed a few days after the submission of the request, on 12 September 2020.¹³⁴ The situation of their brother, Mr. Navid Afkari, who was accused of murder and allegedly tortured to confess, following his participation in protests in 2018,¹³⁵ was raised by OHCHR and multiple special procedures mandate holders."¹³⁶

97. On 25 June 2021, special procedures mandate holders addressed concerns about allegations of continued solitary confinement of Messrs. Vahid and Habib Afkari and about violations of due process and fair trial in connection with their sentencing, including the use of forced confessions as evidence and lack of investigation into torture allegations ([IRN 18/2021](#)). Reportedly, Mr. Habib Afkari was released on 5 March 2022 after having spent some 550 days in solitary confinement and a total of 3 years and 3 months in prison. His brother Mr. Vahid Afkari remains detained in Adelabad prison in Shiraz.

15. Israel

98. The case of **Addameer Prisoner Support and Human Rights Association**, a human rights organization that provides legal aid to Palestinian prisoners was included in the 2021 report of the Secretary-General¹³⁷ concerning the release of a public report by the Israeli Ministry of Strategic Affairs. The report made reference to Addameer's cooperation with

¹²⁸ See also [A/HRC/46/50](#), para. 18, and [A/75/213](#), para. 15.

¹²⁹ [A/75/213](#), para. 15.

¹³⁰ [A/HRC/49/75](#), para. 64.

¹³¹ [A/HRC/49/75](#), para. 64.

¹³² [A/HRC/48/28](#), Annex I, paras. 54.

¹³³ [A/HRC/47/22](#), para. 24.

¹³⁴ [A/HRC/47/22](#), paras. 7 and 22.

¹³⁵ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26231>;

<https://twitter.com/UNHumanRights/status/1306214381949157376>.

¹³⁶ <https://news.un.org/en/story/2020/09/1072302>; see also

<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26420&LangID=E> and [A/HRC/46/50](#), para. 6 and [IRN 22/2020](#).

¹³⁷ [A/HRC/48/28](#), paras. 79, Annex I, 57–58.

United Nations institutions, including the Human Rights Council, alleged that previous and current staff of Addameer are “affiliates” of the Popular Front for the Liberation of Palestine (illegal under Israeli military law), and contended that Addameer has links with terrorism, including for its provision of legal aid.¹³⁸ Addameer was also included in the 2020 report of the Secretary-General¹³⁹ in relation to a statement on the Ministry of Foreign Affairs’ website accusing Addameer and other human rights organizations that supported the report of the High Commissioner on business activities related to settlements,¹⁴⁰ of having ties to terrorism.

99. The NGO Addameer was among one of the six organizations designated as a terrorist organization on 19 October 2021 (See Annex I). On 27 December 2021, special procedure mandate holders raised concerns about online surveillance through the planting of the NSO Group’s Pegasus spyware on the phone of a staff of Addameer, among others (see annex I), (ISR 11/2021).¹⁴¹ Reportedly, since the issuance of the designation decision, at least one staff member of Addameer has been arrested and placed under administrative detention, without charges or trial. During the reporting period, Addameer’s engagement with the United Nations in the field of human rights continued.

100. The case of **Mr. Isra Amro**, founder of Youth Against Settlements in Hebron and winner of the 2010 OHCHR Human Rights Defender of the Year in Palestine award, was included in the 2014 and 2021 reports of the Secretary-General¹⁴² related to his engagement with the Human Rights Council in 2013 and allegations addressed by special procedures mandate holders that, upon Mr. Amro’s return to Israel in July 2013, Israeli soldiers confiscated his passport and he was beaten, threatened and handcuffed at a military police station in Hebron (ISR 7/2013). Reportedly, in July 2013 Israeli soldiers allegedly invaded the Youth Against Settlements centre and harassed the persons present. The following day, Mr. Amro and three other individuals were shot at (A/HRC/27/38, para. 25). Following almost five years of judicial proceedings, in March 2021, Mr. Amro received a three-month suspended sentence with a two-year probation period and a fine in relation to his human rights work. According to information received by OHCHR, on 2 August 2021, Mr. Amro filed an appeal to the Military Court, which was heard on 10 January 2022 and, as of 30 April 2022 the next hearing or verdict was pending.

16. Lao People’s Democratic Republic

101. The case of **four members of the Chaofa Hmong indigenous community**, including two girls, one woman and an 80-year-old man, **and their relatives** were included in the 2021 report of the Secretary-General on allegations of enforced disappearance in March 2020 by the Lao People’s Armed Forces following the submission of information and the consideration of their situation by the Working Group on Enforced or Involuntary Disappearances.¹⁴³ Following the August 2020 communication by special procedures mandate holders on the fate of the four disappeared community members (LAO 3/2020), relatives in the Phou Bia Mountain forests (Xaisombun Province), were reportedly subject to threats and intimidation by the army, and a male relative of two of the disappeared was killed by a group of Laotian soldiers (LAO 3/2021).

102. Mandate holders expressed concern about what appeared to be reprisals against the relatives of the disappeared in retribution for having submitted a complaint to the UN Special procedures. They noted that the fear that the army was spreading among the Hmong population in the area appeared to be deliberately intended to isolate these communities and to sever links with the outside world, including UN human rights protection mechanisms (LAO 3/2021). In August 2021, the Government responded¹⁴⁴ categorically rejecting the

¹³⁸ The Ministry was closed in 2021 and all documentation was moved to the page of the Prime Minister’s office:
https://www.gov.la/BlobFolder/generalpage/blood_money/en/strategic_affairs_bloodM.pdf.

¹³⁹ A/HRC/45/36, para. 78, Annex I para. 61.

¹⁴⁰ A/HRC/43/71 prepared pursuant to Human Rights Council resolution 31/36.

¹⁴¹ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26908>.

¹⁴² A/HRC/27/38, para. 25; A/HRC/48/28 Annex II para. 75.

¹⁴³ A/HRC/48/28, Annex II para. 59.

¹⁴⁴ A/HRC/48/28, Annex I para. 62.

allegations and stating that, according to the investigation of local authorities, there were no claims or reports filed related to the four missing members of the Hmong community.

103. According to information received by OHCHR, the situation of the relatives of the four individuals allegedly disappeared and of members of the Chaofa Hmong community has deteriorated further. During the reporting period, authorities have reportedly further restricted the access of civilians to the Xaisombun Province, including of civil society organizations, tightening control over physical movements and information flows in the area. A Government Decree issued on 14 March 2021 prohibited civilian circulation in the area reportedly until 31 May 2021. However, as of 30 April 2022, independent observers, humanitarian actors, or international organizations had reportedly not been granted access to the area. During this time, relatives of the individuals allegedly disappeared as well as members of the Hmong community have reportedly experienced increased violence, fear, and isolation, and have consequently declined contact for fear of further retaliation. The case of the four community members and their relatives is still under consideration by the Working Group on Enforced or Involuntary Disappearances.

17. Maldives

104. The case of the **Maldives Human Rights Commission** was included in the 2015 and 2021 reports of the Secretary-General¹⁴⁵ following the Supreme Court's *suo moto* proceedings and judgement that found the Commission's report to the 2014 Universal Periodic Review (UPR) of the Maldives unlawful for its critical assessment of the independence of the judiciary. In February 2021, the United Nations Human Rights Committee recognized the context where the criticism was made, i.e., in a written report submitted to the UPR,¹⁴⁶ and stated that the Supreme Court's 2015 judgement and guidelines were disproportionate and unnecessary limitations on the Commission's freedom of expression that restricted its ability, including of its members, to seek, receive and impart information, and may have created a chilling effect (paras. 7.4 and 8.9). In August 2021, the Government acknowledged¹⁴⁷ that the Supreme Court decision and guidelines had negatively impacted the independence of the Commission. It informed that amendments made in 2020 to the Human Rights Commission Act (Law 6/2006) had reinstated and reinforced the independence of the Commission.

105. According to information received by OHCHR, the 2020 amendments to the Human Rights Commission Act included the stipulation that the Commission can decide to establish bilateral and multilateral relations with relevant actors as part of its work to protect and promote human rights. Reportedly, the amendments have removed the mandated prior approval before the Commission could engage with United Nations human rights mechanisms. They reportedly also specify that the Commission can submit reports and findings in its capacity as national human rights institution under international human rights conventions and treaties the Maldives is party to. As of 30 April 2022, the translation of the 2020 amendments to the Human Rights Commission Act was not yet available.

106. On 31 July 2022, the Government replied to the note verbale sent in connection to the present report indicating that the Attorney's General's Office had no comments to the information contained in Annex II. It noted that the 2020 amendments to the Human Rights Commission Act are lengthy with multiple changes to the law and, therefore, there is not a full translation of the whole Amendment. Concerning the information included in Annex II, the Government provided the English translation of the relevant part or addition to Section 26-1 of the law.

18. Mexico

107. The case of staff of the **Justice Centre for Peace and Development**, a non-governmental organization documenting and reporting human rights violations in the state of

¹⁴⁵ A/HRC/48/28, Annex II paras. 85–86.

¹⁴⁶ CCPR/C/130/D/3248/2018, para. 87.

¹⁴⁷ A/HRC/48/28, Annex II para. 90.

Jalisco, was included in the 2021 report of the Secretary-General¹⁴⁸ on allegations of harassment, stigmatization, surveillance, and on-line attacks since June 2020 following its cooperation with OHCHR in Mexico and the UN Committee on Enforced Disappearances. According to information received by OHCHR, while security incidents decreased during the reporting period, in March and April 2022, members of the NGO were reportedly subject to physical surveillance from unidentified cars and from municipal police cars. Likewise, the presence of drones was detected near the courtyard or windows of the NGO premises. OHCHR-Mexico is closely monitoring the situation and in contact with relevant authorities.

108. The case of **Mr. Felipe Hinojo Alonso** was included in the 2020 and 2021 reports of the Secretary-General¹⁴⁹ on allegations of intimidation, threats, and surveillance for his cooperation with the UN in the documentation of alleged violations in the state of Aguascalientes. According to information received by OHCHR, Mr. Hinojo Alonso has continued to suffer intimidation during the reporting period, including an investigation by the Federal Prosecutor's Office against him due to alleged inconsistencies in the torture complaints he filed before such Office. Reportedly, hearings on the case against Mr. Hinojo Alonso have been postponed several times and, to date, relevant information has not been shared with him and his legal team. OHCHR-Mexico is closely monitoring his situation and in contact with relevant authorities.

109. The case of **Ms. Alma Delia Reyna**, working on the rights of women deprived of liberty, was included in the 2020 and 2021 reports of the Secretary-General¹⁵⁰ following threats and attacks against her and her family for her collaboration with OHCHR in Mexico. According to information received by OHCHR, Ms. Reyna and her family were displaced from their hometown due to the high level of risks. While there has been progress in the criminal investigations on the case, including the arrest of three individuals allegedly involved, it is reported that Ms. Reyna does not receive adequate support from competent authorities. OHCHR-Mexico is closely monitoring her situation and in contact with relevant authorities.

110. On 29 June 2022, the Government replied to the note verbale sent in connection to the present report clarifying that the decision of the Special Prosecutor's Office for the Investigation of the crime of Torture on the complaint filed Mr. Felipe Hinojo Alonso had been duly notified to him, and had thereby become final in the absence of objection by the victim. In its decision, the Special Prosecutor's Office had decided not to exercise criminal action regarding the complaint filed by the brother of Mr. Felipe Hinojo.

19. Morocco

111. The case of **Ms. Aminatou Haidar**, one of the founders of the **Sahrawi Organ against the Moroccan Occupation (ISACOM)**, was included in the 2020 and 2021 reports of the Secretary-General¹⁵¹ on allegations of threats, physical attacks, and online stigmatization for her ongoing engagement with the UN. According to information received by OHCHR, during the reporting period, Ms. Haidar continued to engage with United Nations and was the target of physical attacks, constant police monitoring, legal action, and on-line surveillance. In March 2022, forensic evidence from an investigation reportedly showed that Ms. Haidar's mobile phones were targeted and intercepted by NSO Group's Pegasus spyware in October and November 2021.

112. The case of **Mr. Ennaâma Asfari** was included in the 2019, 2020, 2021 and 2018 reports of the Secretary-General¹⁵² on alleged deterioration of detention conditions following the decision of the Committee against Torture on his case in 2016 (CAT/C/59/D/606/2014). Reported reprisals in the form of an entry ban against **Ms. Claude Mangin-Asfari**, the wife of Mr. Asfari, were also included in the 2019 report of the Secretary-General.¹⁵³ On 16 June

¹⁴⁸ A/HRC/48/28, para. 91, Annex I, paras. 74–76.

¹⁴⁹ A/HRC/45/36, para. 86, Annex I, para. 76; A/HRC/48/28, Annex II, para. 92.

¹⁵⁰ A/HRC/45/36, para. 86, Annex I, para. 77; A/HRC/48/28, Annex II, para. 93.

¹⁵¹ A/HRC/45/36, para. 88, Annex I paras. 79–81; A/HRC/48/28, Annex II paras. 94–95.

¹⁵² A/HRC/42/30, Annex II para. 73; A/HRC/45/36, Annex II, paras. 88–89; A/HRC/48/28, Annex II para. 98; A/HRC/39/41, para. 57 and Annex I, para. 77.

¹⁵³ A/HRC/42/30, Annex II para. 73.

and 1 July 2021,¹⁵⁴ mandate holders addressed the situation of Mr. Asfari and the deterioration of his detention conditions since 2016 following the decision of the Committee, which they had previously raised in 2017 (MAR 4/2021; MAR 3/2017). On 25 August 2021, the Government responded¹⁵⁵ refuting the allegations and providing information about the detention conditions and indicating the family visits were restricted in 2020 and 2021 to prevent the spread of COVID-19 in prisons. The Government informed that on 11 June 2021, Mr. Asfari received the visit of a relative.

113. On 30 November 2021, the Committee against Torture addressed allegations that Ms. Mangin-Asfari has only been allowed to visit her husband once, in 2019, over the past five years. The Committee also addressed allegations that Ms. Mangin-Asfari and the lawyer of her husband were subject to new acts of reprisals during the period in the form of surveillance of their mobile phones (Ref: G/SO 229/31 MAR(8)).¹⁵⁶ According to information received by OHCHR, forensic evidence from an investigation reportedly showed that the mobile phones of Ms. Mangin-Asfari and of the lawyer of her husband were targeted and intercepted by NSO Group's Pegasus spyware in 2021. Reportedly, a criminal complaint was filed in France for offences of invasion of privacy, collection of personal data through fraudulent means, and conspiracy.

114. On 27 July 2022, the Government replied to the note verbale sent in connection to the present report noting that the authorities guarantee the right of everyone, individually or in association with others, to unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights.

115. Regarding the situation of Ms. Aminatou Haidar, the Government regretted that the case continues to be instrumentalized for political reasons and based on new groundless allegations. The Government noted that, in the absence of any evidence, it categorically rejected the allegations that Ms. Haidar was subject to constant police surveillance and physical violence during the reporting period. It also noted that Ms. Haidar had not presented any complaint to the relevant judicial bodies to investigate the reprisal allegations.

116. Concerning the situation of Mr. Asfari and his wife, Ms. Mangin-Asfari, the Government reiterated the observations transmitted to the Committee against Torture on 30 November 2021 in response to its inquiry. It underlined that no intimidation or reprisal measures were taken against Mr. Asfari's wife or his legal counsel. The Government provided information on Mr. Asfari's detention conditions, including communication with and visits by relatives and legal counsel, and noted that Mr. Asfari is in good health condition.

117. Regarding allegations that the mobile phones of Ms. Haidar, Ms. Mangin-Asfari and Mr. Asfari's lawyer were targeted and intercepted by NSO's Group Pegasus spyware in 2021, the Moroccan authorities categorically denied this and referred to Human Rights Council resolution 36/21, which stresses that information provided by all stakeholders, including civil society, to the United Nations and its representatives and mechanisms in the field of human rights should be credible and reliable, and must be thoroughly checked and corroborated. The Government noted that on 21 July 2021 the General Prosecutor's Office had ordered the opening of an investigation into allegations of online surveillance published in reports and the media. It also informed that the authorities have filed several complaints for defamation and slander in relation to these allegations.

20. Nicaragua

118. The case of **Mr. Félix Alejandro Maradiaga**, a political scientist and executive director of the Institute for Strategic Studies and Public Policy (IEEPP) whose legal status was cancelled in 2018, was included in the 2018 report of the Secretary-General on allegations of an arrest warrant following his briefing to the UN Security Council on the

¹⁵⁴ <https://www.ohchr.org/en/press-releases/2021/07/morocco-un-human-rights-expert-decries-clampdown-human-rights-defenders>.

¹⁵⁵ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36524>.

¹⁵⁶ https://tbinternet.ohchr.org/Treaties/cat/Shared%20Documents/mar/int_cat_RLE_MAR_9499_F.pdf.

situation in Nicaragua on 5 September 2018 (S/PV.8340, pages 4–5).¹⁵⁷ On 19 July 2021, mandate-holders addressed allegations of the detention and disappearance of Mr. Maradiaga on 8 June 2021 following questioning by the police about his international activities, notably in relation to the Organization of American States and the UN Security Council (NIC 5/2021).¹⁵⁸ Mr. Maradiaga was part a group of individuals who had registered as pre-candidates for an internal primary election or had publicly expressed their intention to run for the 21 November 2021 Presidential elections (A/HRC/49/23, para. 8). According to information received by OHCHR, Mr. Maradiaga was convicted on 3 March 2022 to 13 years in prison under Law No. 1055 (on the defence of the rights of the people to independence, sovereignty, and self-determination for peace for “undermining national integrity”). Reportedly, prosecutors presented as evidence the testimony that he gave at the United Nations Security Council in 2018.

119. The case of **Mr. Anibal Toruño**, of Radio Darío, was included in the 2020 report of the Secretary-General¹⁵⁹ on allegations of threats following UN action on his case. According to information received by OHCHR, in 2021, Mr. Toruño relocated outside the country due to concerns about his safety. During the reporting period, several close relatives of Mr. Toruño and Radio Dario co-workers of have been the target of repeated acts of harassment, intimidation, and physical surveillance by state agents, mainly police officers.

120. The case of the **Comisión Permanente de Derechos Humanos (CPDH)** and its staff was included in the 2021, 2020 and 2019 reports of the Secretary-General¹⁶⁰ on allegations of threats, harassment, and intimidation by police for regularly engaging with OHCHR. According to information received by OHCHR, on 20 April 2022, the CPDH was one of the 25 civil society organizations that had its legal status terminated by the Legislative Assembly for the alleged non-compliance with Law No. 147 on Non-Profit Legal Persons and Law No. 977 against Money Laundering, Financing of Terrorism and Financing of the Proliferation of Weapons of Mass Destruction. Reportedly, the CPDH was one of the last human rights organizations that formally operated in Nicaragua documenting allegations, providing legal representation to victims of violations, and reporting to the UN and other international bodies.

21. Philippines

121. The cases of the **Karapatan Alliance of People’s Rights**, a national alliance of human rights organizations, and its Secretary General, **Ms. Cristina Palabay**, were included in the 2019, 2020 and 2021 reports of the Secretary-General¹⁶¹ on allegations of red-tagging- or the labelling as communists or terrorists-, harassment, arbitrary arrests and charges in connection with their engagement with the UN, including OHCHR, the Human Rights Council, and special procedures mandate holders (PHIL 1/2020). In August 2021, the Government responded noting that the verdict of the Supreme Court had dismissed allegations filed by Karapatan and other NGOs and stating that Karapatan is a case for United Nations entities to enhance their due diligence when assessing allegations from sources.

122. On 27 May 2021, mandate holders addressed allegations of cyber-attacks as well as the red-tagging, arbitrary arrest and charges against one Karapatan staff who was allegedly added to the Government’s list of “communist-terrorist group priority targets” (PHIL 3/2021). On 8 October 2021, mandate holders expressed concerns that cyber-attacks were reportedly linked to an IP address under the Department of Science and Technology (PHIL 5/2021). They noted that Karapatan had previously been portrayed as a threat to national security and labelled as “communist” or “terrorist” organisation, including through statements by representatives of the Government, both online and offline (PHIL 5/2021).

¹⁵⁷ <https://news.un.org/es/story/2018/09/1441032>.

¹⁵⁸ On 24 June 2021, the Inter-American Court of Human Rights issued provisional measures in favour of Mr. Maradiaga requiring his immediate release.

¹⁵⁹ A/HRC/45/36, para. 95 and Annex I para. 90.

¹⁶⁰ A/HRC/42/30, Annex I, para. 78; A/HRC/45/36, Annex II, paras. 95–96; A/HRC/48/28, Annex II para. 105.

¹⁶¹ A/HRC/42/30, Annex II, para. 8; A/HRC/45/36, Annex II, paras. 100–101; A/HRC/48/28, Annex II, paras. 108–110.

123. In September 2021 and January 2022, the Government responded¹⁶² providing detailed information on the cases and underlining the diligence of law enforcement officials in keeping with the rule of law. The Government emphasized the importance that it attaches to safeguarding civic space and acknowledged that ensuring plurality of voices, including dissenting ones, is vital to the functioning of democracy. It regretted that certain sectors are exploiting their access to civic space in Geneva to falsely characterize Government lawful actions as “arbitrary arrests, trumped-up charges, planting of evidence, attack against defenders, act of reprisals, etc”. Regarding allegations of cyber-attacks, it informed that there is an ongoing confidential investigation, and it is not in a position to discuss the details pending its outcome.

124. According to information received by OHCHR, Ms. Palabay continues to suffer online threats, harassment, and legal action. Karapatan continues to engage with the UN, including as part of the Technical Working Group on Civic Space and Engagement of Civil Society and the Commission on Human Rights under the UN Joint Programme on Human Rights, which is implementing Human Rights Council resolution 45/33.

125. On 26 July 2022, the Government replied to the note verbale sent in connection to the present report highlighting that the Philippines is home to civil society organizations and human rights defenders that freely and consistently access UN human rights bodies through communications. The Government noted that it has already comprehensively addressed the reprisal allegations contained in the present report, including through its response to the 2021 Secretary-General’s report and referred to it. The Government further highlighted relevant developments not covered in previous replies to provide a broader perspective of the human rights situation in the country. Amongst other developments, it referred to the first Human Rights Defenders National Assembly that took place on 14 December 2021 spearheaded by the Presidential Human Rights Committee Secretariat and inspired civil society organizations and human rights defenders to send communications to the OHCHR acknowledging the value of both the Philippines’ and OHCHR’s human rights efforts. The Government also underlined that civil society freely submits parallel or shadow reports to UN treaty bodies prior to State constructive dialogues and to the UN Human Rights Council prior to the Universal Periodic Review.

22. Russian Federation

126. The 2019, 2020 and 2021 reports of the Secretary-General¹⁶³ addressed the alleged effects that restrictive legislation, in particular laws on “foreign agents” or “undesirable organizations,” have had on the willingness and ability of civil society actors to engage with international bodies, including with the United Nations. These included the N 121-FZ Foreign Agent Law for Non-Commercial Organizations, adopted in July 2012 and amended in June 2016 (N 147-FZ and N 179-FZ) and several pieces of federal legislation signed into effect on 30 December 2020¹⁶⁴ further expanding the list of actors that can be designated “foreign agents” to include unregistered NGOs and individuals, regardless of nationality. The operations of civil society organizations had reportedly been subject to particular scrutiny, in particular their receipt and use of foreign funding. On 5 April 2021, Bills No.1052327-7 and 105895-7 were adopted and published, reportedly introducing amendments and penalties for non-compliance with the norms mentioned above. The enforcement of this legislation reportedly contributed to self-censorship and dissuaded civil society actors from publicly engaging with the United Nations.

¹⁶² <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36533>;
<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36754>.

¹⁶³ A/HRC/42/30, Annex II, para. 88; A/HRC/45/36, Annex II, paras. 105–107; A/HRC/48/28 Annex II, paras. 111–114.

¹⁶⁴ Restrictive legislation includes Federal Law No. 538-FC as well, which reportedly introduced a five-year prison sentence for libel, and Federal Law No. 525-FZ which reportedly introduced criminal liability for malicious violation of the duties of a “foreign agent” with a penalty of up to five years in prison. On 5 April 2021, Bills No.1052327-7 and 105895-7 were adopted and published, reportedly introducing amendments and penalties for non-compliance with the norms mentioned above.

127. During the reporting period, multiple United Nations actors, including the Spokesperson of the High Commissioner for Human Rights¹⁶⁵ and the CEDAW Committee,¹⁶⁶ continued to address repressive legislation used against civil society actors and human rights defenders as a result of which organizations have been audited, heavily fined, and some forced into dissolution. Special Procedure mandate holders called for the Foreign Agent Law to be abolished or substantially amended (RUS/13/2021).¹⁶⁷ On 7 March 2022 the High Commissioner for Human Rights reiterated her concern about the use of repressive legislation that impedes the exercise of civil and political rights. She noted further that “fundamental freedoms and the work of human rights defenders continue to be undermined by widespread use of the 2012 so-called ‘foreign agent law’” and added that further legislation criminalising circumstances of ‘discrediting’ the armed forces continues down this concerning path.¹⁶⁸

23. Saudi Arabia

128. The case of **Ms. Loujain Al-Hathloul**, a woman human rights defender, was included in the 2019, 2020 and 2021 reports of the Secretary-General¹⁶⁹ on allegations of disappearance, detention and torture following her engagement with the United Nations Committee on the Elimination of Discrimination against Women in March 2018. In June 2020, the Working Group on Arbitrary Detention found her detention arbitrary (A/HRC/WGAD/2020/33). In December 2020, Ms. Al-Hathloul was sentenced under national security related charges to 5 years and 8 months in prison, with two years and ten months of suspended sentence and a 3-year probation period in addition to the time already served and a 5-year travel ban (SAU 3/2021).¹⁷⁰ On 10 February 2021, she was released from prison on probation for three years and with a five-years travel ban.¹⁷¹ The Committee and special procedures mandate holders have addressed her situation repeatedly with the relevant authorities, including allegations of acts of reprisals for her cooperation with the UN.¹⁷²

129. In its 2021 annual report, the Working Group on Arbitrary Detention addressed the deprivation of liberty of human rights defenders¹⁷³ and cited the case of Ms. Al-Hathloul as an example of a woman human rights defender arbitrarily deprived of liberty due to her activities in support of human rights, (women’s rights), subjected to enforced disappearance, torture and ill treatment, and exposed to gender specific risks.¹⁷⁴ The report also cites the opinion concerning Ms. Al-Hathloul as an illustrative example of a case that takes place in a State where the detention of human rights defenders is widespread and provides an update on the case.¹⁷⁵ It notes Ms. Al-Hathloul’s release on 10 February 2021 under probationary period, a travel ban, and the ongoing appeal of her conviction. According to information received by OHCHR, Ms. Al-Hathloul is under tight surveillance and reportedly a travel ban is also enforced on her family.

¹⁶⁵ OHCHR Press Briefing Notes (19 November 2021), <https://www.ohchr.org/en/press-briefing-notes/2022/01/press-briefing-notes-russia>. See also RUS 9/2021, RUS2/2022.

¹⁶⁶ CEDAW/C/RUS/CO/9, para. 19.

¹⁶⁷ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36763>.

¹⁶⁸ <https://www.ohchr.org/en/speeches/2022/03/global-update-bachelet-urges-inclusion-combat-sharply-escalating-misery-and-fear>. See also <https://www.ohchr.org/en/press-briefing-notes/2022/01/press-briefing-notes-russia>.

¹⁶⁹ A/HRC/42/30, para. 73 and Annex I, paras. 91–93; A/HRC/45/36, Annex II, paras. 110–111; A/HRC/48/28, Annex II, paras. 114–116.

¹⁷⁰ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36216>.

¹⁷¹ <https://www.ohchr.org/en/2021/02/bachelet-updates-human-rights-council-recent-human-rights-issues-more-50-countries?LangID=E&NewsID=26806>.

¹⁷² SAU 3/2021, SAU 8/2020, SAU 1/2019, SAU 7/2018, SAU 15/2014. See also, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26593&LangID=E>.

¹⁷³ A/HRC/48/55, paras. 46–50.

¹⁷⁴ Ibid footnotes 11, 13, 24, 26, 31, 43.

¹⁷⁵ Ibid footnote 29.

130. The case of **Ms. Samar Badawi**, a woman human rights defender, was included in the 2015, 2019, 2020 and 2021 reports of the Secretary-General¹⁷⁶ on allegations of threats and interrogations following her statement at the Human Rights Council in 2014 and in relation to her arrest and detention in 2018, charges and release on probation on 2021. Special procedures mandate holders have addressed her situation repeatedly with the relevant authorities, including allegations of acts of reprisals for her cooperation with the UN.¹⁷⁷

131. The case of **Mr. Fawzan Mohsen Awad Al-Harbi**, a human rights defender and member of ACPRA was included in the 2014, 2019, 2020 and 2021 reports of the Secretary-General¹⁷⁸ on allegations of arrest and detention for his cooperation with the UN. Special procedures mandate holders have addressed his situation repeatedly with the relevant authorities, including allegations of acts of reprisals for his cooperation with the UN.¹⁷⁹

132. The case of **Mr. Essa Al-Nukhaifi**, a human rights defender and anti-corruption activist, was included in the 2018, 2019, 2020, and 2021 reports of the Secretary-General¹⁸⁰ following his six-year prison sentence, with a six-year travel and social media ban upon release, for his cooperation with the Special Rapporteur on extreme poverty to Saudi Arabia during a visit in January 2017 (SAU 2/2017). In November 2019, the Working Group on Arbitrary Detention stated that Mr. Al Nukhaifi's detention was arbitrary (A/HRC/WGAD/2019/71, paras. 76, 83, 90, 95), and raised particular concern about the reprisals against him for his consultation with the Special Rapporteur on extreme poverty (para. 93). Mr. Al Nukheifi is currently held in Al Ha'ir Prison in Riyadh.

133. In May 2021, special procedure mandate holders followed up on Ms. Badawi's and Mr. Essa Al-Nukhaifi's detention, trial and charges against them and expressed concern over allegations of torture and ill treatment of Mr. Fowzan al-Harbi in detention, and over alleged breaches of fair trial standards during his trial. Mandate holders also raised concerns about "what seems to be a pattern of restrictions on space dissent and debate in Saudi Arabia whereby critical or dissenting opinions are characterized as terrorism (SAU 6/2021)." Reportedly, Mr. Al-Harbi undertook a hunger strike with other prisoners in March 2021 in protest over the poor conditions in prison and mandate holders. (SAU 6/2021). On 15 July 2021, the Government responded, providing information about the charges and convictions of Ms. Badawi, Mr. Al-Nukhaifi and Mr. Al-Harbi's to 6, 10 and 7 years imprisonment with travel bans of the same duration, under article 6. (1) of the Cyber Crime Act.¹⁸¹ The Government confirmed the release of Ms. Badawi on 25 June 2021.

134. On 30 November 2021, special procedure mandate holders addressed allegations of the arbitrary detention and acts of intimidation and reprisals for cooperation with the UN against Mr. Mohammed Al-Qahtani, Mr. Fowzan Al-Harbi and Mr. Essa Al-Nukhaifi and expressed concern for allegations of mistreatment and about "what appears to be a pattern of widespread and systematic arbitrary arrest and detention of persons including human rights defenders" (SAU 13/2021). Reportedly, on 15 August 2021, Mr. Mohammed Al-Qahtani initiated a hunger strike in protest against alleged ill treatment by Al-Ha'ir prison administration, and was joined by Mr. Al-Harbi, Mr. Al-Nukhaifi and other detainees.

135. On 20 January 2022, the Government responded, providing information about Mr. Al Qahtani's sentence for national security offences, denying a hunger strike in August reaffirming no restriction on family visits for Mr. Al-Qahtani, Mr. Fowzan and Mr. Al-Nukhaifi. It further confirmed they had received the necessary medical care and provided as well as information on the COVID-19 Protocol followed with Mr. Al Qahtani.¹⁸²

¹⁷⁶ A/HRC/30/29, para. 36, A/HRC/42/30, Annex I, para. 91 and Annex II, para. 95; A/HRC/45/36, Annex II, para. 112, A/HRC/48/28, Annex II, paras. 117–118.

¹⁷⁷ SAU 6/2021, SAU 8/2020, SAU 1/2019, SAU 11/2018, SAU 1/2016, and SAU 16/2014.

¹⁷⁸ A/HRC/27/38, para. 30; A/HRC/42/30, para. 74 and Annex II, para. 94; A/HRC/45/36, Annex II, para. 118 and A/HRC/48/28, Annex II, para. 124.

¹⁷⁹ SAU 6/2021, SAU 13/2021, SAU 4/2016, SAU 11/2014, SAU 8/2013.

¹⁸⁰ A/HRC/39/41, para. 65 and Annex I, paras. 95–96, 98; A/HRC/42/30, para. 74 and Annex II, para. 93 and A/HRC/45/36, Annex II, paras. 115–116.

¹⁸¹ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36432>.

¹⁸² <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36765>.

136. On 13 July the Government responded to the note verbale sent in connection to the present report and noted that it had responded to previous reports and appeals clarifying the facts relating to the cases included. It also noted that it had refuted the claims and allegations contained therein, and demonstrated that the principle of legality was observed and that all legal procedures were followed. The Government indicated that those responses should be taken into account. It underlined that the judiciary enjoys complete independence in the exercise of its functions, meaning that it operates impartially and without external influence.

137. Regarding the situation of Ms. Al-Hathloul, the Government informed that she was convicted for committing terrorism offences punishable under the Countering Terrorism and the Financing of Terrorism Act. She was sentenced to a term of 5 years and 8 months imprisonment calculated from the date of arrest, of which 2 years and 10 months were suspended, and she was handed a travel ban of similar length that went into effect after the end of the prison sentence. She is currently at liberty. Concerning Ms. Badawi, the Government informed that she was convicted for committing offences that are punishable under the Countering Cybercrime Act. She was sentenced to a term of five years imprisonment calculated from the date of arrest, of which two years were suspended, and she was handed a travel ban of similar length that went into effect after the end of the prison sentence. She is currently at liberty.

138. Regarding Mr. al-Harbi, the Government informed that he was convicted of committing several offences with a view to undermining public order, as well as committing offences punishable under the Countering Cybercrime Act. He was sentenced to a term of 10 years imprisonment and handed a travel ban of similar length that went into effect after the end of the prison sentence. Concerning Mr. Nakhifi, the Government informed that he was convicted of committing several offences that undermine national security, as well as committing offences punishable under the Countering Cybercrime Act. He was sentenced to a term of 6 years imprisonment and handed a travel ban of similar length that went into effect after the end of the prison sentence.

139. The Government stated that the individuals above were not tortured or subjected to ill-treatment. During her trial, Ms. Al-Hathloul alleged that she had been tortured. After examining the case documents, the court dismissed the allegations because it was not proven that she had been tortured during her detention. Ms. Al-Hathloul challenged the judgement and filed an appeal. The Court of Appeal reviewed the case and upheld the judgement regarding the claim of torture.

140. The Government informed the individuals above were not victims of enforced disappearance, they were held in designated and known detention facilities, enjoyed visitation rights and were able to communicate periodically and on an ongoing basis. They were tried for punishable offences, not for communicating with various United Nations human rights mechanisms. The Government noted that the laws of country guarantee the right of freedom of opinion and expression unless the exercise of that right results in a breach of the law or exceeds the bounds applicable to society and its members or its precepts.

141. The Government informed that the travel bans imposed on these individuals were handed down pursuant to judicial orders. The concerned individuals were able to challenge those orders before the Court of Appeal and the Court upheld the orders. The Government stated that the Human Rights Commission followed up on the cases above and found that the actions taken against them were sound. It verified that the applicable human rights laws and regulations were observed. In addition, the Commission did not find any indication that any of their rights had been violated.

24. Sri Lanka

142. The case of **Ms. Sandya Ekneligoda** was included in the 2019 report of the Secretary-General¹⁸³ on allegations of harassment, including online attacks, in reprisal for her efforts to seek the truth about the fate and whereabouts of her husband, disappeared journalist Mr. Prageeth Ekneligoda, including her engagement with the United Nations Working Group on

¹⁸³ A/HRC/42/30, para. 75, Annex I, para. 97.

Enforced or Involuntary Disappearances (WGEID) that registered the case of her husband in 2010 ([LKA 2/2018](#)).¹⁸⁴

143. On 17 November 2021, special procedures mandate holders addressed allegations of intimidation for cooperation with the United Nations against Ms. Ekneligoda following a letter she received dated 4 August 2021 from the Office on Missing Persons (OMP) asking her to disclose her private correspondence with the International Committee of the Red Cross (ICRC) and the WGEID ([SLK 5/2021](#)). Mandate holders enquired why Ms. Ekneligoda had been requested by the OMP to disclose her private correspondence with the WGEID and how this request was compatible with her rights to privacy and safety as well as unhindered access to and communication with the United Nations. They expressed concern that such a request could discourage other victims and relatives from engaging with the United Nations and lead to self-censorship. The case of Mr. Ekneligoda with the WGEID remains pending ([SLK 5/2021](#)).

144. On 25 January 2022, the Government replied¹⁸⁵ to mandate holders providing information about the court case of the disappearance of Ms. Ekneligoda's husband. It informed that in December 2019 Ms. Ekneligoda had lodged a complaint with the OMP on the disappearance of her husband and the verification that followed deemed that there was not enough information to draw a conclusion. According to the Government, the OMP letter to Ms. Ekneligoda only invited her to share voluntarily any documents she may have shared with other bodies, such as the WGEID, and at no point she was intimidated or coerced into sharing information. The Government further held that the objective of the request was to obtain more information with a view to investigate the complaint.

25. Thailand

145. The alleged enforced disappearance of **Mr. Od Sayavong** was included in the 2021 and 2020 reports of the Secretary-General.¹⁸⁶ Mr. Sayavong, a Lao refugee recognized by UNHCR living in Bangkok and a former member of "Free Lao", a group of Lao migrant workers and human rights defenders in Thailand, had engaged with the Special Rapporteur on extreme poverty and human rights prior to his visit in March 2019 ([THA 8/2019](#); [LAO 2/2019](#)). Mandate-holders addressed the lack of progress in the search and investigation on this and other cases ([THA 8/2020](#); [LAO 4/2020](#)). According to information received by OHCHR, during the reporting period, relatives of Mr. Sayavong's were informed that the investigation on his disappearance was closed citing no new evidence. They were advised that the case file could be re-opened once the family brings new evidence to the police attention.

146. On 11 July 2022, the Government responded providing information about the investigation into the allegation of the disappearance of Mr. Od Sayavong. It concluded that all existing evidence and facts indicate neither the death nor whereabouts of Mr. Sayavong, and that should there be new evidence or information the investigation could be resumed.

26. Turkmenistan

147. The case of **Mr. Nurgeldi Halykov**, an independent journalist, was included in the 2021 report of the Secretary-General¹⁸⁷ on allegations of judicial harassment and a four-years prison sentence on fraud charges shortly after he had shared of information on social media about the visit a World Health Organization (WHO) delegation to Turkmenistan in July 2020 to study the COVID-19 pandemic situation ([TKM 1/2021](#)). Mandate holders expressed concern that the reason for Mr. Halykov's imprisonment was his dissemination of information about the WHO visit. Highlighting a tightly controlled media environment and the extensive surveillance system reportedly in place, mandate holders noted common under-

¹⁸⁴ [A/HRC/40/60/Add.1](#), para. 414.

¹⁸⁵ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36775>.

¹⁸⁶ [A/HRC/45/36](#), Annex I, paras. 68–69 and [A/HRC/48/28](#), Annex II, paras. 128–130.

¹⁸⁷ [A/HRC/48/28](#), Annex I, paras. 107–109.

reporting and self-censorship due to the high level of risks and a widespread environment of fear (TKM 1/2021). The Government responded,¹⁸⁸ stating that the allegations were groundless and informing that Mr. Halykov was sentenced based on fraudulent activity.

148. According to information received by OHCHR, Mr. Halykov continues to serve his sentence in the eastern Lebab region and has not been able to receive family visits or phone calls during the reporting period. Allegedly, when his case is publicly reported, Mr. Halykov is at increased risk of further reprisals; he is reportedly placed in solitary confinement between three to five days and is not allowed to move in the colony with other inmates.

27. United Arab Emirates

149. The case of **Mr. Ahmed Mansoor**, advisor to the Gulf Centre for Human Rights and Human Rights Watch's Middle East and North Africa Division, was included in the 2014, 2017, 2018, 2019, 2021 and 2021 reports of the Secretary-General.¹⁸⁹ Mr. Mansoor is alleged to have suffered intimidation and reprisals for his collaboration with UN human rights mechanisms. In 2011, his detention was deemed arbitrary by the Working Group on Arbitrary Detention (A/HRC/WGAD/2011/64). In January 2021, special procedure mandate holders raised concerns about the continued imprisonment and alleged ill treatment of Mr. Mansoor, and his placement in solitary confinement since 2018 (ARE 1/2021),¹⁹⁰ to which the Government responded.¹⁹¹ According to information received by OHCHR, Mr. Mansoor's detention conditions worsened further after the publication in a London-based media outlet in July 2021 of a letter he had written from prison in October 2020 describing the human rights violations he allegedly was subjected to. Reportedly, following the publication of the letter, Mr. Mansoor was moved into a smaller and more isolated cell, his reading glasses were removed, access to medical care was denied, and he remained in solitary confinement.

28. Venezuela (Bolivarian Republic of)

150. The case of the NGO Azul Positivo and its five members, Messrs. Johan Manuel León Reyes, Yordy Tobias Bermúdez Gutierrez, Layners Christian Gutierrez Díaz, Alejandro Gómez Di Maggio, and Luis Ramón Ferrebuz Canbrera, was included in the 2021 report of the Secretary-General regarding the detention and criminal charges allegedly in connection to their work as UN implementing partners (VEN 1/2021). The Government responded and rejected the allegations made by several mandate holders, specifying that the accused persons were in detention for the commission of financial crimes and that fair trial and due process rights were upheld during the proceedings.¹⁹² Azul Positivo provided humanitarian aid to communities in Zulia, in particular people living with HIV/AIDS. In its 2021 report, OHCHR cited the connection of the case of Azul Positivo with the implementation of cash transfer programmes as part of the United Nations humanitarian response plan, and noted that those events generated a climate of fear and led to the suspension of humanitarian assistance programmes.¹⁹³ According to information received, as of 30 April 2022, the criminal proceedings against the five members of Azul Positivo are still ongoing.

¹⁸⁸ A/HRC/48/28, Annex I, para. 110; and

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36065>.

¹⁸⁹ A/HRC/27/38, para. 38; A/HRC/36/31, para. 60 and Annex I, paras. 86–87; A/HRC/39/41, Annex II, para. 55; A/HRC/42/30, para. 79 and Annex II, paras. 103–104; A/HRC/45/36, Annex II, paras. 126–127; A/HRC/48/28, Annex II, paras. 133–135.

¹⁹⁰ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25866>; <https://www.ohchr.org/en/press-releases/2021/02/uae-release-human-rights-defenders-serving-long-term-prison-sentences-urges>.

¹⁹¹ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36081>.

¹⁹² <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35987>.

¹⁹³ A/HRC/47/55, para. 71.

151. The case of judge **Ms. Lourdes Afiuni** was included in the 2019, 2020 and 2021 reports of the Secretary-General,¹⁹⁴ as well as in previous reports since 2010,¹⁹⁵ on allegations of arbitrary detention and ill-treatment following a decision passed in her capacity as judge on the basis of a Working Group on Arbitrary Detention opinion (No. 10/2009). Her detention was deemed arbitrary by the Working Group on Arbitrary Detention in September 2010. According to Special Procedures mandate holders, Ms. Afiuni's punishment represents an emblematic case that has resulted in generalized fear among the country's judges to issue rulings against the Government (**VEN 11/2020**). The Government responded with details about past and ongoing legal proceedings and stated that due process had been guaranteed throughout.¹⁹⁶

152. On 16 September 2021, the International Fact-Finding Mission on Venezuela stated that the arrest and prosecution of Judge Afiuni had resulted in a climate of fear amongst judges and prosecutors, and that many declined to speak to the Mission out of fear of reprisals.¹⁹⁷ In November 2020, the Criminal Cassation Chamber of the Supreme Court resolved to dismiss Ms. Afiuni's appeal and confirmed her five-year imprisonment sentence issued on 21 March 2019. According to information received by OHCHR, on 17 March 2022, the Third Enforcement Court of Caracas denied Judge Afiuni's request to leave the country to attend a medical appointment abroad. The court reportedly indicated that she had not taken the psychosocial examinations to opt for an alternative sentence. On 11 April 2022, Judge Afiuni submitted to the examinations and interviews before the Penitentiary Ministry, and she is awaiting the results. OHCHR is monitoring the case and in contact with relevant authorities.

153. The case of **Mr. Fernando Albán**, a political opposition figure of the Primero Justicia party, was included in the 2019, 2020, and 2021 reports of the Secretary-General¹⁹⁸ following his detention and death in custody in August 2018, after returning from New York where he met with different actors on the margins of the General Assembly.

154. The 2021 report of the International Fact-Finding Mission on Venezuela included the case of Mr. Alban, noting that in May 2021 the Chief Prosecutor reported progress in what he called emblematic cases, including that of Mr. Alban, after having received questions from the Office of the Prosecutor of the International Criminal Court (**A/HRC/48/69**, para. 102). In this and two other cases, the Mission observed that the scope of investigations was either limited to less serious crimes or only the lowest-level perpetrators face criminal prosecution, or both. According to information received by OHCHR, on 3 December 2021, two agents from the Bolivarian National Intelligence Service (SEBIN) pleaded guilty and were sentenced to 5 years and 10 months for manslaughter, breach of custodial regulations, criminal association, and aggravated aiding and abetting of escape in relation to the death of Mr. Albán. On 18 March 2022, during its oral update to the Human Rights Council,¹⁹⁹ the International Fact-Finding Mission on Venezuela reported that in February 2022, the Tenth Chamber of the Criminal Court of Appeals of Caracas reduced the sentence imposed to the SEBIN's agents to 2 years and 8 months. The officers were reportedly released.

155. According to information received by OHCHR, during the reporting period several NGOs and their staff included in previous reports have continued to be exposed to on-line attacks and stigmatization from Government-affiliated online portals in connection with or following their cooperation with the UN. The NGOs concerned are **Provea**, the **Observatorio Venezolano de Conflictividad Social (OVCS)** and **Foro Penal**.²⁰⁰ These

¹⁹⁴ **A/HRC/42/30**, para. 82 and Annex II, para. 109 and 146; **A/HRC/45/36**, Annex II, paras. 139–140; **A/HRC/48/28**, Annex II, paras. 142–43.

¹⁹⁵ **A/HRC/33/19**, para. 45; **A/HRC/30/29**, para. 7; **A/HRC/27/38**, para. 46; **A/HRC/14/19**, paras. 45–47.

¹⁹⁶ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36139>.

¹⁹⁷ "Venezuelan justice system plays a significant role in the State's repression of government opponents", 16 September 2021, at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27479&LangID=E>.

¹⁹⁸ **A/HRC/42/30**, Annex I, paras. 116–117; **A/HRC/45/36**, Annex II, para. 141; **A/HRC/48/28**, Annex II, paras. 114–116.

¹⁹⁹ <https://media.un.org/en/asset/k1c/k1c4g4dvw1> (time stamp 03:45–04:15).

²⁰⁰ **A/HRC/39/41**, Annex I, para. 119; **A/HRC/45/36**, para. 121 and Annex II, paras. 137–138; **A/HRC/48/28**, para. 124 and Annex I, paras. 115–116.

NGOs have been portrayed as conspiring against the country, encouraging an agenda of aggression against the country, and of publishing false accusations.

29. Viet Nam

156. The case of **Mr. Nguyen Tuong Thuy**, vice chairperson of the Independent Journalist Association of Vietnam (IJAVN) and a human rights defender, was included in the 2021 report of the Secretary-General²⁰¹ on allegations of police action to prevent him from meeting with UN representatives in 2018 (VNM 3/2020).²⁰² The incident was not publicly reported at the time for fear of further retribution. In January 2021, Mr. Nguyen Tuong Thuy was sentenced to 11 years in prison and three years on probation. According to information received by OHCHR, on 12 March 2022, Mr. Nguyen Tuong received a visit by his wife. Concerns about his physical and mental health conditions persist.

30. Yemen

157. The case of **Mr. Abdulmajeed Sabrah**, a lawyer representing journalists and human rights defenders in the northern areas of Yemen under the control of the Houthi forces, was included in the 2021 report of the Secretary-General²⁰³ on allegations of intimidation, including on social media, and surveillance for sharing information with the United Nations. According to information received by OHCHR, in January 2022, Mr. Sabrah remained unable to defend his clients effectively because of the surveillance of his activities. Reportedly, petitions on behalf of his clients were regularly ignored or rejected, and he was subjected to intimidation and threats for alleged treason, receipt of funds, affiliation with international organizations, and for sharing information about his clients' cases in meetings with United Nations officials.

158. The case of the **Mwatana Organization for Human Rights**, a Sana'a-based civil society organization, and members of its staff, was included in the 2019 and 2021 reports of the Secretary-General²⁰⁴ on allegations of detention and prevention of travel following engagement with the United Nations Security Council and United Nations human rights mechanisms (SAU 8/2018; YEM 4/2018). On 25 January 2022, the head of Mwatana, **Ms. Radhya al-Mutawakel**, briefed the Security Council on the situation in Yemen in an open debate on protection of civilians in urban settings.²⁰⁵ Following her participation, she was subjected to a smear campaign and threats on social media, including allegations of being an agent of international organizations and siding with the de facto authorities. In addition, according to information received by OHCHR, fourteen incidents against Mwatana's field researchers and lawyers were documented during the reporting period where all parties to the conflict used threats, intimidation, surveillance, arbitrary detention, and physical attacks against staff in different geographical areas, including in Sana'a, Taiz, Hadhramout, Marib, Hudaydah, Dhamar, Aden, Amran and Ibb.

159. The case of **Mr. Akram al-Shawafi** and his co-workers at **Watch for Human Rights**, documenting and reporting violations in the Ta'izz's Governorate, was included in the 2020 and 2021 reports of the Secretary-General²⁰⁶ in relation to threats and attacks for the organization's engagement with the Group of Experts and the Security Council Sanctions Committee Panel of Experts on Yemen. It was reported to OHCHR that during the reporting period, Watch for Human Rights and Mr. Akram al-Shawafi continued to document serious crimes and human rights violations on the Yemeni-Saudi border, including sexual abuse and child trafficking, and to report them to the United Nations. In January 2022, following the killing of a key witness in December 2021 and contact with the United Nations Panel of Experts, Mr. Akram al-Shawafi received an anonymous call urging him to stop documenting

²⁰¹ A/HRC/48/28, Annex II, paras. 124–125.

²⁰² <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35828>.

²⁰³ A/HRC/48/28, Annex I, para. 133.

²⁰⁴ A/HRC/42/30, para. 74, 85, Annex I, para. 94, 124 and A/HRC/48/28, Annex II, paras. 160–161.

²⁰⁵ <https://media.un.org/en/asset/k19/k19ame0jq8> (time stamp 20:15–27:45).

²⁰⁶ A/HRC/45/36, para. 127, Annex I, paras. 157–158 and A/HRC/48/28, Annex II, paras. 155–159.

human rights violations and leave the region as soon as possible. In February 2022, while Mr. Al-Shawafi was driving with his family, their car was blocked by a group of gunmen near his area of residence. The attackers allegedly threatened him and said they were watching every movement and that of his family members. Mr. Akram al-Shawafi has reportedly filed reports with the police for both incidents but has thus far been unable to get a copy of the registration of his complaint filed.

31. State of Palestine

160. The case of several Palestinian and international women's organizations and activists was included in the 2020 and 2021 reports of the Secretary General²⁰⁷ concerning allegations of smearing, intimidation and threats against them for their support for the Convention on the Elimination of Discrimination against Women (CEDAW), and their actual or perceived engagement with the United Nations Committee on the Elimination of Discrimination against Women, including for calling for the expedited review and adoption of the draft Family Protection Law with the Committee. (CEDAW/C/PSE/CO/1, para. 15c).

161. OHCHR has documented that such acts of intimidation and reprisals by non-state actors, including individuals and religious and conservative groups, continued during the reporting period against one of the women who was threatened in June 2020, and other women human rights defenders. In March 2022, posts on social media on a Facebook page entitled "Mass movement against CEDAW" mentioned that the woman "should be afraid" and reportedly labelled these women human rights defenders as "collaborators with the enemy and feminists that must be stopped." Names and further details are withheld due to fear of further intimidation and reprisals. On 31 March 2022, the woman human rights defender concerned allegedly submitted a complaint to the Palestinian Attorney General. As of 30 of April 2022, the woman human rights defender had not been informed of any investigative or other steps taken regarding her complaint.

162. OHCHR continued to receive information that some detainees in the custody of Palestinian authorities who had been interviewed by OHCHR staff subsequently faced threats and ill-treatment or torture. In the West Bank, several detainees refused to speak to human rights professionals stating they feared reprisals. In Gaza, arrested individuals alleged ill-treatment or torture further to cooperation with the United Nations.²⁰⁸ Following a visit by OHCHR one detainee later reported that he had been questioned by detention officers about his communication with OHCHR and subjected to repeated stress positions while handcuffed and blindfolded, as well as beatings on his feet with batons. OHCHR has raised these concerns with the relevant authorities. Names and further details are withheld due to fear of further reprisals.

²⁰⁷ A/HRC/45/36, para. 128, Annex 1 paras. 159–61 and A/HRC/48/28 paras. 162–165.

²⁰⁸ UN High Commissioner for Human Rights report in February 2022, A/HRC/49/83, para. 53.