



General Assembly

Distr.: General
31 July 2013

Original: English

Human Rights Council

Twenty-fourth session

Agenda items 2 and 5

**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Human rights bodies and mechanisms

Cooperation with the United Nations, its representatives and mechanisms in the field of human rights

Report of the Secretary-General

Summary

The present report is submitted pursuant to Human Rights Council resolution 12/2, in which the Council invited the Secretary-General to submit a report to the Council at its fourteenth session, and annually thereafter, in accordance with its programme of work, containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals against the persons referred to in paragraph 1 of the resolution, as well as recommendations on how to address the issues of intimidation and reprisals.

The report contains information gathered from 16 June 2012 to 15 June 2013 and highlights relevant developments relating to the issue of reprisals and intimidation. It refers to a number of cases in which persons have been reportedly intimidated or suffered reprisals for cooperating with the United Nations, its representatives and mechanisms in the field of human rights. Follow-up information regarding cases mentioned in previous reports, and concluding remarks and recommendations, are also included.

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I. Introduction

1. In its resolution 12/2, the Human Rights Council reiterated its concern at continued reports of intimidation and reprisals against individuals and groups who seek to cooperate, or have cooperated, with the United Nations, its representatives and mechanisms in the field of human rights. The Council condemned all acts of intimidation and reprisal by Governments and non-State actors against these individuals and groups. It also expressed deep concern at the seriousness of reported reprisals and the fact that victims suffer violations of their human rights, including the rights to life, to liberty and security of person, as well as the right to freedom from torture and cruel, inhuman or degrading treatment.

2. In resolution 12/2, the Human Rights Council invited the Secretary-General to submit an annual report to the Council on alleged reprisals for cooperation with the United Nations, its representatives and mechanisms in the field of human rights.

3. In my statement at the opening of the twenty-first session of the Human Rights Council, I defined reprisals as one of the challenges faced by the Council and the United Nations as a whole. I also stressed that the cases of reprisals included in my reports were only the “tip of the iceberg”, given that far too many people are fearful of reporting reprisals aimed at silencing them. I further recalled that States had the responsibility to respect human rights and to protect those who advocate for fundamental rights; when they failed to do so, the United Nations had to stand up and speak out.

4. Pursuant to Human Rights Council decision 18/118, the Council convened a panel discussion on the issue of intimidation or reprisal against individuals and groups who cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights on 13 September 2012. The panel highlighted a number of possible measures to strengthen the response to reprisals, such as observation of trials involving human rights defenders; networking with non-governmental organizations; establishing a central registry of cases of reprisals to ensure proper follow-up; guaranteeing freedom of expression and the criminalization of exacerbating circumstances where human rights defenders were the subject of criminal activity; strengthening judicial efforts, combined with concrete steps to assist victims; nominating focal points at the national level who could act as interlocutors in cases of alleged reprisals; establishing national witness protection programmes; attributing a special role in the protection of individuals subjected to threats and harassment to national human rights institutions; and improving coordination between various actors, particularly with regional organizations and bodies.¹

5. In their work, United Nations human rights mechanisms and the Office of the United Nations High Commissioner for Human Rights (OHCHR) rely, to a large extent, on information from civil society actors operating on the ground. On many occasions, the High Commissioner and the Deputy High Commissioner have strongly condemned acts of reprisal and called for the protection of human rights defenders. In her statement made during the panel discussion on 13 September 2012, the High Commissioner underlined the fact that the cooperation of individuals and groups with the United Nations in the field of human rights in a free and safe manner was a key factor in ensuring an efficient approach to the promotion and protection of human rights, and regretted that responses by States had been insufficient.

¹ See A/HRC/22/34.

6. The role of the President of the Human Rights Council is described as ensuring that the Council proceeds with the appropriate level of dignity and respect in its work to promote and protect human rights, which implies that Members of the Council and all observers, including non-governmental organizations, must be able to contribute freely to the Council's work. When incidents of harassment of civil society representatives are raised, the President reacts, including through public statements, meetings and exchanges of letters, with the delegations of the States concerned. Such actions are consistent with the outcome of the review of the Council² and necessary to preserve its credibility. At the above-mentioned panel discussion, the former President expressed her satisfaction at the fact that the Council had reacted to unacceptable acts of reprisal or intimidation. In the view of the President, the Council should remain a place where all voices, even dissenting ones, may be heard, and it is the Council's responsibility to ensure that all individuals participating in its meetings and cooperating with it are safe from intimidation and reprisals.³ At the end of the twenty-third session, the President emphasized that, as stressed by many delegations, any acts of intimidation or reprisal against individuals and groups who cooperate or have cooperated with the United Nations and its representatives were unacceptable and must end. Referring to the outcome of the review of the Council in 2011, he urged States to prevent and ensure adequate protection against such acts.

7. Special procedures have raised reprisals-related issues in many of their reports submitted to, and during interactive dialogues with, the Human Rights Council. During the above-mentioned panel discussion, the Chairman of the Coordination Committee of Special Procedures described some measures developed by special procedures, individually and jointly, to address reprisals. He suggested that any reprisal against a witness cooperating with a mandate holder should be treated as an attempt to undermine the mandate itself, and consequently called for a rapid and systematic response from States Members of the Council. The Chairman also stated that the Chairperson of the Coordination Committee should be able to intervene immediately and publicly in cases of intimidation or reprisal brought to his or her attention by a mandate holder. He also called for more systematic follow-up on cases raised in the communications and reports of special procedures.

8. With regard to action by human rights treaty bodies, in November 2012, the Committee against Torture designated two rapporteurs on reprisals. The Subcommittee on the Prevention of Torture continues to pay attention to the question of reprisals, in particular in the context of its field visits, and the prohibition of reprisals is systematically raised by the Subcommittee with relevant authorities (prior to and during visits, and as a follow-up to visits). At its sixteenth session, in February 2012, the Subcommittee decided to establish an ad hoc working group on the issue of reprisals, which is currently drafting a policy paper on the issue that will be published shortly. During the above-mentioned panel discussion, the Chairperson of the Committee against Torture emphasized the importance of preventing reprisals and of creating an environment in which everybody was able to enjoy and uphold human rights.

9. During the general debate under agenda item 5 ("Human rights bodies and mechanisms") at the twenty-second session of the Human Rights Council, a group of 56 States, led by Hungary, issued a statement expressing appreciation for the strong stance against reprisals taken by the Secretary-General, the High Commissioner, successive Presidents of the Council and by human rights mechanisms. In the statement, the States highlighted the recommendations made during the above-mentioned panel discussion, and

² See General Assembly resolution 65/281, annex.

³ *Ibid.*, paras 11-12.

stressed that the summary of the discussion should be considered a road map to guide further action on this issue. They also emphasized that more coordination was needed among United Nations bodies and mechanisms in reacting to reprisals, which should also be addressed systematically in the framework of the universal periodic review, the treaty bodies and the special procedures.

10. The Executive Director of the East and Horn of Africa Human Rights Defenders Project, Shire Sheikh Ahmed, stressed during the above-mentioned panel discussion that since States do not always live up to their responsibility to ensure the safety of those who cooperate with the United Nations, practical responses to assist victims had been developed by civil society, drawing largely on the work of existing organizations and networks that support human rights defenders who face threats as a result of their work. These include the temporary evacuation and relocation of persons at risk, trial observation, the provision of legal assistance, the implementation of practical security measures, and public and private advocacy to raise awareness of violations or to seek solutions through private dialogue. In this context, he pointed to the contribution of networks in responding to and preventing reprisals.⁴ Civil society has an equally important role to play in ensuring that cases of intimidation and reprisals are brought to the attention of the relevant mechanisms. In this context, a new tool has been developed by the International Service for Human Rights to provide guidance to civil society organizations on possible responses to alleged reprisals.⁵

11. Given that non-governmental organizations with consultative status with the Economic and Social Council have privileged access to the Human Rights Council and other United Nations mechanisms, it is critical that the Committee on Non-Governmental Organizations apply the criteria for assessing the said organizations in a transparent and fair manner, and process applications in a timely fashion. At its 2013 resumed session, held from 20 to 29 May and on 7 June 2013, the Committee had before it 426 applications for consultative status, including applications deferred from previous sessions. Of the organizations submitting applications, the Committee recommended 161 for consultative status, deferred 219 for further consideration at its regular session in 2014, closed consideration without prejudice of 45 applications that had failed to respond to queries over two consecutive sessions, and took note of one organization withdrawing its application.⁶ Several stakeholders have raised concerns about the regularly large number of deferrals and the widely perceived lack of transparency in making decisions about conferring consultative status.

12. I have observed a disturbing trend apparently directed at reducing the space for civil society. This can be seen in restrictive legislative amendments to laws on freedom of association and in constraints in an increasing number of national laws and procedures that render the receipt of funds from abroad more complicated or impossible. Over the past two years, the United Nations Voluntary Fund for Victims of Torture and the United Nations Voluntary Fund on Contemporary Forms of Slavery have experienced increasing problems in disbursing grants to non-governmental organizations through which they channel direct assistance to victims, in accordance with the mandate entrusted to them by the General Assembly. In at least three countries, regulations apparently in place make it difficult for banks to receive money transfers from abroad, and additional measures have had to be taken by the funds to ensure that payments reached their grantees. In addition, I note with concern that, in several instances, those receiving funds from abroad are subjected to

⁴ A/HRC/22/34, para. 31.

⁵ See International Service for Human Rights, *Reprisals Handbook*, 2013. Available from www.files.ishr.ch/public/isshr_handbook_web.pdf.

⁶ See E/2013/32 (Part II); see also A/HRC/22/34, para. 16.

increased scrutiny, sometimes amounting to harassment, by State authorities. In some cases, the fact that civil society organizations cannot receive funds from abroad effectively prevents them from participating in sessions of treaty bodies or of the universal periodic review.

13. In the above connection, Human Rights Council resolution 22/6 on the protection of human rights defenders, co-sponsored by more than 70 States, must be highlighted. In that resolution, the Council unequivocally reaffirmed the right of everyone, individual 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. In resolution 22/6, the Council called upon States to refrain from any act of intimidation or reprisal against those who cooperate or seek to cooperate with international institutions, including the United Nations, in the field of human rights.

14. The United Nations has also received a number of allegations of acts of intimidation and reprisal as a result of cooperation with regional organizations. While Human Rights Council resolution 12/2 does not explicitly cover cooperation with regional organizations, this is of deep concern. I call upon relevant actors to ensure a consistent approach by all regional and international human rights mechanisms vis-à-vis these grave violations of international human rights norms.

II. Information received on cases of reprisal for cooperation with the United Nations, its representatives and mechanisms in the field of human rights

A. Methodological framework

15. In accordance with Human Rights Council resolution 12/2, the present report contains information regarding acts of intimidation or reprisal against those who:

- Seek to cooperate, or have cooperated with, the United Nations, its representatives and mechanisms in the field of human rights, or who have provided testimony or information to them
- Avail or have availed themselves of procedures established under the auspices of the United Nations for the protection of human rights and fundamental freedoms, and all those who have provided legal or other assistance to them for this purpose
- Submit or have submitted communications under procedures established by human rights instruments, and all those who have provided legal or other assistance to them for this purpose
- Are relatives of victims of human rights violations or of those who have provided legal or other assistance to victims

16. The present report covers the period from 16 June 2012 to 15 June 2013. The information received was cross-checked, whenever possible, with primary sources; otherwise, allegations were assessed for reliability and consistency and corroborated through multiple sources. In cases where victims of reprisals or their representatives have been in contact with the United Nations, including its mechanisms, in the field of human rights, reference is made to relevant follow-up action, including relevant correspondence.

17. It was not possible to include certain cases in the present report, particularly when the risk that public reporting would have entailed for the concerned victims of reprisal was assessed as being too high; the acts of intimidation or reprisal against individuals or groups

who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights that have been included in the present report represent therefore only a small sample of the cases that are likely to have occurred.

18. During the period under review, information was received about acts of intimidation or reprisal following cooperation with OHCHR, the Human Rights Council, special procedures, human rights treaty bodies, the universal periodic review mechanism, the United Nations Commission on the Status of Women and United Nations peace missions.

B. Summary of cases

1. Bahrain

19. In a communication sent on 18 October 2012,⁷ the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the promotion and protection of the right to freedom of expression and opinion and the Special Rapporteur on the rights to freedom of peaceful assembly and association raised allegations that, following the twenty-first session of the Human Rights Council, the newspaper *Al-Watan* published, on 25 September 2012, the names and photographs of participants in the universal periodic review of Bahrain, including Mohammed Al-Maskati, Maryam Al-Khawaja, Dr. Nada Dhaif, Dr. Mondher Alkhour, Jalila Al-Salman and Said Yousif, who were accused of “discrediting Bahrain in Geneva”.

20. In addition, on 16 October 2012, Mr. Al-Maskati was reportedly summoned to Al-Hooraa Police Station for interrogation, detained overnight and charged the next day with “rioting and participating in an illegal assembly”.⁸ In response, the Government affirmed that Mr. Al-Maskati had been summonsed to appear on 16 October 2012 for questioning about charges of riotous assembly and participation in an unlicensed march, under article 178 of the Bahraini Criminal Code. While in the police station, he was not under arrest or in detention, but stayed for the time necessary for his statement to be taken and for him to complete evidence procedures and the preliminary report for his appearance before the public prosecutor.⁹

2. Colombia

21. The allegations received indicated that Carlos Yamil Paez Diaz, a land restitution leader who worked for the organization Tierra y Vida y Forjando Futuros, on 4 July 2012, was threatened by the “Anti-restitution Army” in a pamphlet against human rights defenders active in his area of work. On 6 July 2012, the OHCHR Colombia office issued a press release on that threat;¹⁰ one week later, Mr. Paez received a handwritten death threat against himself and his family. Since then, he has benefited from a protection scheme comprising an armoured car and two bodyguards, with an additional bodyguard being added after the threat. While initially these measures were applied only during the day, following an intervention by OHCHR Colombia, the National Protection Unit under the Ministry of the Interior agreed that one of the escorts would provide night shift coverage.

⁷ A/HRC/22/67, p. 125.

⁸ See also A/HRC/18/19, paras. 15-24 and A/HRC/21/18, paras. 18-21 and 51-54.

⁹ A/HRC/22/67, p. 140.

¹⁰ See OHCHR Colombia press release of 6 July 2012.

3. Democratic Republic of the Congo

22. On 28 August 2012, Pierre-Sosthène Kambidi, Chief Editor at Radio-Télé Chrétienne in Kananga, Kasai occidental province, was arrested by agents of the National Intelligence Agency, two policemen and four civilians following an order of the 4th Military Region Commander. Mr. Kambidi was not informed about the charges against him, but was eventually charged for “troop demoralization” and “participation in an insurrectional movement” under article 206 of the Penal Code in relation to a broadcast he had made on a “deserter”. In the night of 29 August 2012, he was reportedly severely beaten up with a truncheon. The following day, Mr. Kambidi was transferred to the National Intelligence Agency in Kinshasa.

23. During a visit by the Joint Human Rights Office of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo on 26 September 2012, Mr. Kambidi denounced the acts of ill-treatment to the OHCHR team, and was later reportedly subjected again to ill-treatment. Mr. Kambide remained in detention with the National Intelligence Agency in Kinshasha until 15 December 2012, when he was released.¹¹

4. Iran (Islamic Republic of)

24. Allegations of reprisals against individuals who contacted the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran were received during the period under review. In one such case, Mohammad Nour-Zehi, Abdolwahab Ansari and Massoum Ali Zehi, all nationals of Afghanistan, were reportedly subjected to torture and threats of execution by hanging for allegedly submitting a list of executed Afghans to the Special Rapporteur. The incident allegedly occurred in mid-November 2012 in Ghezar Hessar Prison, where officials of the Ministry of Intelligence interrogated the accused for hours, using also torture and threats of execution.¹²

25. In addition, Ahmad Tamouee, Yousef Kakeh Meimi, Jahangir Badouzadeh, Ali Ahmad Soleiman and Mostafa Ali Ahmad, members of the Kurdish community currently held in Orumiyeh Prison, were charged with “contacting the office of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran”, “reporting prison news to human rights organizations”, “propaganda against the system inside prison” and “contacting Nawroz TV”. On 11 October 2012, the five prisoners were reportedly transferred to a Ministry of Intelligence detention centre, where they were interrogated and kept in solitary confinement for two months. During their interrogation, they were allegedly severely tortured, threatened and denied contact with their families and lawyers. On 11 December 2012, they were individually transferred to Branch One of the Orumiyeh Revolutionary Court, where Mr. Tamouee was tried on charges of “contacting the office of the Special Rapporteur” and “reporting prison news to human rights organizations and media abroad”. The other four were questioned and informed that they would face charges of “propaganda against the regime in favour of PJAK Party inside Orumiyeh Prison” and contact with [the Kurdish language television station] Nawroz TV”.¹³

5. Maldives

26. At its one-hundred-and-fifth session, in July 2012, the Human Rights Committee was informed of threats made to members of non-governmental organizations who had provided reports to the Committee on the situation of human rights in Maldives. In

¹¹ The case was raised with the Government several times, including in letters sent to the National Intelligence Agency by the Joint Human Rights Office on 16 November 2012 and 18 January 2013.

¹² A/HRC/22/56, para. 5.

¹³ A/HRC/22/56, para. 6

response, the Committee stated that some civil society representatives had expressed concern about threats, including death threats, made against colleagues who had submitted reports to the Committee.¹⁴ While the Committee did not impute any such action to the current Government, it stated that it would be very grateful if the Government could reaffirm its determination to protect civil society. The State party responded that such reports were a matter of grave concern and that the law enforcement authorities would undertake a full investigation of any threats to representatives of civil society. The Government would offer protection to all citizens, regardless of their political beliefs; it also pointed out that, in recent months, for example, it had provided close personal protection, including bodyguards, to members of the opposition.¹⁵

6. Morocco

27. On 20 September 2012, during an official visit to Morocco, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment interviewed Ali Aarrass in Salé I Prison, in Rabat. The forensic doctor accompanying the Special Rapporteur examined marks on Mr. Aarrass's body and observed that, although he was unable to identify them unequivocally as signs of torture, they were clearly compatible with the allegations of ill-treatment made by Mr. Aarrass. According to information submitted to the Special Rapporteur, following that meeting, Mr. Aarrass was transferred to Salé II Prison, where a prison guard reportedly harassed him to make him relate the details of his discussions with the Special Rapporteur. On 21 September 2012, Mr. Aarrass allegedly filed a complaint against the said prison guard with the prison authorities. On the following day, the prison authorities reportedly threatened and pressured Mr. Aarrass to withdraw his complaint, which he eventually did. The harassment and threats, including of rape and making his life in prison impossible, however, reportedly continued.¹⁶

7. Philippines

28. Secretary-General of Panalidan! Mindanao, a network of environmental and land rights defenders and Benedictine nun based in Mati, Davao Oriental, in Mindanao, Stella Matutina is involved in grass-roots education and advocacy, and lobbying efforts to defend indigenous communities from commercial logging and large-scale mining projects. Panalidan! also supports environmental rights defenders who receive death threats and are victims of acts of harassment because of their human rights activities. It is alleged that Ms. Matutina has been subjected to several incidents of threat and harassment and that, since she was a member of the Philippine UPR Watch delegation to discuss the human rights situation in Mindanao in the context of a side event during the nineteenth session of the Human Rights Council, members of the Armed Forces of the Philippines accuse Ms. Matutina of being a member of the New People's Army, the armed wing of the communist party.¹⁷

8. Russian Federation

29. Several United Nations human rights experts have raised concerns about the law on non-governmental organizations adopted in November 2012, under which all foreign-funded non-commercial organizations may be branded as "foreign agents" if they are considered to have engaged in "political activities". They also referred to the use of the term "foreign agents", which can lead to increased stigmatization and vulnerability to acts

¹⁴ CCPR/C/MDV/CO/1, para. 26.

¹⁵ CCPR/C/SR.2902, para.41.

¹⁶ A/HRC/23/51, p. 11.

¹⁷ See A/HRC/23/51, p. 34.communication of 28 December 2012

of violence against those targeted.¹⁸ No government response had been received as at the end of the period under review. Similar concerns were raised by a number of States during the recent universal periodic review of the Russian Federation.¹⁹

30. Similarly, in November 2012, the Committee against Torture expressed its concern about individuals, groups, human rights defenders and journalists subjected to intimidation, harassment and all types of violence related to their activities, including for communicating with or giving information to the Committee or other United Nations human rights bodies. The Committee recommended that the State party should amend the law in question, that no individual or group should be subjected to prosecution for communicating with or for providing information to United Nations human rights mechanisms, and that all allegations of intimidation, threat, attack and killing of human rights defenders be investigated promptly, thoroughly and impartially.²⁰

31. The Committee against Torture addressed two allegations letters and made a public statement, referring to allegations that two non-governmental organizations – the Anti-Discrimination Centre Memorial in Saint Petersburg and the Public Verdict Foundation in Moscow – that provided information to the Committee in December 2012 during consideration of the fifth periodic report of the Russian Federation to the Committee had since faced reprisals. The organizations were charged by the public prosecutor with violating legislation under which non-profit organizations involved in political activity must register as “foreign agents” if they receive money from abroad. The Committee recalled that reprisals contravene article 13 of the Convention.²¹

9. Saudi Arabia

32. According to information received, on 9 March 2013, the Riyadh Specialized Criminal Court sentenced Abdullah Al Hamid, co-founder of the Saudi Association for Civil and Political Rights, which campaigns against arbitrary detention, to six years of imprisonment for, inter alia, having provided false information to external sources, including human rights mechanisms of the United Nations. Mr. Al Hamid is now serving a term of 11 years in prison, following the partial reinstatement by the court of a seven-year sentence handed down in 2005 for an offence for which Mr Al Hamid had later been pardoned by the King, with a subsequent travel ban. At the same time, the court ordered the dissolution of the Association, the confiscation of its property and the closure of its social media accounts on the grounds that it had failed to obtain an official licence to operate.²²

10. Syrian Arab Republic

33. According to information received, Mazen Darwish, Director of the Syrian Centre for Media and Freedom of Expression, based in Damascus, and Hussayn Gharir, Hani Zitani, Abdelrahman Alhamade and Mansour Al-Omari, all arrested on 16 February 2012 during a raid on the Centre, reportedly spent more than nine months in incommunicado detention at the Air Force Intelligence detention centre at Al Mazza military airport, from their arrest until 30 November 2012, when they were transferred to Damascus Central

¹⁸ See “Russia: increasingly hostile environment for NGOs and rights defenders is unacceptable”, OHCHR press release, 14 May 2013, available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13323&LangID=E.

¹⁹ See A/HRC/24/14.

²⁰ CAT/C/RUS/CO/5, para. 12.

²¹ See “UN rights experts seek assurances that Russian NGOs will not face reprisals”, OHCHR press release, 6 June 2013, available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13417&LangID=E.

²² A/HRC/24/21, communication of 27 March 2013

Prison in Adra. While held, all five were allegedly subjected to inhuman treatment and were forced to endure extremely poor conditions of detention.

34. On 27 February 2013, the above-mentioned five individuals were reportedly charged with “promoting terrorist acts” by the investigative judge of the Anti-Terrorism Court in Damascus under article 8 of the Anti-Terrorism Law of 2012. It is alleged that the list of offences published by the investigative judge of the Court included “documenting the names of those detained, disappeared, wanted or killed” in the context of the Syrian conflict, “communicating with international organizations with the aim of having the international community condemn Syria” and “publishing studies on the human rights and media situation in Syria”. It appears that “communicating with international organizations with the aim of having the international community condemn Syria” may relate to, *inter alia*, the granting of consultative status to the Syrian Centre for Media and Freedom of Expression by the Economic and Social Council in 2010 and the organization’s subsequent cooperation with various United Nations human rights mechanisms. It is reported that Mr. Alhamade and Mr. Al-Omari were released pending trial.²³

35. As I pointed out in a report submitted to the Security Council,²⁴ the monitoring and reporting work of the United Nations Supervision Mission in the Syrian Arab Republic (UNSMIS), established by the Council by its resolution 2043 (2012), was hampered by the stated perception of some Syrian civilians that they risked retaliation by government forces following interaction with UNSMIS. In this context, particularly during the latter stages of its deployment, the Mission documented at least one occasion on which local civilians were explicitly threatened by government security forces and ordered not to speak to United Nations observers, while on other occasions, civilians, including some seeking treatment in hospitals, specifically indicated they would not speak to observers out to fear of government retaliation. In addition, some individuals claimed to have been detained days after having interacted with UNSMIS. UNSMIS also reported a number of incidents where its personnel were requested not to visit specific towns or villages because of perceived security risks and the implications for the civilian population. Another issue of concern with regard to visits conducted by UNSMIS was the reported fear of some communities located in opposition-controlled areas that they would be shelled after UNSMIS observers concluded patrols in a nearby area.

11. Tajikistan

36. Attention has also been drawn to the closing of the Association of Young Lawyers of Tajikistan (Amparo), a leading organization that provides free legal aid, human rights education and training, following a decision of the Khujand City Court of 24 October 2012.

37. Amparo had been actively engaged with United Nations human rights mechanisms, particularly on issues relating to torture and ill-treatment. This engagement included the recent participation by some of its members in the preparation by the Coalition against Torture of a non-governmental report submitted to the Committee against Torture before the consideration of the second periodic report of Tajikistan by the Committee on 7 and 8 November 2012. Members of Amparo also met with the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment during his official visit to the country in May 2012, to provide him with information on the prevalence of abuse of recruits and the practice of hazing in the military.

²³ See also General Assembly resolution 67/262, para. 5.

²⁴ S/2012/523, para. 55.

38. With regard to the closing of Amparo, a number of special procedures mandate holders raised concerns about the lack of procedural safeguards, including the fact that Amparo had reportedly never received a copy of the audit initiated by the Ministry of Justice in July 2012 on the basis of which it was closed, and had not been able to comment thereon. It was also reported that the Ministry of Justice had issued internal instructions that were allegedly not published, and did not provide procedural guidelines for audits to the judge concerned.²⁵ No government response had been received as at the end of the period under review.

12. United Arab Emirates

39. Allegations relating to the fairness of the trial and the treatment in detention of 94 civil society actors calling for change in a peaceful way in March 2013 and the developments leading up to their trial were raised in a series of communications by several special procedures mandate holders, the latest of which is dated 16 April 2013. In its response, the Government called these allegations “far removed from the truth and unfounded in virtually every detail”.²⁶ In particular, the allegations pertaining to torture, physical abuse and beatings were categorically denied.

C. Follow-up information on cases included in previous reports

1. Colombia

40. Further to the information included in my previous report regarding John Fredy Ortiz Jimenez,²⁷ who in 2008 had given testimony on the *modus operandi* of the “false positives” and who had been forced to leave the protection programme of the Attorney General’s Office because the latter refused to include members of his family in the programme, despite requests by OHCHR Colombia, new information received indicates that, in December 2012, several people stopped Mr. Ortiz Jimenez in the centre of the city of Barranquilla and attempted to abduct him. Further, on 13 May 2013, while Mr. Ortiz Jimenez was driving to a store in Barranquilla, he was reportedly approached by two people who threatened his daughter and nephew. The National Protection Unit undertook a risk study on his situation at the end of 2012, concluding that the risk was “extraordinary”. Since mid-January 2013, the Unit has provided him with a bulletproof vest, a communications device and a transportation allowance. The police also carry out patrols around his home.

2. Iran (Islamic Republic of)

41. Further to the information included in my previous report,²⁸ Maryam Bahrman, a women’s rights activist and member of the One Million Signatures campaign, was tried by the Revolutionary Court of Shiraz on 15 September 2012. In December, Ms. Bahrman was sentenced to a suspended prison term of eight months on charges of propaganda against the State, but was acquitted of the charges of “insulting the leader” and “the founder of the Islamic Republic of Iran”. On 20 May 2013, she was fined for having defamed the President and other State officials and for having spread misinformation about the system of the Islamic Republic of Iran. Her arrest and prosecution appear to have been linked to

²⁵ A/HRC/22/67, p. 147.

²⁶ See A/HRC/24/21.

²⁷ A/HRC/21/18, paras. 25-27.

²⁸ *Ibid.*, para. 28.

her participation in the fifty-fifth session of the Commission on the Status of Women, held in New York in March 2011.

3. Saudi Arabia

42. Further to the information contained in my previous report on Mohammad Fahad Al-Qahtani,²⁹ lawyer and co-founder and President of the Saudi Association for Civil and Political Rights, which campaigns against arbitrary detention, it was reported that, on 9 March 2013, the Riyadh Criminal Court sentenced him to 10 years of imprisonment and a 10-year travel ban for, inter alia, having provided false information to outside sources, including the human rights mechanisms of the United Nations.³⁰

4. Sri Lanka

43. In previous reports I made reference to the climate of fear that human rights defenders experience in Sri Lanka.³¹ During the twenty-second session of the Human Rights Council, the Permanent Mission of Sri Lanka circulated a letter, in which it described the screening of a film about Sri Lanka by non-governmental organizations as:

efforts on the part of entities based overseas with links to rump elements of the LTTE [Liberation Tigers of Tamil Eelam], as well as certain non-governmental organizations with accreditation by the Economic and Social Council, in facilitating programmes containing unsubstantiated material that is morphed and diabolical. This approach [...] serves to strengthen the rump elements of the LTTE seeking refuge in the West, who use the propaganda value derived from the screening of this film as a tool to intensify their fundraising and recruitment activities, thereby undermining the process of reconciliation in Sri Lanka.³²

Such statements could have the effect of undermining the work of human rights defenders monitoring the situation of human rights in Sri Lanka.

5. Sudan

44. The case of Bushra Gamar Hussein, chairperson of the Human Rights and Development Organisation, was included in my previous report, where it was alleged that he had been arrested and tortured in connection with his work in defence of human rights.³³ In a letter dated 3 July 2012, the Government of the Sudan declared that the Attorney General had decided to close the case of Mr. Hussein owing to “insufficiency of the evidence”.³⁴

6. Uzbekistan

45. Further to information included in my previous reports with regard to Erkin Musaev,³⁵ the Government of Uzbekistan stated that the allegations of poor conditions of detention in Uzbekistan, and of Mr. Musaev's situation in particular, were not justified. It added that, throughout his imprisonment, Mr. Musaev had never been subjected to torture, ill-treatment, degrading treatment or any other violent acts by penitentiary staff, and that the conditions under which sentences were served in the correctional facilities of the Ministry

²⁹ *ibid.*, paras. 35-37.

³⁰ See A/HRC/24/21.

³¹ See A/HRC/14/19, paras. 40-43; A/HRC/18/19, para. 69; and A/HRC/21/18, paras 38-46.;

³² A/HRC/22/G/7, para. 7.

³³ A/HRC/21/18, paras. 48-50.

³⁴ See [https://spdb.ohchr.org/hrdb/21st/Sudan_03.07.12_\(3.2012\).pdf](https://spdb.ohchr.org/hrdb/21st/Sudan_03.07.12_(3.2012).pdf).

³⁵ A/HRC/14/19, para. 44; A/HRC/18/19, para. 86; A/HRC/21/18, para. 67.

of Internal Affairs conformed strictly to current legislation and the regulatory standards established by the Ministry.³⁶

7. Venezuela (Bolivarian Republic of)

46. According to updated information on Judge María Lourdes Afiuni, whose case was mentioned in my three most recent relevant reports,³⁷ she was subjected to assault, acts of intimidation and rape by a government agent, which resulted in pregnancy and a miscarriage while in detention.³⁸ Her trial began in November 2012 after former President Hugo Chávez amended the Penal Code by means of an enabling law (*ley habilitante*) so that trials could be held in the absence of the accused. Judge Afiuni, in consultation with her legal counsel, had indicated that she would not enter the trial chamber to challenge violations of her right to due process. On 14 June 2013, a court in Caracas revoked her house arrest on health grounds after a request was received from the Attorney General. The terms of Judge Afiuni's release require her to report to the court every 15 days, and forbid her to leave the country and speak to the media. The trial continues.

47. Judge Afiuni was arrested on 10 December 2009 after she ordered the conditional release of an individual whose detention the Working Group on Arbitrary Detention considered arbitrary. President Chavez reportedly publicly demanded that she be sentenced to 30 years of imprisonment. In September 2010, the Working Group, in its opinion No. 20/2010, concluded that the detention of Judge Afiuni was arbitrary.³⁹

48. On 14 February 2013, five United Nations special procedures mandate holders issued a public statement in which they urged the Government of the Bolivarian Republic of Venezuela to free Judge Afiuni, and called for investigations into her most recent allegations.⁴⁰ They noted that Judge Afiuni had been in detention for more than three years, despite the fact that article 230 of the Penal Code established that detention could not exceed the limit of the minimum sentence of the most serious crime of which the person was accused, which would be three years. No response from the Government had been received as at the end of the period under review.

III. Conclusions and recommendations

49. **The present report clearly illustrates that, regrettably, reprisals against persons cooperating with the United Nations, its mechanisms and representatives in the field of human rights continue. They take many forms, ranging from smear campaigns, threats, travel bans, harassment, fines, the closing of organizations, sexual violence, arbitrary arrests, prosecutions and lengthy prison sentences through to torture, ill-treatment and even death. Many of the cases remain unresolved for lengthy periods.**

50. **In my statement of 13 September 2012, on the occasion of the opening of the twenty-first session of the Human Rights Council, during which a panel discussion on reprisals was held, I referred to reprisals as one of the main challenges faced by the Council and the United Nations. I reiterate that reprisals and intimidation against individuals cooperating with the United Nations in the field of human rights are**

³⁶ A/HRC/22/67, p. 187.

³⁷ A/HRC/14/19, paras. 45-47; A/HRC/18/19, paras. 87-90; A/HRC/21/18, paras. 68-69.

³⁸ See A/HRC/24/21.

³⁹ A/HRC/16/44/Add.1, p. 93.

⁴⁰ See www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=12994&LangID=S.

unacceptable not only because they target individuals who help us do our work as mandated under the Charter of the United Nations, but also because they ultimately aim to discourage others from advocating for respect for human rights, and put them at risk.

51. I have also highlighted the need to ensure that persecution and intimidation are systematically condemned, and that legal action is taken by those responsible. Several recommendations addressed to various stakeholders, including States, the United Nations, human rights mechanisms, civil society and national human rights institutions were made at the end of the above-mentioned panel discussion. I hope that these recommendations, among others, will serve as a road map for action against reprisals.

52. It is primarily the obligation of States to protect those who cooperate with the United Nations in the field of human rights and to ensure that they may do so safely and without hindrance. In this context, I reiterate my previous recommendations for action at the national level, including through the adoption of appropriate legislation, by publicly condemning acts of reprisal and intimidation, ensuring accountability in relation to the majority of reported cases of reprisal, conducting effective and impartial investigations and bringing perpetrators to justice, and providing victims with remedies. I also encourage States to respond to allegations of intimidation and reprisal, and to cooperate with the United Nations regarding such acts.

53. The international community should act to address cases of reprisal in a coherent and systematic manner and use the various tools it has at its disposal. International and regional human rights mechanisms are crucial in this context, and I welcome their enhanced coordination. The panel discussion addressed some recommendations specifically for the United Nations Secretariat, such as:

- To make information on how to submit allegations of reprisals more accessible
- The creation of a central database on cases of reprisals
- The appointment of a mediator or ombudsman to act as a focal point of the United Nations system for cases of intimidation and reprisal

These should be thoroughly examined and considered.

54. I commend the Human Rights Council for adopting resolution 22/6, in which it took a strong stance in support of a safe and enabling environment for human rights defenders. The resolution is instrumental in the response of the United Nations to reprisals. The idea that the Council hold a discussion dedicated to reprisals on an annual basis has received considerable support. I strongly encourage the Council to discuss the present report under its agenda item 5. This would allow for the continuation of dialogue that began during the panel discussion held at the twenty-first session, and a further exchange of good practices, and give all stakeholders, in particular States, the opportunity to comment on the allegations contained in the report, including on actions taken to investigate and resolve the cases in question. I also call upon the Council to follow up on cases of reprisal, as proposed at the International Expert Conference on Advancing the Protection of Human Rights: Achievements, Challenges and Perspectives, held in Vienna on 27 and 28 June 2013.⁴¹

⁴¹ See www.ohchr.org/Documents/Events/OHCHR20/Vienna20_conf_report.pdf.

55. As reiterated at the above-mentioned Conference, the need to protect human rights defenders against undue interference and reprisals, including ensuring their rights to freedom of expression, association and assembly and their access to funding, persists. Many of us, in particular those seeking to advance human rights within the United Nations, rely on their work. I thank civil society organizations for their tireless and dedicated work. I also thank them for contributing to the present report, and encourage them to continue to do so.
