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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 resolution 12/2 of the Human Rights Council. The Secretary-General highlights recent developments that have taken place within the United Nations system and beyond in relation to the issue of reprisals. The report also contains information gathered between 1 June 2015 and 31 May 2016 on alleged cases of intimidation and reprisal against those seeking to cooperate, cooperating or having cooperated with the United Nations, its representatives and mechanisms in the field of human rights, including in follow-up to cases included in the previous two reports (A/HRC/27/38 and A/HRC/30/29). It concludes with recommendations aimed at addressing and preventing all such cases.

* The present report was submitted after the deadline in order to reflect the most recent developments.

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I. Introduction

1. In its resolution 12/2, the Human Rights Council expressed its concern at the 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 and its deep concern at the seriousness of reported reprisals. The Council condemned all acts of intimidation or reprisal by Governments and non-State actors and invited me to submit a report to the Council at its fourteenth session and annually thereafter, containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals as well as recommendations on how to address the issue. The present report is my seventh based on that resolution.

2. In my previous reports, I have stressed the absolute unacceptability of any act of intimidation or reprisal, no matter how seemingly subtle or explicit, against individuals or groups, their family members, legal representation or anyone else with professional or personal ties to them, for seeking to cooperate, cooperating or having cooperated with the United Nations in the field of human rights. I reiterate once again that all such acts, which run contrary to the principle of human dignity and violate numerous human rights, show complete contempt and disregard for the United Nations system as a whole. Without exception, all acts of intimidation and reprisal must be halted immediately and unconditionally, effective remedies provided and preventive measures adopted and implemented to prevent reoccurrence. I call in particular on States to take immediate action.

II. Developments in response to acts of intimidation and reprisal

3. During the reporting period, the United Nations High Commissioner for Human Rights addressed the issue of reprisals on several occasions. On 14 September 2015, in his opening statement to the Human Rights Council at its thirtieth session, he mentioned that some Member States had sought to prevent civil society actors from working with the United Nations human rights mechanisms, including the Council: “Session after session, they attempt to bar from accreditation — based on spurious allegations of terrorist or criminal activity — groups that strive to expose problems and propose remedies”. On 3 May 2016, speaking at an informal gathering on the 2021 implementation agenda for the Council, the High Commissioner recalled that “it is absolutely essential that victims, defenders, activists and other civil society groups be empowered to cooperate with and contribute to the Council’s work without obstruction and fear of reprisals”. He indicated that the Council’s responses to all such allegations should be strengthened so as to ensure that they were effectively pursued and addressed.¹

4. Over the past year, the President of the Human Rights Council has continued to draw attention to the issue of reprisals and reiterated the need to ensure safe participation and involvement of all stakeholders in the work of the Council. The President has consistently raised cases during Bureau meetings and contacted Member States concerned. On 16 November 2015, in his statements to the General Assembly and its Third Committee, the President mentioned that over the course of the year he had been seized of alleged and verified cases of intimidation and reprisals, and had followed up with concerned States when required. He stressed the need to implement resolution 24/24, in which the Council requested the Secretary-General to designate a senior focal point to promote the prevention

¹ OHCHR, “Turning international norms into local reality: the 2021 implementation agenda for the Human Rights Council”, 3 May 2016.

of, protection against and accountability for reprisals and intimidation related to cooperation with the United Nations in the field of human rights, and added that he was pleased to note that States from all regions had now expressed their support for the prompt implementation of the resolution.

5. In his concluding statement at the end of the thirtieth session of the Human Rights Council, after the appointment of three new special procedure mandate holders, the President of the Council once again reminded States that individuals and groups should be encouraged to cooperate with the special procedures mechanism and that reprisals against those who did so were unacceptable. Furthermore, on 7 December 2015, during the Council's organizational session, he expressed his conviction that "it was, is and will continue to be in our common interest to promote a culture of non-reprisals".

6. In his closing remarks to the thirty-first session of the Human Rights Council, on 26 March 2016, the President stated that during the session he had received allegations of intimidation and reprisals and that all such acts were unacceptable and must end.

7. On 13 June 2016, during the opening of the thirty-second session of the Human Rights Council, the President of the Council stated that acts of intimidation and reprisal were taking different shapes and that social media, including Twitter, which were widely used by participants of the Council, may also be misused. In that regard, he referred to allegations that during the thirty-first session of the Council, a member of a national delegation had misused social media "to deliver a message that can be construed as a serious threat against an NGO representative attending the session". The President had discussed the matter with the relevant Permanent Representative, who, after conducting a prompt investigation, acknowledged that the act had been committed by a representative of the State, albeit not in a professional capacity, and reported that an administrative reprimand had been issued. The President reiterated that such acts were completely unacceptable and should be denounced in the strongest terms. He called on everyone to be extremely vigilant in all cases of potential reprisals and stressed that "social media should be used to promote and protect human rights and not the opposite".

8. Several States and non-governmental organizations (NGOs) also delivered statements on the issue of reprisals, during the general debate on human rights bodies and mechanisms (agenda item 5) at the thirtieth session of the Human Rights Council, during which they condemned all such acts and asked for a coordinated response. Ghana, speaking on behalf of a group of 65 States, expressed deep concern at continued reprisals and urged all States to prevent and refrain from committing such acts. The group welcomed the increased attention devoted to the issue and stressed that it was high time for the Secretary-General to appoint the United Nations focal point on reprisals. Ghana also welcomed the fact that the African Commission on Human and Peoples' Rights had extended the scope of the mandate of the Special Rapporteur on Human Rights Defenders in Africa to include reprisals, and encouraged other regional human rights bodies to take a similar approach. During the same debate, a representative of the Council of Europe mentioned that acts of reprisal for cooperating with that body had also been reported and that one of the suggested actions put forward by stakeholders would be for the Council of Europe to establish an alert mechanism to address cases of reprisal.

9. As at June 2016, eight out of the ten human rights treaty bodies had adopted the Guidelines against Intimidation or Reprisals, known as the "San José Guidelines". The Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women had not yet adopted the Guidelines. In September 2015, in addition to adopting the San José Guidelines, the Committee against Torture had adopted its own policy on the receipt and handling of allegations of reprisals (CAT/C/55/2). In November 2015, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had decided to revise its policy on reprisals in the light

of the adoption of the San José Guidelines. Each of the treaty bodies had also designated a focal point or rapporteur on reprisals. In the case of the Committee on the Elimination of Discrimination against Women, its bureau serves as the focal point.

10. As part of their enhanced response on reprisals, adopted during their twenty-second annual meeting, the special procedure mandate holders appointed a focal point on the matter from among the members of the Coordination Committee of Special Procedures. In addition, the annual report on special procedures presented to the Human Rights Council at its thirty-first session, for the first time included a separate section on intimidation and reprisals (A/HRC/31/39, sect. IV). It indicated that the mandate holders had used communications, public statements, press releases, official reports and meetings with various stakeholders to express their grave concern at all such acts, which seemed to have become increasingly severe in nature. Moreover, the Chair of the Coordination Committee, in introducing the report to the Council on 15 March 2016, stated that acts of intimidation and reprisal remained undoubtedly of the most serious concern to mandate holders and that such acts should be seen as not only aimed at preventing or stopping anyone from cooperating with them, but as an attack against the special procedures system as a whole. The Chair urged the United Nations to appoint a focal point on reprisals as soon as possible in order to develop a much needed system-wide and coordinated response.

11. In my previous reports I have stressed that the issue of reprisals needs a consistent and integral approach. In that context, I welcome the increased cooperation between international and regional human rights mechanisms, including the issuance of joint press releases and participation in general debates on the issue of reprisals during the sessions of the Human Rights Council. The focal point on reprisals for the African Commission on Human and Peoples' Rights recently organized a regional consultation with civil society and experts, which resulted in the development of a road map and a guidance note on the communications procedure of the focal point on cases of reprisals.² In the report on its 157th session, the Inter-American Commission on Human Rights stated that those who had participated in the session had been subject to reprisals upon returning to their countries, adding that "this situation had already come up in the past in some countries, and the fact that it is happening again is disturbing".³ It reminded States of article 63 of its rules of procedure, which provides that States may not carry out reprisals against individuals cooperating with the Inter-American Commission or their family members. I encourage the United Nations human rights mechanisms and their regional counterparts to continue to develop and use existing avenues for cooperation, thereby reinforcing each other's messages.

III. Ensuring access to the United Nations, its representatives and mechanisms in the field of human rights

12. In my previous two reports, I referred to the Committee on Non-Governmental Organizations, which considers applications for consultative status with the Economic and Social Council. I would like to highlight again the important role it plays in ensuring that those organizations can fully participate in the work of the United Nations, including in the field of human rights (see A/HRC/27/38, para. 8, and A/HRC/30/29, para. 9).

13. On 20 May 2016, in follow-up to concerns expressed earlier over the large number of deferrals of applications (see A/69/365, paras. 73-74 and 88 (a)), the Special Rapporteur

² See the intersession report of the Special Rapporteur on Human Rights Defenders in Africa and Focal Point on Reprisals to the 57th Ordinary session, 4-18 November 2015.

³ OAS, "IACHR wraps up its 157th session", 15 April 2016.

on the rights to freedom of peaceful assembly and of association sent a letter to the Chair of the Committee on Non-Governmental Organizations in which he raised the case of the Dalit International Solidarity Network. He expressed concern about the working methods of the Committee and recommended that it commence a reform process, which should be guided by the principle that the United Nations functions best when it is accessible to the greatest diversity of voices possible (see A/HRC/33/32, OTH 16/2016). By letter of 23 May 2016, the Chair of the Committee expressed his appreciation for the concerns raised by the Special Rapporteur and his commitment to ensuring that the rules of procedure were applied in a manner that allowed the body to achieve the purposes for which it has been created. He indicated that the Special Rapporteur's letter would be brought to the attention of all Committee members during its forthcoming session (*ibid.*).

14. On 30 May 2016, I publicly raised another case in relation to the Committee on Non-Governmental Organizations, namely that of the Committee to Protect Journalists, and expressed my deep disappointment that Member States on the Committee had denied it consultative status. In that regard, I called on Member States to stop restricting NGO engagement.⁴ The next day, the High Commissioner echoed my concerns and stated that “we believe the decision not to allow this well-established NGO to take part in UN meetings, including those of the Human Rights Council here in Geneva, is unwise, unfair and arbitrary”, adding that the case was “emblematic of this unfortunate and very negative trend”.⁵

15. I would once again like to call on the Committee on Non-Governmental Organizations to apply the criteria for assessing organizations in a fair and transparent manner, as they provide an indispensable contribution to the work and very purposes of the United Nations, in particular to the promotion and protection of human rights.

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

A. Methodological framework

16. The present report includes information on cases that was gathered from 1 June 2015 to 31 May 2016 and, in accordance with Human Rights Council resolution 12/2, contains information on 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 that 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 that purpose

⁴ United Nations “Youth must assume greater responsibility in creating better world for all, says Secretary-General in remarks to DPI/NGO conference”, 30 May 2016.

⁵ OHCHR, “Press briefing notes on flogging in Iran, unfair restrictions on NGO access to the UN and executions in Gaza”, 31 May 2016.

- Are relatives of victims of human rights violations or of those who have provided legal or other assistance to victims.

17. Information about cases of alleged acts of intimidation and reprisal has been received in relation to the cooperation of individuals and groups with the Office of the United Nations High Commissioner for Human Rights (OHCHR), including its field presences, the Human Rights Council, the universal periodic review mechanism, the human rights treaty bodies, the special procedures, the commission of inquiry on human rights in Eritrea, the United Nations Independent Investigation on Burundi and the International Labour Organization (ILO).

18. The information received was verified and corroborated by primary and other sources, and, where available, reference is made to the United Nations documentation and other United Nations public sources in which the cases included in the present report were first made public. Responses provided by Governments by the time of finalization of the present report, whether in writing or orally during sessions of United Nations human rights mechanisms, are also included. Efforts have been made to follow up on the cases included in my previous two reports and any additional available information on those cases has been included within the present report.

19. I would like to stress that the report does not provide an exhaustive list of cases. In preparing it, the principle of “do no harm” was strictly adhered to and a risk assessment made for each case received and deemed credible. As a result, it was decided not to include those cases in which the risk to the safety and well-being of the individuals concerned, or their family members, was deemed too high.

B. Summary of cases

1. Australia

20. On 25 September 2015, the Special Rapporteur on the human rights of migrants, following a series of discussions with the Government, announced the postponement of his official visit to Australia owing to protection concerns, as he had not received a written guarantee that no one cooperating with his mandate would be at risk of intimidation or reprisal in the form of sanctions under the 2015 Border Force Act, which stipulates that detention centre service providers who disclose protected information can be sentenced to two years in prison. The Special Rapporteur stressed that the perceived threat of reprisals against persons who would want to cooperate with him in relation to his official visit would be unacceptable.⁶ Following the postponement of the country visit, the Special Rapporteur and the Government of Australia continued to engage in dialogue, which resulted in written assurances provided to the Special Rapporteur in December 2015 and the agreement to conduct the visit to Australia in November 2016.

2. Burundi

21. During their visit to Burundi, in March 2016, the independent experts of the United Nations Independent Investigation on Burundi received allegations of intimidation and reprisals by the National Intelligence Services against members of NGOs with whom they had met. Feeling threatened, several human rights defenders fled the country and afterwards reported that they remained concerned for the safety of their family members remaining in the country (see A/HRC/33/32, BDI 5/2016). In their oral update to Human Rights Council

⁶ OHCHR “Migrants/human rights: Official visit to Australia postponed due to protection concerns”, 25 September 2015.

at its thirty-first session, on 22 March 2016, the independent experts stated that the reports were disconcerting and that the Government should undertake to exercise due diligence to ensure that those who engage with the mission as well as other observers are not subjected to reprisals. At the time of finalization of the present report, no response had been received from the Government.

3. China

22. In its concluding observations on the fifth periodic report of China, the Committee against Torture expressed concerns at allegations of intimidation and reprisals against several human rights defenders for their engagement with the Committee. Reportedly, seven Chinese human rights defenders, who had intended to travel to Geneva to attend the Committee's consideration of the report of China, had been threatened by the Chinese authorities with negative professional consequences. Moreover, those who had defied the authorities' orders had reportedly been detained on the ground that their participation could "endanger national security" (see CAT/C/SR.1368, para. 92, and CAT/C/CHN/CO/5, paras. 38-39). The Committee called on the State party to investigate those allegations and report back to it. At the time of finalization of the present report, no response had been received from the Government.

4. Iraq

23. On 29 September 2015, the Rapporteur on reprisals of the Committee on Enforced Disappearances raised allegations with the Iraqi authorities of intimidation of Salam al-Hashimi, an Iraqi national, who had sought to provide information to the Committee during its ninth session in relation to the review of the report submitted by Iraq (see A/71/56). On 7 September 2015, Mr. Al-Hashimi was prevented from passing a checkpoint that provides access to the Green Zone, where he was expected by staff of the United Nations Assistance Mission for Iraq, in order to communicate by video link with the Committee. On 10 September 2015, Mr. Al-Hashimi was intimidated by two individuals who stated that they belonged to the Presidential Regiment. On 28 January 2016, the Rapporteur raised additional allegations with the Iraqi authorities according to which, on 22 December 2015, the Director of the Counter-Terrorism Forces had issued an arrest warrant against Mr. Al-Hashimi on terrorism charges, reportedly related to his engagement with the Committee (ibid.). On 29 January 2016, the Iraqi authorities requested additional information on the identity of Mr. Al-Hashimi, in particular a copy of his identity documents and the full name of his mother, in order to complete their inquiries. That information was provided by the Committee on 10 March 2016, with the consent of the persons involved (ibid.). At the time of finalization of the present report, no further response had been received from the Government.

24. On 13 April 2016, a group of mandate holders raised concerns over allegations of reprisals against Imad Amara and Faisal al-Tamimi, two human rights defenders working for the Al Wissam Humanitarian Assembly, an NGO that documents cases of enforced disappearances in Iraq and submits them to the United Nations human rights mechanisms (see A/HRC/33/32, IRQ 1/2016). On 6 March 2016, Iraqi military forces stopped and searched Mr. Amara and Mr. Al-Tamimi's car while the two men were on their way to meet families of disappeared persons. Both men were informed that a warrant had been issued for their arrest, before being handcuffed, blindfolded and taken to an unknown location. Mr. Amara and Mr. Al-Tamimi were severely beaten, insulted and threatened while being interrogated about their work for around two hours, before being released. Mandate holders also raised concerns over reports that other employees of Al Wissam had previously been subjected to intimidation and reprisals relating to the submission of cases to the Committee on Enforced Disappearances, and some had left the country out of fear for

their security (ibid.). At the time of finalization of the present report, no response had been received from the Government.

5. Japan

25. On 30 May 2016, three mandate holders raised allegations of intimidation and reprisals against Kazuko Ito, the Secretary General of Human Rights Now, for facilitating contact between the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and civil society during his visit to Japan, from 12 to 19 April 2016 (see A/HRC/33/32, JPN 4/2016). On 20 May 2016, FACTA magazine published information received through a leaked memorandum, according to which the Deputy Chief Cabinet Secretary “ordered intelligence community members, such as the Cabinet’s information research section”, to surveil Ms. Ito’s movements ahead of the Special Rapporteur’s visit. The memorandum reportedly also mentioned that Ms. Ito had asked the Special Rapporteur to visit the country in December 2015 and that she met the Special Rapporteur on 11 April 2016, the day he arrived in Tokyo. After learning about the existence of the memorandum, Ms. Ito contacted the Ministry of Foreign Affairs requesting information on her alleged surveillance, however, no formal response was provided at that time (ibid.). By letter of 16 June 2016, the Government of Japan denied the validity of the allegations stating that they were based on groundless rumours as FACTA magazine had not requested interviews nor confirmation of the allegations from the offices or individuals mentioned in their publication. Moreover, the Ministry of Foreign Affairs had requested the relevant ministries and agencies to conduct an investigation into the allegations, which had confirmed that no instructions for surveillance of Ms. Ito had been issued. The Government also informed mandate holders that a response was sent to Ms. Ito on 1 June 2016 (ibid.).

6. Morocco

26. On 22 March 2016, a group of mandate holders raised concerns with the Moroccan authorities over allegations of reprisals against El Ghalia Djimi, an employee of the Ministry of Agriculture and Maritime Fishing of Morocco and Vice-President of the Sahrawi Association of Victims of Grave Human Rights Violations, for seeking to engage with the Human Rights Council (see A/HRC/33/32, MAR 1/2016). In February 2016, Ms. Djimi had requested annual leave to be able to travel to Geneva to participate in the thirty-first session of the Council, which was denied by the Provincial Directorate of Agriculture of Laayoune, which is linked to the Ministry of Agriculture and Maritime Fishing. The refusal was justified by a drought in the region that required the mobilization of all local government staff. However, Ms. Djimi was not required to participate in any mission in that regard and it is alleged that her leave request was in fact denied in order to prevent her from engaging with the Council. At the time of finalization of the present report, no further response had been received from the Government.

7. Somalia

27. On 3 May 2016, a group of mandate holders raised allegations of reprisals against Omar Faruk Osman, Secretary General of the Federation of Somali Trade Unions and of the National Union of Somali Journalists, for his cooperation with ILO (see A/HRC/33/32, SOM 2/2016). On 23 April 2016, Mr. Osman had been summoned to the Office of the Attorney General where he was informed that, on 29 February 2016, the Attorney General had submitted a complaint against him to the National Prosecutor General. The Attorney General had asked the Prosecutor to bring a criminal case against Mr. Osman for, inter alia, harming relations between the Government and the international organizations and spreading issues that would harm the reputation of the Government, and to prevent Mr. Osman from travelling and confiscating his passport for the duration of the investigation. It is alleged that the request was directly linked to a letter sent by ILO to the

Government of Somalia on 22 February 2016, as it was based on a complaint submitted to it by the above-mentioned unions. In its letter, ILO urged the Government to respect its international obligations regarding the rights to freedom of assembly and association (*ibid.*). At the time of finalization of the present report, no response had been received from the Government.

8. Sudan

28. On 28 December 2015, a group of mandate holders raised allegations with the Government of the Sudan of acts of intimidation and reprisal against three members of the Darfuri Student Association, two men and one woman, and a woman human rights defender in connection with the official visit to the country of the Special Rapporteur on violence against women, its causes and consequences, from 13 to 24 May 2015 (see A/HRC/32/53, SDN 7/2015). On 16 May 2015, the four individuals were meeting in a hotel lobby with a United Nations staff member, when they noticed that they were being monitored by several members of the National Intelligence and Security Services. Owing to their presence, the group felt unsafe and decided to cut the meeting short. When they were leaving the hotel, the State agents threatened the two women and forcibly placed the two men in a pickup truck, after which they were taken to a police station and detained for about seven hours before being released after the Special Rapporteur, who had witnessed the events, had contacted the Ministry of Foreign Affairs. After the Special Rapporteur had left the country, the four individuals continued to be threatened by State agents. In one case, death threats were made and family members of the individual concerned were visited by State agents. By letter of 11 April 2016, the Government responded that the above-mentioned incident had taken place for security reasons in order to protect the hotel and its guests, and had been carried out by tourism police (see A/HRC/33/32, SOM 2/2016). That was reiterated by the Government in its comments in response to the country visit report of the Special Rapporteur (see A/HRC/32/42/Add.4, paras. 5-6).

29. In her country visit report, the Special Rapporteur highlighted, in addition to the above-mentioned case, that fear of reprisals by women's rights activists and organizations had resulted in many of them choosing not to meet with her and that, despite having raised concerns with the authorities, allegations of reprisals against interlocutors with whom she met and who attempted to meet with her continued to be received after she had left the country (see A/HRC/32/42/Add.1, paras. 5-8). The Government responded that those claims sounded "strange and confusing" and instead referred to United Nations Development Programme staff who had not allowed members of women's rights organizations to enter their building to meet with the Special Rapporteur for procedural reasons (see A/HRC/32/34/Add.4, paras. 5-6).

30. On 9 May 2016, two mandate holders jointly raised allegations of reprisals against two human rights defenders who intended to participate in meetings in Geneva relating to the universal periodic review of the Sudan, scheduled for May 2016 (see A/HRC/33/32, SDN 4/2016). On 23 March 2016, Sawsan Hassan and Muawia Shaddad, both members of Our Rights Group, a coalition of Sudanese civil society organizations that submitted a report on the situation of human rights in the country to the universal periodic review process, were prevented from boarding their flights from Khartoum to Geneva by officers from the National Intelligence Security Services. After their passports were confiscated, both individuals were informed that a travel ban had been issued against them and they were told to report to the headquarters of the Security Services in Khartoum the following day. Their passports were eventually returned to them in mid-April 2016. At the time of finalization of the present report, no response had been received from the Government.

9. Uganda

31. On 21 April 2016, a group of mandate holders raised allegations of reprisals against Douglas Bulongo, the Executive Director of the United Association for Peace and Development, for his participation in a submission by the Lutheran World Federation to the universal periodic review of Uganda, scheduled for November 2016 (see A/HRC/33/32, UGA 2/2016). On 1 March 2016, after having returned home from a workshop in preparation of the submission to the review of Uganda, a group of armed men broke into Mr. Bulongo's home and led all his family members into one room. They left only after Mr. Bulongo had handed over all the workshop documents on the review process of Uganda. Mr. Bulongo reported the incident to the police, along with five subsequent incidents, which involved attacks by armed people, but he did not receive any assistance. On the night of 19 March, Mr. Bulongo, after having heard noises, stepped outside his home to find an unconscious man lying on his driveway. He took the injured man to the local police station where the man reportedly later died. In the early morning of 20 March, Mr. Bulongo was arrested and detained by police officers. On 1 April, Mr. Bulongo appeared before Makindye Court, where he was informed that a charge of manslaughter had been filed against him, before being transferred to Luzira prison pending trial. At the time of finalization of the present report, no response had been received from the Government.

10. Bolivarian Republic of Venezuela

32. In its concluding observations on the third periodic report of the Bolivarian Republic of Venezuela, the Committee on Economic, Social and Cultural Rights expressed concern about information received regarding the lack of cooperation between the State party's authorities and civil society organizations working in the field of human rights, which had, in some cases, resulted in their reputation being seriously undermined. The Committee urged the State "to put an end to defamatory statements against some of those who publicly participate in the dialogues that the Committee, in accordance with its working methods, holds with civil society organizations" (see E/C.12/VEN/CO/3, para. 14).

33. On 26 June 2015, three mandate holders raised allegations of reprisals against several human rights organizations and defenders, including Rafael Uzcátegui, for their participation in the fifty-fifth session of the Committee on Economic, Social and Cultural Rights (see A/HRC/31/79, VEN 7/2015). On 2 and 3 June 2015, several Venezuelan organizations participated in the review of the third periodic report of the country by the Commission. In his press statement at the end of the review, the Chair of the Venezuelan delegation reportedly questioned the participation of certain organizations in the review, accusing them of drawing financial benefit from their participation in international human rights forums. On 3 and 4 June, the President of the National Assembly, in his television programme "Con el Mazo Dando", reportedly criticized and disclosed personal information about several organizations and human rights defenders, including Mr. Uzcátegui, concerning their engagement with the Committee. By letter of 29 September 2015, the Government of the Bolivarian Republic of Venezuela requested an extension of the deadline for its response. At the time of finalization of the present report, no further response had been received from the Government.

34. On 20 July 2015, two mandate holders raised allegations of reprisals against Fransisco Valencia, President of the Coalition of Organizations for the Right to Life and Health, for his cooperation with the Committee on Economic, Social and Cultural Rights (see A/HRC/31/79, VEN 10/2015). In June 2015, Mr. Valencia received a telephone call from the Venezuelan Minister of Health accusing him of having cooperated with the Committee during its fifty-fifth session regarding its consideration of the State party's third periodic report. Mr. Valencia also received a telephone call from a member of the

Department of Social Security, who questioned him about the reasons behind his recent activities. By letter of 29 September 2015, the Government of the Bolivarian Republic of Venezuela requested an extension of the deadline for its response. By letter of 9 December 2015, the Government indicated that Mr. Valencia had not lodged a complaint, but that the national coordination body for the protection of victims, witnesses and other parties to judicial proceedings stood ready to process any complaint that was forthcoming (*ibid.*).

35. The Human Rights Committee, in its concluding observations on the fourth periodic report of the Bolivarian Republic of Venezuela, also raised concerns over reports received that some persons who had cooperated with the Committee regarding the review of the Bolivarian Republic of Venezuela were subsequently “the target of disparaging statements made by the President of the National Assembly in the television programme ‘Con el Mazo Dando’” and that “those statements were made shortly after the Committee had drawn the delegation’s attention to previous statements by the same person regarding the contribution of civil society organizations to the work of other international human rights mechanisms” (see CCPR/C/VEN/CO/4, para. 18). The Committee called on the State party to take all necessary steps to protect those who had contributed to its work and to ensure that public officials ceased to make disparaging statements about them (*ibid.*).

36. In that regard, on 20 July 2015, three mandate holders raised allegations of reprisals against eight human rights defenders for their cooperation with the Human Rights Committee and for organizing a workshop on how to submit human rights cases to international organizations (see A/HRC/31/79, VEN 9/2015). On 1 July 2015, the President of the National Assembly, in his television programme “Con el Mazo Dando”, mentioned the participation of Ligia Bolívar, Carlos Correa, Humberto Prado Sifontes, Alfredo Romero, Rocío San Manuel and Tamara Sujú in the session of the Human Rights Committee on the Bolivarian Republic of Venezuela, held in June 2015, stating that they “conspire and defend dark interests”. In addition, he showed the photographs of Ms. Sujú and Mr. Romero, stating they were involved in presenting “false reports against the Bolivarian Republic of Venezuela” to the United Nations. Moreover, he reportedly referred to Mr. Romero, Feliciano Reyna and Mr. Uzcátegui (see para. 33 above) in connection with a workshop they held in December 2014 on how to submit human rights cases to international organizations. At the time of finalization of the present report, no response had been received from the Government.

37. On 22 July 2015, due to the seriousness of the allegations mentioned above, a group of mandate holders together with Inter-American human rights experts, issued a press release in which they deplored the “clear pattern” of discrediting and intimidating human rights defenders on the country’s State-controlled television in reprisal for their cooperation with the United Nations and regional bodies in the field of human rights. The experts recalled that the United Nations and Inter-American human rights bodies were charged with monitoring the implementation by the Bolivarian Republic of Venezuela of its international and regional human rights obligations and as such, the Government was bound to respect and defend the participation of rights activists in those proceedings. The experts called on the Venezuelan authorities to immediately cease the targeting of individuals for their cooperation with the United Nations or regional bodies in the field of human rights.⁷

11. Viet Nam

38. On 30 October 2015, a group of mandate holders raised allegations of intimidation and reprisals against Do Thi Mai, the mother of a child who died in prison reportedly as a result of torture (see A/HRC/31/79, VNM 1/2015). Following the death of her son in early

⁷ OAS, “IACHR wraps up its 157th session”, 15 April 2016.

October 2015, Ms. Do submitted a complaint to the United Nations human rights mechanisms. On 29 October 2015, she was summoned to the local police station where police officers intimidated her and attempted to persuade her to withdraw her complaint to the United Nations. It is reported that after she refused, police officers continued to threaten her and her family. At the time of finalization of the present report, no response had been received from the Government.

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

1. China

39. The case of Cao Shunli was included in my previous two reports (see A/HRC/27/38, paras. 17-19, and A/HRC/30/29, annex, para. 1). Ms. Cao had actively campaigned for transparency and greater participation of civil society in the universal periodic review process of China and was, reportedly as a result thereof, arrested, detained and denied medical treatment, resulting in her death on 14 March 2014. In a right of reply exercised during the thirtieth session of the Human Rights Council, the Chinese representative stated that Ms. Cao was “by no means a human rights defender”, but had been placed under investigation in September 2013 due to allegations of creating trouble. She had died of organ failure caused by tuberculosis, even though she had received good medical care and attempts had been made to save her. Furthermore, the case was not an issue of human rights but rather of the rule of law and the judicial sovereignty and independence of China. The organs of State would deal with any person engaged in criminal activities in accordance with the law.⁸

2. Cyprus

40. In my previous report, reference was made to allegations of reprisals against Doros Polykarpou, Executive Director of Action for Support, Equality and Antiracism, for having submitted an alternative report on the situation of detained undocumented migrants to the Committee on Torture prior to the consideration of the fourth period report of Cyprus (see A/HRC/30/29, para. 18). On 22 September 2015, during the general debate on agenda item 5 during the thirtieth session of the Human Rights Council, the representative of Cyprus expressed the State’s commitment to preventing reprisals and, while referring to its response of 5 August 2014, stressed that the case did not concern an act of reprisal against an activist but “a lawful, proportionate consequence stipulated equally for any citizen who has failed over a given period of time to comply with his or her statutory responsibilities regarding outstanding fines, as imposed by a warrant issued by the Court”. The representative expressed the hope that relevant mandate holders would agree that the work of human rights defenders, with the greatest respect, “cannot be expected under any circumstance to override the fundamental democratic axiom of equality before the law”.

3. Eritrea

41. My previous report made mention of the risk of reprisals against anyone cooperating with the commission of inquiry on human rights in Eritrea as one of the main challenges the commission had faced in the execution of its mandate (see A/HRC/30/29, para. 19). In its report on its second term, the commission stated that the protection of victims and witnesses remained a central concern, adding that almost everyone the commissioners had

⁸ <http://webtv.un.org/meetings-events/human-rights-council/regular-sessions/30th-session/watch/clustered-id-wg-on-arbitrary-detention-sr-on-contemporary-forms-of-slavery-3rd-meeting-30th-regular-session-of-human-rights-council/4484127097001>.

spoken to had indicated that they feared reprisals by the Eritrean authorities, either against themselves or their family members still residing in the country (see A/HRC/32/47, para. 8). The Commission had worked to protect the identities of victims, witnesses and other sources, but as its ability to physically protect witnesses was limited, it reminded States of their primary responsibility to protect those individuals residing within their borders who had cooperated with the Commission.⁹

4. Kuwait

42. Reference was made in my previous report to Nawaf al-Hendal, founder of the Kuwait Watch Organization for Human Rights (see A/HRC/30/29, para. 29), in relation to allegations of reprisals for his participation in the universal periodic review of Kuwait in January 2015 and in the twenty-ninth session of the Human Rights Council, held in March 2015. By letter of 30 September 2015, the Government expressed its regret that the case summary included in the communications report of special procedures (see A/HRC/30/27, KWT 2/2015) made no mention of the lifting of the travel ban imposed on Mr. Al-Hendal, and recalled that Mr. Al-Hendal had in fact been able to attend the Council session in September 2015. The Special Rapporteurs on the rights to freedom of peaceful assembly and of association, and on the situation of human rights defenders, in their observations on communications reports, while welcoming the release of Mr. Al-Hendal, reminded the Government that international law provides for a right to unhindered access to and communication with international bodies on matters of human rights and fundamental freedoms, and urged it to refrain from reprisals against persons or organizations engaging with the United Nations in the field of human rights (see A/HRC/32/36/Add.3, para. 445, and A/HRC/31/55/Add.1 and Corr.1, para. 513).

5. Oman

43. The case of Said Ali Said Jadad, a human rights defender advocating for democratic reforms in Oman, who had reportedly become the subject of intimidation and reprisals after he had met with the Special Rapporteur on the rights to freedom of peaceful assembly and of association during his visit to Oman in 2014, was mentioned in my previous report (see A/HRC/30/29, para. 34). In their observations on communications reports to the twenty-ninth and thirty-first sessions of the Human Rights Council, the Special Rapporteurs on the rights to freedom of peaceful assembly and of association, and on the situation of human rights defenders, respectively, regretted that no response had been received to the joint communication dated 29 January 2015 and urged the Government to fully cooperate with their mandates (see A/HRC/29/25/Add.3, para. 577, and A/HRC/31/55/Add.1, para. 536). At the time of finalization of the present report, no government response had been received to the above-mentioned communication.

6. United Arab Emirates

44. The case of Osama al-Najjar, who had reportedly become the subject of reprisals after meeting with the Special Rapporteur on the independence of judges and lawyers during her visit to the United Arab Emirates in 2014, was included in my previous two reports (see A/HRC/27/38, paras. 37-38, and A/HRC/30/29, annex, para. 6). The Special Rapporteur on the situation of human rights defenders, in his latest observations on communications report, again raised concern about the reported reprisals against Mr. Al-Najjar, who, after spending almost six months in pretrial detention, appeared before the State Security Court at the Federal Supreme Court in Abu Dhabi, whose decisions are

⁹ See www.ohchr.org/Documents/HRBodies/HRCouncil/CoIEritrea/A_HRC_32_CRP.1_read-only.pdf, paras. 10-11.

not subject to appeal, and was sentenced to three years in prison (see A/HRC/31/55/Add.1, para. 563). He reiterated that international law provides for a right to unhindered access to and communication with international bodies on matters of human rights and fundamental freedoms (ibid.).

7. Bolivarian Republic of Venezuela

45. Reference has been made in each of my previous reports since 2010 to the case of Judge María Lourdes Afiuni Mora, who had become the subject of reprisals in the form of arbitrary detention when she ordered the conditional release of Eligio Cedeño, after the Working Group on Arbitrary Detention, in its opinion No. 10/2009, had considered his detention arbitrary (see A/HRC/14/19, paras. 45-47, A/HRC/18/19, paras. 87-90, A/HRC/21/18, paras. 68-69, A/HRC/24/29 and Corr.1, paras. 46-48, A/HRC/27/38, para. 46, and A/HRC/30/29, annex, para. 7). In its concluding observations on the fourth periodic report of the Bolivarian Republic of Venezuela, the Human Rights Committee expressed particular concern over her situation, including at claims that she was subjected to ill-treatment and sexual assault during her detention and that those claims were not promptly investigated (see CCPR/C/VEN/CO/4, para. 15). The High Commissioner, in his statement of 12 November 2015 at the special meeting of the Human Rights Council on the occasion of the visit of the President of the Bolivarian Republic of Venezuela, also referred to the case of Judge Afiuni and urged the Bolivarian Republic of Venezuela to comply with the recommendations of the international human rights bodies.¹⁰ The Working Group on Arbitrary Detention, in its 2015 annual report, also reiterated its concern over the continued detention under house arrest of Judge Afiuni and again called upon the Government to release her immediately and provide her with effective and adequate reparations (see A/HRC/33/50, para. 22).

V. Conclusions and recommendations

46. **Continuing intimidation and reprisals against individuals and groups who seek to cooperate, are cooperating or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights remain of grave concern. Every such act chips away a small piece of the work accomplished by the United Nations in the field of human rights. Such acts not only devastate the lives of the individuals concerned, and their families, but also have a deterrent effect that may undermine future cooperation.**

47. **The cases included in the present and in previous reports show that acts of intimidation and reprisal continue to range from harassment, intimidation, arbitrary arrest and detention, including incommunicado and solitary confinement, travel bans, charges and sentencing, sometimes to lengthy prison terms, acts of torture and other forms of cruel, inhuman or degrading treatment, including physical attacks and sexual abuse, denial of access to medical attention in detention, to, in extreme cases, death.**

48. **Patterns emerging from those cases seem to indicate that, if initial warning signs are ignored, acts of intimidation and reprisal are likely to become more severe over time, not only targeting individuals or groups engaging with the United Nations in the field of human rights directly, but also their families, legal representation, organizations and anyone else linked to them. For that reason I reiterate that all such**

¹⁰ OHCHR, “Statement by the High Commissioner at the special meeting of the Human Rights Council on the occasion of the visit of the President of the Bolivarian Republic of Venezuela”.

acts, no matter how seemingly subtle or explicit, are without exception unacceptable and must be halted immediately and unconditionally, effective remedies provided and preventive measures adopted and implemented to prevent reoccurrence.

49. I reiterate the concerns expressed in my previous reports that, while it is the primary obligation of the State 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, the cases described in my reports seem to confirm that acts of intimidation and reprisal are often perpetrated by government officials of the State itself. I therefore call again on every State to take all measures necessary to prevent the occurrence of intimidation and reprisal, including by raising awareness. I urge governments to send clear messages to all State officials that such acts will not be condoned, and to ensure accountability if they do occur.

50. In that regard, I welcome continued efforts made by a number of Member States to continue to provide assistance to individuals and groups subjected to acts of intimidation and reprisals for their cooperation with the United Nations in the field of human rights, in particular by raising their cases during sessions of the Human Rights Council. I urge all States to follow up on the cases included in the present and previous reports and provide substantive responses where they remain outstanding. In that context, I recommend that the Council continue to devote sufficient time to the discussion of the present and future reports.

51. Furthermore, responses to acts of intimidation and reprisal by the United Nations system must be timely and coordinated in order to prevent initial warning signs from being overlooked and preventive steps that could have been taken left aside. In that regard, I welcome the continued efforts made by the different United Nations human rights mechanisms and representatives towards enhancing their response to all acts of intimidation and reprisal and the first positive outcomes reached.

52. In addition, recent developments seem to indicate that policies and practices that may hamper access to the United Nations, its representatives and mechanisms need to be addressed in more detail. That could be explored further in future reports. I encourage all United Nations mechanisms and representatives in the field of human rights to continue to follow up on cases of reprisals brought to their attention and report on such follow-up.

53. In 2009, the Human Rights Council decided to broaden the scope of my report to include not only cases of intimidation and reprisals related to cooperation with human rights mechanisms, but also cooperation with the United Nations system in the field of human rights as a whole. The information gathered in that context has underlined the seriousness of the issue of reprisals and its impact, which affects individuals and groups from all regions of the world. The pattern is increasingly addressed by various stakeholders within the United Nations system, including the President of the Council, the treaty bodies and the special procedures. Each of those stakeholders is developing specific tools and protocols to respond to it. All those initiatives are welcomed. However, they have also highlighted the lack of a coordinated response to the problem.

54. In the light of the increasing number of cases of reprisals, as evident in the present report, I intend to strengthen the collection of information on allegations of intimidation or reprisals for cooperation with the United Nations in the field of human rights by asking all parts of the United Nations system to report to me more regularly on such cases. In consultation with the High Commissioner for Human Rights, I will

make use of existing staff to take up the issue within the United Nations system and with Member States, and to advise the High Commissioner and me as appropriate.

55. I once again stress that it is crucial for the United Nations in its efforts to promote and protect all human rights to be able to cooperate with the widest pool of stakeholders as possible without putting anyone at risk. I therefore encourage all relevant entities, including international and regional organizations, Member States, national human rights institutions, civil society, academic institutions and all individuals, to continue to make their voices heard and to contribute to the future consideration of the issue by the Human Rights Council and the United Nations system as a whole.
