



General Assembly

Distr.: General
27 February 2013

English/French/Spanish only

Human Rights Council

Twenty-second session

Agenda item 3

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

Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya

Addendum

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

* The present document is being circulated in the languages of submission only, as it greatly exceeds the word limitations currently imposed by the relevant General Assembly resolutions.

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Introduction

1. The present document is submitted by the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, to the Human Rights Council, pursuant to resolutions 7/8 and 16/5 of the Human Rights Council. The document provides observations on the communications on specific cases addressed by the Special Rapporteur to States, as well as on the replies by States received.
2. The cases raised by the Special Rapporteur in this addendum include communications sent between 1 December 2011 and 30 November 2012.
3. The addendum contains observations on the communications and responses received from States until 31 January 2013. A few replies received before 31 January 2013 could not be included because translation of these documents was not available at the time of finalising the report. Most of the responses by States refer to cases raised by the Special Rapporteur during the period December 2011 to November 2012. However, responses received during the reporting period to cases addressed by her in earlier reporting periods have also been included. These communications are marked with a footnote in the text.
4. For ease of reference, cases have been grouped by country, with countries listed alphabetically according to their names in English. Each communication is referenced in one of four categories: urgent appeal (UA), allegation letter (AL), joint urgent appeal (JUA) and joint allegation letter (JAL). This is followed by the date the communication was issued, as well as the case number and the State reply. The electronic version of the present document has both of these items hyperlinked, and clicking on them will open the communication sent and the reply from the concerned State, respectively, as uploaded on the OHCHR website. Finally, in bold, is a summary of the allegations contained in the communication in the language of submission
5. The Special Rapporteur is grateful to all States which have transmitted responses to communications sent. She considers response to her communications an important part of cooperation by States with her mandate.

Afghanistan

6. JAL 18/07/2012 Case no. : AFG 1/2012 State reply: 04/10/2012
Alleged killing of two women.

Observations

7. The Special Rapporteur thanks the Government for its detailed response to her communication. Nonetheless she expresses deep concern for the safety and physical and psychological integrity of human rights defenders in Afghanistan in the context of the on-going security challenges in various regions. She would particularly like to highlight her concerns regarding the situation of women human rights defenders and other human rights defenders working on issues of women's rights. The Special Rapporteur notes with alarm the killings of regional representatives of the Ministry of Women's Affairs and urges the authorities to increase efforts to bring the perpetrators of these crimes to justice. In this connection, she wishes to draw the attention of the Government to the provisions contained in the Declaration on Human Rights Defenders, specifically its article 2 and article 12, para. 2 and 3.

Algeria

8. JAL 13/12/2011 Case no.: DZA 6/2011 State reply: None to date
Allégations relatives à un projet de loi sur les associations portant atteinte à la liberté d'association.
9. JUA 25/04/2012 Case no.: DZA 1/2012 State reply: 07/06/2012
Allégations d'arrestation arbitraire.
10. JAL 31/07/2012 Case no.: DZA 2/2012 State reply: 01/10/2012
Allégations d'un usage excessif de la force et de restrictions illégitimes au droit à la liberté de réunion pacifique.
11. JUA 31/08/2012 Case no.: DZA 3/2012 State reply: None to date
Allégations d'arrestation et de harcèlement d'un défenseur des droits de l'homme.
12. JAL 22/11/2012 Case no.: DZA 4/2012 State reply: None to date
Allégations de restrictions illégitimes à la liberté d'association.

Observations

13. La Rapporteuse spéciale remercie le Gouvernement des informations fournies dans ses réponses aux communications du 25 avril 2012 et du 31 juillet 2012, bien qu'elle regrette l'absence des réponses aux trois autres communications envoyées durant la période couverte par le présent rapport.

14. La Rapporteuse spéciale expriment ses préoccupations concernant des rapports reçus détaillant un usage excessif de la force à l'égard des participants dans des manifestations pacifiques ainsi que des arrestations et détentions des défenseurs et défenseuses des droits de l'homme suite à leur participation dans des manifestations pareilles.

15. En outre, la Rapporteuse spéciale souhaite reste préoccupée par des restrictions alléguées sur la participation des défenseurs des droits de l'homme dans des organisations non-gouvernementales dans le cadre de la nouvelle loi sur les associations en Algérie récemment adoptée par l'Assemblée Nationale. Les dispositions de ladite loi relatives au nouveau processus d'autorisation préalable des organisations par l'Etat, au « consentement » des subventions étrangères par l'Etat ainsi qu'à la disposition lui paraissent très problématiques pour l'indépendance de la société civile et la liberté d'association. Afin d'assurer un cadre de travail favorable pour les défenseurs des droits de l'homme en Algérie, la Rapporteuse spéciale aimerait attirer l'attention du Gouvernement sur l'article 5, alinéas b) et c) de la Déclaration sur les défenseurs des droits de l'homme, ainsi que sur les recommandations incluses dans son rapport à l'Assemblée générale de 2009 (A/64/226), en particulier ses para. 104 à 116.

Angola

16. JAL 21/12/2011 Case no.: AGO 3/2011 State reply: None to date
Alleged restrictions to the rights to freedom of peaceful assembly and alleged excessive use of force during demonstrations.

Observations

17. The Special Rapporteur regrets that no reply has been received from the Government of Angola to the joint allegation letter sent during the reporting period upon finalization of the current report. The Special Rapporteur wishes to reiterate her concerns

about information received on alleged restrictions on the right to freedom of peaceful assembly in Angola, including alleged excessive violence against protesters involved in peaceful demonstrations on the part of the authorities, last minute restrictions on planned peaceful assemblies, and failure to take appropriate action against those allegedly involved in attacks on peaceful protesters. In this regard, the Special Rapporteur wishes to refer the Government of Angola to the provisions of the Declaration on Human Rights Defenders, particularly article 5, points b) and c).

Azerbaijan

18. JAL 05/03/2012 Case no.: [AZE 1/2012](#) State reply: None to date
Alleged grave challenges for NGOs to freely conduct their activities within the context of the provisions contained in the 2009 Law on Non-Governmental Organizations; as well as alleged de facto ban on peaceful assemblies in Baku
19. JUA 22/03/2012 Case no.: [AZE 2/2012](#) State reply: [08/05/2012](#)
Alleged acts of ill-treatment and violence against peaceful protesters in the context of peaceful demonstrations held in the centre and the proximities of the city of Baku.
20. JUA 04/05/2012 Case no.: [AZE 3/2012](#) State reply: None to date
Alleged violent attack on journalists.
21. JUA 27/06/2012 Case no.: [AZE 4/2012](#) State reply: None to date
Alleged detention and sentencing of a photo-journalist and human rights defender.

Observations

22. The Special Rapporteur regrets that only one response was received to the four communications sent during the reporting period. She is seriously concerned at information received during the reporting period indicating a pattern of denials to authorize peaceful assemblies, mostly in Baku, together with reported repression and excessive use of force by the part of the authorities against participants in peaceful demonstrations. She deeply regrets what seem to be undue restrictions on the rights to freedom of opinion and expression, and to peaceful assembly.

23. The Special Rapporteur is further concerned about the numerous provisions contained in the 2009 NGO Law and in the 2011 Decree No. 43 which are reportedly being used to hamper the work of NGOs, notably those working for the promotion of human rights. The Special Rapporteur reiterates her availability to provide any guidance and/or support that the Government of Azerbaijan might require.

Bahrain

24. JUA 18/03/11¹ Case no.: [BHR 3/2011](#) State Reply: [20/04/11](#); [14/12/2012](#)
Alleged excessive use of force by security forces against protesters.
25. JUA 20/01/2012 Case no.: [BHR 1/2012](#) State reply: [21/03/2012](#)
Allegations of arrest, detention and ill-treatment of a human rights activist /blogger and a school teacher.

¹ Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

26. JUA 29/06/2012 Case no.: [BHR 5/2012](#) State reply: [02/08/2012](#)
Allegations of repeated restrictions on the right to freedom of peaceful assembly, arbitrary detention and excessive use of force during demonstrations.
27. JUA 24/07/2012 Case no.: [BHR 6/2012](#) State reply: [24/08/2012](#)
Alleged arbitrary detention, sentencing and trial of a human rights defender.
28. JUA 05/10/2012 Case no.: [BHR 8/2012](#) State reply: [25/10/2012](#)
Alleged sentencing of human rights defender.
29. JAL 29/10/2012 Case no.: [BHR 9/2012](#) State reply: [21/12/2012](#)
Allegations of excessive use of force during protests, resulting in the death of two children.
30. JUA 18/10/2012 Case no.: [BHR 10/2012](#) State reply: [19/11/2012](#)
Alleged surveillance, threats, harassment and acts of reprisal against human rights defenders.
31. JUA 09/11/2012 Case no.: [BHR 11/2012](#) State reply: [07/12/2012](#); [14/12/2012](#)
Alleged banning of all public rallies and gatherings in Bahrain and the arrest and detention of two human rights defenders.
32. JAL 29/11/2012 Case no.: [BHR 12/2012](#) State reply: [08/01/2013](#)
Alleged interrogation and deportation of human rights defender and withdrawal of citizenship of 31 political activists.

Observations

33. The Special Rapporteur is concerned about the significant number of allegations received and communications sent during the reporting period, although she thanks the Government of the Kingdom of Bahrain for the detailed responses received to all communications sent.

34. The Special Rapporteur is deeply concerned about the physical and psychological integrity of human rights defenders in Bahrain and a reported campaign of repeated intimidation, harassment and silencing of those who work for human rights in the country, including alleged arrests of peaceful protesters, instances of ill-treatment in detention and arbitrary deprivation of citizenship. She reiterates her concerns regarding the ongoing detention of human rights defender Mr. Abdulhadi Al-Khawaja which she voiced in her joint press release published on 13 April 2012. She expresses particular concern about reports that human rights defenders have suffered reprisals following their participation in the Universal Periodical Review of Bahrain at the UN Human Rights Council in Geneva. Human rights defenders who participated in this session have allegedly been targeted with detention, public defamation in news media and in the case of Dr. Nada Dhaif, refusal of entry into Kuwait. The Special Rapporteur takes note of the Government's responses to her concerns, however she urges the Government to undertake further steps to guarantee that human rights defenders can fully enjoy their right to communicate with international organisations without fear of acts of reprisals, as provided for in Article 9, para. 4, of the Declaration on Human Rights Defenders.

35. Furthermore, the Special Rapporteur is concerned by the frequent reports that have reached her of excessive force and other measures used by the authorities against peaceful protesters, concerns she also voiced in her joint press statement published on 23 August 2012. She welcomes the measures detailed in the Government's reply of 21 December 2012 to prevent the use of excessive force against peaceful demonstrations and expresses the wish that they will serve as a basis for further measures to safeguard the rights to freedom of expression and freedom of peaceful assembly for human rights defenders in Bahrain. In connection to the concerns highlighted above, the Special Rapporteur wishes to refer the

Government of Bahrain to the provisions outlined in the Declaration on Human Rights Defenders, notably to article 2; article 5 point (a) and (b); to article 6 point (b) and (c); and to article 12, in particular para. 2 and 3.

36. The Special Rapporteur regrets that at the time of publication of this report, no reply had been received yet in response to her request for a country visit to Bahrain. She expresses the hope that the Government will respond favourably to her request and that a date suitable to both parties can be agreed on.

Bangladesh

37. JUA 04/07/2012 Case no.: BGD 4/2012 State reply: 12/07/2012
Alleged ongoing attacks against journalists.

38. JAL 21/08/2012 Case no.: BGD 5/2012 State reply: 23/08/2012
Alleged negative human rights impacts stemming from the order to ban three humanitarian aid organizations from supporting unregistered Rohingya asylum-seekers, refugees and migrants in and around unofficial camps in the Cox's Bazar district in south-eastern Bangladesh.

39. JAL 23/10/2012 Case no.: BGD 7/2012 State reply: 25/10/2012
Alleged draft law on NGO that may unduly limit the right to freedom of association.

Observations

40. The Special Rapporteur thanks the Government of Bangladesh for the responses received to her communications sent during the reporting period, but she regrets that a substantive response to the allegations contained therein had not yet been received at the time this report was finalized. She considers the allegations contained in her communications to be very serious and trusts that a substantive response will be provided shortly.

41. The Special Rapporteur remains concerned about the reported restrictions on the rights to freedom of association and to freedom of opinion and expression in Bangladesh. She reiterates her concerns that the proposed law mentioned in her communication of 23 October 2012 (case number BGD 7/2012), specifically the requirement that an association obtain prior authorisation to receive foreign funding, as well as the reports of a long and cumbersome registration procedure coupled with wide discretionary powers to deny authorisation, may limit the independence of such associations and unduly restrict their right to operate freely. In this connection, the Special Rapporteur wishes to refer the Government of Bangladesh to the provisions outlined in the Declaration on Human Rights Defenders, notably to article 5 point (b) and (c); and to article 6 point (b) and (c).

42. The Special Rapporteur is further deeply concerned about information she has received regarding acts of violence and intimidation compromising the physical and psychological integrity of human rights defenders in Bangladesh, particular in the context of physical attacks, some fatal, on journalists and bloggers covering human rights issues. In this regard, she would like to bring to the attention of the Government of Bangladesh the provisions contained in the Declaration on Human Rights Defenders, specifically article 2 and article 12, para. 2 and 3.

Belarus

43. JUA 15/08/2011² Case no.: [BLR 9/2011](#) State reply: [31/10/2011](#)
Alleged arrest and detention of human rights defender.
44. JAL 21/05/2012 Case no.: [BLR 2/2012](#) State reply: [09/10/2012](#)
Alleged imposition of travel bans on, due process violations against and sentencing of human rights defenders.
45. JAL 11/09/2012 Case no.: [BLR 3/2012](#) State reply: [10/10/2012](#)
Alleged harassment of human rights defender.
46. JUA 18/10/2012 Case no.: [BLR 4/2012](#) State reply: [31/10/2012](#); [22/01/2013](#) **Alleged arbitrary closure of a human rights association.**

Observations

47. The Special Rapporteur thanks the Government for the detailed responses provided to the three communications sent during the reporting period, including the report from the appellate body regarding the situation of the organization “Platforma” (case no. BLR 4/2012). Nevertheless, the Special Rapporteur remains concerned at reports received indicating that there is an increasingly restrictive environment for human rights defenders in Belarus, including judicial and administrative harassment of certain organizations and of journalists working on human rights issues.

48. Moreover, the Special Rapporteur wishes to reiterate her concern at allegations regarding acts of intimidation and reprisals against defenders for cooperating or trying to cooperate with UN human rights mechanisms. She would like to underline that the right to access and communicate with international bodies is enshrined in article 5(c) and article 9(4) of the Declaration. She would also like to recall the provisions of resolution 12/2 of the Human Rights Council (A/HRC/RES/12/2), which condemns these acts (OP 2) and calls upon States to ensure “adequate protection individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights (...) (OP 3).

49. The Special Rapporteur reiterates her availability to provide advice to the Government and trusts that the Government will respond favourably to her repeated requests to visit the country.

Belize

50. JUA 29/02/2012 Case no.: [BLZ 1/2012](#) State reply: None to date
Alleged attack against Lesbian, Gay, Bisexual and Transgender activist.

Observations

51. The Special Rapporteur regrets that, at the time of finalising the report, no response had been received to the communication sent during the reporting period. She considers the allegations received very serious and hopes that they will be duly investigated, perpetrators will be brought to justice and the victim will obtain adequate redress.

² Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

Brazil

52. JUA 01/12/2010³ Case no.: [BRA 7/2010](#) State reply: None to date
Alleged assassination attempt of the head of the Associação dos Homens do Mar – AHOMAR.
53. JAL 28/03/2012 Case no.: [BRA 2/2012](#) State reply: [03/07/2012](#)
Alleged killing of two journalists.
54. JUA 11/04/2012 Case no.: [BRA 4/2012](#) State reply: None to date
Alleged killing of environmental rights defender and death threats against another human rights defender.
55. JUA 20/06/2012 Case no.: [BRA 6/2012](#) State reply: None to date
Follow-up communication regarding alleged threats against the family of a human rights defender.
56. JAL 05/07/2012 Case no.: [BRA 7/2012](#) State reply: None to date
Alleged killing of human rights defenders.
57. JAL 19/07/2012 Case no.: [BRA 8/2012](#) State reply: None to date
Allegations of acts of harassment, intimidation and criminalization of activists and human rights defenders of the Movimento Xingu Vivo Para Sempre (MXVPS) in the context of the protests against the construction of a Hydroelectric Power Plant complex in Belo Monte, in the State of Pará.
58. JUA 23/08/2012 Case no.: [BRA 9/2012](#) State reply: None to date
Alleged death threats against human rights defender.
59. JAL 29/08/2012 Case no.: [BRA 10/2012](#) State reply: None to date
Alleged break-in of offices of human rights organization and theft of confidential documents.
60. JUA 10/10/2012 Case no.: [BRA 11/2012](#) State reply: None to date
Alleged judicial harassment, attacks and death threats against lawyer and human rights defender.

Observations

61. The Special Rapporteur wishes to thank the Government of Brazil for the detailed response to one of the communication sent during the reporting period (case no. BRA 2/2012) although she notes that, at the time of finalising this report, the perpetrators of these killings have yet to be brought to justice. The Special Rapporteur regrets the lack of responses to the other seven communications sent during the reporting period.

62. The Special Rapporteur commends the Government for its efforts to implement a national protection program for human rights defenders. However, she remains deeply concerned at reports of instances where human rights defenders have continued to receive threats and have been victims of physical attacks, particularly in the light of reported killings during the period.

63. The Special Rapporteur urges the Government to increase efforts to combat impunity in order to guarantee the physical and psychological integrity of human rights defenders in Brazil, notably that of defenders of environmental rights and other human

³ Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

rights defenders who challenge powerful vested interests. In this connection, she wishes again to draw the attention of the Government of Brazil to the provisions contained in the Declaration on Human Rights Defenders, specifically its article 2 and article 12, paras. 2 and 3.

64. Regarding the allegations received indicating that the perpetrators of most of the violations reported against human rights defenders are non-State actors, the Special Rapporteur would like to call to the attention of Government the Human Rights Council Resolution A/HRC/RES/13/13 of 15 April 2010, as well as her report to the General Assembly A/65/223, of 4 August 2010 (paragraphs 28 and 29), where she underlined that “the responsibility of non-State actors to respect the rights of human rights defenders does not relieve the State of its obligations under human rights law to respect, protect and fulfil human rights, including those of human rights defenders.”

Burundi

65. JUA 21/05/2012 Case no.: BDI 1/2012 State reply: None to date
Allégations de menaces de mort à l'encontre d'un journaliste des droits humains.

66. JAL 23/08/2012 Case no.: BDI 3/2012 State reply: None to date
Allégation de la condamnation d'un défenseur des droits de l'homme, et de l'association de droits de l'homme, Réveil des Consciences et l'Évolution des Mentalités (PARCEM).

Observations

67. La Rapporteuse spéciale regrette, au moment de la finalisation du présent rapport, l'absence de réponses aux deux communications envoyées durant la période couverte par le présent rapport. Elle est préoccupée par les menaces alléguées à l'intégrité physique de certains défenseurs des droits de l'homme au Burundi. A cet égard, elle aimerait référer le Gouvernement du Burundi aux principes énoncés dans la Déclaration sur les défenseurs des droits de l'homme, notamment l'article 2 et l'article 12, para. 2 et 3, ainsi que les recommandations fournies dans son rapport de 2010 au Conseil des droits de l'homme (A/HRC/13/22), para. 111 à 114. La Rapporteuse spéciale reste disponible pour fournir tout appui technique dont aurait besoin le Gouvernement.

68. La Rapporteuse spéciale regrette, au moment de publier ce rapport, l'absence de réponse de la part du Gouvernement du Burundi à sa demande de visite afin de pouvoir effectuer un état des lieux de la situation des défenseurs des droits de l'homme dans le pays. Elle espère recevoir une réponse favorable à cette demande prochainement.

Cambodia

69. JAL 04/05/2012 Case no.: KHM 3/2012 State reply: 27/06/2012
Allegations of restrictions to the enjoyment of the rights to freedom of peaceful assembly, opinion and expression which were reportedly faced by organizers and participants to the ASEAN Civil Society Conference/ASEAN Peoples' Forum 2012 (ACSC/APF) under the theme “Transforming ASEAN into a People Centered Community”.

70. JUA 04/06/2012 Case no.: KHM 4/2012 State reply: None to date
Alleged arrests, charges and acts of coercion against human rights defenders for the land disputes in Phnom Penh.

71. JAL 13/08/2012 Case no.: [KHM 5/2012](#) State reply: None to date
Allegations of disruption by law enforcement officials of a human rights training course undertaken by two non-government organizations, and threats against its members.
72. JUA 29/08/2012 Case no.: [KHM 6/2012](#) State reply: None to date
Alleged arrest, detention and sentencing of human rights defender.
73. JAL 25/10/2012 Case no.: [KHM 7/2012](#) State reply: None to date
Alleged trial of human rights defender.

Observations

74. The Special Rapporteur thanks the Government of Cambodia for the detailed response provided with regard to her communication of 4 May 2012 (case number KHM 3/2012), although she regrets that the allegations of serious restrictions on the rights to freedom of expression and peaceful assembly mentioned in her communication do not appear to have been investigated in greater depth. The Special Rapporteur regrets that at the time of the finalization of this report, the Government had not transmitted a reply to any of her four other communications sent during the reporting period.

75. The Special Rapporteur reiterates her concern regarding the general situation for human rights defenders in Cambodia and reported acts of intimidation, arrests and judicial harassment as well as restrictions to their legitimate right to freedom of opinion and expression, and restrictions on the right to association and peaceful assembly. She is especially concerned about the restrictions allegedly faced by human rights defenders participating in organisations and peaceful demonstrations promoting land rights. The Special Rapporteur urges the Government to take the necessary measures to ensure an environment which is conducive to the work of all human rights defenders allowing them to carry out their legitimate work without fear of persecution. In this regard, the Special Rapporteur refers the Government to the provisions contained in Articles 5 and 6 of the Declaration on Human Rights Defenders. She remains available to provide any assistance the Government might require.

76. The Special Rapporteur regrets that at the time of publication of this report, no reply had been received yet in response to her request for a country visit to Cambodia. She expresses the hope that the Government will respond favourably to her request and that a date suitable to both parties can be agreed on.

Cameroon

77. JAL 08/05/2012 Case no.: [CMR 1/2012](#) State reply: [08/08/2012](#)
Allégations de restrictions indues au droit à la liberté de réunion pacifique.
78. JUA 10/07/2012 Case no.: [CMR 2/2012](#) State reply: None to date
Allégations d'arrestation et de détention arbitraires d'étudiants ayant souhaité exercer leur droit à la liberté de réunion pacifique.
79. JUA 05/11/2012 Case no.: [CMR 5/2012](#) State reply: None to date
Allégations de menaces de mort contre deux avocats et défenseurs des droits de l'homme.

Observations

80. La Rapporteuse spéciale remercie le Gouvernement des informations fournies en réponse à sa lettre du 8 mai 2012. Elle regrette cependant, au moment de la finalisation du présent rapport, l'absence de réponse aux deux autres communications envoyées pendant la

période couverte par le présent rapport. Elle exhorte le Gouvernement à répondre au plus vite aux craintes exprimées dans celles-ci. Elle reste préoccupée par la situation de Mme Nkom et M. Togue qui auraient reçu des menaces de mort, surtout en ce qui concerne son intégrité physique and psychologique. A cet égard, elle aimerait référer le Gouvernement du Cameroun aux principes énoncés dans la Déclaration sur les défenseurs des droits de l'homme, notamment l'article 2, l'article 9, para. 3(c), et l'article 12, para. 2 et 3.

81. La Rapporteuse spéciale exprime son inquiétude concernant des informations reçues au sujet des restrictions de la liberté d'assemblée pacifique au Cameroun, surtout à l'encontre des défenseurs œuvrant pour la protection des droits des personnes lesbiennes, gais, bisexuelles, transgenre et intersexe. A cet égard, elle aimerait attirer l'attention du Gouvernement du Cameroun à l'article 5, alinéas a) de la Déclaration sur les défenseurs des droits de l'homme ; au rapport adressé à l'Assemblée générale par l'ancienne Représentante spéciale du Secrétaire général sur la situation des défenseurs des droits de l'homme en 2006 (A/61/312), en particulier au para. 98, ainsi qu'au rapport de l'ancienne Représentante spéciale à l'Assemblée générale en 2007 (A/62/225), para. 101.

82. La Rapporteuse spéciale regrette, au moment de publier ce rapport, l'absence de réponse de la part du Gouvernement du Cameroun à sa demande de visite afin de pouvoir effectuer un état des lieux de la situation des défenseurs des droits de l'homme dans le pays. Elle espère recevoir une réponse favorable pour que la visite puisse avoir lieu à une date à convenir.

Canada

83. JAL 24/05/2012 Case no.: [CAN 1/2012](#) State reply: [23/07/2012](#) ; [01/10/2012](#) **Allégations de restrictions arbitraires au droit de réunion pacifique et de l'usage disproportionné de la force contre des manifestants dans le contexte de mobilisations d'étudiants à Montréal, Québec; et allégations de nouvelles lois portant indûment atteinte aux droits à la liberté de réunion pacifique et d'association.**

Observations

84. The Special Rapporteur regrets that, at the time of finalising this report, a substantive response to the communication sent during the reporting period had not been received. She considers the allegations very serious as they refer to undue restrictions on the right to peaceful assembly, and trusts that a substantive response will be provided shortly.

Chile

85. JAL 23/01/2012 Case no.: [CHL 1/2012](#) State reply: [13/03/2012](#); [07/09/2012](#) **Presuntas restricciones a libertad de reunión pacífica y expresión.**

86. JAL 31/07/2012 Case no.: [CHL 3/2012](#) State reply: [07/09/2012](#) **Alegaciones de uso excesivo y desproporcionado de la fuerza por parte de la policía contra un grupo de menores de edad.**

87. JAL 02/11/2012 Case no.: [CHL 5/2012](#) State reply: [07/01/2013](#) **Presuntas restricciones a libertad de reunión pacífica y expresión.**

Observaciones

88. La Relatora Especial agradece las respuestas del Gobierno a las tres comunicaciones enviadas durante el periodo del presente informe. En especial, la Relatora expresa su

satisfacción por la decisión de las autoridades de retirar y modificar ciertos aspectos del Proyecto de Ley que Fortalece el Resguardo del Orden Público que pudieran haber dado lugar a restricciones a los derechos a la libertad de expresión y reunión pacífica. La Relatora confía en que ciertos aspectos de la redacción del mencionado proyecto de ley sean reconsiderados de cara a no incurrir en restricciones arbitrarias de estas libertades fundamentales.

89. Sin embargo, la Relatora Especial se muestra de nuevo preocupada por las alegaciones recibidas indicando la persistencia del uso excesivo de la fuerza por parte de los cuerpos y fuerzas de seguridad del Estado respecto a activistas que trabajan en defensa de los derechos del pueblo mapuche y a miembros de esta comunidad, en particular menores de edad, que participan en reuniones y manifestaciones públicas. En este sentido, anima a las autoridades a perseverar en sus esfuerzos para que estos excesos no se repitan y se tomen las medidas necesarias para que las disposiciones contenidas en la Declaración sobre los defensores de derechos humanos se materialicen, en particular las reflejadas en el artículo 5(a) que estipula que, con el fin de promover y proteger los derechos humanos y las libertades fundamentales, toda persona tiene derecho, individual o colectivamente, en el plano nacional e internacional a reunirse o manifestarse pacíficamente.

China

90. JUA 01/12/2011 Case no.: [CHN 25/2011](#) State reply: None to date
Allegation of arrest, detention, conviction and upholding of sentence on appeal on charges of “Creating a disturbance”.
91. JUA 06/02/2012 Case no.: [CHN 1/2012](#) State reply: [02/04/2012](#)
Alleged sentencing of two human rights defenders to nine and ten years’ imprisonment respectively.
92. JUA 10/02/2012 Case no.: [CHN 2/2012](#) State reply: [12/04/2012](#)
Allegations of excessive use of force against peaceful protesters in Luhuo, Seda and Rangtang Counties, Sichuan Province.
93. JUA 15/05/2012 Case no.: [CHN 4/2012](#) State reply: [27/08/2012](#)
Alleged threats and harassment against a human rights defender and his family and the alleged arbitrary detention or enforced disappearance of a number of his relatives and supporters.
94. JUA 11/07/2012 Case no.: [CHN 6/2012](#) State reply: [30/10/2012](#)
Alleged torture in prison and investigation deficiencies on the death in hospital of a prominent human rights activist.
95. JAL 16/08/2012 Case no.: [CHN 9/2012](#) State reply: [28/09/2012](#)
Alleged torture of a 49-year old man by detention personnel.

Observations

96. The Special Rapporteur thanks the Government for the replies transmitted to five of her communications sent during the reporting period. The Special Rapporteur wishes to express her deep concern about the arrest, detention and intimidation of human rights defenders in China for peacefully exercising their right to freedom of expression, including their family members. She voiced her concerns in a public statement issued on 7 December 2012. In this regard, she wishes to remind the Government of the People’s Republic of China of the provisions of the Declaration on Human Rights Defenders, specifically article 2, article 6, points b) and c), and article 12.

97. The Special Rapporteur is also concerned about information she has received about increased restrictions on the freedom of peaceful assembly and the negative impact such restrictions have had on the work of human rights defenders. In this regard, she would like to call the attention of the Government to article 5, point a), of the Declaration on Human Rights Defenders, as well as the report of the former Special Representative of the Secretary General on the situation of human rights defenders to the General Assembly in 2006 (A/61/312), para. 98.

98. The Special Rapporteur reiterates her hope that the Government will respond favourably to her repeated requests since 2008 to visit the country.

Colombia

99. JUA 24/11/2011⁴ Case no.: [COL 10/2011](#) State reply: [28/02/2012](#)
Acerca del ataque en la residencia de la Sra. María Jackeline Rojas Castañeda y el Sr. Juan Carlos Galvis.

100. JUA 31/01/2012 Case no.: [COL 1/2012](#) State reply: None to date
Presuntas amenazas de muerte contra varios integrantes del Movimiento de Víctimas de Crímenes de Estado (MOVICE), un colectivo de varias organizaciones de derechos humanos que trabaja contra los abusos cometidos en el contexto del conflicto armado en Colombia.

101. JUA 07/02/2012 Case no.: [COL 2/2012](#) State reply: [06/03/2012](#)
Presuntas amenazas de muerte contra los integrantes de la Corporación Regional para la Defensa de los Derechos Humanos (CREDHOS), una organización no gubernamental ubicada en la ciudad de Barrancabermeja que denuncia y recoge material de supuestas violaciones de derechos humanos y crímenes de lesa humanidad cometidos por paramilitares y miembros de la fuerza pública.

102. JUA 27/03/2012 Case no.: [COL 3/2012](#) State reply: None to date
Supuestos actos de intimidación y amenazas de muerte contra defensores de derechos humanos

103. JUA 10/05/2012 Case no.: [COL 5/2012](#) State reply: [22/05/2012](#)
Presunta desaparición forzada.

104. JUA 30/05/2012 Case no.: [COL 6/2012](#) State reply: [23/10/2012](#)
Presuntas amenazas de muerte, seguimientos y agresiones en contra de defensores de derechos humanos.

105. JUA 14/09/2012 Case no.: [COL 10/2012](#) State reply: None to date
Presunta amenaza de muerte contra defensores de los derechos humanos.

106. JUA 11/09/2012 Case no.: [COL 11/2012](#) State reply: None to date
Alegaciones de actos de acoso e intimidación contra miembros de la Unión Sindical Obrera de la Industria del Petróleo (USO).

107. JAL 02/10/2012 Case no.: [COL 12/2012](#) State reply: [30/10/2012](#); [30/10/2012](#)
Posible adopción por el Congreso de la República del “Proyecto de acto legislativo por el cual se reforman los artículos 116, 152 y 221 de la Constitución Política de Colombia” (Fuero Penal Militar), el cual podría afectar seriamente el Estado de Derecho y la lucha contra la impunidad en Colombia.

⁴ Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

Observaciones

108. La Relatora Especial agradece las respuestas recibidas a cuatro de las comunicaciones enviadas durante el periodo pero lamenta que, en el momento de terminar este informe, no se hubiera recibido respuesta a las otras cuatro comunicaciones enviadas.

109. La Relatora agradece al Gobierno la información detallada enviada acerca de las medidas adoptadas, incluyendo de manera preventiva, para garantizar la seguridad e integridad física de los defensores y defensoras amenazados. La Relatora toma nota con especial interés del enfoque diferencial de género de los esquemas de protección adoptados para cubrir las necesidades de las defensoras.

110. La Relatora quisiera señalar su preocupación por la persistente situación de inseguridad en la que operan muchos de los defensores y defensoras en Colombia, los cuales son amenazados, intimidados, atacados, secuestrados y, en ocasiones, asesinados, en conexión directa a sus actividades. En particular, a la Relatora Especial le gustaría llamar la atención sobre la especial vulnerabilidad de aquellos activistas y defensores que trabajan contra la impunidad, por el esclarecimiento de violaciones cometidas por la Fuerza Pública y en defensa de los derechos de las víctimas, incluida la reparación y no-repetición.

111. La Relatora Especial desea de igual forma, hacer de nuevo referencia a su informe presentado ante la Asamblea General A/65/223 de 4 de agosto de 2010, párrafos 28 y 29, el cual señala que en el contexto de violaciones de los derechos humanos de los defensores cometidas por agentes no estatales, la responsabilidad de los mismos de respetar los derechos de los defensores “no libera al Estado de las obligaciones que le incumben en virtud de las normas de derechos humanos de respetar, proteger y aplicar los derechos humanos, incluidos los de los defensores de los derechos humanos”.

112. La Relatora Especial llama la atención sobre la necesidad de persistir en la lucha contra la impunidad garantizando que las investigaciones sobre las violaciones contra los defensores y defensoras se lleven a cabo de manera pronta y eficaz, que los responsables sean llevados ante la justicia y las víctimas reciban una reparación adecuada.

Costa Rica

113. JUA 02/04/2012 Case no.: CRI 2/2012 State reply: None to date
Supuesto allanamiento y robo en la sede de una organización de derechos humanos.

Observaciones

114. La Relatora Especial lamenta que en el momento de finalizar el presente informe no se había recibido respuesta del Gobierno a la comunicación enviada durante el periodo. La Relatora considera que las alegaciones recibidas son preocupantes y confía en que serán debidamente investigadas y los culpables serán llevados ante la justicia.

Cuba

115. JUA 19/01/2012 Case no.: CUB 5/2011 State reply: 27/03/2012
Alegaciones de actos de violencia, hostigamiento e intimidación, y de detenciones en el transcurso de una manifestación pacífica en la Habana.

116. JUA 09/02/2012 Case no.: CUB 2/2012 State reply: 29/02/2012
Alegaciones de detención arbitraria y actos intimidatorios.

117. JAL 22/03/2012 Case no.: CUB 3/2012 State reply: 26/03/2012
Alegaciones de detenciones arbitrarias, actos de hostigamiento y de violación del derecho de reunión pacífica de disidentes y de integrantes de las Damas de Blanco en la ciudad de la Habana, en el contexto de la próxima visita del Papa Benedicto XVI a Cuba.
118. JAL 09/10/2012 Case no.: CUB 6/2012 State reply: 19/12/2012
Presunta represión contra integrantes de Las Damas de Blanco.
119. JUA 23/11/2012 Case no.: CUB 8/2012 State reply: None to date
Detenciones presuntamente arbitrarias y presuntos malos tratos de un grupo de defensores de los derechos humanos y activistas.

Observaciones

120. La Relatora Especial agradece las respuestas recibidas a cuatro de las cinco comunicaciones enviadas durante el periodo del presente informe. No obstante, la Relatora Especial reitera su preocupación por las informaciones recibidas indicando un contexto de persistente inseguridad y violencia contra personas que llevan a cabo un trabajo de promoción y defensa de los derechos humanos y las libertades fundamentales. En particular, la Relatora se muestra preocupada por los actos de acoso, intimidación, hostigamiento, incluyendo arrestos, detenciones arbitrarias y presuntos actos de acoso policial, contra personas que intentan ejercitar sus derechos a la libertad de expresión y reunión pacífica, incluyendo defensores y defensoras de derechos humanos.

121. La Relatora toma nota del conocimiento por parte de las autoridades de las disposiciones contenidas en la Declaración de las Naciones Unidas sobre el derecho y deber de los individuos, los grupos y las instituciones de promover y proteger los derechos humanos y las libertades fundamentales universalmente reconocidos, y confía en que ese conocimiento se traduzca en su implementación efectiva.

Democratic Republic of the Congo

122. JUA 20/09/2012 Case no.: COD 4/2012 State reply: None to date
Allégations de détention d'un militant associatif et de disparition forcée d'un militant politique.

Observations

123. La Rapporteuse spéciale regrette, au moment de la finalisation du présent rapport, l'absence de réponse à sa communication envoyée durant la période couverte par le présent rapport.

124. La situation des défenseurs des droits de l'homme opérant en République démocratique du Congo demeure très préoccupante, particulièrement quant à leur sécurité parmi un climat de violence et d'impunité répandue, surtout dans les régions orientales du pays. Garantir la sûreté et la sécurité des défenseurs des droits de l'homme, afin de leur permettre de réaliser leurs activités essentielles en documentant des violations des droits de l'homme et en promouvant le respect pour ces droits, reste un grand défi dans le pays. La Rapporteuse spéciale est très préoccupée par des menaces de mort et d'autres formes d'intimidation utilisés par des groupes armés (des forces de l'Etat ainsi que des acteurs armés non-gouvernementaux) à l'encontre des défenseurs des droits de l'homme qui exposent des abus que ces groupes auraient perpétrés, ainsi que l'utilisation de la violence sexuelle contre les femmes défenseuses des droits de l'homme. Dans un climat d'impunité, ces facteurs contribueraient à un environnement de travail marqué par un niveau de risque personnel extrêmement élevé pour les défenseurs des droits de l'homme ainsi que pour

leurs familles. La Rapporteuse spéciale a reçu des informations fréquentes concernant des défenseurs qui se seraient vus contraints de se cacher ou de s'exiler.

125. Dans ce contexte, la Rapporteuse spéciale aimerait rappeler au Gouvernement la responsabilité des Etats de garantir l'intégrité physique et psychologique des défenseurs des droits de l'homme, et de fournir un accès à la justice rapide et suffisante ainsi que des réparations adéquates aux victimes, selon les stipulations de l'article 2, l'article 9 et l'article 12 de la Déclaration sur les défenseurs des droits de l'homme. Elle souhaite également attirer de nouveau l'attention du Gouvernement sur les recommandations formulées par la Rapporteuse spéciale à la suite de sa visite du pays en juin 2009 (A/HRC/13/22/Add.2). Elle reste disponible pour fournir tout appui dont aurait besoin le Gouvernement.

Dominican Republic

126. JUA 09/12/2011 Case no.: DOM 2/2011 State reply: 20/12/2011
Supuesta campaña desprestigio, amenazas y hostigamiento.

Observaciones

127. La Relatora Especial lamenta que en el momento de finalizar el presente informe no se había recibido una respuesta sustantiva por parte del Gobierno a la comunicación enviada durante el periodo. La Relatora considera que las alegaciones recibidas son preocupantes y confía en que serán debidamente investigadas.

Egypt

128. JUA 22/12/2011 Case no.: EGY 13/2011 State reply: None to date
Alleged extension of period of detention, arrest, interrogation and charges.

129. JAL 12/01/2012 Case no.: EGY 1/2012 State reply: 14/05/2012
Alleged raids on several NGOs' offices.

130. JAL 19/01/2012 Case no.: EGY 2/2012 State reply: None to date
Alleged violence against women by the Egyptian military in the context of the protests that took place in Cairo in November and December 2011.

131. JAL 24/02/2012 Case no.: EGY 5/2012 State reply: None to date
Alleged increasingly restrictive environment for civil society organizations and activists.

132. JAL 22/06/2012 Case no.: EGY 7/2012 State reply: None to date
Alleged arbitrary restrictions on associations to receive foreign funding.

133. JUA 20/06/2012 Case no.: EGY 8/2012 State reply: None to date
Alleged death threats against human rights defender in violation of his right to freedom of opinion and expression.

134. JUA 06/07/2012 Case no.: EGY 9/2012 State reply: None to date
Alleged death threats against human rights activist in relation to his human rights work.

Observations

135. The Special Rapporteur thanks the Government of Egypt for the detailed response provided with regard to her communication sent on 12 January 2012 (case number EGY

1/2012). However, the Special Rapporteur regrets that no reply has been received from the Government to any of her six other communications sent during the reporting period.

136. The Special Rapporteur is deeply concerned at indications that non-governmental human rights organisations are being increasingly targeted by allegedly arbitrary closures or other restrictions which seriously impede the ability of such organisations, and human rights defenders working with them, to fully carry out their key activities in Egyptian civil society. Of particular concern are allegations against organizations which have been operating for a number of years that they have been doing so without being properly registered, and suggested restrictions on receiving funding from abroad. In this regard, the Special Rapporteur would like to refer the Government of Egypt to the principles set forth in the Declaration on Human Rights Defenders, specifically its article 5, points b) and c), and its article 13. She also encourages the Government to pay close attention to the recommendations put forward in her 2009 report to the Human Rights Council (A/64/226, para. 104 to 119).

137. Furthermore, the Special Rapporteur wishes to express her deep concern regarding reports of women human rights defenders who have allegedly been targeted with sexual harassment and intimidation following their participation in peaceful protests, particular in the light of allegations that this harassment was perpetrated by members of the State security forces.

138. The Special Rapporteur also remains concerned about arbitrary arrests, threats and judicial harassment against human rights defenders in general using their right to freedom of expression and freedom of assembly to denounce human rights violations. In this regard, she would like to remind the Government of Egypt of the provisions of the Declaration on Human Rights Defenders, notably its article 2, article 5, point a), and article 12, as well as the recommendations put forward by the former Special Representative of the Secretary General on the situation of human rights defenders in her reports to the General Assembly in 2006 (A/61/312, para. 98) and 2007 (A/62/225, para. 101).

139. The Special Rapporteur reiterates her hope that the Government will respond favourably to her request to visit the country, which has been pending for more than ten years at this point. She remains available to provide any technical support the Government of Egypt might require.

El Salvador

140. JAL 19/07/2011⁵ Case no.: SLV 3/2011 State reply: 28/09/2012; 17/10/2012 **Supuesto asesinato.**

141. JUA 21/09/2012 Case no.: SLV 3/2012 State reply: 27/11/2012
Alegación de una amenaza de muerte contra un sacerdote que trabaja en proyectos de rehabilitación con ex miembros de pandillas.

Observaciones

142. La Relatora Especial agradece la respuesta proporcionada por el Gobierno a la comunicación enviada durante el periodo del presente informe, en especial los detalles sobre las medidas de protección brindadas al sacerdote Antonio Rodríguez López, y confía en que se dará seguimiento a las investigaciones a fin de identificar a los responsables de

⁵ Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

las amenazas de muerte y llevarlos ante la justicia. Asimismo, agradece la respuesta recibida a la comunicación enviada en julio de 2011 y toma nota con especial interés de la información proporcionada indicando que la reforma del Código Penal llevada a cabo a través del Decreto legislativo 781 de 14 de julio de 2011 conllevó una reforma del artículo 30 añadiendo como agravante de responsabilidad del delito que el mismo sea cometido contra defensores de derechos humanos.

Equatorial Guinea

143. JAL 09/11/2012 Case no.: [GNQ 2/2012](#) State Reply : None to date.
Supuesta detención arbitraria de un abogado y defensor de los derechos humanos.

Observaciones

144. La Relatora Especial lamenta que en el momento de finalizar el presente informe no se había recibido respuesta del Gobierno a la comunicación enviada durante el periodo. La Relatora considera que las alegaciones recibidas son preocupantes y confía en que serán debidamente investigadas.

Ethiopia

145. JUA 05/10/2011⁶ Case no.: [ETH 4/2011](#) State reply: [17/02/2012](#)
Alleged arrests, detention and charges under anti-terrorism legislation of journalists and opposition politicians.
146. JAL 09/12/2011 Case no.: [ETH 6/2011](#) State reply: None to date
Alleged strict implementation of the Charities and Societies Proclamation 621/2009 impeding the legitimate work of a human rights association.
147. JUA 19/12/2011 Case no.: [ETH 7/2011](#) State reply: None to date
Terrorism-related charges, alleged detention and torture.
148. JUA 31/07/2012 Case no.: [ETH 4/2012](#) State reply: [14/12/2012](#)
Alleged sentencing of human rights defender.
149. JAL 23/11/2012 Case no.: [ETH 6/2012](#) State reply: None to date
Alleged repeated restrictions to the right to freedom of association imposed on the Ethiopian Human Rights Council (EHRCO) and other organizations.

Observations

150. The Special Rapporteur thanks the Government of Ethiopia for the two detailed responses transmitted to her communications regarding the detention of and charges brought against journalists and others, although she regrets that at the time of the finalization of this report, the Government had not transmitted a reply to either of her communications regarding the freezing of assets and other restrictions on the activities of civil society organisations. She considers the allegations that counter-terrorism and NGO legislation has been used with a view to restricting the ability of human rights organisations

⁶ Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

to carry out their legitimate activities to be very serious, and trusts that a substantive response will be provided shortly.

151. The Special Rapporteur also expresses deep concern regarding the use of counter-terrorism legislation in the sentencing of Mr. Eskinder Nega Fenta as well as in the detention and charging of other human rights defenders in Ethiopia. She is concerned by reports that such charges may be based on an overbroad definition of terrorism, leading in consequence to restrictions on human rights defenders' right to freedom of expression, and on their ability to effectively carry out their legitimate and peaceful human rights activities. In this regard, she reiterates her concerns voiced in her joint press communication published on 2 February 2012. Furthermore, the Special Rapporteur would like to remind the Government of Ethiopia of the provisions contained in the Declaration on Human Rights Defenders, specifically article 5, points b) and c), article 12 and article 13. Concerning the right to freedom of association, she urges Ethiopia to revisit her report to the General Assembly in 2009 (A/64/226), in particular recommendations given at para. 104 through 116. She remains available to provide any technical assistance the Government of Ethiopia might require.

Fiji

152. JAL 21/12/2011 Case no.: [FJI 3/2011](#) State reply: None to date
Allegations of police summoning, arrest and detention of, and charges against, trade unionists; and refusal of entry in Fiji for an international trade union delegation.

153. JAL 18/06/2012 Case no.: [FJI 1/2012](#) State reply: None to date.
Alleged cancellation of a gay pride march.

Observations

154. The Special Rapporteur regrets that, at the time of finalising the report, no response had been received to the communication sent during the reporting period. She considers the allegations received very serious and hopes that they will be duly investigated.

155. The Special Rapporteur expresses deep concern regarding information received about alleged restrictions on the right to freedom of assembly and the right to freedom of expression in Fiji. She is particularly concerned about the situation of trade unionists in this context, and she urges the Government of Fiji to respect the legitimate right of this group to defend workers' rights, particularly in the light of reports that public emergency laws are restricting human rights defenders' ability to hold an adequate discussion on the effects of the Essential National Industries (Employment) Decree of 2011. In this context, the Special Rapporteur would like to remind the Government of Fiji of the provisions contained in the Declaration on Human Rights Defenders, specifically article 5, point a), and article 6, points b) and c).

156. The alleged banning of a Gay Pride march and its potential constitution of undue restrictions on the right to freedom of expression and peaceful assembly is a further matter of concern. In this regard, the Special Rapporteur wishes to highlight the provisions contained in articles 2, 5 and 12 of the Declaration on Human Rights Defenders which stipulate the obligation on States to guarantee the physical and psychological integrity of human rights defenders as they carry out their legitimate and peaceful activities, including when they exercise their right to freedom of peaceful assembly. She would like to put to the attention of the Government the report of the former Special Representative of the Secretary General on the situation of human rights defenders to the General Assembly in 2006 (A/61/312), para. 98.

157. The Special Rapporteur reiterates her hope that the Government will respond favourably to her request to visit the country issued in 2010. She remains available to provide any support the Government of Fiji might require.

France

158. JUA 10/02/2012 Case no.: FRA 1/2012 State reply: 08/05/2012
Allégation d'un risque crédible d'extradition et de risque de torture ou de mauvais traitement.

Observations

159. La Rapporteuse Spéciale remercie le Gouvernement de la réponse reçue à la communication envoyée au cours de la période considérée. Elle prend note des garanties que le système juridictionnel français comporte, particulièrement en matière de la procédure d'extradition. La Rapporteuse Spéciale espère que les autorités tiendront dûment compte des allégations indiquant que le mandat d'arrêt international contre M. Mourad Dhina vise à sanctionner ses activités de promotion et défense des droits de l'homme.

Georgia

160. JUA 02/08/2012 Case no.: GEO 1/2012 State reply: 26/09/2012
Alleged detention and torture at the Police Temporary Detention Isolator (TDI) in the Kvareli District of Georgia

Observations

161. The Special Rapporteur thanks the Government for the detailed response regarding the communication sent during the reporting period. She takes note that an official investigation is underway and hopes to receive further details as soon as they can be made available. Given the seriousness of the allegations, the Special Rapporteur trusts that they will be duly investigated, perpetrators will be brought to justice and the victim will obtain adequate redress.

Greece

162. UA 01/12/2011 Case no.: GRC 3/2011 State reply: 26/01/2012
Allegations of threats and abusive messages directed against Mr. Thanassis Tartis, lawyer for the Greek Helsinki Monitor (GHM), Mr. Panayote Dimitras, spokesperson of GHM and member of the World Organisation Against Torture (OMCT) General Assembly, as well as against Mr. Pavlos Voskopoulos, a representative of the Macedonian minority community in Greece.

163. JAL 08/06/2012 Case no.: GRC 1/2012 State reply: 10/10/2012
Alleged physical and verbal attacks and threats against human rights defender and human rights lawyer, and the alleged failure to bring those responsible to justice.

Observations

164. The Special Rapporteur thanks the Government for the detailed responses to the two communications sent during the reporting period. She takes note of the measures taken by the authorities to ensure the protection of the alleged victims but remains concerned about their physical and psychological integrity. Given the seriousness of the allegations

received, the Special Rapporteur hopes that they will be duly investigated and perpetrators will be brought to justice.

Guatemala

165. JAL 30/05/2008⁷ Case no.: GTM 11/2008 State reply: 24/05/2012
Presunto asesinato de un periodista.
166. JAL 31/01/2012 Case no.: GTM 1/2012 State reply: 23/04/2012
Presunto asesinato de defensor de derechos humanos, miembro activo de la Juventud del Comité de Desarrollo Campesino (CODECA) que trabajaba por la mejora de las condiciones salariales de los campesinos, por los derechos y oportunidades de los jóvenes, y por la nacionalización de la energía eléctrica en Guatemala.
167. JUA 23/02/2012 Case no.: GTM 2/2012 State reply: 03/04/2012
Presuntas agresiones y amenazas de muerte contra un delegado de la Comisión Presidencial Coordinadora de la Política del Ejecutivo en Materia de Derechos Humanos (COPREDEH) en Alta Verapaz.
168. JAL 14/05/2012 Case no.: GTM 3/2012 State reply: 13/07/2012; 21/08/2012
Presuntos asesinatos de un defensor de los derechos humanos y de tres otras personas.
169. JUA 28/06/2012 Case no.: GTM 5/2012 State reply: 07/08/2012; 12/09/2012; 18/10/2012
Presunto atentado contra la vida de una defensora de derechos humanos.
170. JAL 15/10/2012 Case no.: GTM 6/2012 State reply: 09/01/2013
Alegaciones de actos de violencia y uso desproporcionado de la fuerza contra manifestantes pacíficos en el contexto de unas protestas en la cumbre de Alaska, jurisdicción de Santa Catarina Ixtahuacán, Sololá.
171. JUA 17/10/2012 Case no.: GTM 7/2012 State reply: 29/11/2012; 20/12/2012
Supuestas amenazas de muerte contra dos periodistas.
172. JUA 30/11/2012 Case no.: GTM 8/2012 State reply: None to date
Alegaciones acerca de actos de estigmatización y desprestigio, incluyendo incitación a la violencia, contra prominentes defensoras/defensores y organizaciones de los derechos humanos.

Observaciones

173. La Relatora Especial agradece las respuestas recibidas a seis de las siete comunicaciones enviadas durante el periodo del presente informe, en algunos de los casos con información detallada acerca de las medidas de protección adoptadas por parte de las autoridades.

174. La Relatora Especial reitera su preocupación por el grado de violencia y los graves ataques a los que se ven sometidos los defensores y defensoras de derechos humanos en Guatemala, en particular por los asesinatos y ataques a su integridad física. La Relatora señala con preocupación el alto grado de riesgo al que se enfrentan los defensores a defensoras que trabajan por los derechos de los pueblos indígenas y las comunidades

⁷ Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

rurales y campesinas; los que trabajan en defensa de los derechos medioambientales; los sindicalistas y los periodistas.

175. La Relatora Especial se muestra especialmente preocupada por los incidentes violentos acaecidos durante las protestas organizadas por las comunidades indígenas de los 48 Cantones de Totonicapán en octubre de 2012, los cuales fueron objeto de un comunicado conjunto con otros expertos independientes de Naciones Unidas hecho público el 12 de octubre de 2012. La Relatora agradece la destallada respuesta del Gobierno y confía en que las investigaciones se completen de forma pronta y adecuada de cara a esclarecer los hechos, depurar responsabilidades y llevar a los culpables de la violencia ante la justicia.

176. La Relatora Especial se muestra asimismo preocupada por las informaciones recibidas señalando la existencia de un creciente clima de polarización y alegaciones indicando actos de estigmatización y desprestigio del trabajo de defensores y defensoras en diversos medios de comunicación. La Relatora Especial se permite señalar que, en estas circunstancias, es esencial que las autoridades se pronuncien públicamente apoyando la importante labor que llevan a cabo los defensores y defensoras en sociedades plurales y democráticas.

Haiti

177. JUA 25/10/2012 Case no.: [HTI 1/2012](#) State reply: None to date.
Allégations de menaces de mort et d'actes d'intimidation contre trois avocats et défenseurs des droits de l'homme.

Observations

178. La Rapporteuse Spéciale regrette que, au moment de la finalisation du rapport, aucune réponse n'avait été reçue à la communication envoyée pendant la période couverte par le présent rapport. Elle considère que les allégations reçues sont très graves et espère qu'elles feront l'objet d'une enquête, que les auteurs seront traduits en justice et que les victimes obtiendront une réparation adéquate.

Honduras

179. JUA 22/12/2011 Case no.: [HND 11/2011](#) State reply: None to date
Presunto secuestro.

180. JUA 24/02/2012 Case no.: [HND 1/2012](#) State reply: None to date
Presuntas amenazas de muerte.

181. JUA 23/03/2012 Case no.: [HND 2/2012](#) State Replies: [10/05/2012](#); [12/06/2012](#) **Presunta ola de violaciones de derechos humanos contra periodistas, activistas campesinos y defensores de derechos humanos.**

182. JUA 26/04/2012 Case no.: [HND 4/2012](#) State reply: None to date
Presuntos ataques, actos de hostigamiento y amenazas de muerte contra dos miembros del Comité de Familiares de Detenidos Desaparecidos en Honduras (COFADEH).

183. JAL 27/08/2012 Case no.: [HND 7/2012](#) State reply: None to date
Presunta absolución de los acusados del asesinato de un defensor de derechos humanos.

184. JUA 27/08/2012 Case no.: [HND 8/2012](#) State reply: [24/09/2012](#)
Alegación de persecución y amenaza de muerte contra un defensor de los derechos humanos.
185. JUA 12/09/2012 Case no.: [HND 9/2012](#) State reply: None to date
Alegación de amenaza contra una defensora de los derechos humanos.
186. JUA 28/09/2012 Case no.: [HND 10/2012](#) State reply: None to date
Presunto asesinato de un destacado abogado y defensor de los derechos humanos.

Observaciones

187. La Relatora Especial agradece las respuestas recibidas a tres de las ocho comunicaciones enviadas durante el periodo del presente informe con detalles de las medidas adoptadas respecto a algunos de los casos. Sin embargo, lamenta que, en el momento de finalizar este informe, no se había recibido respuesta a cinco de dichas comunicaciones.

188. La Relatora Especial agradece la invitación del Gobierno a visitar Honduras, visita que tuvo lugar del 7 al 14 de febrero de 2012 y que le permitió examinar la situación de los defensores y defensoras de derechos humanos en el país. La Relatora toma nota con satisfacción de la iniciativa del Gobierno de realizar consultas respecto al proyecto de Ley para la Protección de las y los Defensores de Derechos Humanos, Periodistas y Comunicadores Sociales y Operadores de Justicia así como sobre el Plan Nacional de Protección para las y las defensores de derechos humanos.

189. La Relatora reitera su especial preocupación por el clima de violencia e inseguridad en el que operan los defensores en Honduras. En este sentido, la Relatora Especial, junto con el Relator Especial sobre el derecho a la libertad de opinión y expresión y el Relator Especial sobre las ejecuciones extra-judiciales, sumarias y arbitrarias, expresó su consternación por el asesinato del abogado y destacado defensor de derechos humanos, Antonio Trejo Cabrera, mediante un comunicado hecho publico el 1 de octubre de 2012.

191. La Relatora Especial se muestra especialmente preocupada por el alto grado de impunidad que impera respecto a las agresiones y violaciones de los derechos de los defensores y defensoras e insta al Gobierno a que tome las medidas necesarias para que estos actos sean investigados de forma pronta y adecuada y que los culpables respondan ante la justicia.

India

192. JUA 16/02/2011⁸ Case no.: [IND 4/2011](#) State Reply: [27/03/11](#); [08/08/2012](#)
Alleged arrest warrants related to human rights work.
193. JUA 09/09/2011⁹ Case no.: [IND 19/2011](#) State Reply: [21/09/11](#); [07/08/2012](#)
Alleged killing, attacks and threats against women human rights defenders.
194. AL 28/10/2011¹⁰ Case no.: [IND 21/2011](#) State reply: [03/11/2011](#); [23/07/2012](#) **Alleged raid on and search of the home of human rights defender.**

⁸ Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

⁹ Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

195. JUA 01/12/2011 Case no.: [IND 22/2011](#) State reply: None to date
Alleged acts of intimidation.
196. JUA 17/01/2012 Case no.: [IND 23/2011](#) State reply: None to date
Alleged restrictions of right to freedom of movement.
197. JAL 15/02/2012 Case no.: [IND 3/2012](#) State reply: None to date
Alleged killing of human rights defender.
198. JUA 13/07/2012 Case no.: [IND 6/2012](#) State reply: [16/07/2012](#);
[08/11/2012](#) **Allegations of harassment against members of the Peoples Movement Against Nuclear Energy (PMANE) and other human rights defenders.**
199. JUA 28/09/2012 Case no.: [IND 24/2012](#) State reply: None to date
Allegations of new acts of harassment against members of the Peoples Movement Against Nuclear Energy (PMANE) and other human rights defenders.

Observations

200. The Special Rapporteur thanks the Government of India for the responses transmitted to her communications sent during the reporting period, although she regrets that at the time this report was finalized, the Government had not yet responded to all of them.

201. The Special Rapporteur wishes to express her deep concern regarding reports of cases where human rights defenders who have reported death threats or other substantial concerns regarding risks to their physical or psychological integrity to the authorities, have nonetheless been killed or physically attacked. The Special Rapporteur is particularly concerned at reports of cases in which human rights defenders who were working on exposing corruption, torture by security forces, or other types of violations by State actors appear not to have been granted adequate protection measures by the authorities despite having reported threats. In this regard, and given the serious nature of such violations, the Special Rapporteur wishes to draw the attention of the Government to the right of human rights defenders to protection, as provided for in international instruments including articles 9 and 12 of the Declaration on Human Rights Defenders. The Special Rapporteur reiterates her recommendations made in her report of her country visit to India in 2011 (A/HRC/19/55/Add.1, para 137 – 151), particularly para 139-140, containing recommendations regarding the protection of human rights defenders.

202. The Special Rapporteur expresses her further concern regarding instances of alleged undue restrictions on the right to peaceful assembly in the context of demonstrations by the People's Movement Against Nuclear Energy (case numbers IND 6/2012 and IND 24/2012), including the arrest and detention of community organisers and alleged excessive use of force against protesters resulting in the hospitalisation of a number of participants. The Special Rapporteur wishes to bring to the Government's attention article 5, points a) and b), and article 6, points b) and c) of the Declaration on Human Rights Defenders.

Indonesia

203. JAL 31/08/2012 Case no.: [IDN 11/2012](#) State reply: None to date
Allegation that a new "Bill on Societal Organizations" can unduly restrict the right to freedom of association.

¹⁰ Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

Observations

204. The Special Rapporteur regrets that at the time of the finalization of this report, the Government had not transmitted a reply to her communication sent during the reporting period. She considers the allegations received very serious and hopes that they will be duly investigated.

205. The Special Rapporteur is concerned about information she has received regarding the potential impact of the draft “Bill on Societal Organizations” on the freedom of association in Indonesia, and allegations received that its provisions would create cumbersome authorisation procedures for civil society organisations, potentially hand State authorities undue influence over them and potentially put their ability to operate freely at risk. In this context, she wishes to call to the attention of the Government of Indonesia the provisions contained in the Declaration on Human Rights Defenders, notably article 2, article 5, point b) and article 12. The Special Rapporteur regrets that at the time of publication of this report, no reply had been received in response to her request for a country visit to Indonesia. She expresses the hope that the Government will respond favourably to her request and that a date suitable to both parties can be agreed on.

Iran (Islamic Republic of)

206. JUA 19/11/2010¹¹ Case no.: [IRN 32/2010](#) State reply: [28/11/2012](#)
Alleged arrest, detention and solitary confinement of lawyer and human rights defender.

207. JUA 23/12/10¹² Case no.: [IRN 35/2010](#) State Reply: [28/11/2012](#)
Alleged arrest and detention of lawyer and human rights activist.

208. JUA 08/07/11¹³ Case no.: [IRN 9/2011](#) State Reply: [03/09/2012](#)
Alleged arbitrary detention of human rights defenders and persons peacefully exercising their freedoms of expression and assembly.

209. JUA 27/09/11¹⁴ Case no.: [IRN 11/2011](#) State Reply: [26/09/2012](#)
Alleged arbitrary detention and solitary confinement of human rights lawyer and defender.

210. JUA 11/10/2011¹⁵ Case no.: [IRN 13/2011](#) State reply: [31/05/2012](#); [28/11/2012](#) **Alleged arrest and detention, ill-treatment, judicial harassment and sentencing of women human rights defenders.**

211. JUA 19/10/2011¹⁶ Case no.: [IRN 14/2011](#) State reply: [02/03/2012](#); [04/05/2012](#); [15/05/2012](#); [20/07/2012](#); [26/09/2012](#); [10/10/2012](#) **Alleged arrest, detention and sentencing of human rights defenders.**

¹¹ Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

¹² Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

¹³ Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

¹⁴ Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

¹⁵ Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

212. JUA 16/02/2012 Case no.: [IRN 1/2012](#) State reply: None to date
Alleged arrests of several journalists and bloggers.
213. JUA 29/06/2012 Case no.: [IRN 14/2012](#) State reply: [26/09/2012](#)
Alleged heavy imprisonment of human rights lawyer.
214. JUA 27/07/2012 Case no.: [IRN 18/2012](#) State reply: [28/11/2012](#)
Alleged ongoing harassment of the family members of a prominent human rights lawyer.
215. JUA 08/10/2012 Case no.: [IRN 24/2012](#) State reply: None to date
Alleged heavy prison sentence imposed on human rights lawyer.
216. JAL 16/11/2012 Case no.: [IRN 27/2012](#) State reply: [13/11/2012](#); [04/12/2012](#) **Allegations of torture resulting in death in custody of a human rights defender.**

Observations

217. The Special Rapporteur thanks the Government of the Islamic Republic of Iran for the responses transmitted. She regrets however that, at the time of the finalization of this report, the Government had not responded to her communications sent on 16 February 2012 (case number IRN 1/2012) or 8 October 2012 (case number 24/2012).

218. The Special Rapporteur expresses grave concern about the situation regarding human rights defenders in Iran, particularly about allegations of widespread use of torture and ill-treatment against human rights defenders while in detention, as well as the practice of detention in unknown locations and incommunicado detention and reported restrictions with regard to access to a lawyer. In this regard, she wishes to remind the Government of the provisions contained in the Declaration on Human Rights Defenders, notably articles 2, 9 and 12.

219. The Special Rapporteur expresses deep concern about reported systematic arrests of human rights defenders, particularly lawyers and journalists expressing critical views. She notes with particular concern the cases of human rights lawyers Ms. Nasrin Sotoudeh and Mr. Abdollah Soltani, who remain in detention and have been disbarred for long periods of time amid grave concerns that their convictions were motivated chiefly by their human rights activities. In this regard, the Special Rapporteur further wishes to stress the provisions contained in Article 9, para. 3, point c) of the Declaration on Human Rights Defenders. The Special Rapporteur has previously voiced her concerns in the case of Ms. Sotoudeh in a joint communication to the press with several other mandate holders, published on 1 November 2012. Additionally, she recalls opinion 21/2011, adopted by the Working Group on Arbitrary Detention on 6 May 2011, in which it was found that Ms. Sotoudeh's imprisonment was arbitrary, and she notes with alarm that Ms. Sotoudeh's family has allegedly been the subject of judicial harassment following their vocal campaign on her behalf. Furthermore, the Special Rapporteur wishes to reiterate the concerns she voiced in her joint press communication published on 4 May 2012 regarding the case of Ms. Nargess Mohammadi, former vice-president of the Defenders of Human Rights Center, whose conviction is alleged to have been connected to her human rights activities, and whose state of health remains extremely fragile.

220. The Special Rapporteur further expresses concern about reports she has received of illegitimate restrictions imposed on the right of human rights defenders to freedom of

¹⁶ Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

opinion and expression. The Special Rapporteur urges the Government to take the necessary measures to guarantee the existence of an environment in which all human rights defenders can carry out their legitimate work without risk to their physical and psychological integrity or any other form of restriction, harassment, intimidation or fear of persecution, in accordance with the fundamental principles endorsed in the Declaration on Human Rights Defenders.

221. The Special Rapporteur has noted that in several of the responses supplied by the Government of the Islamic Republic of Iran, mention is made of the conviction of human rights defenders on charges including ‘acting against State security’; ‘publishing propaganda against the system of the Islamic Republic of Iran’, and ‘causing unease in the public mind’. The Special Rapporteur is alarmed that overly broad interpretations of such charges may result in disproportionate and undue restrictions on the fundamental rights of human rights defenders to carry out their legitimate and peaceful activities in defence of human rights.

Iraq

222. JUA 27/04/2011¹⁷ Case no.: [IRQ 2/2011](#) State reply: None to date
Alleged excessive use of force against peaceful protesters.

223. JUA 29/11/2012 Case no.: [IRQ 6/2012](#) State reply: None to date
Alleged arrest, detention and violation of due process of human rights defender.

Observations

224. The Special Rapporteur regrets that at the time of the finalization of this report, the Government had not transmitted a reply to her communications sent during the reporting period.

225. The Special Rapporteur reiterates her deep concern about information she has received of considerable threats to the physical and psychological integrity of human rights defenders in Iraq, including as a result of arbitrary arrests, enforced disappearances and incommunicado detentions. In this regard, she wishes to remind the Government of Iraq of the provisions contained in the Declaration on Human Rights Defenders, notably its articles 2 and 12.

226. The Special Rapporteur remains concerned about reports of excessive use of force by security forces and affiliated groups during demonstrations, allegedly resulting in the detention, torture or enforced disappearance of human rights defenders exercising their right to freedom of peaceful assembly. In this context, she would like to refer the Government to article 5, point a), of the Declaration on Human Rights Defenders as well as the recommendations provided by the former Special Representative of the Secretary General on the situation of human rights defenders in her reports to the General Assembly in 2006 (A/61/312, para. 98) and 2007 (A/62/225, para. 101).

¹⁷ Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

Israel

227. JAL 15/06/2012 Case no.: ISR 6/2012 State reply: None to date
Alleged summoning for questioning in connection with the rebuilding of demolished homes in East Jerusalem.
228. JUA 04/09/2012 Case no.: ISR 9/2012 State reply: None to date
Alleged travel ban imposed on human rights defender.
229. JUA 26/11/2012 Case no.: ISR 12/2012 State reply: None to date
Alleged detention, ill-treatment and violations of due process of human rights defender.

Observations

230. The Special Rapporteur wishes to express her concern at the reported increased restrictions to the activities of human rights defenders working in Israel and the Occupied Palestinian Territory, including arrests, administrative detentions, judicial harassment and restrictions to their freedom of movement. She notes with alarm the allegations received regarding measures undertaken against the prisoners' rights organisation Addameer, including the imposition of a travel ban on one senior member and the detention, allegedly involving ill-treatment, of another. She urges the Government of Israel to pay close attention to the provision contained in the Declaration on Human Rights Defenders, notably its articles 2 and 12.

231. The Special Rapporteur is also concerned about increased restrictions on human rights defenders' freedom of association and freedom of opinion and expression. In this regard, she wishes to call to the attention of the Government article 5, points b) and c), and article 6 of the Declaration on Human Rights Defenders, as well as the recommendations put forward in her report to the General Assembly in 2009 (A/64/226), para. 104 through 116.

Jordan

232. JAL 31/08/2012 Case no.: JOR 1/2012 State reply: 01/10/2012
Alleged arbitrary rejection of a human rights association's application to receive foreign funding.

Observations

233. The Special Rapporteur thanks the Government of Jordan for the detailed response transmitted in response to her communication sent on 31 August 2012. She expresses her concern about reports she has received regarding certain provisions of the 2008 Societies Law, amended in 2009, including those relating to foreign funding, which, in her view, are not in compliance with international law and standards and grant State authorities an excessive degree of influence over civil society organisations. In turn, this may deter people from exercising their legitimate right to associate freely. In this respect, she draws the attention of the Government to article 5, point a) of the Declaration on Human Rights Defenders, as well as the recommendations put forward in her report to the General Assembly in 2009 (A/64/226), para. 104 through 116.

Kazakhstan

234. JUA 03/10/2011¹⁸ Case no.: KAZ 4/2011 State reply: 07/02/2012
Alleged investigation, arrest and sentencing of human rights defenders.
235. JUA 26/06/2012 Case no.: KAZ 2/2012 State reply: 24/08/2012
Allegations of acts of harassment and arbitrary detention of human rights defenders in the context of the court proceedings related to the protests in Zhanaozen of 16 December 2011.

Observations

236. The Special Rapporteur thanks the Government for the detailed response to the communication sent during the reporting period. She takes note of the investigations into the allegations of torture and ill-treatment of Ms. Tuletaeva as well as of the review of her sentence of to five years of imprisonment instead of seven years.

237. The Special Rapporteur would like to underline that the right to protest, including the right to freedom of opinion and expression and the right to peaceful assembly, is an essential element of the right to participation in any democratic dispensation and restrictions imposed on this right must be closely scrutinized with respect to necessity and reasonableness (A/61/312, para. 56).

238. The Special Rapporteur reiterates her hope that the Government of Kazakhstan will respond favourably to her request to visit the country. She remains available to provide any technical support the Government might require.

Kenya

239. JUA 15/08/2012 Case no.: KEN 1/2012 State reply: None to date
Alleged threats against human rights defenders, including death threats and surveillance.

Observations

240. The Special Rapporteur regrets that at the time this report was finalized, no response had been transmitted in response to her communication sent on 15 August 2012 (case number KEN 1/2012). She considers the allegations received of death threats and other intimidation tactics targeting human rights defenders very serious and hopes that they will be duly investigated, perpetrators will be brought to justice and the victims will obtain adequate redress. She expresses grave concern for the physical and psychological integrity of human rights defenders openly demanding accountability for public funds and promoting the rights of people with disabilities.

241. Furthermore, the Special Rapporteur notes that the next general elections in Kenya are scheduled for 4 March 2013. The Special Rapporteur calls on the Government of Kenya to take all the measures needed to ensure that at this time and during the election's run-up and aftermath, human rights defenders will be able to monitor events freely, without restrictions and without fear of persecution in order to guarantee that all due processes are followed.

¹⁸ Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

242. In the context of the aforementioned concerns, she draws the attention of the Government of Kenya to article 2, article 6, point (a), and article 12 of the Declaration on Human Rights Defenders, as well as to the recommendations contained in her report to the Human Rights Council in 2010 (A/HRC/13/22), para. 111 to 114. She remains available to provide any assistance the Government might require.

Kuwait

243. JAL 30/11/2012 Case no.: KWT 2/2012 State reply: None to date
Alleged interrogation and deportation of prominent human rights defender.

Observations

244. The Special Rapporteur regrets that at the time this report was finalized, no response had been transmitted in response to her communication sent on 15 August 2012 (case number KWT 2/2012). She considers the allegations of the interrogation and deportation of Dr. Nada Dhaif to Bahrain, allegedly due to her presence on a list of persons originating from the Government of Bahrain, a matter of serious concern and hopes that the matter will be duly investigated and the victim will obtain adequate redress.

245. The Special Rapporteur further wishes to express concern at reports she has received of disproportionate restrictions on the right to peaceful assembly and freedom of expression, allegedly in the form of excessive force used to disperse large-scale demonstrations, as well as overly restrictive legislative measures restricting demonstrations or public gatherings. The Special Rapporteur urges the Government of Kuwait to show restraint towards peaceful demonstrations and to ensure that the right to freedom of peaceful assembly is guaranteed. In this context she would like to draw the Government's attention to articles 5 and 6 of the Declaration on Human Rights Defenders and the recommendations contained in the report of the former Special Representative of the Secretary General on the situation of human rights defenders to the General Assembly in 2006 (A/61/312), para. 98.

Kyrgyzstan

246. JUA 13/08/2012 Case no.: KGZ 5/2011 State reply: 04/10/2012
Alleged upholding of sentence of life imprisonment of human rights defender by the Supreme Court.

247. JUA 20/11/2012 Case no.: KGZ 6/2012 State reply: None to date
Alleged interrogation and detention of two staff members of International Crisis Group (ICG).

Observations

248. The Special Rapporteur thanks the Government of the Kyrgyz Republic for its detailed response transmitted to one of the communications sent during the reporting period, although she regrets that, at the time of finalising this report, no response has been received to her latest communication. She takes note of the details provided in the Government's response with regard to the case of Mr. Azimjan Askarov, whose life sentence has been upheld by the Supreme Court. Nonetheless, the Special Rapporteur remains gravely concerned by his conviction for crimes in relation to the events of June 2010 in the light of allegations that there was a lack of due process.

249. The Special Rapporteur is also concerned by the allegations of undue travel restrictions imposed on, and the confiscation of articles belonging to, staff of the International Crisis Group. In this context, the Special Rapporteur would like to remind the Government of the provisions contained in the Declaration on Human Rights Defenders, notably its articles 2, 9 and 12. The Special Rapporteur remains available to provide any assistance and/or advice the Government of the Kyrgyz Republic might require.

250. The Special Rapporteur regrets that so far no response has been received with regard to her request for a country visit to enable her to gain a better understanding of the situation of human rights defenders working in the Kyrgyz Republic. She expresses her hope that the Government of the Kyrgyz Republic will respond favourably to this request.

Lao People's Democratic Republic

251. JUA/13/08/2012 Case no. : LAO 1/2012 State reply: 10/10/2012
Alleged torture by detention personnel and refusal to meet with family or lawyer, and denial of legal aid during detention.

Observations

252. The Special Rapporteur thanks the Government of the Lao People's Democratic Republic for its response transmitted to her communication sent during the reporting period. While the Government refutes the allegations of detention and torture while in detention of Mr. Louvanh and the Special Rapporteur recognizes the efforts made to investigate his case, she remains concerned about the information provided to her about this and other cases of land rights defenders in the country, who remain at risk of arbitrary detention, ill-treatment and enforced disappearance as a result of exercising their rights to freedom of peaceful assembly, of association and of expression. The Special Rapporteur urges the Government of the Lao People's Democratic Republic to take immediate steps to ensure human rights defenders are able to carry out their work in an effective manner without fear of such violations. She remains available to provide any technical assistance the Government might require in this regard.

Libya

253. JUA 05/09/2012 Case no.: LBY 2/2012 State reply: 07/09/2012
Alleged destruction of religious and historic sites, desecration of graves, intimidation and the excessive use of force against protesters.

Observations

254. The Special Rapporteur thanks the Government of Libya for its initial response to her communication sent during the reporting period. She is disturbed by the events surrounding the destruction of the Al-Sha'ab mosque in Tripoli, including reports of intimidation, threats and violence against individuals protesting against the destruction of the mosque and journalists and others monitoring the events. The Special Rapporteur calls on the Government of Libya to ensure a conducive working environment for human rights defenders in compliance with the Declaration on Human Rights Defenders, where their psychological and physical integrity is ensured, and where they do not face acts of harassment and intimidation. In this context, the Special Rapporteur urges the Government to ensure that the new law on peaceful assemblies comply with international standards. She remains available to provide any technical assistance the Government of Libya might require.

Malawi

255. JAL 04/05/2012 Case no.: MWI 2/2012 State reply: None to date
Alleged prosecution of a human rights defender in relation to his legitimate activities and to the exercise of his right to freedom of expression.

Observations

256. The Special Rapporteur is encouraged by recent steps taken by the Government of Malawi to ensure a more conducive environment for human rights defenders in the country. These include the repeal of Section 46 of the Penal Code which gave considerable discretionary powers to the Government to ban publications. The Special Rapporteur has followed with interest the debate around decriminalization of same-sex relations in Malawi. She would welcome such moves by the Government as they would significantly improve working conditions for defenders working for the rights of lesbian, gay, bisexual, transgender and intersex individuals.

257. The Special Rapporteur expresses her hope that the Government of Malawi will accept her pending request to conduct an official visit to the country. She remains available to provide any technical assistance the Government might require.

Malaysia

258. JUA 28/07/2011¹⁹ Case no.: MYS 7/2011 State reply: 24/04/2012
Court order allegedly imposing ban on entering Kuala Lumpur.
259. JAL 02/12/2011 Case no.: MYS 10/2011 State reply: 04/04/2012
Allegation that the proposed Peaceful Assembly Bill may unduly restrict the right to assemble peacefully.
260. JAL 23/01/2012 Case no.: MYS 11/2011 State reply: 24/04/2012
Alleged banning of the Lesbian, Gay, Bisexual and Transgender (LGBT) festival, harassment and questioning of organizers.
261. JAL 16/05/2012 Case no.: MYS 3/2012 State reply: 26/09/2012
Alleged excessive use of force by law enforcement authorities against peaceful protestors, and acts of harassment against media personnel and human rights defenders.
262. JUA 01/06/2012 Case no.: MYS 4/2012 State reply: 26/09/2012
Allegations of increased targeting of the co-chair of the Coalition for Fair and Free Elections (Bersih), and other Bersih members, by non-State and State actors.
263. JUA 27/07/2012 Case no.: MYS 5/2012 State reply: 29/08/2012
Alleged revoking of human rights defender's passport and risk of detention upon his planned return to Malaysia.
264. JAL 05/10/2012 Case no.: MYS 12/2012 State reply: None to date
Allegations of on-going harassment of the non-governmental organization Suara Rakyat Malaysia (SUARAM).

¹⁹ Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

Observations

265. The Special Rapporteur thanks the Government of Malaysia for providing substantive responses to all but one communication sent during the reporting period. She is nevertheless concerned by a number of recent developments in the country which would appear to restrict the rights of human rights defenders.

266. The Special Rapporteur expresses her concern that a demonstration planned by human rights associations and the Coalition for Free and Fair Elections (Bersih) was not allowed to go ahead due to the fact that a demonstration by a group opposing stance of Bersih was planned at the same time and in the same location. She emphasizes that in cases of counter-demonstrations the Government should let demonstrations go ahead and, in cases of violence, protect protesters against counter-demonstrators. The Special Rapporteur notes with interest the reference in the Government's response to article 18(1) of the Declaration. While she recognizes that human rights defenders has duties towards and within the community, the Government is under the obligation to ensure defenders can meet and assemble peacefully under article 5(a) of the Declaration and ensure their physical integrity under article 12(2). She calls on the Government of Malaysia to ensure human rights defenders can assemble peacefully in the country when they wish to raise human rights issues in public.

267. In light of the information she has received of excessive use of force against protesters, the Special Rapporteur is encouraged by the Government's indication that it is in the process of elaborating a set of guidelines for law enforcement officers on how they should carry out their duties in accordance with democratic principles. She expresses her hope that these guidelines will reflect international human rights standards.

268. The Special Rapporteur remains concerned about threats and acts of harassment, including judicial harassment, against human rights defenders and associations in Malaysia. While recognizing the steps taken by the Government to investigate the incidents in question, she calls on the Government to ensure defenders are able to conduct their legitimate activities in defence of human rights without facing threats and obstacles.

269. With regard to the Peaceful Assembly Bill 2011, the Special Rapporteur thanks the Government for its extensive response. However, she still finds a number of the provisions of the Bill problematic, as expressed in the communication sent to the Government. Notably, the ban on "street protests", whose definition is overly broad, appears problematic. The Bill should ensure police uses a reasonable and proportionate amount of force if required to intervene during assemblies. The restrictions on non-citizens and individuals respectively under 21 years of age as organizers and under 15 years of age as participants are a source of concern, as are restrictions on media personnel covering assemblies. While the notification procedure provided for in the Bill is commendable, it still gives considerable discretionary powers to law enforcement officers to prohibit assemblies from going ahead.

270. The Special Rapporteur reiterates her hope that the Government will respond favourably to her request to visit the country issued in 2010. She remains available to provide any technical support the Government of Malaysia might require.

Mauritania

271. JUA 27/07/2012 Case no.: MRT 2/2012 State reply: None to date
Allégation de détentions de défenseurs de droits de l'homme et procédures judiciaires à leur encontre en violation du droit à un procès équitable.

Observations

272. La Rapporteuse spéciale demeure préoccupée quant à la situation de M. Biram Ould Dah Ould Abeid, ainsi que les membres de l'IRA-Mauritanie. Malgré leur libération du 3 septembre 2012 suite à quatre mois en détention, elle a été informée que les accusations à leur encontre n'ont pas été abandonnées. En conséquence, ils peuvent être convoqués devant la justice à tout moment. La Rapporteuse spéciale reste également préoccupée par les restrictions sur la liberté d'association et sur la liberté d'assemblée pacifique en Mauritanie. Elle reste disponible pour fournir tout appui technique dont aurait besoin le Gouvernement.

Mexico

273. JUA 05/12/2011 Case no.: [MEX 26/2011](#) State reply: None to date.
Presuntas amenazas de muerte, secuestros, allanamiento del domicilio, y falta de protección de defensores de derechos humanos.
274. UA 09/12/2011 Case no.: [MEX 29/2011](#) State reply: None to date
Supuestos actos de intimidación y amenazas, incluidas amenazas de muerte.
275. JUA 09/12/2011 Case no.: [MEX 29/2011](#) State reply: None to date
Supuestos asesinatos y secuestros de integrantes del Movimiento por la Paz con Justicia y Dignidad
276. JUA 06/01/2012 Case no.: [MEX 30/2011](#) State reply: [22/02/2012](#)
Presunto atentado y amenazas contra integrantes de la organización Nuestras Hijas de Regreso a Casa (NHRC).
277. JUA 31/01/2012 Case no.: [MEX 4/2012](#) State reply: [02/07/2012](#)
Presuntos actos de hostigamiento e intimidación.
278. JUA 20/02/2012 Case no.: [MEX 6/2012](#) State reply: [06/11/2012](#)
Presunto atentado contra la vida de una defensora de derechos humanos.
279. JAL 12/04/2012 Case no.: [MEX 7/2012](#) State reply: [09/10/2012](#)
Supuestas amenazas de muerte y agresiones contra defensor de derechos humanos.
280. JUA 25/04/2012 Case no.: [MEX 8/2012](#) State reply: [09/10/2012](#)
Alegaciones de una ola de violaciones de derechos humanos contra defensores de los derechos humanos de los pueblos y comunidades indígenas.
281. JUA 20/04/2012 Case no.: [MEX 9/2012](#) State reply: None to date
Presuntos actos de hostigamiento e intimidación.
282. JUA 04/05/2012 Case no.: [MEX 10/2012](#) State reply: [02/07/2012](#)
Presuntas amenazas de muerte y actos de intimidación en contra de defensores de los derechos de las personas migrantes.
283. JAL 29/05/2012 Case no.: [MEX 11/2012](#) State reply: [08/08/2012](#)
Alegaciones de asesinatos de trabajadores de la prensa.
284. JUA 16/05/2012 Case no.: [MEX 12/2012](#) State reply: None to date
Presuntas amenazas de muerte y actos de intimidación en contra de defensores de derechos humanos y sindicalista.
285. JUA 08/06/2012 Case no.: [MEX 13/2012](#) State reply: [31/10/2012](#)
Presuntas amenazas de muerte y agresiones contra defensores de derechos humanos.

286. JAL 27/06/2012 Case no.: [MEX 13/2012](#) State reply: [05/09/2012](#)
Presunto asesinato de un periodista en el estado de Veracruz.
287. JUA 21/08/2012 Case no.: [MEX 14/2012](#) State reply: [07/11/2012](#)
Presunta amenaza de muerte contra periodista y defensora de los derechos humanos.
288. JUA 07/11/2012 Case no.: [MEX 33/2012](#) State reply: None to date
Presunto secuestro de defensor de los derechos humanos
289. JUA 26/11/2012 Case no.: [MEX 34/2012](#) State reply: [14/01/2013](#)
Presuntos sucesivos actos de hostigamiento e intimidación ocurridos en contra de los miembros del Comité de Familiares de Detenidos Desaparecidos “Hasta Encontrarlos”.

Observaciones

290. La Relatora Especial agradece al Gobierno las respuestas recibidas a once de las diecisiete comunicaciones enviadas durante el periodo del presente informe, así como por la información proporcionada acerca de las medidas de protección adoptadas para garantizar la integridad física de los defensores y defensoras amenazados.

291. La Relatora reitera su preocupación sobre las alegaciones recibidas indicando la persistencia de un clima de violencia e inseguridad para los defensores y defensoras en México. En particular, la Relatora Especial se muestra preocupada por la situación de riesgo que afecta a los periodistas; a los que trabajan por los derechos de las víctimas de violaciones por parte de agentes estatales; a los que trabajan por los derechos de las comunidades indígenas y campesinas; a las mujeres defensoras que trabajan por los derechos de las mujeres, y a los que trabajan por los derechos de los migrantes. Los casos de las Sras. Norma Esther Andrade y Lydia Cacho, y el número de periodistas asesinados durante el periodo del presente informe, son una muestra del intolerable grado de violencia al que los defensores y defensoras están expuestos en México.

292. La Relatora toma nota con satisfacción del establecimiento en marzo de 2012 del Mecanismo de Protección a Defensores de Derechos Humanos, así como de la promulgación de la Ley para la Protección de Defensores de Derechos Humanos y Periodistas en abril de 2012. En un comunicado publicado conjuntamente con otros expertos independientes de Naciones Unidas y de la Comisión Inter-Americana de Derechos Humanos el 14 de mayo de 2012, la Relatora elogió el proceso consultivo que permitió a las diversas partes interesadas desempeñar un papel importante en la redacción del proyecto de ley y pidió el mismo enfoque participativo durante todo el proceso de aplicación.

293. Sin embargo, la Relatora Especial llama la atención sobre el alto grado de impunidad que impera respecto a las agresiones contra defensores y defensoras y subraya la importancia y necesidad de garantizar que las investigaciones sobre las violaciones contra los defensores y defensoras se lleven a cabo de manera pronta y eficaz y que los responsables sean llevados ante la justicia.

294. En este sentido, con respecto a las alegaciones recibidas indicando que la autoría muchos ataques contra defensores y defensoras se atribuye a agentes no estatales, incluyendo al crimen organizado, la Relatora Especial llama la atención del Gobierno sobre la Resolución del Consejo de Derecho Humanos A/HRC/RES/13/13, de 15 de abril de 2010, así como a su informe a la Asamblea General A/65/223 de 4 de agosto de 2010 (párrafos 28 y 29), en el que señala que en el contexto de violaciones de los derechos humanos de los defensores cometidas por agentes no estatales, la responsabilidad de los mismos de respetar los derechos de los defensores “no libera al Estado de las obligaciones

que le incumben en virtud de las normas de derechos humanos de respetar, proteger y aplicar los derechos humanos, incluidos los de los defensores de los derechos humanos”.

295. La Relatora Especial reitera su disponibilidad a ofrecer asistencia al Gobierno y confía en que su solicitud de visitar el país sea considerada favorablemente.

Morocco

296. JAL 03/02/2011²⁰ Case no.: MAR 1/2011 State reply: 10/03/2012
Allégation de torture et de mauvais traitements par les forces de sécurité.

297. JAL 29/11/2011²¹ Case no.: MAR 8/2011 State reply: 01/03/2012
Allégation de refus de réceptionner les documents de constitution de l'Association sahraouie des victimes de graves violations des droits de l'Homme (ASVDH).

298. JAL 23/03/2012 Case no.: MAR 1/2012 State reply: None to date
Suivi de l'allégation de refus de réceptionner les documents de constitution de l'Association sahraouie des victimes de graves violations des droits de l'Homme (ASVDH).

299. JAL 27/11/2012 Case no.: MAR 10/2012 State reply: 21/01/2013
Allégations d'un usage excessif de la force empêchant la tenue de manifestations pacifiques.

Observations

300. La Rapporteuse spéciale demeure préoccupée par des restrictions relatives à la liberté d'assemblée pacifique, qui représentent un obstacle considérable pour les défenseurs au pays entier, mais surtout pour ceux opérant au Sahara occidental. Un usage excessif de la force durant des manifestations constitue une menace contre l'intégrité physique et mentale des défenseurs. A cet égard, la Rapporteuse spéciale souhaite attirer l'attention au Gouvernement sur les dispositions contenues dans la Déclaration sur les défenseurs des droits de l'homme, en particulier l'article 5, alinéas a), ainsi que les recommandations fournies par l'ancienne Représentante spéciale du Secrétaire général concernant la situation des défenseurs des droits de l'homme dans son rapport à l'Assemblée générale en 2006 (A/61/312, para. 98).

301. La Rapporteuse spéciale est aussi préoccupée par des difficultés alléguées d'organisations au Sahara occidental de s'enregistrer auprès des autorités. Dans ce contexte, elle aimerait rappeler au Gouvernement du Maroc de l'article 5, alinéas b) et c) de la Déclaration sur les défenseurs des droits de l'homme, ainsi que les recommandations contenues dans son rapport à l'Assemblée générale en 2009 (A/64/226, para. 104 à 116).

302. La Rapporteuse spéciale reste disponible pour fournir tout appui technique dont aurait besoin le Gouvernement.

²⁰ Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

²¹ Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

Myanmar

303. JUA 02/10/2012 Case no.: MMR 6/2012 State reply: None to date
Allegations of charges pressed against human rights activists who organized and participated in peaceful demonstrations on International Peace Day on 21 September 2012.

304. JUA 30/11/2012 Case no.: MMR 11/2012 State reply: None to date
Allegations of arrest and detention of, and arrest warrants against, peaceful protestors, coupled with allegations of excessive use of force by security forces.

Observations

305. The Special Rapporteur commends the Government of Myanmar for its recent efforts aimed at democratic reform, which she hopes will lead to a conducive working environment for human rights defenders. The Special Rapporteur expresses considerable concern about restrictions on freedom of peaceful assembly in the country, pertaining to permissions for holding assemblies not being granted and for detention and prosecution of human rights defenders holding peaceful assemblies. She is also concerned about several cases where she has been apprised of excessive use of force against protesters. She is also concerned about restrictions in place with regard to freedom of expression, which is a considerable impediment to the work of human rights defenders in Myanmar. The Special Rapporteur urges the Government of Myanmar to take measures to ensure the rights to freedom of peaceful assembly and of expression and opinion are respected, and she remains available to provide any technical assistance the Government might require.

Nepal

306. JUA 14/09/2012 Case no.: NPL 4/2012 State reply: None to date
Alleged intimidation of and threats against women human rights defenders.

Observations

307. The Special Rapporteur remains concerned about the general situation for human rights defenders in Nepal and urges the Government to take the necessary measures to ensure that an environment exists in which human rights defenders are able carry out their legitimate work without fear of persecution, or restriction, in accordance with articles 2 and 12 of the Declaration on Human Rights Defenders. The situation of women human rights defenders and defenders working on issues related to sexual orientation and gender identity is a source of particular concern to the Special Rapporteur.

308. The Special Rapporteur reiterates her hope that the Government will respond favourably to the repeated requests of the mandate holder since 2003 to visit the country. She remains available to provide any technical assistance the Government might require.

Netherlands

309. JUA 04/07/2012 Case no.: NLD 3/2012 State reply: 20/08/2012
Alleged imminent deportation to the People's Republic of China.

Observations

310. The Special Rapporteur would like to thank the Government for the response to the communication sent during the reporting period. She takes note of the fact that Mr. Mutalip was granted a residence permit in July 2012.

Nigeria

311. JAL 20/12/2011 Case no.: NGA 5/2011 State reply: None to date
Alleged restrictions on the rights to freedom of association and of peaceful assembly of groups defending lesbian, gay, bisexual, and transgender (LGBT) rights.

Observations

312. The Special Rapporteur expresses concern about the on-going legislative move to further criminalize same-sex relationships in Nigeria through the “Same-Gender Marriage” Bill. The Special Rapporteur is seriously concerned that, if approved by the House of Representatives, the new law would have profoundly negative consequences for the work of human rights defenders working on issues related to sexual orientation and gender identity, as well as the ones engaged in the promotion and protection of the right to health. She urges the House of Representatives not to approve the Bill and calls on the Government of Nigeria to ensure these defenders are able to work in a conducive environment. The Special Rapporteur remains available to provide any technical assistance the Government might require.

Oman

313. JUA 21/06/2012 Case no.: OMN 1/2012 State reply: 14/08/2012;
18/08/2012 **Allegations of arbitrary arrest, detention and criminalisation of human rights defenders.**

314. JUA 10/08/2012 Case no.: OMN 2/2012 State reply: 14/08/2012;
18/08/2012 **Alleged arrest, detention and sentencing of human rights defenders.**

Observations

315. The Special Rapporteur thanks the Government of Oman for its extensive response to the communications sent during the reporting period. While she recognizes the efforts of the Government to ensure due process and limit the detention of the individuals concerned, she remains seriously concerned about the restrictions on freedom of expression and freedom of peaceful assembly in the country. The relevant legislation in place contains a number of limitations on these rights which, in the view of the Special Rapporteur, are not in compliance with international human rights standards. She wishes to refer the Government of Oman to the recommendations contained in her 2012 report to the General Assembly (A/67/292, in particular para. 86-87 and 100-103).

316. The Special Rapporteur expresses her hope that the Government of Oman will respond favourably to her request to visit the country issued in 2012. She remains available to provide any technical assistance the Government might require.

Other

317. JUA 22/02/2012 Case no.: OTH 2/2012 State reply: None to date
Alleged attacks and threats against human rights defender.

Observations

318. The Special Rapporteur regrets that, at the time of the finalizing of this report, the communication sent to other actors during the reporting period remained unanswered.

Pakistan

319. JAL 30/12/2011 Case no.: [PAK 11/2011](#) State reply: None to date
Alleged killing of human rights defender.
320. JUA 29/03/2012 Case no.: [PAK 5/2012](#) State reply: [29/03/2012](#)
Alleged acts of intimidation and threats against human rights defender by security forces.
321. JAL 07/06/2012 Case no.: [PAK 7/2012](#) State reply: [07/06/2012](#)
Alleged abduction, forced conversion and forced marriage of three Hindu women, and death threats against two parliamentarians who criticized a Supreme Court decision that allowed their return to their alleged kidnappers.
322. JUA 15/06/2012 Case no.: [PAK 8/2012](#) State reply: None to date
Alleged plot to kill human rights defender.
323. JAL 18/07/2012 Case no.: [PAK 9/2012](#) State reply: [19/07/2012](#)
Alleged killing of a woman human right defender in Hayatabad, Pakistan.
324. JUA 27/08/2012 Case no.: [PAK 10/2012](#) State reply: [27/08/2012](#)
Alleged accusation of blasphemy against human rights defenders.
325. JUA 12/10/2012 Case no.: [PAK 11/2012](#) State reply: None to date
Alleged assassination attempt against an advocate for girl's education by the Tehrik-i-Taliban Pakistan (TTP).
326. JAL 16/11/2012 Case no.: [PAK 12/2012](#) State reply: [19/11/2012](#)
Alleged break-in at human rights association and acts of harassment and intimidation against its staff.

Observations

327. The Special Rapporteur regrets that, at the time of the finalizing of this report, the Government had not transmitted substantive responses to any of her communications sent during the reporting period. The Special Rapporteur remains deeply concerned about the general situation of human rights defenders in Pakistan, particularly about information she has received of extrajudicial killings and severe threats to the physical and psychological integrity of defenders. Perpetrators appear to include both State and non-State actors, and women human rights defenders and defenders of girls' rights are particularly targeted. She urges the Government to take the necessary measures to ensure that an environment exists in which human rights defenders are able carry out their legitimate work without fear of persecution, in accordance with article 2 and article 12 of the Declaration on Human Rights Defenders.

328. The Special Rapporteur is also concerned about increased restrictions with regard to freedom of expression following adoption in 2011 of the blasphemy provisions as part of the Criminal Code. The Special Rapporteur is concerned about cases where human rights defenders have been prosecuted under such provisions and views them as a considerable impediment to the work of human rights defenders in Pakistan. She would like to draw to the attention of the Government the provisions contained in the Declaration on Human Rights Defenders in this regard, specifically article 6, points b) and c). She welcomes the

invitation of the Government of Pakistan extended to the Special Rapporteur on the right to freedom of opinion and expression and hopes this visit will go ahead promptly.

329. The Special Rapporteur reiterates her hope that the Government will respond favourably to her repeated requests since 2008 to visit the country. She remains available to provide any technical assistance the Government might require.

Paraguay

330. JAL 25/10/2012 Case no.: PRY 2/2012 State reply: 05/01/2013
Alegaciones del supuesto amedrentamiento de la Radio Candela.

Observaciones

331. La Relatora Especial agradece al Gobierno la respuesta detallada a su comunicación enviada durante el periodo del presente informe. No obstante, la Relatora Especial se muestra preocupada por la información recibida indicando un mayor clima de inseguridad y una tendencia a la estigmatización y deslegitimación del trabajo de las y los defensores de derechos humanos por parte de autoridades públicas y algunos medios de comunicación, en particular aquellos que trabajan por los derechos de los campesinos y comunidades indígenas. Dicha situación pareciera haberse acentuado tras la destitución del Presidente en junio de 2012 en conexión con las muertes ocurridas en Curuguaty.

Peru

332. JUA 26/07/2012 Case no.: PER 2/2012 State reply: None to date
Alegaciones de actos de violencia y ejecuciones extrajudiciales en el contexto de las protestas sociales contra proyectos de explotación minera llevadas a cabo en Cajamarca y en Espinar.

333. JAL 15/08/2012 Case no.: PER 3/2012 State reply: 16/11/2012
Presuntas agresiones físicas y detención de defensores de los derechos humanos.

Observaciones

334. La Relatora Especial agradece al Gobierno la respuesta a la comunicación enviada el 8 de agosto de 2012, aunque lamenta que, en el momento de finalizar el presente informe, no se había recibido respuesta a la comunicación enviada el 26 de julio de 2012. La Relatora Especial reitera su preocupación sobre las alegaciones recibidas indicando un uso excesivo de la fuerza contra defensores y defensoras de los derechos humanos al expresar, mediante manifestaciones pacíficas, sus preocupaciones sobre el impacto que un proyecto minero tendría sobre los derechos humanos.

335. La Relatora Especial desea hacer referencia a las provisiones contenidas en la Declaración sobre los defensores de derechos humanos, particularmente el artículo 5, apartado a) y el artículo 12, párrafos 2 y 3.

Philippines

336. JAL 30/05/2012 Case no.: PHL 2/2012 State reply: 27/08/2012
Alleged killing of two human rights defenders.

337. JUA 29/06/2012 Case no.: PHL 3/2012 State reply: None to date
Alleged killing of human rights defender and alleged acts of intimidation against two women human rights defenders.

338. JAL 31/10/2012 Case no.: PHL 5/2012 State reply: None to date
Allegations concerning the situation of oil palm cultivation in Higaonon indigenous communities in the municipality of Opol, Misamis Oriental in southern Philippines, as well as the alleged killing of an indigenous Higaonon leader who had protested against the oil palm cultivation.

Observations

339. The Special Rapporteur thanks the Government of the Philippines for its response, but regrets that at the time of finalizing the present report, the Government had not transmitted a reply to the majority of her communications during the reporting period.

340. The Special Rapporteur remains seriously concerned about persistent challenges faced by human rights defenders in the Philippines, including extrajudicial killings, threats and intimidation, arbitrary arrest and detention. The Special Rapporteur calls particular attention to the extrajudicial killing of Mr. Francisco Canayong on 1 May 2012 and to the prevalence of non-State actors as perpetrators in these cases²². While recognizing the recent steps taken by the Government to improve effective protection against non-State actors, she urges the Government of the Philippines to conduct thorough investigations in each case and prosecute the perpetrators, in accordance with article 12 of the Declaration on Human Rights Defenders. Such measures are crucial in order to create a safe environment conducive to the work of defenders. With regard to the issue of non-State actors, the Special Rapporteur would like to call to the attention of the Government the recommendations put forward in her report to the General Assembly in 2010 (A/65/223, para. 51-80).

341. The Special Rapporteur firmly reiterates her hope that the Government of the Philippines will respond favourably to her repeated requests since 2008 to visit the country, in order to strengthen the dialogue with the authorities on the worrying situation of human rights defenders in the Philippines.

Republic of Korea

342. JAL 30/05/2012 Case no.: KOR 2/2012 State reply: 02/01/2013
Alleged acts of harassment, intimidation and ill-treatment of peaceful protesters in Gangjeong village.

343. JUA 21/06/2012 Case no.: KOR 3/2012 State reply: None to date
Alleged denial of entry to the Republic of Korea of Philippines National, despite his valid travel documents.

Observations

344. The Special Rapporteur thanks the Government of the Republic of Korea for its extensive response to her allegation letter regarding protests in Gangjeong village. She regrets that a response was not received to the communication regarding the denial of entry of a migrants' rights defender during the reporting period.

²² <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12333&LangID=E>

345. The Special Rapporteur expresses her appreciation to the Government of the Republic of Korea for having accepted her request to visit the country. She looks forward to undertaking the visit.

Republic of Moldova

346. JAL 04/07/2012 Case no.: MDA 3/2012 State reply: 16/10/2012
Alleged bans on public activities organized by Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) persons in several municipalities in Moldova.

Observations

347. The Special Rapporteur thanks the Government for the response to the communication sent during the reporting period. She nevertheless would like to reiterate her concern about the potential discriminatory effects of the municipal ordinances reportedly adopted by several City Councils in the country prohibiting public activities “propagandizing” homosexuality which directly affect those working for the rights of LGTB people. In addition, the Special Rapporteur remains concerned about the Law on Ensuring Equality, more specifically about the lack of sufficient safeguards for the protection of LGBT persons and those advocating for their rights.

348. The Special Rapporteur would like to underline the importance of ensuring that the right to freedom of opinion and expression and to peaceful assembly is guaranteed without discrimination of any sort. Furthermore, she would like to emphasize the role played by public authorities and figures when it comes to promoting inclusiveness and tolerance.

349. In this regard, the Special Rapporteur reiterates the need for the Government to ensure rights protected under article 6, points b) and c), and article 7 of the Declaration on Human Rights Defenders are respected. She remains available to provide any advice or assistance the Government of the Republic of Moldova might require.

Russian Federation

350. JUA 22/12/2011 Case no.: RUS 13/2011 State reply: 30/03/2012
Allegations of harassment, arbitrary detention and excessive use of force against activists and peaceful protesters in the context of the parliamentary elections held on 4 December 2011.

351. JUA 01/03/2012 Case no.: RUS 1/2012 State reply: 14/05/2012; 22/05/2012 **Alleged police harassment of two human rights defenders and confiscation of strictly confidential information on alleged human rights violations.**

352. JUA 20/06/2012 Case no.: RUS 4/2012 State reply: None to date
Allegations of acts of harassment, intimidation, arbitrary detention and searches in the residences of several activists and members of the opposition in the context of protests held in Moscow on 6 May 2012; and adoption of new legislation that can seriously limit the right to peaceful assembly.

353. JAL 11/07/2012 Case no.: RUS 5/2012 State reply: 23/07/2012
Allegation that the adoption of a draft Law on Introducing Amendments to Legislative Acts of the Russian Federation in Part Regulating Activities of Non-commercial Organizations which Carry Functions of Foreign Agents, may unduly restrict the right to freedom of association.

354. JAL 27/11/2012 Case no.: RUS 7/2012 State reply: 24/01/2013
Alleged closure of the Russian Association of Indigenous Peoples of the North by Government authorities.

Observations

355. The Special Rapporteur thanks the government for the responses provided to three of the five communications sent during the reporting period. However, she regrets that, at the time of finalising this report, no response had been received to one of the communications sent.

356. The Special Rapporteur expresses her deep concern regarding reports of increased restrictions on the right to freedom of association and peaceful assembly in the Russian Federation, including through reported judicial harassment, excessive use of force during peaceful demonstrations, threats and acts of violence against human rights defenders and non-governmental organisations.

357. With regard to her communication dated 11 July 2012 (case no. RUS 5/2012), she takes note of the Government's response, however she remains concerned as to the potential restrictive and stigmatising effects that the Law on Introducing Amendments to Certain Legislative Acts Regarding the Regulation of Activities of Non-commercial Organizations Performing the Functions of Foreign agents, which came into effect in November 2012, may entail for non-governmental human rights organisations carrying out their legitimate activities in the Russian Federation. She voiced her concerns by joining a group of United Nations independent experts in a public statement issued on 12 July 2012.

358. In this connection, the Special Rapporteur wishes to call to the attention of the Government the provisions contained in the Declaration on Human Rights Defenders, notably article 5, point a), article 9 and article 12. Moreover, the Special Rapporteur encourages the Government to revisit the recommendations given by the former Special Representative of the Secretary General on the situation of human rights defenders in her report to the General Assembly in 2006 (A/61/312, para. 98). She remains available to provide any further advice and/or support the Government might require.

359. The Special Rapporteur thanks the Government of the Russian Federation for responding to her request to visit the country. She hopes the visit can take place at a future time of convenience to both parties.

Saudi Arabia

360. JUA 16/12/2010²³ Case no.: SAU 9/2010 State reply: 05/03/2012
Alleged arbitrary detention of human rights activist.
361. JUA 27/07/2011²⁴ Case no.: SAU 6/2011 State reply: 14/05/2012
Alleged arrest and detention.
362. JUA 01/03/2012 Case no.: SAU 6/2012 State reply: None to date
Alleged ill-treatment while in detention, infringements of the right to a fair trial, prolonged pre-trial detention and heavy sentencing of human rights defenders.

²³ Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

²⁴ Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

363. JUA 03/05/2012 Case no.: [SAU 7/2012](#) State reply: None to date
Allegations of acts of intimidation, excessive use of force and arbitrary detention against individuals exercising peacefully their rights to freedom of association, of peaceful assembly and of expression.
364. JUA 25/05/2012 Case no.: [SAU 8/2012](#) State reply: None to date
Alleged arbitrary arrest and torture in detention of a human rights lawyer, and false charges brought against him.
365. JUA 12/07/2012 Case no.: [SAU 9/2012](#) State reply: None to date
Alleged arbitrary arrests and detention and charges against human rights defenders and undue restrictions on freedom of association.
366. JUA 15/08/2012 Case no.: [SAU 10/2012](#) State reply: None to date
Alleged torture of detained human rights defender.

Observations

367. The Special Rapporteur thanks the Government of Saudi Arabia for its responses to her earlier communications. However, she expresses her regret that, at the time of the finalization of this report, the Government had not responded to any of her communications sent during the current reporting period. She considers the allegations very serious as they refer to undue restrictions on a number of rights and freedoms which are fundamental to the activities of human rights defenders, and trusts that a substantive response will be provided shortly.

368. The Special Rapporteur is concerned about reported restrictions on freedom of expression in Saudi Arabia. The Repression of Cybercrime Act, under which several defenders have been prosecuted and condemned, contains a number of provisions which, in the view of the Special Rapporteur, are not in compliance with international human rights law and standards. Furthermore, freedom of movement and freedom of association appear to be in place. In this regard, the Special Rapporteur would like to refer to the Government the provisions contained in the Declaration on Human Rights Defenders, notably its article 2 and article 5, points b) and c). She also wishes to call to the Government's attention the recommendations put forward in her report to the General Assembly in 2009 (A/64/226, para. 104-116) with regard to ensuring respect for the freedom of association.

369. The Special Rapporteur is very concerned about the physical and psychological integrity of human rights defenders in Saudi Arabia, following reports of arbitrary arrests and incommunicado detention, as well as instances of severe and lengthy sentencing of defenders. The Special Rapporteur is disturbed by several cases where it is alleged that human rights defenders have been tortured while in detention or serving prison sentences. She urges the Government to respect articles 2 and 12 of the Declaration on Human Rights Defenders by implementing the recommendations put forward in her report to the Human Rights Council in 2010 (A/HRC/13/22, para. 111-114).

370. The Special Rapporteur expresses her hope that the Government of Saudi Arabia will respond favourably to her request to visit the country issued in 2012. She remains available to provide any technical support the Government of Saudi Arabia might require.

Senegal

371. JAL 10/02/2012 Case no.: [SEN 1/2012](#) State reply: None to date
Allégations d'un usage excessif de la force et de restrictions illégitimes au droit de réunion pacifique.

Observations

372. La Rapporteuse spéciale regrette l'absence de réponse de la part du Gouvernement du Sénégal à la communication envoyée durant la période couverte par le présent rapport. Elle reste préoccupée par des informations reçues concernant un usage excessif de la force et de restrictions illégitimes au droit de réunion pacifique dans le contexte des élections présidentielles de 2012.

373. La Rapporteuse spéciale espère que le Gouvernement du Sénégal répondra favorablement à sa demande de visite afin de pouvoir effectuer un état des lieux de la situation des défenseurs des droits de l'homme dans le pays. Elle reste disponible pour fournir tout appui technique dont aurait besoin le Gouvernement.

South Africa

374. JAL 28/06/2012 Case no.: ZAF 2/2012 State reply: None to date
Alleged killing of a LGBTI rights defender.

Observations

375. The Special Rapporteur wishes to express her regret that, at the time of the finalization of this report, the Government had not responded to the communication she sent during the reporting period. The Special Rapporteur is concerned for the physical and psychological integrity of human rights defenders working to protect the rights of lesbians, gays, bisexual, transgender and intersex individuals in South Africa and urges the Government to ensure a safe environment conducive to their legitimate work. In this regard, in the spirit of cooperation, the Special Rapporteur refers the Government of South Africa to the recommendations put forward in her 2010 report to the Human Rights Council (A/HRC/13/22), particularly paras. 113 and 114, as well as those put forward in her 2011 report to the Human Rights Council (A/HRC/16/44), in particular para. 109.

Spain

376. JAL 09/03/2012 Case no.: ESP 2/2012 State reply: 08/05/2012
Alegaciones de uso excesivo de la fuerza contra manifestantes pacíficos, en su mayoría menores, durante las protestas estudiantiles ocurridas en Valencia desde el 15 de febrero de 2012.

Observaciones

377. La Relatora Especial agradece al Gobierno la respuesta a su comunicación enviada durante el periodo del presente informe. La Relatora Especial hace notar que el derecho a protestar, incluyendo el derecho a la libertad de opinión y expresión así como el derecho a la libertad de reunión pacífica, es un elemento fundamental del derecho de participación en toda estructura democrática y que las restricciones impuestas a este derecho deben analizarse detenidamente para determinar si son necesarias y razonables (A/61/312, párr. 56).

Sri Lanka

378. JAL 29/12/2011 Case no.: LKA 11/2011 State reply: None to date
Allegations of detention and acts of intimidation against a group of human

rights and political activists who were planning to attend a peaceful protest in Jaffna on the occasion of Human Rights Day.

379. JUA 01/03/2012 Case no.: LKA 1/2012 State reply: None to date
Allegations of excessive use of force against peaceful protestors and undue restrictions on the rights to freedom of peaceful assembly and expression.

380. JUA 12/09/2012 Case no.: LKA 4/2012 State reply: None to date
Allegations of violations against human rights defenders, including attempted abduction, surveillance and intimidation.

Observations

381. The Special Rapporteur wishes to express her regret that the Government of Sri Lanka has not responded to any of the communications sent during the reporting period. She considers the allegations very serious as they refer to undue restrictions on a number of rights and freedoms which are fundamental to the activities of human rights defenders, and trusts that a substantive response will be provided shortly.

382. The Special Rapporteur reiterates her concern about the reported climate of fear, including stigmatization, threats, surveillance and intimidation against human rights defenders in Sri Lanka. She is especially concerned at alleged smear campaigns that may have been related to the cooperation of human rights defenders with the UN Human Rights Council. She is equally dismayed by the continued concerns expressed by human rights defenders in Sri Lanka that they risk facing acts of reprisals if they seek the protection of her mandate. In this connection, the Special Rapporteur wishes to refer the Government of Sri Lanka to the provisions outlined in the Declaration on Human Rights Defenders, specifically to article 9, para. 4 and article 12, paras. 2 and 3.

383. Furthermore, the Special Rapporteur is concerned about intimidation against defenders and their detention as a result of their participation in peaceful assemblies. She expresses concern about reports received of excessive use of force against demonstrators and restrictions on assemblies, including media personnel who were told to change the venue of their protest while pro-Government protesters could demonstrate at the venue initially chosen by media personnel.

384. The Special Rapporteur reiterates her hope that the Government will respond favourably to her repeated requests since 2008 to visit the country.

State of Palestine

385. JUA/22/02/2012 Case no.: PSE 2/2012 State reply: None to date
Alleged attacks and threats against human rights defender.

Observations

386. The Special Rapporteur regrets that the State of Palestine has not responded to any of the communications sent during the reporting period. She considers the allegations received very serious and hopes that they will be duly investigated, perpetrators will be brought to justice and the victim will obtain adequate redress.

Sudan

387. JUA 15/02/2012 Case no.: SDN 1/2012 State reply: 23/05/2012
Alleged excessive use of force during peaceful demonstrations.

388. JUA 08/06/2012 Case no.: SDN 3/2012 State reply: 26/06/2012;
03/07/2012
Allegation of arbitrary detention and ill-treatment of human rights defender.
389. JAL 06/07/2012 Case no.: SDN 4/2012 State reply: None to date
Allegations of excessive use of force during peaceful protests and of torture and ill-treatment of detainees.
390. JUA 03/08/2012 Case no.: SDN 5/2012 State reply: None to date
Allegations of excessive use of force in the context of peaceful demonstrations resulting in killings, injuries and torture and ill-treatment, and mass arrests.
391. JUA 12/10/2012 Case no.: SDN 7/2012 State reply: None to date
Allegation of charges brought against a political activist and human rights defender.
392. JUA 19/11/2012 Case no.: SDN 8/2012 State reply: None to date
Alleged acts of intimidation against woman human rights defender as a result of her cooperation with the African Commission on Human and People's Rights.

Observations

393. The Special Rapporteur thanks the Government of Sudan for its responses to two of the communications she sent during the reporting period. However, she expresses her regret that, at the time of the finalization of this report, the Government had not responded to the majority of the communications she sent during the reporting period. The Special Rapporteur expresses her concern about the response of law enforcement officials to the various protests held across the country over the past year, which appear to have been largely peaceful. The Special Rapporteur is particularly concerned for the physical and psychological integrity of human rights defenders in this context, particularly in light of excessive use of force against protester during demonstrations and allegations of acts of torture and ill-treatment while in detention.

394. The Special Rapporteur is also concerned about harassment, threats and persecution of women human rights defenders in Sudan, including as a result of their interaction with international human rights mechanisms. In this connection, the Special Rapporteur wishes to refer the Government of Sudan to the provisions outlined in the Declaration on Human Rights Defenders, notably to article 9, para. 4, and article 12, para. 2 and 3.

395. The Special Rapporteur remains available to provide any technical assistance the Government might require.

Swaziland

396. JAL 26/04/2012 Case no.: SWZ 2/2012 State reply: None to date
Alleged undue restriction to the right to freedom of association and excessive use of force during demonstrations.
397. JAL 20/09/2012 Case no.: SWZ 3/2012 State reply: None to date
Alleged excessive use of force against student protesters.

Observations

398. The Special Rapporteur wishes to express her regret that the Government of Swaziland has not responded to any of the communications sent during the reporting period. She considers the allegations very serious as they refer to undue restrictions on a

number of rights and freedoms which are fundamental to the activities of human rights defenders, and trusts that a substantive response will be provided shortly.

399. The Special Rapporteur is concerned about excessive use of force used against protesters, notably student activists, in Swaziland. The deregistration of the Trade Union Congress of Swaziland, which appears to have been decided upon after the union called for a boycott of the 2013 parliamentary elections, is another source of concern to her. With regard to these allegations, the Special Rapporteur wishes to respectfully refer the Government to article 5 and article 12, para. 2 and 3, of the Declaration on human rights defenders.

400. The Special Rapporteur remains available to provide any technical assistance the Government might require.

Switzerland

401. JAL 05/03/2012 Case no.: CHE 1/2012 State reply: 03/05/2012 ; 03/05/2012 ; 03/05/2012 ; 03/05/2012 ; 03/05/2012 ; 03/05/2012 ; 09/05/2012

Allégations de restrictions indues concernant la loi modifiant la loi sur les manifestations sur le domaine public au sein de la république et canton de Genève.

Observations

402. La Rapporteuse Spéciale remercie le Gouvernement de la réponse à la communication envoyée au cours de la période considérée. Néanmoins, elle demeure préoccupée par certaines dispositions de la loi modifiant la loi sur les manifestations sur le domaine public (Manifestations à potentiel violent) (LMDPu, 10615), en particulier ceux mis en évidence comme étant problématique dans sa lettre aux autorités. La Rapporteuse Spéciale prend note du fait que le Parlement Cantonal du Genève n'est pas obligé d'auditionner la société civile mais réitère que le fait de solliciter la participation des acteurs de la société civile lors de l'élaboration des normes juridiques est considéré comme une bonne pratique dans une société démocratique.

Syrian Arab Republic

403. JUA 03/02/2012 Case no.: SYR 1/2012 State reply: None to date
Alleged shooting and subsequent arbitrary arrest and incommunicado detention of pro-democracy activist.

404. JUA 20/02/2012 Case no.: SYR 2/2012 State reply: None to date
Alleged enforced disappearance of 13 human rights defenders in Damascus.

405. JUA 27/03/2012 Case no.: SYR 4/2012 State reply: None to date
Allegations of arbitrary arrest, incommunicado detention and possible enforced disappearances.

406. JUA 08/05/2012 Case no.: SYR 5/2012 State reply: None to date
Allegations of prolonged incommunicado detention, ill-treatment and upcoming military court trials of human rights defenders.

407. JUA 02/11/2012 Case no.: SYR 9/2012 State reply: None to date
Allegations of arbitrary arrests, incommunicado detention, killings and torture.

Observations

408. The Special Rapporteur wishes to express her regret that the Government of the Syrian Arab Republic has not responded to any of the communications sent during the reporting period. She considers the allegations very serious as they refer to undue restrictions on a number of rights and freedoms which are fundamental to the activities of human rights defenders, and trusts that a substantive response will be provided shortly.

409. The Special Rapporteur is gravely concerned for the physical and psychological integrity of human rights defenders in the Syrian Arab Republic, particularly in light of the numerous allegations of enforced disappearances, acts of violence, arbitrary detention, torture and other human rights violations reportedly being carried out against human rights lawyers, journalists, students and peaceful protesters. The Special Rapporteur is further concerned about the reported restrictions on the right to peaceful assembly and the right to freedom of opinion and expression in the country. In this connection, the Special Rapporteur wishes to refer the Government of the Syrian Arab Republic to the provisions outlined in the Declaration on Human Rights Defenders, notably to article 5, points (a) and (b); to article 6, points (b) and (c); and to article 12, in particular paras. 2 and 3.

410. The Special Rapporteur reiterates her hope that the Government will respond favourably to her repeated requests since 2008 to visit the country.

Tajikistan

411. JUA 29/08/2012 Case no.: TJK 3/2012 State reply: 16/10/2012
Allegations of lack of procedural safeguards in the case against the Association of Young Lawyers of Tajikistan (Amparo).

412. JUA 20/11/2012 Case no.: TJK 4/2012 State reply: None to date
Alleged closing of the Association of Young Lawyers of Tajikistan (Amparo) following the decision of the Khujand City Court.

Observations

413. The Special Rapporteur thanks the Government for its response transmitted to the communication sent on 29 August 2012 (case no. TJK 3/2012), although she regrets that, at the time of finalising this report, no response had been received to her later communication.

414. The Special Rapporteur expresses grave concern regarding allegations of procedural violations and disproportionate legal action in the case of the closure of the Association of Young Lawyers of Tajikistan (Amparo). In relation to the situation of Amparo, she wishes to reiterate her concern at allegations regarding that the closure of this organisation could be considered as an act of intimidation and reprisals for cooperating or trying to cooperate with UN human rights mechanisms, in this case the UN Committee against Torture and the UN Special Rapporteur on torture, cruel, inhuman or degrading treatment or punishment.

415. The Special Rapporteur would like to underline that the right to access and communicate with international bodies is enshrined in article 5(c) and article 9(4) of the Declaration. She would also like to recall the provisions of resolution 12/2 of the Human Rights Council (A/HRC/RES/12/2), which condemns these acts (OP 2) and calls upon States to ensure “adequate protection individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights (...) (OP 3).

Thailand

416. JUA 20/12/2011 Case no.: THA 9/2012 State reply: 04/04/2012;
25/05/2012; 29/06/2012 **Alleged trial of human rights defender on charges of lèse
majesté.**

417. JAL 25/07/2012 Case no.: THA 4/2012 State reply: None to date
**Allegations of charges against trade unionists for leading a peaceful
demonstration.**

Observations

418. The Special Rapporteur thanks the Government of Thailand for its responses regarding the case of Mr. Somyot Prueksakasemsok. She remains concerned about restrictions on the right to freedom of opinion and expression in connection with the lèse majesté law and does not consider the definition of defamation to be precise enough to ensure it is not applied arbitrarily. In this regard, she wishes to refer the Government of Thailand to the provisions outlined in the Declaration on Human Rights Defenders, notably to article 6, points (b) and (c), as well as the recommendations contained in her 2012 report to the General Assembly (A/67/292, in particular para. 99-103).

419. The Special Rapporteur thanks the Government of Thailand for its initial response to her request to visit the country and reiterates her hope that the Government will respond favourably to her request. She remains available to provide any technical assistance the Government might require.

Tunisia

420. JAL 20/04/2012 Case no.: TUN 1/2012 State reply: 21/06/2012
**Allégations d'un usage excessif de la force et de restrictions illégitimes au droit
à la liberté de réunion pacifique.**

Observations

421. La Rapporteuse spéciale remercie le Gouvernement de la Tunisie de la réponse fournie à la communication envoyée pendant la période couverte par le présent rapport. Elle est également reconnaissante d'avoir pu effectuer une visite officielle en Tunisie du 27 septembre au 5 octobre 2012. Ses observations et recommandations suite à sa visite font l'objet d'un rapport séparé présenté au Conseil des droits de l'homme durant sa 22e session²⁵.

Turkey

422. JUA 17/11/2011²⁶ Case no.: TUR 6/2011 State reply: 09/02/2012
**Alleged arrest and detention of, and legal proceedings launched against, human
rights defenders, lawyers and academics in the context of anti-terrorism operations in
Turkey.**

²⁵ A/HRC/22/47/Add.2

²⁶ Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

423. JAL 30/11/2011²⁷ Case no.: TUR 7/2011 State reply: 21/02/2012
Alleged arbitrary arrest and sentencing of three women human rights defenders and members of the Pink Life Lesbian, Gay, Bisexual, Transvestite and Transsexual Solidarity Association.
424. JUA 02/02/2012 Case no.: TUR 1/2012 State reply: 25/07/2012
Alleged arrest, detention and launching of criminal proceedings against lawyers in the context of anti-terrorism operations.
425. JAL 08/02/2012 Case no.: TUR 2/2012 State reply: 26/04/2012
Alleged illegal raids on several NGOs' offices in Diyarbakir.
426. JUA 04/07/2012 Case no.: TUR 5/2012 State reply: 22/10/2012; 16/01/2013
Alleged arbitrary detention of human rights defenders and trade unionists.
427. JUA 09/08/2012 Case no.: TUR 6/2012 State reply: 22/10/2012
Alleged detention and trial of human rights defender.

Observations

428. The Special Rapporteur thanks the Government for the detailed responses to all the communications sent during the reporting period and the two responses provided to communications sent during the previous period. She takes note of the Government reply to the communication sent on 30 November 2011 where the authorities provide assurances that the arrest and conviction of the alleged victims had no connection to their work in defence and promotion of the rights of LGBT people.

429. She remains concerned about the physical and psychological integrity of human rights defenders in Turkey, particularly in light of the alleged arrests of defenders in the context of counter-terrorism operations and allegations that human rights lawyers have been targeted in connection with their legitimate human rights work.

430. Accordingly, the Special Rapporteur wishes to refer the Government of Turkey to the provisions outlined in the Declaration on Human Rights Defenders, notably to article 9, para. 3 point c) and to article 2. The Special Rapporteur remains available to provide any assistance and/or advice the Government might require.

431. The Special Rapporteur thanks the Government for responding to her request to visit Turkey in order to assess the situation of human rights defenders in the country. She expresses the hope that both parties may come to a mutually satisfactory agreement regarding suitable dates and the length of the visit.

Uganda

432. JAL 29/03/2012/ JAL Case no.: UGA 2/2012 State reply: None to date
Alleged re-tabling of a Bill, which would violate fundamental principles and norms of international human rights law if enacted.
433. JAL 31/05/2012 Case no.: UGA 3/2012 State reply: None to date
Alleged continued acts of harassments and intimidation against human rights defenders.

²⁷ Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

434. JAL 15/06/2012 Case no.: [UGA 4/2012](#) State reply: None to date
Allegation that a Public Order Management Bill may unduly limit the right of peaceful assembly.

435. JAL 25/06/2012 Case no.: [UGA 5/2012](#) State reply: None to date
Alleged disruption of a workshop for lesbian, gay, bisexual, transgender and intersex (LGBTI) human rights defenders by police.

Observations

436. The Special Rapporteur regrets that the Government of Uganda has not responded to any of the communications sent during the reporting period. She considers the allegations very serious as they refer to undue restrictions on a number of rights and freedoms which are fundamental to the activities of human rights defenders, and trusts that a substantive response will be provided shortly.

437. The Special Rapporteur remains deeply concerned regarding instances of undue restrictions of the right to peaceful assembly in Uganda, including attacks against journalists reporting on peaceful assemblies. She is also concerned at reported acts of harassment of defenders working and denouncing cases of corruption as well as about the situation of human rights defenders advocating for the rights of lesbian, gay, bisexual, transgender and intersex individuals. She urges the Government of Uganda to adopt the necessary measures to create a safe and enabling environment for defenders to carry out their legitimate work. In this regard, the Special Rapporteur respectfully refers the Government of Uganda to the recommendations put forward in her 2010 report to the Human Rights Council (A/HRC/13/22), particularly paras. 113 and 114, as well as those put forward in her 2011 report to the Human Rights Council (A/HRC/16/44), in particular para. 109.

438. The Special Rapporteur is also concerned about harassment and intimidation against women human rights defenders, notably in the context of peaceful assemblies. With regard to the conduct of peaceful assemblies, she is equally concerned about the Public Order Management Bill currently before Parliament, which contains a number of restrictions affecting the activities of human rights defenders. The Special Rapporteur remains available to provide any guidance or technical support the Government of Uganda might require.

Ukraine

439. JAL 27/08/2012 Case no.: [UKR 1/2012](#) State reply: [08/11/2012](#)
Alleged killing of environmental rights defender.

Observations

440. The Special Rapporteur thanks the Government for the response to the communication sent during the reporting period. She takes note that the investigation into the killing of Mr. Honcharenko is still on-going and hopes to receive further details as soon as they can be made available. The Special Rapporteur considers the allegations received very serious and trusts that they will be duly investigated, perpetrators will be brought to justice and the victim will obtain adequate redress.

United Arab Emirates

441. JUA 18/04/2012 Case no.: [ARE 2/2012](#) State reply: None to date
Alleged harassment of human rights defenders and arrest of an online activist.
442. JUA 15/05/2012 Case no.: [ARE 3/2012](#) State reply: None to date
Alleged revocation of citizenship, arbitrary detention and enforced disappearance of human rights defenders.
443. JUA 01/06/2012 Case no.: [ARE 4/2012](#) State reply: None to date
Alleged arrest and risk of expulsion of human rights defender.
444. JUA 16/07/2012 Case no.: [ARE 5/2012](#) State reply: None to date
Alleged imminent expulsion of human rights defender.
445. JUA 07/11/2012 Case no.: [ARE 7/2012](#) State reply: None to date
Alleged mass arrest and detention of human rights defenders, judges and lawyers.

Observations

446. The Special Rapporteur regrets that the Government of United Arab Emirates has not responded to any of the communications sent during the reporting period. She considers the allegations very serious as they refer to undue restrictions on a number of rights and freedoms which are fundamental to the activities of human rights defenders, and trusts that a substantive response will be provided shortly.

447. The Special Rapporteur expresses profound concern about the situation of human rights defenders in the United Arab Emirates. Information she received indicates a pattern of harassment, arbitrary detention, enforced disappearances and prison sentences handed to human rights defenders legitimately exercising their right to freedom of expression and freedom of association. She is further concerned by reports that a number of individuals have had their citizenship revoked as a result of their human rights activities, and at least one case of deportation to a country the individual was completely unfamiliar with.

448. The Special Rapporteur would like to highlight the case of Dr. Mohamed Al Roken, a renowned human rights lawyer who has provided legal assistance to a number of those detained. He has reportedly been in detention since 17 July 2012, without any charges having been laid down against him to date. In this connection, the Special Rapporteur wishes to refer the Government of the United Arab Emirates to the provisions outlined in the Declaration on Human Rights Defenders, notably to article 6, points (b) and (c), and article 12, para. 2 and 3.

449. The Special Rapporteur expresses her hope that the Government of the United Arab Emirates will respond favourably to her request to visit the country. She remains available to provide any guidance and assistance the Government might require.

United States of America

450. JUA 23/02/2012 Case no.: [USA 24/2011](#) State reply: None to date
Alleged judicial and other harassment of activist.

Observations

451. The Special Rapporteur regrets that, at the time of finalising the report, no response had been received to the communication sent during the reporting period. She considers the allegations received as serious and trusts that they will be duly investigated.

Uzbekistan

452. JUA 09/12/2011 Case no.: [UZB 4/2011](#) State reply: [05/06/2012](#)
Alleged ill-treatment and on-going detention of members of the Human Rights Society of Uzbekistan (HRSU).
453. JAL 31/01/2012 Case no.: [UZB 1/2012](#) State reply: [29/06/2012](#)
Allegations of acts of harassment and intimidation, of forcible and arbitrary removal of peaceful protesters, and violation of fair trial safeguards in the context of two peaceful assemblies held in Tashkent.
454. JUA 28/02/2012 Case no.: [UZB 2/2012](#) State reply: [18/06/2012](#)
Alleged threats against and harassment of a human rights defender and her relatives.

Observations

455. The Special Rapporteur thanks the Government of Uzbekistan for the responses transmitted to her communications sent during the reporting period. Nonetheless, she remains gravely concerned at the situation of human rights defenders in Uzbekistan, particularly in light of reports of arbitrary arrests, physical attacks and ill-treatment of human rights defenders in detention. In this connection, the Special Rapporteur wishes to refer the Government of Uzbekistan to the provisions outlined in the Declaration on Human Rights Defenders, notably to article 2, article 5, point a), and article 12.

Venezuela (Bolivarian Republic of)

456. JAL 18/01/2010²⁸ Case no.: [VEN 1/2010](#) State reply: [02/02/2010](#); [24/07/2012](#)
Presunto asesinato de un defensor de derechos humanos.
457. JUA 09/12/2011 Case no.: [VEN 3/2011](#) State reply: [21/12/2012](#)
Alegación de que la Fiscalía ha solicitado que se extienda la medida de privación preventiva de libertad dictada contra la Jueza.
458. JUA 23/03/2012 Case no.: [VEN 1/2012](#) State reply: None to date
Supuestos actos de estigmatización e intimidación contra varias ONG y defensores de derechos humanos.
459. JAL 16/05/2012 Case no.: [VEN 2/2012](#) State reply: None to date
Alegaciones recibidas sobre la reforma de la Ley Orgánica contra la delincuencia organizada y financiamiento al terrorismo y otras leyes recientemente en vigor que atentarían, principalmente, contra el derecho a la libertad de asociación.
460. JUA 08/06/2012 Case no.: [VEN 3/2012](#) State reply: [19/12/2012](#)
Presunta detención de un abogado en un contexto de ataques contra la independencia judicial y el libre ejercicio de la profesión de abogado.
461. JUA 11/06/2012 Case no.: [VEN 4/2012](#) State reply: None to date
Presuntas amenazas de muerte, robo y actos de intimidación en contra de integrantes del Observatorio Venezolano de Prisiones (OVP) y sus familiares.
462. JAL 16/11/2012 Case no.: [VEN 7/2012](#) State reply: None to date
Alegaciones de usurpación ilegal de cuentas de correo electrónico y redes

²⁸ Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

sociales de dos defensores de los derechos humanos, y actos de intimidación y estigmatización contra uno de ellos.

Observaciones

463. La Relatora Especial agradece al Gobierno de Venezuela las respuestas recibidas a dos de las seis comunicaciones enviadas durante el periodo del presente informe así como la respuesta recibida a una comunicación enviada durante en 2010. La Relatora lamenta que, en el momento de finalizar este informe, no se había recibido respuesta a cuatro de las comunicaciones enviadas en el periodo.

464. La Relatora Especial reitera su preocupación por la situación de la Jueza Sr. María Lurdes Afuini, la cual continúa privada de libertad desde 2009 como represalia por haber aplicado una decisión del Grupo de Trabajo de las Naciones Unidas sobre la Detención Arbitraria. Le preocupa especialmente la situación de la jueza por su delicado estado de salud.

465. La Relatora se muestra asimismo preocupada por las informaciones recibidas sobre la reforma de la Ley Orgánica contra la Delincuencia Organizada y Financiación al Terrorismo, la cual afectaría seriamente al libre ejercicio del derecho de asociación así como de expresión y reunión pacífica. La Relatora subraya que dicho cambio legislativo podría crear un clima de miedo e intimidación contra defensores y defensoras de derechos humanos y un control excesivo e innecesario de cualquier financiación o donación lícita limitando la capacidad de actuación de organizaciones que trabajan por la defensa de los derechos humanos.

466. Finalmente, la Relatora señala su preocupación por las alegaciones recibidas de actos de estigmatización e intimidación contra defensores y defensoras que trabajan por los derechos de las personas detenidas y por la mejora de las condiciones de detención en el país.

467. La Relatora Especial confía en que el Gobierno responderá favorablemente a su última solicitud de visita realizada el 21 de enero de 2010. (Nota: la solicitud anterior se envió el 21 de diciembre de 2007).

Viet Nam

468. JUA 27/11/2006²⁹ Case no.: [VNM 5/2006](#) State reply: [23/2/2007](#); [28/09/2012](#)
Alleged harassment of several human rights activists.

469. JUA 01/12/2011 Case no.: [VNM 7/2011](#) State reply: [16/04/2012](#)
Alleged ongoing detention and sentencing.

470. JUA 14/06/2012 Case no.: [VNM 1/2012](#) State reply: [14/09/2012](#)
Alleged ongoing detention, sentencing and trial of bloggers.

471. JAL 02/08/2012 Case no.: [VNM 3/2012](#) State reply: [15/10/2012](#)
Allegation that a draft decree on “management, provision and use of internet services and information on the network” would run contrary to the right to freedom of expression.

472. JUA 29/08/2012 Case no.: [VNM 4/2012](#) State reply: [31/10/2012](#)
Alleged ill-treatment of human rights defender.

²⁹ Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

Observations

473. The Special Rapporteur thanks the Government of Viet Nam for its responses to all communications sent during the reporting period. Nonetheless, she remains concerned for the physical and psychological integrity of human rights defenders in Viet Nam, particularly those who have been given long prison sentences and those who are in custody awaiting trial. In this regard the Special Rapporteur refers the Government of Viet Nam to the provisions outlined in the Declaration on Human Rights Defenders, particularly to article 12, paras. 2 and 3.

474. The Special Rapporteur is further concerned about reported restrictions on the legitimate right to freedom of opinion and expression. In this regard, in the spirit of cooperation, she would like to refer the Government to the conclusions and recommendations put forward in her 2012 report to the Human Rights Council (A/HRC/19/55), particularly paras. 118 to 122.

475. The Special Rapporteur expresses her hope that the Government of Viet Nam will respond favourably to her request to visit the country. She remains available to provide any guidance or assistance the Government might require.

Zimbabwe

476. JUA 22/12/2011 Case no.: [ZWE 7/2011](#) State reply: None to date
Allegations of surveillance and intimidation, arbitrary arrest and detention and unlawful raids.

477. JUA 27/02/2012 Case no.: [ZWE 2/2012](#) State reply: None to date
Alleged continued harassments of members of the Women and Men of Zimbabwe Arise (WOZA), including excessive use of force and arrests of activists during peaceful demonstrations.

478. JAL 05/03/2012 Case no.: [ZWE 3/2012](#) State reply: [08/03/2012](#)
Alleged illegal decision suspending the activities of 29 NGOs in Masvingo.

479. JAL 22/03/2012 Case no.: [ZWE 4/2012](#) State reply: None to date
Follow up on an alleged illegal decision suspending the activities of 29 NGOs in Masvingo.

480. JAL 29/03/2012 Case no.: [ZWE 5/2012](#) State reply: None to date
Alleged conviction and sentencing of civil society activists in relation to the exercise of their legitimate rights to freedom of expression and freedom of peaceful assembly.

481. JUA 17/08/2012 Case no.: [ZWE 6/2012](#) State reply: None to date
Alleged arrest, detention and ill treatment of 44 members of Gays and Lesbians of Zimbabwe (GALZ).

482. JAL 17/10/2012 Case no.: [ZWE 8/2012](#) State reply: None to date
Alleged repeated acts of harassment against leaders of two human rights associations reportedly operating as unregistered organisations.

483. JAL 16/11/2012 Case no.: [ZWE 9/2012](#) State reply: [21/01/2013](#)
Allegations of unjustified raid on association.

Observations

484. The Special Rapporteur thanks the Government of Zimbabwe for its response to the communication sent during the reporting period but regrets that the majority of the

communications sent have not been responded to. She considers the allegations very serious as they refer to undue restrictions on a number of rights and freedoms which are fundamental to the activities of human rights defenders, and trusts that a substantive response will be provided shortly.

485. The Special Rapporteur is concerned about information received on alleged restrictions on the right to freedom of peaceful assembly and on the right to freedom of expression in Zimbabwe. In this regard, the Special Rapporteur wishes to refer the Government of Zimbabwe to the provisions of the Declaration on Human Rights Defenders, particularly article 5, points b) and c). The Special Rapporteur is particularly concerned about the repeated reports of police and judicial harassment of human rights defenders as well as alleged ill-treatment while in detention, particularly of women human rights defenders. In this regard, in the spirit of cooperation, the Special Rapporteur wishes to refer the Government of Zimbabwe to the recommendations put forward in her 2011 report to the Human Rights Council (A/HRC/16/44), particularly paras. 108 and 109.

486. The Special Rapporteur also expresses concern about increasing restrictions related to freedom of association in the country.

487. The Special Rapporteur regrets that her request to carry out a country mission to Zimbabwe has been outstanding for over ten years despite repeated follow-up and hopes that the Government will consider this request favourably in the near future. She remains available to provide any guidance or assistance the Government might require.
