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### **IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

**Progress on reports and studies relevant to cooperation with  
representatives of United Nations human rights bodies**

**Report of the Secretary-General**

## Summary

The present report is submitted in accordance with Human Rights Council decision 2/102 of 6 October 2006 which “*requests* the Secretary-General of the United Nations and the High Commissioner to continue with the fulfilment of their activities, in accordance with all previous decisions adopted by the Commission on Human Rights and to update the relevant reports and studies” and Commission on Human Rights resolution 2005/9. By this resolution, the Commission reiterated its concern at the continued reports of intimidation and reprisals against private individuals and groups who seek to cooperate with the United Nations and representatives of its human rights bodies. The Commission also expressed deep concern at the continued seriousness of such reported reprisals and that victims suffer violations of the most fundamental human rights, including the right to life, liberty and security of person, as well as the right to freedom from torture and cruel, inhuman or degrading treatment. The Commission also expressed concerns at reports about incidents where private individuals have been hampered in their efforts to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms.

The Secretary-General is invited to submit at the fourth session of the Human Rights Council an update to his previous report (E/CN.4/2006/30), containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals against those referred to in the resolution. The present report is submitted in accordance with that invitation. Chapter I of the report refers to information gathered and brought to the attention of the mechanisms of the Human Rights Council, as well as to the Office of the High Commissioner for Human Rights over the period under review. The replies received from two Governments to two of these communications have also been included in the report. It lays out the methodological framework according to which action for the protection of victims of reprisals was taken by the bodies or mechanisms of the Human Rights Council. It also gives an account of situations in which persons have reportedly been intimidated or suffered reprisals for having cooperated with United Nations human rights bodies, for having availed themselves of international procedures, for having provided legal assistance for this purpose and/or as relatives of victims of human rights violations. It should be noted that, in many instances, it has not been possible to record in this report additional cases due to specific security concerns or because the individuals exposed to reprisals have explicitly requested that their cases should not be raised publicly. It should also be noted that the information included in this report is reflected in the latest reports presented by each of the mechanisms to the General Assembly or the Human Rights Council. The report further analyses the main features of reported acts of reprisal and also depicts the victims of such abuses. Chapter II is devoted to concluding remarks. The report underlines the continued seriousness of such reprisals as victims suffer violations of the most fundamental human rights. The gravity of reported acts of reprisal reinforces the need for all representatives of United Nations human rights bodies in cooperation with States to continue to take urgent steps to help prevent the occurrence of such acts.

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## **Introduction**

1. In its resolution 2005/9, the Commission on Human Rights reiterated its concern at the continued reports of intimidation and reprisals against private individuals and groups who seek to cooperate with the United Nations and representatives of its human rights bodies. The Commission also expressed deep concern at the continued seriousness of such reported reprisals and that victims suffer violations of the most fundamental human rights, including the right to life, liberty and security of person, as well as the right to freedom from torture and cruel, inhuman or degrading treatment. The Commission also expressed concern regarding reports of incidents where private individuals have been hampered in their efforts to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms.

2. Pursuant to Human Rights Council decision 2/102, the Secretary-General was invited to submit at the fourth session of the Council an update to relevant reports, including to his previous report (E/CN.4/2006/30) submitted in accordance with Commission on Human Rights resolution 2005/9 and containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals against those referred to in the resolution. The present report is submitted in accordance with that decision.

### **I. INFORMATION RECEIVED PURSUANT TO HUMAN RIGHTS COUNCIL DECISION 2/102 AND COMMISSION ON HUMAN RIGHTS RESOLUTION 2005/9, AND ACTION TAKEN BY REPRESENTATIVES OF HUMAN RIGHTS BODIES**

#### **A. Methodological framework**

3. In cases in which the victims of reprisals, whether individuals or organizations, have been in contact with one of the bodies or mechanisms of the Human Rights Council, protective action was taken by the representative in charge of the relevant mandate. Urgent communications or letters of allegation were addressed to the Government concerned. The replies received from two Governments to two of these communications have also been included in the present report. In this context, it is worth mentioning that the mandate of the Special Representative of the Secretary-General on the situation of human rights defenders, established by the Commission in its resolution 2000/61 requests the Special Representative, *inter alia*, “to seek, receive, examine and respond to information on the situation and the rights of anyone, acting individually or in association with others, to promote and protect human rights and fundamental freedoms”.

4. It should, however, be noted that in many instances it has not been possible to record in this report additional cases due to specific security concerns or because the individuals exposed to reprisals have explicitly requested that their cases not be raised publicly. It should also be noted that the information included in this report is also reflected in the reports presented by each mechanism to the General Assembly or the Human Rights Council.

## B. Summary of cases

5. The following is a brief summary of information received pursuant to resolution 2005/9. It covers a variety of situations in which persons have been intimidated or suffered reprisals for having cooperated with United Nations human rights bodies, for having availed themselves of international procedures, for having provided legal assistance for this purpose, and/or as relatives of victims of human rights violations.

6. **Bahrain.** On 20 July 2006, the Special Representative of the Secretary-General on the situation of human rights defenders sent a letter of allegation to the Government of Bahrain in relation to the situation of **Abdulraoof Al-Shayeb**, President of the National Committee of Martyrs and Victims of Torture (NCMVT) and his wife **Wedad Al-Shayeb**. Abdulraoof Al-Shayeb had been the subject of communications sent by the Special Representative on 7 April 2004 and 1 November 2004. According to new information received, Abdulraoof Al-Shayeb was convicted in absentia on 1 July 2006 of involvement with a prostitution network and sentenced to a one-year prison term. The charge related to allegations that a woman from Uzbekistan had entered Bahrain with a false marriage certificate, using Abdulraoof Al-Shayeb's name. He reportedly denied any knowledge of this woman. When he first discovered that this woman had illegally used his name, he requested the police to investigate. Adequate investigations were not undertaken in response to Abdulraoof Al-Shayeb's request. His lawyer was also denied permission by the trial judge to call a handwriting expert as a witness to verify whether the signature on the marriage certificate was Al-Shayeb's. He had been previously charged in 2004 with "moral indecency" but was acquitted because there was no evidence to support the charges.

7. On 14 May 2006, Abdulraoof Al-Shayeb had participated in a television programme broadcast by the *Al-Hurra* channel during which he had commented on alleged human rights violations committed by the Bahrain authorities. On 22 May 2006, Al-Shayeb was detained for questioning in relation to comments he had made on this programme and was released the same day. On 5 July 2006, Wedad Al-Shayeb received a telephone call from the Ministry of Education in Bahrain, requesting her to go to their premises to answer questions. As Wedad Al-Shayeb refused to do so and requested to be fully informed about the reason why she was being summoned, she was threatened that the State Security Authorities would be called if she did not comply with the request. Wedad Al-Shayeb was finally told that the questions related to a summer camp organized by the Bahraini Youth Society for Human Rights which was held in the premises of the kindergarten owned by Abdulraoof Al-Shayeb and Wedad Al-Shayeb between 2 July 2006 and 5 July 2006. The Special Rapporteurs expressed their concerns that the harassment campaign against Abdulraoof Al-Shayeb and his wife might be connected to his activities in defence of human rights, including his attendance at the Human Rights Council in Geneva in 2006 and at the sixtieth session of the Commission on Human Rights in 2004.

8. The Government of Bahrain responded to the above communications on 10 October 2006. At the time of writing this report the correspondence had not yet been translated.

9. **China.** On 21 December 2005, the Special Rapporteur on the independence of judges and lawyers, jointly with the Special Rapporteur on the question of torture and the Special Representative of the Secretary-General on the situation of human rights defenders, sent a letter of allegation to the Government of China regarding **Gao Zhisheng**, a lawyer from Beijing. Gao Zhisheng had been the subject of a previous communication by Special Rapporteurs. On 2 December 2005, his law firm, the Shengzhzhi Law Firm, was ordered by the Beijing Justice Bureau, to cease operations from 30 November 2005 to 29 November 2006. The authorities ruled that the firm improperly changed its registration when it moved office in June 2005, in contravention of article 9 (2) of the Lawyers Law. The authorities also ruled that the firm had violated article 47 of the Lawyers Law, as it had failed to use the firm's formal letterhead when it issued a letter of introduction for two of its lawyers to visit a client detained in Guangzhou Panyu Police Detention Centre. Accordingly, Mr. Gao was required to hand over the firm's licence, official stamps, financial records, and licences of its lawyers to the authorities before 29 December, or face further penalties.

10. The Special Rapporteurs expressed their concerns at the fact that Mr. Gao may have been targeted for his human rights protection activities, especially after he met with the Special Rapporteur on the question of torture during his mission to China in November 2005.

11. **Georgia.** On 29 June 2006, the Special Representative of the Secretary-General on the situation of human rights defenders sent a letter of allegation to the Government of Georgia relating to the office of the Public Movement "Multinational Georgia" (PMMG), a non-profit non-governmental organization which promotes the human rights of minorities and develops their integration into Georgian society. On 7 June 2006, the PMMG office in Tbilisi was broken into and raided by unknown persons. Computer hard disks, which contained many of the working documents of the organization, were stolen. Specifically, the draft of an alternative report on the implementation of the Council of Europe Framework Convention for the Protection of National Minorities, to be addressed to the United Nations and the Council of Europe, as well as documentation and analytical materials pertaining to the situation of minorities in Georgia, were stolen. All valuable equipment was reportedly left untouched. According to the information received, during the two-week lead-up to this break-in, representatives of the State contacted several staff members of PMMG requesting various documents, including the report that had to be addressed to the Council of Europe. PMMG and its partner organization refused to give the documents. Subsequently, both organizations were told by the official representatives that "(they) would get it anyway". Furthermore, in March 2006, many documents were stolen from the cars of **Arnold Stepanian**, head of the organization, and of his press secretary in front of the organization's office. They contained many working documents. Concerns were expressed that these robberies might be an attempt by the State to obstruct and prevent PMMG from carrying out its human rights activities and interact with the United Nations and the Council of Europe.

12. In a letter dated 9 October 2006, the Government of Georgia responded to the above communication. According to the Government, the Mtatsminda-Krtsanisi District Prosecutor's office initiated an investigation into the robbery of the non-governmental organization Public Movement "Multinational Georgia". Relevant investigative activities have been carried out. Arnold Stepanian, the head of PMMG, was questioned and granted the status of an injured person on 8 June 2006. According to the testimony given by Mr. Stepanian, a computer disk containing valuable information and working documents was stolen along with other equipment.

The Government asked the Special Rapporteurs to note that Mr. Stephanian did not mention anything, as stated in the Special Rapporteur's letter, regarding the fact that some State representatives requested various documents from PMMG. Mr. Stephanian did not name any person towards whom he would have had a reasonable doubt of being involved in the crime of robbery. In that respect, the Government drew the Special Representative's attention to the fact that, unlike what is mentioned in his letter stating that all valuable equipment was left untouched, the following objects were missing from the office: six computer processors, one computer monitor, one television, a video recorder and a dictaphone. In the course of the investigation, staff members of PMMG and the members of other organizations in the same building have been questioned and none of the persons questioned confirmed the relevant paragraph of the letter regarding the threats towards staff members. While interrogated as witnesses, they have not mentioned any occasion of receiving threatening calls before the robbery of the office. Based on the above, at this stage of the investigation, the Government reported that it could not share the concerns expressed in the Special Representative's letter. At the same time, the Government expressed its highest assurances that every measure would be taken in future in order to secure the interest of justice as well as human rights of the respective injured persons in this case.

13. **India.** On 12 September 2006, the Chairperson-Rapporteur of the Working Group on Arbitrary Detention and the Special Representative of the Secretary-General on the situation of human rights defenders sent an urgent appeal to the Government of India regarding indigenous lawyers and human rights defenders in India, including **Yengkokpam Langamba Meitei** (alias Thabi), Publicity Secretary of the Threatened Indigenous Peoples' Society (TIPS) and spokesperson for Apunda Lup, a coalition of human rights organizations in Manipur, and **Leitanthem Umakanta Meitei**, a human rights lawyer and the Secretary General of TIPS. Leitanthem Umakanta Meitei was the subject of previous communications sent by several Special Rapporteurs on 15 September 2004 and 25 August 2006. According to the information received, on 23 August 2006, members of a paramilitary organization, the Assam Rifles, and Manipur police officers arrested Yengkokpam Langamba Meitei at his home. They searched his residence and transported him to the Police Station in Imphal where he was detained on allegations that he had stolen government files and burned a vehicle in Kamuchingjil.

14. The next day, members of the Manipur police and officers of the Assam Rifles reportedly arrested Leitanthem Umakanta Meitei at his home, at approximately 4 a.m., without an arrest warrant. The police took 15 CDs containing information related to TIPS, a number of books, including 3 from the International Labour Organization, and a mobile phone belonging to his wife. An arrest warrant was later produced and shown to Leitanthem Umakanta Meitei's wife and brother when they went to visit him at the Imphal Police Station.

15. It is further reported that Yengkokpam Langamba Meitei and Leitanthem Umakanta Meitei were tortured while in detention and were denied access to legal representation. They were both accused of association with the illegal terrorist organization Kanglei Yawol Kanna Lup (KYKL) - the "Organisation to Save the Revolutionary Movement in Manipur" - and charged under sections 38 and 39 of the Unlawful Activities Prevention Act (1967), charges which they categorically denied. They were reportedly remanded in custody for a further 15 days and were due to appear before the court on 13 September.

16. Concerns were expressed that the detention of the two men and the charges against them were related to their involvement in a peaceful protest on 23 August 2006, to draw attention to a bomb attack which had occurred in Krishna on 16 August. It was further alleged that their detention could be associated with the lawyers' recent participation in various United Nations international forums such as the New York Permanent Forum on Indigenous Issues as well as the Working Group on Indigenous Populations, in Geneva.

17. The source subsequently informed that both men were released on 4 October 2006.

18. **Maldives.** On 10 August 2006, the Special Rapporteur on freedom of religion or belief wrote to the Government of the Maldives after she visited the country in August 2006. The Special Rapporteur informed the Government that many of the interlocutors she met during her mission were fearful of addressing certain issues related to her mandate and concerned about possible reprisals. She further asked the Government to take the appropriate measures in order to ensure the safety of the persons she met during her visit.

19. **Moldova.** On 19 July 2006, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the question of torture and the Special Representative of the Secretary-General on the situation of human rights defenders sent an urgent appeal to the Government of Moldova regarding Ana Ursachi and Roman Zadoinov, two lawyers closely working with human rights organizations on torture cases. According to the information received, Ana Ursachi and Roman Zadoinov were the lawyers of Mr. Kolibaba and Mr. Gurgurov, two persons who alleged having been tortured by the police during detention. The latter two were the subject of two communications by various Special Rapporteurs on 23 November 2005 and 10 May 2006.

20. On 26 June 2006, the General Prosecutor reportedly wrote a letter to the National Bar Association accusing Ms. Ursachi, and Mr. Zadoinov of misuse of position, a charge that bears a maximum prison sentence of five years or a fine. In his letter, the General Prosecutor referred to the urgent appeals issued in the cases of Mr. Kolibaba and Mr. Gurgurov and claimed that there was no evidence of torture in either case. He blamed the irresponsible and unfounded oppositional behaviour of the lawyers and asked the Bar Association to ensure that they use all possible means at their disposal to prevent further damage to the interests of the State. On 28 June 2006, both lawyers were informed that they faced criminal prosecutions for spreading false information about human rights violations in Moldova.

21. Reports indicate that both Ana Ursachi and Roman Zadoinov were released from jail. It is alleged that the General Prosecutor also wrote a letter to the NGO responsible for releasing an urgent appeal about their case on 9 March 2006 in which it stated that the version of events given in the urgent appeal did not correspond to the reality, and that it gave a bad image of the State. At the end of May 2006, the General Prosecutor's Office informed that no criminal case would be started against the police officers accused of torture in these two cases.

22. Concerns were expressed that the letter to the Bar Association of Moldova was a deliberate attempt to intimidate Ana Ursachi and Roman Zadoinov and to prevent them and other lawyers in Moldova from carrying out their lawful professional activities for the protection of human rights, and for having cooperated with the United Nations human rights mechanisms.



23. **Russian Federation.** On 6 December 2006, the Special Rapporteur on the independence of judges and lawyers and the Special Representative of the Secretary-General on the situation of human rights defenders sent a letter of allegation to the Government of the Russian Federation concerning the International Protection Centre (IPC), a Russian human rights organization that assists Russian citizens in having access to international mechanisms of human rights protection, and its founder Karinna Moskalenko, a lawyer. Specifically, IPC has brought a number of cases before the Human Rights Committee and the European Court of Human Rights in relation to alleged human rights violations committed by the Russian authorities.

24. According to the information received on 17 July 2006, IPC was fined 4 million roubles by the Russian tax authorities, based on the accusation that the organization had failed to pay taxes in respect of foreign grants received between 2002 and 2004. It appears that IPC had officially declared these grants dedicated to human rights research and education purposes, but the authorities had not requested IPC to pay any taxes on them. However, a tax inspection examined IPC's activities and it may possibly hold IPC's directors criminally liable. As IPC is currently unable to pay the aforementioned fine, it will be forced to close. Reports further indicate that in December 2005, a representative of the Russian Federation at the European Court of Human Rights requested the lawyers registry body of the Ministry of Justice to initiate disciplinary proceedings against Ms. Moskalenko and to have her disbarred.

25. Concerns were expressed that the above events may be connected with the human rights activities of IPC and particularly Ms. Moskalenko's advocacy work bringing human rights cases before the European Court on Human Rights and the Human Rights Committee of the United Nations.

### C. General issues of concern

26. The reported acts of reprisal range from harassment, intimidation, attempts to impose disciplinary sanctions or criminal charges meant to prevent lawful professional activities of human rights defenders, arbitrary arrest or torture in custody. At best, the alleged victims have to endure harassment or intimidation or are subjected to judicial proceedings designed to put an end to their cooperation with United Nations human rights bodies, or intended as reprisals against such cooperation. Information received also includes accounts of human rights defenders who have been retaliated against for having provided information that was subsequently used by Special Rapporteurs in their communications with Governments. Other human rights defenders were reportedly intimidated after they met with United Nations representatives or participated in various United Nations human rights meetings to share information or provide testimony about alleged human rights violations. Victims also suffer violations of the most fundamental human rights, including the right to liberty and security of person.

27. The alleged victims of these abuses are private individuals, lawyers, human rights defenders or members of non-governmental organizations who were or have been sources of information about human rights violations for United Nations human rights bodies or who had met with their representatives. There are also disturbing allegations of family members of victims of human rights violations who have also been the target of intimidation and reprisals.

## II. CONCLUSION

28. During the period under review, reports of intimidation and reprisals against private individuals and groups who seek to cooperate with the United Nations and representatives of its human rights bodies have continued to be received. Of particular concern is the continued seriousness of such reprisals as victims suffer violations of the most fundamental human rights, including the right to liberty and security of person. The gravity of reported acts of reprisal reinforces the need for all representatives of United Nations human rights bodies in cooperation with States to continue to take urgent steps to help prevent the occurrence of such acts.

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