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Agenda items 2 and 5

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

Human rights bodies and mechanisms

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

Report of the Secretary-General*, **

Summary

The present report is submitted pursuant to resolution 12/2 of the Human Rights Council. The Secretary-General highlights activities, policy developments and good practices within the United Nations system and beyond to address intimidation and reprisals against those seeking to cooperate or having cooperated with the United Nations, its representatives and mechanisms in the field of human rights. The report contains information on alleged acts of intimidation and reprisal, including in follow-up to cases included in the previous report (A/HRC/42/30) and prior to that. Owing to the word limit, more information on selected cases is set out in annex I. Information on follow-up to cases included in previous reports is provided in annex II. The report concludes with a summary of trends and recommendations to address and prevent acts of intimidation and reprisal.

* The present report was submitted after the deadline so as to include the most recent information.

** The annexes to the present report are circulated as received, in the language of submission only.



18. In February 2020, the High Commissioner for Human Rights noted that “In Cambodia, we continue to receive reports of acts of intimidation against civil society and human rights organizations, which impede their capacity to monitor and report – including to this Council.”¹³

19. On 4 August 2020, the Government responded to the note verbale sent in connection with the present report, noting that the statement in the Special Rapporteur’s report is misleading and non-transparent based on information and opinions of one party that do not reflect the actual situation, and that it was made without cooperation with the police to verify information and facts. The Government stated that the presence of local police outside of forums or meetings or gatherings with local people was owing to the duty of the police to observe and prevent any insecurity that may occur at those sites and is not meant to threaten, intimidate or disrupt. The Ministry of Interior stated that activities of civil society at the local level are undertaken normally without any restrictions and are not closely monitored by local authorities as before. The Directorate General of Prisons clarified that the agency responsible has already addressed the alleged denial of confidential interviews of detainees with the Special Rapporteur and OHCHR in Cambodia.

7. Cameroon

20. It was reported to OHCHR that **Ms. Esther Omam Njomo**, her relatives and co-workers faced threats and attacks as acts of reprisals following her 13 May 2019 testimony before the Security Council in an Arria Formula meeting in New York on the humanitarian situation in Cameroon.¹⁴ Ms. Omam Njomo is affiliated with Reach Out Cameroon and South West/North West Women Task Force (SNWOT), which advocates for the protection of women and children in the North-West and South-West regions. In addition to the threats through texts and voicemail received by Ms. Omam Njomo, her co-workers were reportedly harassed and threatened on social media. Further, in September 2019, a group of unidentified men, believed to be low-ranking members of a faction of non-state armed groups in the region, allegedly tried to break into her house while she was inside with her children. In October 2019, unidentified armed men associated with non-state armed groups in the region reportedly abducted two of her children for a few hours and released them afterwards.

21. On 29 May 2019, special procedures mandate holders expressed concern about a defamation campaign against the civil society organization Organic Farming for Gorillas Cameroon (OFFGO) who had published information about abuses and disputes linked to land and business operations in Cameroon (CMR 3/2019), in particular by the Baba Ahmadou Group (see also OTH 22/2019). They had raised concern about the May 2016 expulsion from the country of **Mr. Jan Joris Capelle**, a Belgian national, and co-founder with **Mr. Prince Vincent Awazi** of OFFGO. They also addressed death threats against Mr. Awazi, the traditional chief of Tudig village (Mbengwi district) and death threats and threats of abduction against **Mr. Elvis Brown Luma Mukuna**, the lawyer of OFFGO.

22. It was reported to OHCHR that, following the May 2019 action by special procedures mandate holders on their case, Mr. Luma Mukuma and Mr. Awazi faced serious security risks and had to go into hiding for periods of time. In one of the incidents, on 21 March 2020 Mr. Luma Mukuma was reportedly subject to an attempted kidnapping in Bamenda and on 27 March 2020, he and his brother in-law were attacked by unidentified armed men. On 18 September 2019, special procedures mandate holders sent a follow-up communication addressing a violent attack on OFFGO’s offices (CMR 5/2019). They noted that on 19 June 2019, a grenade attack reportedly took place in Tudig village by unidentified armed actors in a military truck allegedly targeting OFFGO’s offices and its staff.

¹³ OHCHR, “High Commissioner updates the Human Rights Council on human rights concerns, and progress, across the world” (27 February 2020), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25621&LangID=E>.

¹⁴ <http://webtv.un.org/search/arria-formula-meeting-of-the-un-security-council/6036271424001/?term=2019-05-13&sort=date>.

23. It was further reported to OHCHR that on 17 February 2020, Mr. Capelle applied for a visa to travel to Cameroon and, on the same evening, Mr. Awazi reportedly received text messages and a call the next day threatening to kill him if he continued to associate with Mr. Capelle. In an additional incident on 26 February 2020, Mr. Capelle arrived at Yaoundé international airport, but the same day was forcibly returned to Belgium without an explanation of the expulsion or charges brought against him, or the opportunity to speak to a lawyer or appeal the decision.

24. In May 2020, OHCHR received allegations of continued reprisals against **Mr. Nfor Hanson Nchanji** and his close relatives, following his participation in the 10th session of the Forum on Minority Issues in Geneva from 30 November to 1 December 2017. Harassment and vilification of Mr. Hanson Nchanji reportedly began in December 2017 and continued into the reporting period, including online attacks by some pro-government social media users portraying him as a terrorist. One post called him “a traitor to the republic of Cameroon” and stated: “You went to the UN to sell us but God punished you.” On 2 December 2017, when Mr. Hanson Nchanji returned to Cameroon after the Forum, a close relative had reportedly received a letter with death threats. In March 2019, Mr. Hanson Nchanji’s family home was allegedly burned down by soldiers and his close relatives relocated. The incidents were reported to OHCHR at the time but could not be publicly reported due to protection concerns. Mr. Hanson Nchanji, a human rights journalist investigating and reporting on the Anglophone crisis and at the time of the Forum the Editor-In-Chief of the Douala-based Equinoxe Television and founder of the on-line Cameroon News Agency, is currently in exile.

8. China

25. Multiple United Nations actors identified alleged intimidation and reprisals. It was reported to OHCHR that from June 2019 to April 2020 there were new incidents involving 15 individuals who engaged, or attempted to engage, with the UN human rights mechanisms, including through attending trainings. Reprisals reportedly included arrest, detention, ill-treatment while in detention, forcible disappearance into “residential surveillance at a designated location,” travel bans and confiscation of passports, seizure of property, interrogation and surveillance. Names and further details have been withheld due to fears of further reprisals. In December 2019, the Assistant Secretary-General for Human Rights addressed patterns of intimidation and reprisals with the Government in writing.

26. In its opinion adopted in May 2019, where it found arbitrary the detention of two individuals who were allegedly victims of reprisals (see Annex II),¹⁵ the Working Group on Arbitrary Detention stated its concern “that the presence of multiple cases found in violation of the international norms on detention indicates a systemic problem with arbitrary detention” (A/HRC/WGAD/2019/20, para. 92).”

27. On 17 August 2020, the Government responded in detail to the note verbale sent in connection to the present report and stated that judicial authorities deal with cases in accordance with the law and protect the rights of each and every criminal suspect or defendant. There is no so-called retaliation. The Government expressed its strong dissatisfaction with and firm opposition to the use of unconfirmed information and distortion of the efforts to crack down on illegal and criminal activities in accordance with the law. The Government urged OHCHR to stop interfering in countries’ internal affairs and judicial sovereignty.

9. Colombia

28. In July 2019, a Security Council delegation visited the Cauca Department and met community leaders who expressed concerns about the killing of social leaders. The Security

¹⁵ Opinion No. 20/2019 adopted by the Working Group on Arbitrary Detention at its eighty-fourth session, concerning Mr. Zhen Jianghua and Qin Yongmin (China), 24 April–3 May 2019.



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Human rights bodies and mechanisms

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

Report of the Secretary-General

Summary

In the present report, the Secretary-General highlights activities, policy developments and good practices within the United Nations system and beyond to address intimidation and reprisals against those seeking to cooperate or having cooperated with the United Nations, its representatives and mechanisms in the field of human rights, observations on, and recommendations for addressing and preventing, intimidation and reprisals, and information on allegations of intimidation and reprisal received during the reporting period of 1 May 2020 to 30 April 2021, including follow-up to cases included in previous reports.

* The present report was submitted to the conference services after the deadline so as to include the most recent information.

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2019, 2018 and 2017 reports of the Secretary-General¹⁰¹ on allegations of the disbarment of three of the lawyers and suspension of one by the Court of Appeal at the request from the Public Prosecutor following their cooperation with the Committee against Torture during the consideration of a special report on Burundi in July 2016 ([CAT/C/BDI/CO/2/Add.1](#), paras. 33 and 34).

13. The lawyers had been previously accused of participating in an insurrectional movement and attempted coup d'état and have been living in exile due to fears of being targeted. According to information received by OHCHR, on 2 February 2021, the Supreme Court's verdict of 23 June 2020 was made public. Mr. Niyongere, Mr. Bashirahishize, and Mr. Nshimirimana were part of a group of twelve individuals sentenced in absentia to life imprisonment for participating in a revolutionary/insurrectional movement and for attempted coup d'état. The judgement, following a trial where the defendants were absent and had no legal representation, also ordered the defendants to pay financial compensation, which included the seizure of financial assets of their families.¹⁰² To date, the lawyers have not obtained a copy of the judgement, making it difficult to challenge it. Moreover, the claimants' attempt to appeal the judgement from abroad has been dismissed.

5. Cameroon

14. The case of civil society organization **Organic Farming for Gorillas Cameroon (OFFGO)** was included in the 2020 report of the Secretary-General¹⁰³ on allegations of reprisals following a communication by special procedures (CMR 3/2019).¹⁰⁴ Allegations included the expulsion from the country of **Mr. Jan Joris Capelle**, a Belgian national and co-founder of the organization, threats against traditional chief, **Mr. Prince Vincent Awazi**, and death threats and attacks against **Mr. Elvis Brown Luma Mukuna**, the organization's lawyer, and his relatives (CMR 5/2019).

15. According to information received by OHCHR, on 26 June 2020, men in military outfits raided OFFGO's offices located in Tudig's Chiefdom Palace, destroying equipment and confiscating documents. As of May 2021, the motive of the raid remains unknown and confiscated documents have not been returned. The case of Mr. Brown Luma Mukuna was documented in the report of the Special Rapporteur on the situation of human rights defenders in 2021 to the Human Rights Council on death threats and killings of human rights defenders ([A/HRC/46/35](#), para. 76), which noted continued threats and physical attacks against his relatives, including as a warning against him to stop his human rights activities.

16. Further, Mr. Brown Luma Mukuna and Mr. Capelle received numerous death threats via telephone between October and December 2020 following their public submission to the Special Rapporteur.¹⁰⁵ A group of individuals in civilian clothes reportedly monitored Mr. Brown Luma Mukuna's house during the holidays in December 2020. These and other incidents have regularly been reported to the National Commission on Human Rights of Cameroon.

6. China

17. The case of human rights lawyer **Ms. Li Yuhan**, who had engaged with UN human rights mechanisms and whose detention was considered arbitrary by the Working Group on Arbitrary Detention,¹⁰⁶ was included in the 2020 and 2019 reports of the Secretary-General.¹⁰⁷

¹⁰¹ [A/HRC/45/36](#), Annex II, para. 10; [A/HRC/42/30](#), Annex II, paras. 13–14; [A/HRC/39/41](#), Annex II, paras. 12–13; [A/HRC/36/31](#), para. 24, Annex I, paras. 11–15.

¹⁰² <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26879&LangID=E>.

¹⁰³ [A/HRC/45/36](#), para. 53, Annex I paras. 21–23.

¹⁰⁴ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34800>.

¹⁰⁵ https://www.ohchr.org/Documents/Issues/Defenders/CFI_killings/submissions/civil-societies/cso-offgo-eng-y.doc.

¹⁰⁶ Opinion No. 62/2018 adopted by the Working Group on Arbitrary Detention at its eighty-second session, concerning Wang Quanzhang, Jiang Tianyong and Li Yuhan (China), 20–24 August 2018.

¹⁰⁷ [A/HRC/45/36](#), Annex II, para. 14; [A/HRC/42/30](#), para. 45 and Annex I, paras. 13, 15.

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Agenda items 2 and 5

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6. Cameroon

28. The case of civil society organization **Organic Farming for Gorillas Cameroon (OFFGO)** was included in the 2020 and 2021 reports of the Secretary-General¹⁶² on allegations of reprisals following a communication by special procedures mandate holders ([CMR 3/2019](#)).¹⁶³ Reprisals have allegedly included the expulsion from the country of Mr. Jan Joris Capelle, a Belgian national and co-founder of the organization, threats against traditional chief, Mr. Prince Vincent Awazi, and death threats and attacks against Mr. Elvis Brown Luma Mukuna, the organization's lawyer, and his relatives ([CMR 5/2019](#)). Incidents have regularly been reported to the National Commission on Human Rights of Cameroon. In her 2021 thematic report, the Special Rapporteur on the situation of human rights defenders noted the continued threats and physical attacks against Mr. Luma Mukuna and his relatives ([A/HRC/46/35](#), para. 76).

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

7. China

30. During the reporting period, special procedure mandate holders addressed and followed up on the arrest, subsequent enforced disappearance and detention of human rights defenders, including in relation to alleged victims of reprisals for cooperation with the United Nations ([CHN 2/2022](#))¹⁶⁴ and expressed concern at the continued use of residential surveillance in a designated location.¹⁶⁵ They also addressed arrests and detention of human rights defenders and pro-democracy activists under the 2020 Law of the People's Republic of China on Safeguarding National Security in Hong Kong (“National Security Law”), ([CHN 10/2021](#)).¹⁶⁶

31. The case of the **human rights defender network Civil Human Rights Front** was included in the 2021 Secretary-General report on reprisals,¹⁶⁷ on allegations that it was placed under police investigation, inter alia, for having sent a joint letter to the United Nations High Commissioner for Human Rights, further to which the head of the network **Mr. Figo Hu-Wun Chan** received a formal letter of inquiry about the purpose of the letter. The Government's reply of 20 August 2021, included in the 2021 Secretary-General report, noted in relation to the Civil Human Rights Front that the organization had allegedly violated the registration requirements under section 5 of the Societies Ordinance and that Mr. Figo Hu Wun Chan had been sentenced to 18 months' imprisonment after he had pleaded guilty to “inciting others to knowingly take part in an unauthorized assembly” on 1

¹⁶² [A/HRC/45/36](#), para. 53, Annex I paras. 21–23 and [A/HRC/48/28](#), Annex II paras. 14–16.

¹⁶³ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34800>.

¹⁶⁴ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36931>.

¹⁶⁵ [A/HRC/48/57](#), para. 71.

¹⁶⁶ <https://www.ohchr.org/en/press-releases/2021/11/hong-kong-arrests-under-security-law-are-serious-concern-un-experts-call>.

¹⁶⁷ [A/HRC/48/28](#), para. 56, Annex I, para. 26.