**Questionnaire for Member and Observer States, by the**

**UN Special Rapporteur on the situation of human rights defenders**

**Mary Lawlor, September 2021**

The UN Special Rapporteur on the situation of human rights defenders, Ms. Mary Lawlor invites Member and Observer States to respond to the questionnaire below. Submissions received will inform the thematic report of the Special Rapporteur on the issue of human rights defenders working on corruption, which will be presented to the UN Human Rights Council in March 2022.

The questionnaire and related concept cote on the report are available at OHCHR website in English (original language) as well as in French and Spanish, (and Russian and Arabic unofficial translations): <https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/SRHRDefendersIndex.aspx>

All submissions received will be published in the aforementioned website, unless the submitter clearly indicated that they did not wish to have their input be made publicly available when submitting their response.

There is a word limit of 2500 words per questionnaire. Please submit the completed questionnaire to OHCHR-defenders@un.org

Deadline for submissions: **15 October 2021**

**Contact Details**

Please provide your contact details in case we need to contact you in connection with this survey. Note that this is optional.

Corruption is a fundamental human rights issue, and human rights defenders who work on it are often attacked for exposing or researching abuse of power, graft, bribery, fraud and other related malpractices.

**Questions FOR NGOs/HRDs**

Human rights defenders are persons, who individually or in association with others, work peacefully to promote and protect universally recognized human rights and fundamental freedoms in accordance with the UN Declaration on Human Rights Defenders.

1. Does your Government accept that corruption is a human rights issue?

We welcome the efforts of the Special Rapporteur to highlight the important work of HRDs engaged in anti-corruption work. We believe that the first step for states would be to recognize that their work, like that of other defenders, is instrumental in upholding human rights, and that as such they must be protected and enabled to carry out their activities. Dedicating some space in your report on the link between corruption and human rights would be beneficial to the understanding of the important implications of their work and ultimately their protection. On this point, we are also attaching some articles in our email on the link between corruption and human rights which we hope will be useful.

1. Have there been any cases of human rights defenders working on anti-corruption issues physically attacked, including killed, in your country between 1 January 2020 and 30 June 2021? What action has been taken to bring the perpetrators to justice?

**Please find below a selection of cases documented by Amnesty from around the world. While we are not able to go into great detail in each of the cases here, we are presenting the key known facts. If you require further information about one of these cases, please contact us.**

**Mali**: Professor Clément Dembélé, an anti-corruption activist, was abducted in Bamako on 9 May 2020 by eight hooded intelligence service agents after he had called on security forces to stop using violence against demonstrators in Sikasso. He was detained incommunicado for 12 days. He was then provisionally released and charged with "inciting the defense and security forces to distract them from their duties and obedience which they owe to their leaders”. Spurious charges brought against him were later thrown out by a court on 29 September 2020. [See: amnesty.org/fr/latest/press-release/2020/09/mali-le-proces-dun-militant-anticorruption/](http://See:%20www.amnesty.org/fr/latest/press-release/2020/09/mali-le-proces-dun-militant-anticorruption/)

**Burkina Faso**: In January 2020, a car belonging to Yacouba Ladji Bama, an investigative journalist and editor of the Courrier Confidentiel, was set alight outside his home. Journalists’ unions said the attack was intended to intimidate him for his work uncovering corruption and fraud. [www.amnesty.org/en/location/africa/west-and-central-africa/burkina-faso/report-burkina-faso/](http://www.amnesty.org/en/location/africa/west-and-central-africa/burkina-faso/report-burkina-faso/)

**Niger:** Anti-corruption defenders Maikoul Zodi (national coordinator of the Tournons la Page (TLP) movement), Moudi Moussa, (TLP leader in Niamey), and Mounkaila Halidou (Secretary General of the Nigerien teachers union) were arrested in March 2020 for participating in anti-corruption protests and charged with manslaughter, complicity in damaging public property, and arson. Security forces had repressed the protests. The charges against them are politically motivated and designed to silence civil society members, who have called for accountability for allegations of corruption within the Defence Ministry. They were released in September 2020 with charges still pending. [www.amnesty.org/en/documents/afr43/3192/2020/en/](http://www.amnesty.org/en/documents/afr43/3192/2020/en/)

**Zimbabwe**: freelance journalist and anti-corruption activist Hopewell Chin’ono has been the subject of police intimidation and harassment, having been detained three times between July 2020 and January 2021. He has spent more than 80 days in detention for exposing government corruption and supporting the right to freedom of peaceful assembly. On 28 April 2021, the High Court quashed charges against Chin’ono of communicating false information following months of persecution. The court ruled that the law used by the police to arrest him in January no longer exists. However, Chin’ono is still facing trial for alleged obstruction of justice on another case. See: [amnesty.org/en/latest/news/2021/01/zimbabwe-authorities-must-drop-malicious-charges-against-opposition-leaders-and-journalist-2/](https://www.amnesty.org/en/latest/news/2021/01/zimbabwe-authorities-must-drop-malicious-charges-against-opposition-leaders-and-journalist-2/)

[amnesty.org/en/latest/press-release/2021/05/east-and-southern-africa-media-freedoms-curtailed-as-covid19-regional-crises-expose-urgent-need-for-access-to-information/](https://www.amnesty.org/en/latest/press-release/2021/05/east-and-southern-africa-media-freedoms-curtailed-as-covid19-regional-crises-expose-urgent-need-for-access-to-information/)

[amnesty.org/en/latest/news/2020/07/zimbabwe-authorities-continue-their-crackdown-on-dissent-with-arrest-of-investigative-journalist-and-activist/](https://www.amnesty.org/en/latest/news/2020/07/zimbabwe-authorities-continue-their-crackdown-on-dissent-with-arrest-of-investigative-journalist-and-activist/)

[amnesty.org/en/latest/news/2020/07/zimbabwe-authorities-thwart-anti-corruption-protests-launch-a-witchhunt-against-activists/](https://www.amnesty.org/en/latest/news/2020/07/zimbabwe-authorities-thwart-anti-corruption-protests-launch-a-witchhunt-against-activists/)

**Kenya**: In 2020 several bloggers and journalists were arrested and charged under the Computer Misuse and Cybercrimes Act for publishing what the government deemed to be misleading information about COVID-19 or for publishing corruption allegations. In August 2020 Milton Were and Jack Okinyi were arrested by Directorate of Criminal Investigations (DCI) officers after they had published a story on alleged mismanagement of public funds and detained overnight at Muthaiga police station in Nairobi. Nyukuri Barasa and Charles Gichuki were also arrested by DCI officers in August 2020 for, among other things, publishing information exposing government corruption. Nyukuri Barasa was detained at Kilimani police station and Charles Gichuki was detained at Capitol Hill police station, both in Nairobi. They were both released without charge the next day. [amnesty.org/en/location/africa/east-africa-the-horn-and-great-lakes/kenya/report-kenya/](https://www.amnesty.org/en/location/africa/east-africa-the-horn-and-great-lakes/kenya/report-kenya/)

**Russia:** In the early hours of 29 June 2021, officers from the police and the Investigative Committee searched the home of Proekt.Media’s Editor-in-Chief Roman Badanin, the home of the parents of his deputy, Mikhail Rubin, and that of reporter Maria Zholobova. Officials have confiscated Badanin’s and Zholobova’s computers and other digital devices. Roman Badanin was later questioned and formally named a criminal suspect in an historic libel case. The day before, Proekt.Media announced the publication of its investigation into the allegedly unlawful enrichment of the family of Russia’s current Interior Minister, Vladimir Kolokoltsev. According to the journalists’ lawyers, the criminal libel case was opened with regard to a 2017 documentary into the alleged collusion between Russia’s top government officials and politicians, including President Vladimir Putin, with alleged leaders of organized crime. The documentary was aired on TV Rain, an independent news channel, when Roman Badanin was its Editor-in-Chief.

<https://www.amnesty.org/en/latest/news/2021/06/russia-home-searches-of-proektmedia-journalists-a-shameless-attack-on-media-freedom-2/>

**Bulgaria** In July 2020, investigative reporter Nikolay Staykov was questioned by the Prosecutor’s Office and threatened with prosecution after he released a documentary which implicated the Prosecutor’s Office in a financial crime.

[amnesty.org/en/location/europe-and-central-asia/bulgaria/report-bulgaria/](https://www.amnesty.org/en/location/europe-and-central-asia/bulgaria/report-bulgaria/)

**Kazhakstan**: On 22 June 2020 Alnur Ilyashev was found guilty under Article 274 for three posts on social media criticizing the government’s response to COVID-19 and corruption. He was sentenced to restricted freedom for three years and banned from “voluntary political and social activism” for five years.

[amnesty.org/en/documents/eur57/2227/2020/en/](https://www.amnesty.org/en/documents/eur57/2227/2020/en/)

[amnesty.org/en/documents/eur57/2593/2020/en/](https://www.amnesty.org/en/documents/eur57/2593/2020/en/)

**Malaysia**: Human rights defenders faced investigations following the change in government, including the chair of the electoral reform coalition Bersih, Thomas Fann; anticorruption activist Cynthia Gabriel of Center to Combat Corruption and Cronyism; and Sevan Doraisamyn of the human rights organization Suaram for raising corruption scandals linked to public officials.

[amnesty.my/2020/06/12/malaysia-must-not-return-to-climate-of-fear-for-activists-and-critics/](https://www.amnesty.my/2020/06/12/malaysia-must-not-return-to-climate-of-fear-for-activists-and-critics/)

**Bangladesh**: In April 2020, the authorities arrested journalists Mohiuddin Sarker and Toufiq Imroz Khalidi, both editors of online portals, and charged were charged under the Digital Security Act for publishing reports on alleged embezzlement of relief materials meant for poor people affected by the Covid-19 lockdown for their reports which alleged corruption in the use of funds designated for COVID-19 relief efforts

[amnesty.org/en/latest/news/2020/12/intolerance-and-a-repressive-legal-regime-a-twin-threat-to-freedom-of-expression/](https://www.amnesty.org/en/latest/news/2020/12/intolerance-and-a-repressive-legal-regime-a-twin-threat-to-freedom-of-expression/)

**Pakistan** In September 2020, Sajid Gondal, a former journalist and member of the Securities and Exchange Commission of Pakistan, was reported missing after his car was discovered in a suburb of Islamabad. He had recently been linked with an investigation by another journalist into corruption allegations against a top aide to the Prime Minister. He was returned five days later.

[amnesty.org/en/location/asia-and-the-pacific/south-asia/pakistan/report-pakistan/](https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/pakistan/report-pakistan/)

[pukhtunnama.com/secp-officer-sajid-gondal-recovered/](https://pukhtunnama.com/secp-officer-sajid-gondal-recovered/)

**Indonesia:** On 15 September 2021, the KPK announced that it had decided to dismiss 56 of 75 employees who were deemed to have failed the civic knowledge test. The dismissal came amid mounting public criticisms over the controversial assessment and despite the results of investigations by the Indonesian National Human Rights Commission (Komnas HAM) and the Indonesian Ombudsman that found 11 different human rights violations, together with maladministration, in the implementation of the test as well as with the whole assessment process. The findings also noted that employees who were declared to have failed the test and dismissed were targeted for their critical voices as well as their activities in the KPK workers union, and that authorities involved in the assessment have conducted discriminatory profiling against these employees based on their gender and their social media posts. Some of the dismissed employees were KPK investigators who had previously been targeted with threats, physical intimidation, and even attacks that were believed to be related to their activities in investigating corruption cases.

[amnesty.id/president-jokowi-must-use-his-authority-to-reverse-unjust-firing-of-anti-corruption-agency-employees/](https://www.amnesty.id/president-jokowi-must-use-his-authority-to-reverse-unjust-firing-of-anti-corruption-agency-employees/)

More information is available in a letter sent to the Special Rapporteur on Freedom of Expression and other independent experts, Reference: TIGO IOR 40/2021.2092, 28 September 2021

**Philippines**: In May 2020, unidentified assailants shot dead radio broadcaster and anti-corruption critic Cornelio Pepino in Dumaguete City. Pepino was riding home from work on a motorcycle with his wife when two unidentified men also on a motorcycle shot him several times and killed him. The radio station Pepino worked for described him as a “hard-hitting” radio commentator who discussed his positions against illegal mining, graft, corruption, and poor governance in his daily program. His murder was the first in a string of killings in Negros Oriental over nine days that left six others dead.

[amnesty.org/en/latest/press-release/2020/09/philippines-un-pressure-end-killings](https://www.amnesty.org/en/latest/press-release/2020/09/philippines-un-pressure-end-killings)

**Oman**: in June 2020 the Court of First Instance in Muscat, the capital, sentenced former Shura Council member Salem al-Awfi and journalist Adel al-Kasbi to one year in prison for online comments about corruption and justice. They were both released on bail.

[amnesty.org/en/location/middle-east-and-north-africa/oman/report-oman/](https://www.amnesty.org/en/location/middle-east-and-north-africa/oman/report-oman/)

[gc4hr.org/news/view/2412](https://www.gc4hr.org/news/view/2412)

**Palestine**: On 19 July 2020 authorities in the West Bank arrested 19 anti-corruption activists for holding a peaceful protest in the city of Ramallah, which breached an overly broad COVID-19 ban on assembly. While three were released, 16 were charged with “illegal gathering” and “violating the emergency rules”. All were released on bail but their trial continued.

[amnesty.org/en/documents/mde21/2779/2020/en/](https://www.amnesty.org/en/documents/mde21/2779/2020/en/)

[amnesty.org/en/location/middle-east-and-north-africa/palestine-state-of/](https://www.amnesty.org/en/location/middle-east-and-north-africa/palestine-state-of/)

Nizar Banat was a prominent activist and an outspoken critic of corruption within the Palestinian authorities in the West Bank. He was arrested multiple times before, but 24 June 2021, a joint unit of Palestinian Preventive and Intelligence forces stormed the house where he was staying beat him and took him away in a military vehicle.  He died in custody the same day.

[amnesty.org/en/latest/press-release/2021/06/palestine-investigation-into-death-in-custody-of-palestinian-activist-must-be-transparent-effective/](https://www.amnesty.org/en/latest/press-release/2021/06/palestine-investigation-into-death-in-custody-of-palestinian-activist-must-be-transparent-effective/)

**Iraq:** Over the past year the authorities in the Kurdistan Region of Iraq (KR-I) have[cracked down on journalists, activists and protesters exercising their right to freedom of expression, including by arbitrarily arresting and forcibly disappearing them](https://www.amnesty.org/en/documents/mde14/4233/2021/en/). The crackdown which first began in March 2020, intensified after widespread protests in August 2020 demanding an end to corruption and better public services.

**Libya**: In November 2020, unknown gunmen publicly shot and killed lawyer Hanan al-Barassi in Benghazi, a day after she posted on social media that she was going to release a video exposing LAAF leader’s son Saddam Haftar’s corruption. A vocal critic of the corruption of several individuals affiliated to the armed groups in eastern Libya, she and her daughter had been receiving death threats as a result

[aljazeera.com/news/2020/11/10/gunmen-kill-prominent-dissident-in-eastern-libya](https://www.aljazeera.com/news/2020/11/10/gunmen-kill-prominent-dissident-in-eastern-libya)

**Guatemala**: There are concerns about the increasing pattern of criminalization as a strategy to frighten and intimidate those who play significant roles in the fight against impunity in cases of serious human rights violations and corruption. For example, the Public Prosecutor’s Office routinely processes criminal and administrative complaints that are manifestly unfounded or improper and keeps them open indefinitely. These complaints are generally preceded or accompanied by intense smear and stigmatization campaigns on social networks and in certain media outlets. Criminalization is being used especially against members of the Human Rights Prosecutor’s Office and the Special Prosecutor’s Office against Impunity (FECI), against judges of high-risk courts and tribunals that have heard emblematic cases of serious human rights violations linked to the internal armed conflict or those from more recent times; and investigations into large-scale corruption, such as those promoted by the now defunct CICIG, as well as against magistrates of the Constitutional Court (CC). For example, on 19 May 2021, a former CICIG analyst who has worked on important investigations – such as the La Línea case against former President Otto Pérez Molina – was arrested along with the former head of the Superintendency of Tax Administration (SAT). These individuals remain in pre-trial detention and, given their profile, are in a high-risk situation, having already received threats in prison due to having investigated many of the people currently in pre-trial detention or convicted.

[amnesty.org/en/latest/news/2021/06/guatemala-demandamos-cese-criminalizacion-contra-funcionarios-justicia-2/](https://www.amnesty.org/en/latest/news/2021/06/guatemala-demandamos-cese-criminalizacion-contra-funcionarios-justicia-2/)

**Haiti**: Milostène Castin is a defender of the rights of subsistence farmers who have suffered land seizures, displacement, corruption and violent attacks in north-eastern Haiti. Due to his activism, Mr. Castin has been attacked and intimidated numerous times. In late 2020, armed men repeatedly fired gunshots and smashed the windows of his home. An unidentified man also attempted to repeatedly pick up one of his children from school in what Mr. Castin believes was a kidnapping attempt. On 12 May 2021 Mr. Castin received a death threat. He continues to stay in hiding for his safety.

[amnesty.org/en/documents/amr36/4192/2021/en/](https://www.amnesty.org/en/documents/amr36/4192/2021/en/)

1. What more could your Government do to help protect human rights defenders working on issues of anti-corruption?

As well as recognizing their key role as HRDs and the link between corruption and human rights, we believe it would be important for states and companies to introduce/implement strong whistle blower protections to ensure that those wishing to expose corruption can do so safely and do not suffer reprisals for speaking up.