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**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 rights to freedom of peaceful assembly and of association, Maina Kiai

Addendum

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

* The present document is being circulated as received, in the languages of submission only.

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I. Introduction

1. The present document is submitted by the Special Rapporteur on the rights to freedom of peaceful assembly and of association pursuant to Human Rights Council resolution 15/21. The document provides observations on the communications addressed by the Special Rapporteur to States, and on the replies received.

2. The cases raised by the Special Rapporteur in this addendum include communications sent between 16 March 2012 to 28 February 2013. The addendum contains observations on these communications and on responses received from States until 28 April 2013.

3. For ease of reference, communications have been grouped by country, with countries listed alphabetically according to their names in English. Each communication is referenced as 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, a summary of the allegations contained in the communication has been inserted in the language of submission. All communications are available in full in the Special Procedures' joint communication reports.

4. The Special Rapporteur expresses his gratitude to all States which have transmitted responses to communications sent. He considers responses to his communications an important part of cooperation by States with his mandate. In this context, the Special Rapporteur recalls paragraph 6 of the Human Rights Council resolution 15/21 which calls upon States "to cooperate fully with and assist the special rapporteur in the performance of his or her tasks, to provide all necessary information requested by him or her, to respond promptly to his or her urgent appeals and other communications." He therefore urges all States which have not yet replied to his communications to do so as soon as possible.

II. Observations

Algeria

5. JUA 25/04/2012. Case no. [DZA 1/2012](#). State Reply: [07/06/2012](#). Allégations de l'arrestation arbitraire d'un militant syndicaliste.

6. 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.

7. JUA 31/08/2012. Case no. [DZA 3/2012](#). State Reply: [26/03/2013](#). Allégations d'arrestation et de harcèlement d'un défenseur des droits de l'homme.

8. JAL 22/11/2012. Case no. [DZA 4/2012](#). State Reply: [26/02/2013](#). Allégations de restrictions illégitimes à la liberté d'association.

Observations

9. Le Rapporteur spécial remercie le Gouvernement de l'Algérie pour avoir répondu à toutes les communications envoyées durant la période examinée. En particulier, il a lu avec attention la réponse détaillée apportée par le Gouvernement en ce qui concerne la nouvelle

loi sur les associations. Le Rapporteur spécial se satisfait que la nouvelle loi sur les associations réponde au souhait d'élargir le champ ouvert à l'initiative associative mais regrette que cette volonté ne soit pas adéquatement reflétée dans les dispositions légales. En dépit des assurances transmises par le Gouvernement de l'Algérie, il réitère ses vives préoccupations quant à de nombreuses dispositions du texte, notamment celles relatives aux procédures permettant la création d'associations, y compris les associations étrangères, la réception de financement, ou la suspension ou la dissolution d'associations, notamment possible en cas « d'ingérences dans les affaires internes du pays ou d'atteinte à la souveraineté nationale ». Il recommande de nouveau au Gouvernement de l'Algérie de réviser cette loi de sorte qu'elle soit conforme aux normes et standards relatifs à la liberté d'association et de réunion pacifique, tels que ceux-ci sont détaillés dans ses rapports thématiques (voir notamment le rapport sur les meilleures pratiques A/HRC/20/27). Il encourage les autorités à consulter la société civile indépendante qui est directement affectée par cette législation. Il invite les autorités à le tenir informé des mesures prises à cet égard et indique se tenir prêt à fournir tout appui technique dont le Gouvernement aurait besoin.

10. Le Rapporteur spécial a également lu les réponses apportées par le Gouvernement de l'Algérie concernant les restrictions à la liberté de réunion pacifique, mais reste vivement préoccupé par le fait que des manifestations pacifiques puissent être interrompues ou soumis à un usage excessif de la force, comme lors de la manifestation du 5 juillet 2012 à Alger. Il est conscient du risque d'actes de terrorisme mentionné par les autorités dans une des réponses transmises, mais il insiste que cet argument ne doit pas être utilisé afin de réduire au silence les critiques. Il recommande aux autorités de prendre des mesures positives afin de favoriser l'exercice de la liberté d'association et de réunion pacifique de la société civile, y compris des membres d'associations non enregistrées et de syndicalistes, et de s'assurer que ceux-ci ne soient soumis à, ou être menacé d'être soumis à des faits de discrimination, de menace, de recours à la violence, de harcèlement, de persécution, d'intimidation ou de représailles.

11. Le Rapporteur spécial rappelle l'article 1 de la résolution du Conseil des droits de l'homme 21/16, selon lequel les États ont l'obligation « de respecter et de protéger pleinement le droit de tous les individus de se réunir pacifiquement et de s'associer librement, à la fois en ligne et hors ligne, notamment à l'occasion des élections, y compris les personnes qui professent des opinions ou des croyances minoritaires ou dissidentes, *les défenseurs des droits de l'homme*, les syndicalistes et tous ceux, notamment les migrants, qui cherchent à exercer ou à promouvoir ce droit » (italiques ajoutés).

12. Le Rapporteur spécial rappelle au Gouvernement de l'Algérie la demande de visite pays qu'il a formulée en décembre 2011. Suite à l'accusé de réception de sa demande, il réitère de nouveau sa demande afin de discuter des dates d'une visite en Algérie, qui pourrait notamment permettre d'aborder la question de l'assistance technique dont le Gouvernement pourrait avoir besoin.

Azerbaïdjan

13. 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 center and the proximities of the city of Baku.

14. 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.

15. JAL 10/12/2012. Case no. [AZE 5/2012](#). State Reply: None to date. Alleged legislative amendments increasing fines and criminalizing breaches of the regulations

regarding the organization and participation in peaceful assemblies, which may be contrary to the fundamental right to freedom of peaceful assembly.

16. JUA 01/02/2013. Case no. [AZE 2/2013](#). State Reply: [23/04/2013](#). Allegations of arrest of 63 participants in a peaceful protest held in Baku, of whom 26 were sentenced to administrative detention or heavy fines.

Observations

17. The Special Rapporteur thanks the Government of Azerbaijan for its responses to his communications of 22 March 2012 and 1 February 2013, but regrets that it did not respond to the other communications. He considers responses to his communications as an important part of the cooperation of Governments with his mandate, and urges the authorities to provide as soon as possible detailed responses to all the concerns raised in his communications.

18. The Special Rapporteur remains seriously concerned about the legislative amendments to the law on Freedom of Assembly, the Administrative Offences Code and the Criminal Code adopted in November 2012 increasing fines and criminalizing breaches of the regulations regarding the organization and participation in peaceful assemblies. He calls on the authorities to bring the legal framework governing the exercise of the right to freedom of peaceful assembly in conformity with international human rights norms and standards. He is available to provide any technical assistance deemed necessary in this regard (see notably A/HRC/20/27).

19. The Special Rapporteur urges again the authorities to ensure that no individual is criminalised for the peaceful exercise of his fundamental freedoms, and to take all relevant measures to ensure that any individual and legal entity can peacefully exercise their rights of freedom of peaceful assembly and of association. He recommends again that the Government put in place an enabling and safe environment allowing individuals to exercise their legitimate freedoms without undue hindrances. A thorough and independent investigation over any allegations of human rights violations or abuses should be conducted, those responsible should be held accountable, and victims should be provided with full redress.

20. In the run-up to the presidential election scheduled in October 2013, full respect for the rights to freedom of peaceful assembly and of association is paramount. In this context, the Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that “[r]eminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law”.

21. The Special Rapporteur thanks the Government of Azerbaijan for its invitation to conduct an official visit to the country, and hopes to honour the invitation in the near future.

Bahrain

22. 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.

23. 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.
24. JUA 09/08/2012. Case no. [BHR 7/2012](#). State Reply: [04/10/2012](#). Allegations of arrest and detention of four peaceful demonstrators, and charges brought against them.
25. JUA 05/10/2012. Case no. [BHR 8/2012](#). State Reply: [25/10/2012](#). Alleged sentencing of human rights defender.
26. 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.
27. 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.
28. JUA 09/11/2012. Case no. [BHR 11/2012](#). State Replies: [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.
29. 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

30. The Special Rapporteur would like to thank the Government of Bahrain for replying to all the communications he sent during the reporting period, but he is deeply concerned about the significant number of, and the grave nature of the allegations received during the period under review.
31. The Special Rapporteur remains gravely concerned about the physical and psychological integrity of individuals exercising their rights to freedom of peaceful assembly and of association, as well as of those monitoring the exercise of these rights. He urges the authorities to ensure that the legislation related to the right of peaceful assembly and its implementation meet international norms and standards related to freedom of peaceful assembly (see notably [A/HRC/20/27](#)). In this regard, he underscores that, according to Article 21 of the International Covenant on civil and political rights, “*No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others*” (emphasis added). International law therefore does not “give the State any right to take measures and place restrictions... in order to guarantee national security”, as mentioned in one of the responses transmitted (unofficial translation), but rather imposes an obligation on States to facilitate the exercise of peaceful assembly. In this respect, he also reminds that assembly organizers and participants should not be held responsible and liable for the violent behaviour of others.
32. The Special Rapporteur is further dismayed about the killing of two children during demonstrations. Even when demonstrations turn violent, the Special Rapporteur emphasises that the right to life and to be free from torture or cruel, inhuman or degrading treatment or punishment are a non-derogable right in international human rights law, including in the context of assemblies. In this regard, he refers to Article 5 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (1990), which provides that “whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall minimize damage and injury, and respect and preserve human life.” The Special Rapporteur calls upon the authorities to carry out a thorough and

independent investigation into any allegations of excessive use of force during demonstrations that took place during the period under review. He also underlines that “States Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation.” (Article 14 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which the Syrian Arab Republic is a State party). The Special Rapporteur notes that a code of conduct for police officers has recently been drafted and he reiterates that he stands ready to provide any technical assistance the Government may require in this regard.

33. The Special Rapporteur is also seriously concerned about acts of harassment and intimidation against human rights defenders who are members of associations. More specifically, he is concerned about allegations of reprisals against individuals who have taken part in the Universal Periodical Review of Bahrain at the UN Human Rights Council in Geneva. He urges again the authorities to ensure that no one is criminalised for the peaceful exercise of the rights to freedom of peaceful assembly and of association. In this regard, he also refers to the press release he issued, together with other mandate holders, on 23 August 2012, where he urges the authorities to immediately and unconditionally release all persons convicted for exercising their legitimate rights and freedoms.

34. The Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 which “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights”.

35. The Special Rapporteur reminds the Government of Bahrain of his country visit request sent in September 2011, to which a response is yet to be received. He believes such a country visit may provide with a significant opportunity to discuss the technical assistance the Government may require.

Bangladesh

36. JUA 04/07/2012. Case no. [BGD 4/2012](#). State Reply: [12/07/2012](#). Alleged on-going attacks against journalists.

37. OTH 06/07/2012. Case no. [OTH 6/2012](#). Company Reply: [31/01/2013](#). Alleged negative impacts on human rights of affected communities of proposed domestic policy permitting the construction of an open-pit coal mine in the township of Phulbari.

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 non-governmental organizations that may unduly limit the right to freedom of association.

40. JAL 20/02/2013. Case no. [BGD 4/2013](#). State Reply: [25/02/2013](#). Allegations of dispersal by law enforcement authorities of a series of peaceful demonstrations organized by teachers and employees of non-governmental schools, and the alleged related excessive use of force against demonstrators.

Observations

41. The Special Rapporteur takes note of the responses of the Government of Bangladesh acknowledging receipt of his other communications. He however regrets that the Government of Bangladesh provided no substantial response to any of the communications sent since 2011. He considers responses to his communications as an important part of the cooperation of Governments with his mandate, and urges the authorities to provide as soon as possible detailed responses to all the concerns raised in the communications.

42. The Special Rapporteur further reminds that the right for association to access funding and resources is an integral and vital part of the right to freedom of association. He therefore urges the authorities not to adopt the current draft law on non-governmental organization which unduly restricts the right to freedom of association.

43. The Special Rapporteur remains preoccupied about the situation of human rights defenders promoting and protecting economic, social and cultural rights. He urges to authorities to ensure their protection when exercising their rights to freedom of peaceful assembly and/or association.

44. The Special Rapporteur urges the authorities to take all relevant measures to ensure that any individual and legal entity can peacefully exercise their rights of freedom of peaceful assembly and of association. He recommends that the Government put in place an enabling and safe environment allowing individuals to exercise their legitimate freedoms without undue hindrances. A thorough and independent investigation into any allegations of any human rights violations, including acts of intimidations or harassments, committed against those exercising their rights to freedom of peaceful assembly and of association, should be conducted; those responsible should be held accountable; and victims should be provided with full redress.

45. The Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that “[r]eminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law”.

Belarus

46. 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.

47. JAL 11/09/2012. Case no. [BLR 3/2012](#). State Reply: [10/10/2012](#). Alleged harassment of human rights defender.

48. JUA 18/10/2012. Case no. [BLR 4/2012](#). State Replies: [31/10/2012](#) and [22/01/2013](#). Alleged arbitrary closure of a human rights association.

49. JAL 19/02/2013. Case no. [BLR 1/2013](#). State Reply: None to date. Alleged arrest of, and imposition of fines on three human rights defenders.

Observations

50. The Special Rapporteur thanks the Government of Belarus for its responses to his communication, but regrets that it did not respond to the communication dated 19 February 2013. He considers responses to his communications as an important part of the cooperation of Governments with his mandate, and urges the authorities to provide as soon as possible detailed responses to all the concerns raised in his communication.

51. The Special Rapporteur remains seriously concerned about the closure of the non-governmental organization Platforma, and more largely about a continued campaign of harassment of members of human rights organizations in order to arbitrarily prevent them from carrying out their legitimate work in defence of human rights and fundamental freedoms.

52. The Special Rapporteur urges the authorities to ensure that no individual is criminalised for the peaceful exercise of his fundamental freedoms, and to take all relevant measures to ensure that any individual and legal entity can peacefully exercise their rights of freedom of peaceful assembly and of association. He recommends again that the Government put in place an enabling and safe environment allowing individuals to exercise their legitimate freedoms without undue hindrances. A thorough and independent investigation over any allegations of human rights violations or abuses should be conducted, those responsible should be held accountable, and victims should be provided with full redress.

53. The Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that “[r]eminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law”.

54. The Special Rapporteur reminds again the Government of Belarus of his country request sent in September 2011, to which a response is yet to be received. In this connection, OP6 of resolution 15/21 states that the “Human Rights Council... [c]alls upon States to cooperate fully with and assist the Special Rapporteur in the performance of his or her tasks, to provide all necessary information requested by him or her, ... and to consider favourably his or her requests for visits”.

Brazil

55. JAL 05/07/2012. Case no. [BRA 7/2012](#). State Reply: [24/04/2013](#). Alleged killing of human rights defenders.

56. 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.

57. 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.

Observations

58. The Special Rapporteur thanks the Government of Brazil for its response to his communication of 5 July 2012, but regrets that it did not respond to the other communications. He considers responses to his communications as an important part of the cooperation of Governments with his mandate, and urges the authorities to provide as soon as possible detailed responses to all the concerns raised in his communications.

59. The Special Rapporteur remains deeply disturbed by the killings of Messrs. Almir Nogueira de Amorim and João Luiz Telles Penetra. He stresses the utmost importance to investigate thoroughly these killings, and hold the perpetrators fully accountable. He requests the Government to keep him informed on the progress made into the investigations conducted in relation to the aforementioned case.

60. The Special Rapporteur urges the authorities to take all relevant measures to ensure that any individual and legal entity, including those promoting and protecting economic, social and cultural rights, can peacefully exercise their rights of freedom of peaceful assembly and of association. He recommends that the Government put in place an enabling and safe environment allowing individuals to exercise their legitimate freedoms without undue hindrances. A thorough and independent investigation into any allegations of any human rights violations, including acts of intimidations or harassments, committed against those exercising their rights to freedom of peaceful assembly and of association, should be conducted; those responsible should be held accountable; and victims should be provided with full redress.

61. The Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that “[r]eminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law”.

Burundi

62. JAL 23/08/2012. Case no. [BDI 3/2012](#). State Reply: Aucune à ce jour. Allégations de la condamnation d’un président d’une association.

63. AL 20/12/2012. Case no. [BDI 4/2012](#). State Reply: Aucune à ce jour. Allégations de deux projets de loi sur les associations et sur les réunions publiques qui, s’ils étaient adoptés en l’état, porteraient indûment atteinte au droit à la liberté d’association et de réunion pacifique.

Observations

64. Le Rapporteur Special regrette que le Gouvernement du Burundi n’ait répondu à aucune des deux communications envoyées durant la période examinée. Il considère les réponses à ses communications comme faisant partie intégrante de la coopération des gouvernements avec son mandat et invite de ce fait le Gouvernement à lui transmettre des réponses aux préoccupations soulevées dans ses communications.

65. En particulier, le Rapporteur Special exprime des préoccupations quant à de nombreuses dispositions des deux projets de loi sur les associations et sur les réunions publiques qui, s’ils étaient adoptés en l’état, porteraient indûment atteinte aux normes et

standards relatives à la liberté d'association et de réunion pacifique, tels que ceux-ci sont détaillées dans ses rapports thématiques. Il recommande aux autorités de consulter la société civile qui sera directement affectée par ces nouvelles législations et de se conformer aux meilleures pratiques relatives à la liberté d'association et de réunion pacifique détaillées dans son rapport A/HRC/20/27.

66. S'agissant du cas de l'organisation PARCEM, le Rapporteur Special appelle les autorités à s'assurer que nul ne soit l'objet d'une condamnation civile ou pénale pour l'exercice de ses droits et libertés fondamentales. Il demande aux autorités de bien vouloir le tenir informé de toute évolution de ce dossier. Il appelle les autorités à prendre toutes les mesures nécessaires pour que PARCEM, ses membres, et plus généralement, toute personne, puisse librement exercer son droit à la liberté d'association et de réunion pacifique sans être soumis à, ou être menacé d'être soumis à des faits de discrimination, de menace, de recours à la violence, de harcèlement, de persécution, d'intimidation ou de représailles.

Cambodia

67. JAL 20/04/2012. Case no. [KHM 2/2012](#). State Reply: None to date. Alleged forced eviction of families from the Borei Keila community in Phnom Penh.

68. JAL 04/05/2012. Case no. [HKM 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."

69. JUA 04/06/2012. Case no. [HKM 4/2012](#). State Reply: None to date. Alleged arrests, charges and acts of coercion against human rights defenders in relation to land disputes in Phnom Penh.

70. JAL 13/08/2012. Case no. [HKM 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.

71. JUA 29/08/2012. Case no. [HKM 6/2012](#). State Reply: None to date. Alleged arrest, detention and sentencing of human rights defender.

Observations

72. The Special Rapporteur thanks the Government of Cambodia for its response to his communication dated 27 June 2012, but regrets that it did not respond to the other communications. He considers responses to his communications as an important part of the cooperation of Governments with his mandate, and urges the authorities to provide as soon as possible detailed responses to all the concerns raised in the latter communication.

73. The Special Rapporteur welcomes the consultations organized by the authorities with civil society in the framework of the preparation of the draft law on associations and non-governmental organizations. In this regard, he reiterates his concerns that the draft law does not meet international human rights standards governing the right to freedom of association (see notably A/HRC/20/27). He renews his availability to provide any technical support and assistance needed to ensure that the law and its implementation meet such standards.

74. The Special Rapporteur remains very preoccupied about the targeting of human rights activists who promote and protect land rights. He is similarly preoccupied about the targeting of organizers and participants, including trainers, of human rights events. As a

result, he urges again the authorities to ensure that no individual is criminalised for the peaceful exercise of his fundamental freedoms. He recommends that the Government put in place an enabling and safe environment allowing individuals to exercise their legitimate freedoms without undue hindrances. A thorough and independent investigation over any allegations of human rights violations or abuses should be conducted, those responsible should be held accountable, and victims should be provided with full redress.

75. The Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that “[r]eminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law”.

76. The Special Rapporteur reminds again the Government of Cambodia of his country request sent in September 2011, to which a response is yet to be received. In this connection, OP6 of resolution 15/21 states that the “Human Rights Council... [c]alls upon States to cooperate fully with and assist the Special Rapporteur in the performance of his or her tasks, to provide all necessary information requested by him or her, ... and to consider favourably his or her requests for visits”.

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: Aucune à ce jour. Allégations d’arrestation et de détention arbitraires d’étudiants ayant souhaité exercer leur droit à la liberté de réunion pacifique.

79. JAL 04/01/2013. Case no. [CMR 6/2012](#). State Reply: Aucune à ce jour. Allegations d’un raid illégal contre une association et de l’arrestation arbitraire subséquente de six de ses membres.

Observations

80. Le Rapporteur spécial remercie le Gouvernement du Cameroun pour la réponse qu’il lui a transmis à sa communication datée du 8 mai 2012, mais il regrette n’avoir, à ce jour, reçu aucune réponse à ses communications datées du 10 juillet 2012 et du 4 janvier 2013. Il considère les réponses à ses communications comme faisant partie intégrante de la coopération des gouvernements avec son mandat et invite de ce fait le Gouvernement à lui transmettre des réponses aux préoccupations soulevées dans ses communications.

81. Le Rapporteur spécial rappelle le principe selon lequel les activités des associations doivent être présumées comme légales. Il appelle les autorités à s’abstenir de s’ingérer dans les affaires internes des associations, y compris au moyen de perquisitions, et à prendre toutes les mesures nécessaires pour que les individus exerçant leur droit à la liberté d’association et de réunion pacifique ne soit pas soumis à, ou menacé d’être soumis, à des faits de discrimination, de menace, de recours à la violence, de harcèlement, de persécution, d’intimidation ou de représailles. Il demande aux autorités de bien vouloir le tenir informé de l’évolution de la situation des six membres de l’ONG Struggle to Economize Future Environment (SEFE).

82. S'agissant des cas de réunions pacifiques interrompues et les cas d'arrestations de manifestants pacifiques, le Rapporteur spécial rappelle l'article 1 de la résolution du Conseil des droits de l'homme 21/16, selon lequel les États ont l'obligation « de respecter et de protéger pleinement le droit de tous les individus de se réunir pacifiquement et de s'associer librement, à la fois en ligne et hors ligne, notamment à l'occasion des élections, y compris les personnes qui professent des opinions ou des croyances minoritaires ou dissidentes, les défenseurs des droits de l'homme, les syndicalistes et tous ceux, notamment les migrants, qui cherchent à exercer ou à promouvoir ce droit » (italiques ajoutés).

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. Le Rapporteur spécial remercie le Gouvernement du Canada pour les lettres qu'il lui a été adressées, mais regrette ne pas avoir reçu, à ce jour, de réponses substantives à ces préoccupations, qui sont également reflétées dans un communiqué de presse daté du 30 mai 2012.

85. Le Rapporteur spécial a été informé de l'évolution de la situation de la législation en cause dans la lettre d'allégation envoyée durant la période examinée. Il invite les autorités à lui fournir plus d'informations à ce sujet, ainsi qu'à le tenir informé des mesures positives prises pour assurer le respect de la liberté d'association et de réunion pacifique au Canada. Il recommande au Gouvernement de s'assurer que la législation relative aux droits à la liberté d'association et de réunion pacifique et sa mise en œuvre soient conformes aux meilleures pratiques détaillées dans ses rapports. Il est prêt à fournir tout appui technique dont aurait besoin le Gouvernement à cet égard.

Chile

86. JAL 20/03/2012. Case no. [CHL 2/2012](#). State Reply: [22/08/2012](#). Alegaciones de actos de violencia, malos tratos y uso excesivo de la fuerza contra manifestantes en el contexto de unas movilizaciones a partir del 14 de febrero en la región de Aysén.

87. 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.

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

Observaciones

89. El Relator Especial agradece las respuestas del Gobierno a sus tres cartas de alegaciones enviadas durante el periodo del presente informe.

90. El Relator Especial toma nota con satisfacción de la decisión de las autoridades de modificar ciertos aspectos de del Proyecto de Ley que Fortalece el Resguardo del Orden Público y confía en que los aspectos de dicho proyecto que aun son problemáticos, tal y

como se señala en su comunicación de fecha 2 de noviembre de 2012, sean reconsiderados con el fin de evitar restricciones indebidas del derecho a la reunión pacífica.

91. Asimismo, el Relator toma nota de la respuesta del Gobierno a su carta de alegaciones de 20 de mayo de 2012 en la que se dan detalles sobre la actuación de los Carabineros en la región de Aisén entre los días 14 y 21 de febrero de 2012. El Relator agradece las informaciones proporcionadas así como el compromiso de las autoridades de respetar el derecho de reunión pacífica procurando agotar todas las instancias de conversación, persuasión y contención frente a contextos de efervescencia social.

92. En este sentido, se reitera el contenido del párrafo operativo 1 de la Resolución 21/16 del Consejo de Derechos Humanos donde se “[r]ecuerda a los Estados su obligación de respetar y proteger plenamente los derechos de todas las personas a la libertad de reunión pacífica y de asociación por cualquier vía, electrónica o no, también en el contexto de unas elecciones, incluidos los de las personas que abracen convicciones o creencias minoritarias o disidentes, los defensores de los derechos humanos, las personas afiliadas a sindicatos y otras personas, incluidos los migrantes, que traten de ejercer o promover esos derechos, y a que adopten todas las medidas necesarias para asegurar que cualquier restricción al libre ejercicio del derecho a la libertad de reunión pacífica y de asociación sea conforme con las obligaciones que les incumben en virtud del derecho internacional de los derechos humanos.”

93. El Relator Especial agradece la respuesta positiva de las autoridades a su solicitud de visita al país y espera que la misma tenga lugar próximamente.

China

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. JUA 13/07/2012. Case no. [CHN 7/2012](#). State Reply: [28/09/2012](#). Allegations of arbitrary deprivation of liberty and ill-treatment of a 17 year old girl following the peaceful exercise of her rights to freedom of opinion and expression and assembly.

96. JUA 09/08/2012. Case no. [CHN 8/2012](#). State Reply: [28/09/2012](#). Alleged systematic undermining of the autonomous functions and the rights to freedom of religion, culture and expression of the Tibetan Buddhist community.

97. JUA 10/12/2012. Case no. [CHN 10/2012](#). State Reply: [07/02/2013](#). Allegations of arrest and detention of, and alleged excessive use of force against, peaceful demonstrators in the Tibet Autonomous Region.

Observations

98. The Special Rapporteur thanks the Government of the People’s Republic of China for its responses to the communications sent.

99. The Special Rapporteur remains very preoccupied about the on-going repression against peaceful protestors in China, in particular in the Tibet Autonomous Region. He urges the authorities to protect and facilitate peaceful demonstrations, and refrain from using force during such demonstrations. He reminds that the rights to life and to be free from torture or cruel, inhuman or degrading treatment or punishment are non-derogable rights in international human rights law, including in the context of assemblies. In this regard, he refers to Article 5 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (1990), which provides that

“whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall minimize damage and injury, and respect and preserve human life.” A thorough and independent investigation over any allegations of excessive use of force and of torture and ill treatment during peaceful demonstrations should be conducted, those responsible should be held accountable, and victims should be provided with full redress. He requests the Government to keep him informed about the investigations conducted in relation to the aforementioned case.

100. The Special Rapporteur further recommends that the Government put in place an enabling and safe environment allowing individuals to exercise their legitimate freedoms without undue hindrances.

101. The Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that “[r]eminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law”.

102. The Special Rapporteur reminds again the Government of his country visit request sent in September 2011, to which a response is yet to be received. In this connection, OP6 of resolution 15/21 states that the “Human Rights Council... [c]alls upon States to cooperate fully with and assist the Special Rapporteur in the performance of his or her tasks, to provide all necessary information requested by him or her, ... and to consider favourably his or her requests for visits”.

Colombia

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 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).

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

107. JAL 02/10/2012. Case no. [COL 12/2012](#). State Replies: [30/10/2012](#) and [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.

108. JUA 17/12/2012. Case no. [COL 13/2012](#). State Reply: None to date. Presunto asesinato de un defensor de los derechos de las víctimas y alegaciones de una ola creciente de amenazas y actos de intimidación contra defensores de los derechos de las víctimas y sus familiares.

109. JAL 29/01/2013. Case no. [COL 1/2013](#). State Reply: None during the reporting period. Presunto asesinato, actos de intimidación y acoso, incluyendo amenazas de muerte y malos tratos de activistas sindicales.

110. JUA 15/02/2013. Case no. [COL 3/2013](#). State Reply: [03/04/2013](#). Alegaciones de un atentado contra la vida de un sacerdote y defensor de derechos humanos.

Observaciones

111. El Relator Especial quiere agradecer las respuestas del Gobierno a cuatro de las ocho comunicaciones enviadas durante el periodo del presente informe, incluyendo un comunicado hecho público conjuntamente con otros expertos independientes de la ONU el 22 de octubre de 2012 sobre el proyecto de acto legislativo respecto al fuero penal militar.

112. No obstante, el Relator invita al Gobierno a responder con urgencia a las comunicaciones pendientes, en especial a la relacionada con los presuntos asesinatos del Sr. Miller Angulo y la Sra. Rosa Helena Bernal Pinto. En este sentido, se considera que las alegaciones son muy serias y se reitera la necesidad por llevar a cabo investigaciones independientes y efectivas sobre dichas alegaciones, y en su caso, sancionar a los responsables y ofrecer reparación adecuada a los familiares de las víctimas.

113. Se reconoce el esfuerzo del Gobierno de Colombia en la protección de algunas de las personas mencionadas en los llamamientos urgentes. En este sentido, se le anima en su determinación de garantizar que dichas personas puedan disfrutar efectivamente de sus derechos y libertades de asociación, reunión pacífica y expresión.

114. El Relator Especial desea reiterar su preocupación por las serias alegaciones recibidas de actos de hostigamiento contra activistas y amenazas de muerte contra miembros de asociaciones, incluyendo a integrantes de la asociación Women's Link Worldwide, a miembros de la Unión Sindical Obrera (USO) y a abogados trabajando por los derechos de las víctimas de violaciones de derechos humanos, entre otros. En este sentido, el Relator Especial recomienda al Gobierno que intensifique sus esfuerzos en vistas a crear un ambiente seguro y propicio que permita a la sociedad civil expresarse y trabajar libremente así como a toda persona ejercer su derecho legítimo a la libertad de asociación y reunión pacífica.

115. Se reitera el contenido del párrafo operativo 1 de la Resolución 21/16 del Consejo de Derechos Humanos donde se “[r]ecuerda a los Estados su obligación de respetar y proteger plenamente los derechos de todas las personas a la libertad de reunión pacífica y de asociación por cualquier vía, electrónica o no, también en el contexto de unas elecciones, incluidos los de las personas que abracen convicciones o creencias minoritarias o disidentes, los defensores de los derechos humanos, las personas afiliadas a sindicatos y otras personas, incluidos los migrantes, que traten de ejercer o promover esos derechos, y a que adopten todas las medidas necesarias para asegurar que cualquier restricción al libre ejercicio del derecho a la libertad de reunión pacífica y de asociación sea conforme con las obligaciones que les incumben en virtud del derecho internacional de los derechos humanos.”

Costa Rica

116. JUA 02/04/2012. Case no. [CRI 2/2012](#). State Reply: [01/02/2013](#). Supuesto allanamiento y robo en la sede de una organización de derechos humanos.

Observaciones

117. El Relator Especial quiere agradecer la respuesta del Gobierno a la comunicación enviada durante el periodo del presente informe. En especial, el Relator agradece los esfuerzos realizados por las autoridades para ponerse en contacto con la presunta víctima así como la reiteración de su compromiso con el respeto del trabajo de las organizaciones que abogan por la defensa de los derechos de las personas gays, lesbianas, bisexuales y trans en el país.

118. En este sentido, se reitera el contenido del párrafo operativo 1 de la Resolución 21/16 del Consejo de Derechos Humanos donde se “[r]ecuerda a los Estados su obligación de respetar y proteger plenamente los derechos de todas las personas a la libertad de reunión pacífica y de asociación por cualquier vía, electrónica o no, también en el contexto de unas elecciones, incluidos los de las personas que abracen convicciones o creencias minoritarias o disidentes, los defensores de los derechos humanos, las personas afiliadas a sindicatos y otras personas, incluidos los migrantes, que traten de ejercer o promover esos derechos, y a que adopten todas las medidas necesarias para asegurar que cualquier restricción al libre ejercicio del derecho a la libertad de reunión pacífica y de asociación sea conforme con las obligaciones que les incumben en virtud del derecho internacional de los derechos humanos.”

Cuba

119. 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.

120. JAL 09/10/2012. Case no. [CUB 6/2012](#). State Reply: [19/12/2012](#). Presunta represión contra integrantes de Las Damas de Blanco.

121. 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

122. El Relator Especial quisiera agradecer las respuestas a dos de las tres comunicaciones enviadas, cuyo contenido se ha leído con interés. Asimismo, le gustaría invitar a las autoridades a responder al llamamiento urgente con fecha de 23 de noviembre de 2012.

123. Como ha hecho con anterioridad, el Relator Especial insiste en la necesidad de asegurar la existencia de un ambiente propicio para la sociedad civil, en términos de disfrute del derecho a la libertad de reunión y asociación pacífica.

124. Se reitera el contenido del párrafo operativo 1 de la Resolución 21/16 del Consejo de Derechos Humanos donde se “[r]ecuerda a los Estados su obligación de respetar y proteger plenamente los derechos de todas las personas a la libertad de reunión pacífica y de asociación por cualquier vía, electrónica o no, también en el contexto de unas elecciones, incluidos los de las personas que abracen convicciones o creencias minoritarias o disidentes, los defensores de los derechos humanos, las personas afiliadas a sindicatos y otras personas, incluidos los migrantes, que traten de ejercer o promover esos derechos, y a que adopten todas las medidas necesarias para asegurar que cualquier restricción al libre ejercicio del derecho a la libertad de reunión pacífica y de asociación sea conforme con las

obligaciones que les incumben en virtud del derecho internacional de los derechos humanos.”

125. En conexión con lo anterior, el Relator Especial quisiera recordar al Gobierno su solicitud de visita, la cual está aún esperando respuesta. Una eventual misión del Relator a Cuba ayudaría a clarificar las alegaciones recibidas en materia de asociación y reunión pacífica.

Czech Republic

126. JAL 21/02/2013. Case no. [CZE 1/2013](#). State Reply: [23/04/2013](#). Alleged eviction from its office premises of the civil society organisation *Vzájemné Soužití*.

Observations

127. The Special Rapporteur wishes to thank the Government of Czech Republic for its response to his communication dated 21 January 2013.

128. Concerning the case of the civil society organisation *Vzájemné Soužití*, the Special Rapporteur notes the information contained in the reply transmitted by the Government. He urges the authorities to take positive measures to secure the right to freedom of association and of peaceful assembly in the country.

Democratic Republic of the Congo

129. JUA 20/09/2012. Case no. [COD 4/2012](#). State Reply: Aucune à ce jour. Allégations de la détention d'un militant associatif et de la disparition forcée d'un militant politique.

Observations

130. Le Rapporteur spécial regrette de ne pas avoir reçu de réponse du Gouvernement de la République Démocratique du Congo suite à la communication transmise durant la période couverte par le présent rapport. Il considère les réponses à ses communications comme faisant partie intégrante de la coopération des gouvernements avec son mandat et invite de ce fait le Gouvernement à lui transmettre des réponses aux préoccupations soulevées dans sa communication.

131. Le Rapporteur spécial s'inquiète de la situation particulièrement difficile dans laquelle les individus tentent d'exercer leur droit à la liberté d'association et de réunion pacifique en République démocratique du Congo. Il appelle les autorités à prendre toutes les mesures nécessaires pour que toute personne puisse librement exercer son droit à la liberté d'association et de réunion pacifique sans être soumis à, ou être menacé d'être soumis à des faits de discrimination, de menace, de recours à la violence, de harcèlement, de persécution, d'intimidation ou de représailles. Il appelle également les autorités à prendre toutes les mesures nécessaires pour que soit mis fin à toute forme d'impunité contre les violations des droits de l'homme dans le pays.

Egypt

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 11/01/2013. Case no. [EGY 1/2013](#). State Reply: None to date. Alleged violence that unfolded in the context of protests in Cairo on 5 and 6 December 2012, including

several killings, injuries and acts of torture and sexual harassment inflicted on demonstrators and human rights defenders.

134. JUA 11/02/2013. Case no. [EGY 3/2013](#). State Reply: None to date. Alleged repeated excessive use of force and physical assaults against protesters; as well as the adoption of emergency orders resulting in further restrictions to fundamental freedoms.

135. JAL 12/02/2013. Case no. [EGY 4/2013](#). State Reply: None during the reporting period. Allegations of two draft laws which, if passed, would severely restrict the right to freedom of association and of peaceful assembly.

Observations

136. The Special Rapporteur regrets that no reply has been received during the reporting period from the Government of the Arab Republic of Egypt to the communications he sent during the period under review. He considers responses to his communications as an important part of the cooperation of Governments with his mandate, and urges the authorities to provide as soon as possible detailed responses to all the concerns raised in the latter communication.

137. The Special Rapporteur is very concerned about several provisions of various versions of a draft law on non governmental organisations which, if passed without further changes, would severely curtail the exercise of freedom of association in Egypt. On 28 March 2013, the Special Rapporteur joined a press statement issued by several special procedures mandate holders, in which they voiced concern over several provisions of the different versions of the draft law. The Special Rapporteur welcomes the Egyptian authorities' initiative to revise law 84/2002 due to its lack of compliance with international law and standards; however, he warns that the draft legislation being considered by the Shura Council has a number of serious shortcomings, notably in relation to the issue of funding. He recommends that the Government take into account the draft put forward by civil society actors as they will be primary affected by this new legislation; and adopt a new law on NGO to be in compliance with the best practices detailed in his thematic report (see notably A/HRC/20/27). He stands ready to provide any technical assistance.

138. In relation to violence during peaceful demonstrations, the Special Rapporteur urges the authorities to investigate into any allegations of excessive use of force as well as any allegations of gender violence, including sexual violence, against women during peaceful assembly which are unacceptable. Any allegations of human rights violations should be subject to a thorough and independent investigation and those responsible should be held accountable; and victims should be provided with full redress.

139. The Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 which "reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights".

140. The Special Rapporteur reminds the Government of Egypt of his country visit request sent in September 2011, to which a response is yet to be received. He believes such a country visit may provide with a significant opportunity to discuss the technical assistance the Government may require.

Ethiopia

141. JUA 31/07/2012. Case no. [ETH 4/2012](#). State Reply: [14/12/2012](#). Alleged sentencing of human rights defender.

142. JAL 23/11/2012. Case no. [ETH 6/2012](#). State Reply: None to date. Alleged repeated restrictions to the right to freedom of association as a result of the enforcement of restrictive provisions contained in the Charities and Societies Proclamation 621/2009.

Observations

143. The Special Rapporteur wishes to thank the Government of Ethiopia for its response to his communication dated 31 July 2012, but he regrets no response was received to the other communication he sent on 23 November 2012. A response to a communication on alleged strict implementation of the Charities and Societies Proclamation 621/2009, sent on 9/12/2011, is still to be received. The Special Rapporteur considers responses to his communications as an important part of the cooperation of Governments with his mandate, and urges the authorities to provide as soon as possible detailed responses to all the concerns raised in the latter communication.

144. The Special Rapporteur remains seriously concerned by several provisions of the Charities and Societies Proclamation 621/2009 which continue to severely and unduly restrict the ability for individuals to form associations, and when formed, to operate freely. He is gravely concerned that such a strict legal framework governing civil society has had adverse consequences on human rights associations and has had forced many of them to discontinue their activities. He warns against the implementation of any legislation which would ultimately be used to silence critics. He recommends again that the Government revise the 2009 CSO law due to its lack of compliance with international norms and standards related to freedom of association, notably with respect to access to funding; and to ensure that the revised version complies with the best practices detailed in his thematic reports (see notably A/HRC/20/27). He further urges the authorities to consult with independent civil society organisations which will primarily be affected by this legislation. In this respect, he refers to a number of recommendations put forward by the Human Rights Council, within the framework of the Universal Periodic Review, including recommendation 97.55, or by the African Commission on Human and Peoples' Rights, which recommended that the law be amended. He stands ready to provide any technical assistance the Government may require in this regard.

145. The Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 which "reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights".

146. The Special Rapporteur reminds the Government of Ethiopia of his country visit request sent in September 2011, to which a response is yet to be received. He believes such a country visit may provide with a significant opportunity to discuss the technical assistance the Government may require.

Fiji

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

Observations

148. The Special Rapporteur regrets that the Government of Fiji did not respond to any of the communications he has sent since the beginning of his tenure. He considers responses to his communications as an important part of the cooperation of Governments with his mandate, and urges the authorities to provide detailed answers to all the concerns raised in his communications.

149. The Special Rapporteur urges again the authorities to ensure that no individual is criminalised for the peaceful exercise of his fundamental freedoms. He recommends that the Government put in place an enabling and safe environment allowing individuals to exercise their legitimate freedoms without undue hindrances. A thorough and independent investigation over any allegations of human rights violations or abuses should be conducted, those responsible should be held accountable, and victims should be provided with full redress.

150. The Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that “[r]eminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law”.

151. The Special Rapporteur reminds again the Government of Fiji of his country visit request sent in September 2011, to which a response is yet to be received. In this connection, OP6 of resolution 15/21 states that the “Human Rights Council... [c]alls upon States to cooperate fully with and assist the Special Rapporteur in the performance of his or her tasks, to provide all necessary information requested by him or her, ... and to consider favourably his or her requests for visits”.

Georgia

152. 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

153. The Special Rapporteur would like to thank the Government of Georgia for the information transmitted concerning Mr. Irakli Beraia. He nevertheless encourages the Government to provide further information about the investigations carried out in relation to this case.

154. Most specifically, the Special Rapporteur is concerned about allegations of torture in detention against an individual who took part in a peaceful assembly. He urges the authorities to carry out a thorough and independent investigation; to hold accountable those responsible and to provide full redress to the victim. He requests the authorities to keep him informed about the investigations conducted in relation to this case.

Greece

155. JAL 21/12/2012. Case no. [GRC 3/2012](#). State Reply: [04/03/2013](#). Alleged arbitrary refusal to revoke decisions denying grant registration to groups defending minority rights.

Observations

156. The Special Rapporteur wishes to thank the Government of Greece for its response to his communication.

157. The Special Rapporteur notes that, according to the reply transmitted by the Government of Greece, the implementation of several decisions of the European Court on Human Rights, which has found violation of the right to freedom of association, “is pending, due to procedural reasons, not related to the statute or the activities of any particular association”. He further takes positive note that the “authorities are currently considering appropriate ways and means to implement the abovementioned judgements, including possible legislative adjustments”. He urges the authorities to secure the rights to freedom of association and of peaceful assembly for all, without discrimination of any kind. He requests the Government to keep him informed about the evolution of the different cases raised in his communication dated 21/12/2012, including about the ability for members to freely choose a name for their associations.

158. The Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that “[r]eminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law”.

Guatemala

159. JUA 28/06/2012. Case no. [GTM 5/2012](#). State Replies: [07/08/2012](#), [12/09/2012](#) and [18/10/2012](#). Presunto atentado contra la vida de una defensora de derechos humanos.

160. 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.

161. JUA 30/11/2012. Case no. [GTM 8/2012](#). State Reply: [26/03/2013](#). Alegaciones acerca de actos de estigmatización y desprestigio, incluyendo incitación a la violencia, contra prominentes defensoras/defensores y organizaciones de los derechos humanos.

Observaciones

162. El Relator Especial quisiera agradecer las detalladas respuestas del Gobierno a todas sus comunicaciones enviadas durante el periodo del presente informe.

163. El Relator se muestra especialmente preocupado por los hechos violentos ocurridos durante las protestas de las comunidades indígenas de los 48 Cantones de Totonicapán en octubre de 2012. Estos incidentes fueron objeto de un comunicado público del Relator, junto con otros expertos independientes de la ONU, el 12 de octubre de 2012. Al tiempo que agradece la respuesta del Gobierno a esta comunicación, el Relator anima a las

autoridades a avanzar en las investigaciones para esclarecer los hechos, llevar a los culpables de la violencia ante la justicia y ofrecer reparación adecuada a las víctimas y sus familiares.

164. Dado clima de polarización social que se señala en su llamamiento urgente con fecha de 30 de noviembre de 2012 (GTM 8/2012), el Relator Especial quisiera reiterar la necesidad de asegurar la existencia de un ambiente seguro y propicio para organizaciones de la sociedad civil, así como para cualquier persona, puedan disfrutar de su derecho a la libertad de asociación y reunión pacífica. En este sentido, hace un llamamiento para que se investigue, de manera independiente y efectiva, cualquier alegación de acto de hostigamiento, intimidación o violencia contra cualquier activista y defensor de los derechos humanos y, en su caso, se sancione a los culpables y se ofrezca reparación adecuada a las víctimas y sus familiares.

165. Se reitera el contenido del párrafo operativo 1 de la Resolución 21/16 del Consejo de Derechos Humanos donde se “[r]ecuerda a los Estados su obligación de respetar y proteger plenamente los derechos de todas las personas a la libertad de reunión pacífica y de asociación por cualquier vía, electrónica o no, también en el contexto de unas elecciones, incluidos los de las personas que abracen convicciones o creencias minoritarias o disidentes, los defensores de los derechos humanos, las personas afiliadas a sindicatos y otras personas, incluidos los migrantes, que traten de ejercer o promover esos derechos, y a que adopten todas las medidas necesarias para asegurar que cualquier restricción al libre ejercicio del derecho a la libertad de reunión pacífica y de asociación sea conforme con las obligaciones que les incumben en virtud del derecho internacional de los derechos humanos.”

166. El Relator Especial quisiera agradecer también la invitación de Guatemala para llevar a cabo una visita oficial al país, la cual espera que se lleva a cabo en un futuro próximo.

Guyana

167. JAL 31/08/2012. Case no. [GUY 1/2012](#). State Reply: None to date. Allegations of widespread acts of violence against peaceful protesters in the context of the protests carried out since 18 July in Linden, Georgetown.

Observations

168. The Special Rapporteur regrets that the Government of Guyana did not respond to his communication. He considers responses to his communications as an important part of the cooperation of Governments with his mandate, and urges the authorities to provide detailed answers to all the concerns raised in his communication.

169. The Special Rapporteur urges the authorities to refrain from using force during peaceful demonstrations. He reminds that the right to life and to be free from torture or cruel, inhuman or degrading treatment or punishment are a non-derogable right in international human rights law, including in the context of assemblies. In this regard, he refers to Article 5 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (1990), which provides that “whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall minimize damage and injury, and respect and preserve human life.” He urges that a thorough, impartial and independent investigation is conducted without delay over any allegation of excessive use of force and of torture and ill treatment during peaceful demonstrations and to hold accountable those responsible and to provide full redress to victims. He requests that the

Government keep him informed about the investigations conducted in relation to the aforementioned case.

170. The Special Rapporteur recommends that the Government put in place an enabling and safe environment allowing individuals to exercise their legitimate freedoms without undue hindrances. A thorough and independent investigation over any allegations of human rights violations or abuses should be conducted, those responsible should be held accountable, and victims should be provided with full redress.

171. The Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that “[r]eminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law”.

Haiti

172. JUA 03/01/2013. Case no. [HTI 2/2012](#). State Reply: Aucune à ce jour. Allégation d’une tentative d’assassinat contre un avocat défenseur des droits de l’homme.

Observations

173. Le Rapporteur spécial regrette que le Gouvernement de Haiti n’ait pas répondu à sa communication envoyée le 3 janvier 2012. Il considère les réponses à ses communications comme faisant partie intégrante de la coopération des gouvernements avec son mandat et invite de ce fait le Gouvernement à lui transmettre des réponses aux préoccupations soulevées dans sa communication.

174. Le Rapporteur spécial exprime de sérieuses préoccupations quant aux allégations de tentative d’assassinat contre M. Evel Fanfan, Président de l’organisation Action des Unités Motivées pour une Haïti de Droits. Il demande aux autorités de prendre toutes les mesures adéquates pour faire la lumière sur ces allégations et prendre toutes les mesures positives pour assurer que M. Fanfan, et plus généralement toute personne, puisse librement exercer leur droit à la liberté d’association et de réunion pacifique sans être soumis à, ou être menacé d’être soumis à des faits de discrimination, de menace, de recours à la violence, de harcèlement, de persécution, d’intimidation ou de représailles.

175. Le Rapporteur spécial rappelle l’article 1 de la résolution du Conseil des droits de l’homme 21/16, selon lequel les États ont l’obligation «de respecter et de protéger pleinement le droit de tous les individus de se réunir pacifiquement et de s’associer librement, à la fois en ligne et hors ligne, notamment à l’occasion des élections, y compris les personnes qui professent des opinions ou des croyances minoritaires ou dissidentes, les défenseurs des droits de l’homme, les syndicalistes et tous ceux, notamment les migrants, qui cherchent à exercer ou à promouvoir ce droit. »

Honduras

176. 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.

177. JAL 21/02/2013. Case no. [HND 1/2013](#). State Reply: [25/03/2012](#). Presunto asesinato de miembros de movimientos campesinos que operan en la zona del Bajo Aguán.

Observaciones

178. El Relator Especial quisiera agradecer las respuestas del Gobierno a las dos comunicaciones enviadas durante el periodo del presente informe.

179. Sin embargo, el Relator reitera su preocupación en cuanto a alegaciones recibidas de amenazas de muerte y actos de hostigamiento contra activistas y miembros de movimientos campesinos, especialmente contra aquellos que operan en la zona del Bajo Aguán. En este sentido, el Relator quisiera exhortar de nuevo al Gobierno de su Excelencia para que intensifique sus esfuerzos para asegurar que toda medida necesaria sea aplicada con el fin de lograr una mayor protección de libertades fundamentales, incluyendo el derecho de asociación y reunión pacífica. Asimismo, se hace un llamamiento para que cualquier alegación de acto de hostigamiento, intimidación, violencia, asesinato y ejecución extrajudicial contra cualquier activista y defensor de los derechos humanos, sea debidamente investigado, y en su caso, se sancione a los culpables y se ofrezca reparación adecuada a las víctimas y sus familiares.

180. Se reitera el contenido del párrafo operativo 1 de la Resolución 21/16 del Consejo de Derechos Humanos donde se “[r]ecuerda a los Estados su obligación de respetar y proteger plenamente los derechos de todas las personas a la libertad de reunión pacífica y de asociación por cualquier vía, electrónica o no, también en el contexto de unas elecciones, incluidos los de las personas que abracen convicciones o creencias minoritarias o disidentes, los defensores de los derechos humanos, las personas afiliadas a sindicatos y otras personas, incluidos los migrantes, que traten de ejercer o promover esos derechos, y a que adopten todas las medidas necesarias para asegurar que cualquier restricción al libre ejercicio del derecho a la libertad de reunión pacífica y de asociación sea conforme con las obligaciones que les incumben en virtud del derecho internacional de los derechos humanos.”

181. El Relator Especial agradece la invitación del Gobierno para llevar a cabo una visita oficial al país y espera que la misma se lleva a cabo en un futuro próximo.

India

182. JUA 13/07/2012. Case no. [IND 6/2012](#). State Replies: [16/07/2012](#) and [08/11/2012](#). Allegations of harassment against members of the Peoples Movement Against Nuclear Energy (PMANE) and other human rights defenders.

183. 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.

184. JAL 20/02/2013. Case no. [IND 2/2013](#). State Reply: [21/02/2013](#). Alleged forced eviction of over 5,000 people living in economically weaker section (EWS) quarters in Koramangala, Bangalore.

Observations

185. The Special Rapporteur regrets that the Government of India has not responded to his communication dated 28 September 2012, and takes notes of its responses in which it acknowledged receipt of his other communications. He considers responses to his communications as an important part of the cooperation of Governments with his mandate,

and urges the authorities to provide detailed answers to all the concerns raised in his communications.

186. The Special Rapporteur remains seriously concerned by allegations of acts of harassment against members of the Peoples Movement Against Nuclear Energy (PMANE) and other human rights defenders, in particular those promoting and protecting economic, social and cultural rights. He underscores the responsibility of the State to ensure that those exercising their rights to freedom of peaceful assembly and of association are duly protected. A thorough and independent investigation over the aforementioned allegations should be conducted, and those responsible should be held accountable. He requests that the Government to keep him informed about the investigations conducted in relation to the aforementioned case.

187. The Special Rapporteur further underlines that the rights of peaceful assembly and of association are key for individuals espousing minority or dissenting views or beliefs. He urges the authorities to refrain from using force during peaceful demonstrations. He further recommends that a thorough and independent investigation regarding any allegations of excessive use of force and of torture and ill treatment, including against women, during peaceful demonstrations, be conducted; to hold accountable those responsible and to provide full redress to victims.

188. The Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that “[r]eminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law”.

Indonesia

189. JAL 24/07/2012. Case no. [IDN 6/2012](#). State Reply: [25/09/2012](#). Allegations of harassment of members of the West Papua National Committee (KNPB) in the exercise of their right to freedom of peaceful assembly in two separate events.

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

Observations

191. The Special Rapporteur thanks the Government of Indonesia for its response, but regrets that the Government of Indonesia did not respond to his communications of 31 August 2012, 23 February 2012, and 8 July 2011. He considers responses to his communications as an important part of the cooperation of Governments with his mandate, and urges the authorities to provide as soon as possible detailed responses to all the concerns raised in these communications.

192. The Special Rapporteur remains very concerned about the situation of human rights and political activists in West Papua who exercise their rights to freedom of peaceful assembly and of association. He urges the authorities to ensure the protection of individuals exercising such rights.

193. The Special Rapporteur reiterates his concerns about the Bill on Societal Organizations, which, as highlighted in a press release issued jointly on 14 February 2013 by the Special Rapporteurs on the rights to freedom of peaceful assembly and of association, on the promotion and protection of the right to freedom of opinion and expression, on the situation of human rights defenders, and on freedom of religion or belief, “threatens with undue restrictions the rights to freedom of association, expression, and religion. They urged Members of Parliament to amend the Bill to bring it in line with international human rights norms and standards”¹ (see notably A/HRC/20/27). He urges again the authorities to amend the Bill accordingly.

194. The Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that “[r]eminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law”.

195. The Special Rapporteur reminds again the Government of Indonesia of his country visit request sent in September 2011, to which a response is yet to be received. In this connection, OP6 of resolution 15/21 states that the “Human Rights Council... [c]alls upon States to cooperate fully with and assist the Special Rapporteur in the performance of his or her tasks, to provide all necessary information requested by him or her, ... and to consider favourably his or her requests for visits”.

Iran (Islamic Republic of)

196. JUA 29/06/2012. Case no. [IRN 14/2012](#). State Replies: [02/03/2012](#), [04/05/2012](#), [15/05/2012](#), [20/07/2012](#), [26/09/2012](#) and [10/10/2012](#). Alleged heavy imprisonment of human rights lawyer.

197. JUA 31/07/2012. Case no. [IRN 19/2012](#). State Reply: None to date. Alleged torture and risk of imminent execution of five representatives of the Ahwazi Arab minority.

198. JUA 08/10/2012. Case no. [IRN 24/2012](#). State Reply: None to date. Alleged heavy prison sentence imposed on human rights lawyer.

199. JUA 21/01/2013. Case no. [IRN 3/2013](#). State Reply: None to date. Alleged continued harassment of a woman human rights defender, including a summons received to start serving her prison sentence received for demanding justice to victims.

200. JUA 25/01/2013. Case no. [IRN 5/2013](#). State Reply: None to date. Alleged imminent execution of five representatives of the Ahwazi Arab minority.

Observations

201. The Special Rapporteur thanks the Government of the Islamic Republic of Iran for its responses to his communication dated 29 June 2012. He however regrets that at the time of the finalization of the present report, the Government had not transmitted replies to his other communications. He considers responses to his communications as an important part

¹ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12989&LangID=E>

of the cooperation of Governments with his mandate, and urges the authorities to provide as soon as possible detailed responses to all the concerns raised in these communications due to the grave nature of the allegations received.

202. The Special Rapporteur remains concerned about the physical and psychological integrity of people exercising their rights to freedom of peaceful assembly and of association in the Islamic Republic of Iran, including the arrest of prominent women human rights defenders. He recommends again that the Government put in place an enabling and safe environment that is conducive to the free expression of civil society allowing individuals to exercise their legitimate freedom of association without undue hindrances. A thorough and independent investigation into any allegations of any human rights violations, including acts of intimidations or harassments, committed against those exercising their rights to freedom of peaceful assembly and of association, should be conducted; those responsible should be held accountable; and victims should be provided with full redress.

203. The Special Rapporteur remains particularly preoccupied about the situation of representatives of the Ahwazi Arab minority, as expressed in a press statement dated 25 January 2013 in which he urged, jointly with four other Special Procedures mandate holders, to “halt the execution of five Ahwazi activists”.²

204. The Special Rapporteur remains similarly preoccupied about the situation of Ms. Mansoureh Behkish, and Messrs Abdolfattah Soltani and Mohammad Ali Dadkhah, and urges the authorities to release them and/or end the harassment against them.

205. The Special Rapporteur is further seriously concerned about the detention of key opposition leaders ahead of presidential elections, as expressed in a press statement dated 11 February 2013, and calls again for their immediate release.³

206. The Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that “[r]eminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law”.

Israel

207. JUA 04/09/2012. Case no. [ISR 9/2012](#). State Reply: None to date. Alleged travel ban imposed on human rights defender.

208. 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.

209. JAL 20/12/2012. Case no. [ISR 13/2012](#). State Reply: None to date. Alleged illegal raids of several human rights associations in Ramallah.

² <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12952&LangID=E>

³ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12981&LangID=E>

Observations

210. The Special Rapporteur regrets no reply has been received from the Government of Israel to any of the communications he sent during the reporting period. He considers responses to his communications as an important part of the cooperation of Governments with his mandate, and urges the authorities to provide as soon as possible detailed responses to all the concerns raised in his communications.

211. The Special Rapporteur is concerned about increased restrictions on the rights of individuals to freedom of association and of peaceful assembly. He reminds that one of the key principles of freedom of association is the presumption that the activities of the associations are lawful. He urges authorities to refrain from unduly interfering in the internal affairs of associations and to take positive measures to ensure individuals exercising their right to freedom of association and of peaceful assembly are not subject to, or threaten to be subject to, discrimination, threats or use of violence, harassment, persecution, intimidation or reprisals. He requests the authorities to keep him informed about the measures taken to ensure the physical and psychological integrity of Mr. Ayman Nasser.

212. In light of increased restrictions faced by human rights defenders who are members of associations, the Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 which “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights”.

Jordan

213. 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

214. The Special Rapporteur would like to thank the Government of Jordan for its response to his communication dated 1 October 2012.

215. Despite the assurances provided by the Government of Jordan, the Special Rapporteur remains seriously concerned by several provisions of the 2008 Societies Law, amended in 2009, which do not comply with international norms and standards related to freedom of association. He recommends that the Government revise the 2008 Societies Law, amended in 2009, notably with respect to access to funding; and, to ensure that the revised version complies with the best practices detailed in his reports (see notably A/HRC/20/27). He encourages the Government to consult with civil society organisations which are primary affected by this legislation. He stands ready to provide any technical assistance the Government may require in this regard.

216. The Special Rapporteur reminds the Government of Jordan of his country visit request sent in September 2011, to which a response is yet to be received. He considers such a country visit may provide with a significant opportunity to discuss the technical assistance the Government may require.

Kazakhstan

217. 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.

218. JUA 05/12/2012. Case no. [KAZ 7/2012](#). State Reply: [29/01/2013](#). Alleged sentencing of the chair of the Co-ordination Committee of the People's Party "Alga!" and lawsuit against independent media outlets in the wake of his trial.

Observations

219. The Special Rapporteur thanks the Government of Kazakhstan for its responses to his communications. He however regrets that at the time of the finalization of the present report, the Government had not transmitted a reply to his communication dated 13 January 2012. He considers responses to his communications as an important part of the cooperation of Governments with his mandate, and urges the authorities to provide as soon as possible detailed responses to all the concerns raised in the communication.

220. The Special Rapporteur urges again the authorities to ensure that no individual is criminalised for the exercise of his legitimate fundamental freedoms. He urges the authorities to take all relevant measures to ensure that any individual and legal entity can peacefully exercise their rights of freedom of peaceful assembly and of association. He recommends again that the Government put in place an enabling and safe environment allowing individuals to exercise their legitimate freedoms without undue hindrances.

221. The Special Rapporteur reminds again the Government of Kazakhstan of his country visit request sent in September 2011, to which a response is yet to be received. In this connection, OP6 of resolution 15/21 states that the "Human Rights Council... [c]alls upon States to cooperate fully with and assist the Special Rapporteur in the performance of his or her tasks, to provide all necessary information requested by him or her, ... and to consider favourably his or her requests for visits".

Kenya

222. 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.

223. OL 27/08/2012. Case no. [KEN 3/2012](#). State Reply: None to date. Alleged landmark decision of the Supreme Court of Kenya.

Observations

224. The Special Rapporteur regrets that no response has been received from the Government of Kenya to the two communications he sent during the period under review. He considers responses to his communications as an important part of the cooperation of Governments with his mandate, and urges the authorities to provide as soon as possible detailed responses to all the concerns raised in his communications.

225. The Special Rapporteur is concerned about the allegations of death threats against members of the organisations Kenya Society for the Mentally Handicapped, Disabled Voters of Kenya Alliance and Central Region Deaf Network, and more generally about individuals and their relatives, who took part in peaceful assembly. He urges the authorities to take positive measures to ensure individuals can freely exercise their right to freedom of association and of peaceful assembly and are not subject to, or threaten to be subject to, discrimination, threats or use of violence, harassment, persecution, intimidation or reprisals.

226. The Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that “[r]eminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law”.

Kosovo

227. JAL 10/01/2013. Case no. [KSV 1/2013](#). State Reply: [26/03/2013](#). Alleged physical attacks and threats against lesbian, gay, bisexual, and transgender rights defenders, including members of the organizations Kosovo 2.0 and Libertas.

Observations

228. The Special Rapporteur thanks the Government of the Republic of Kosovo for its response to his communication. He welcomes the establishment of a task force by the police to look into the incidents, and related investigations carried out. He requests the authorities to keep him informed of the progress made into such investigations, subsequent prosecution undertaken and compensation provided to the victims.

Kuwait

229. JAL 30/11/2012. Case no. [KWT 2/2012](#). State Reply: None to date. Alleged interrogation and deportation of prominent human rights defender.

Observations

230. The Special Rapporteur regrets that no response has been received from the Government of Kuwait to his communications dated 30 November 2012. He considers responses to his communications as an important part of the cooperation of Governments with his mandate, and urges the authorities to provide as soon as possible detailed responses to all the concerns raised in his communication.

231. The Special Rapporteur is concerned about allegations that Ms. Nada Dhaif, Chairperson of Bahrain Rehabilitation and Anti-Violence Organization was denied access to the country and deported on the grounds that her name appeared on a list, provided by the Government of Bahrain to the authorities of Kuwait in July 2012, enumerating Bahraini citizens who should be denied entry to the country. He urges the authorities to take positive measures to ensure individuals can freely exercise their right to freedom of association and of peaceful assembly and are not subject to, or threaten to be subject to, discrimination, threats or use of violence, harassment, persecution, intimidation or reprisals.

232. Moreover, the Special Rapporteur continues to receive allegations that the rights to freedom of peaceful assembly and of association are not enjoyed by all without discrimination of any kind. He urges the authorities to refrain from using force during peaceful demonstrations and to ensure that everyone can exercise his/her fundamental freedoms.

233. The Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 which “reminds States of their obligation to respect and

fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights”.

Lao People’s Democratic Republic

234. JAL 20/12/2012. Case no. [LAO 2/2012](#). State Reply: None to date. Allegations of expulsion of a staff member belonging to an international non-governmental organization from the Lao People’s Democratic Republic.

235. JAL 20/12/2012. Case no. [LAO 3/2012](#). State Replies: [03/01/2013](#) and [25/03/2013](#). Allegations of enforced disappearance of a human rights defender working on issues of land grabbing and assisting victims to speak out about their experiences.

Observations

236. The Special Rapporteur thanks the Government of the Lao People’s Democratic Republic for its responses to his communication dated 20 December 2012. He however regrets that the Government did not respond to his other communication also dated 20 December 2012. He considers responses to his communications as an important part of the cooperation of Governments with his mandate, and urges the authorities to provide as soon as possible detailed responses to all the concerns raised in these communications.

237. The Special Rapporteur remains deeply concerned about the case of Mr. Sompath Somphone, and urges the authorities to do its utmost to locate his whereabouts.

238. The Special Rapporteur urges the authorities to take all relevant measures to ensure that any individual and legal entity can peacefully exercise their rights of freedom of peaceful assembly and of association. He recommends that the Government put in place an enabling and safe environment allowing individuals to exercise their legitimate freedoms without undue hindrances.

239. The Special Rapporteur reiterates his concerns that the expulsion of Ms. Anne-Sophie Gindroz from the Lao People’s Democratic Republic may have been linked to the exercise of her rights to freedom of opinion, expression and association.

240. The Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that “[r]eminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law”.

241. The Special Rapporteur reminds the Government of the Lao People’s Democratic Republic of his country visit request sent in September 2011, to which a response is yet to be received. In this connection, OP6 of resolution 15/21 states that the “Human Rights Council... [c]alls upon States to cooperate fully with and assist the Special Rapporteur in the performance of his or her tasks, to provide all necessary information requested by him or her, ... and to consider favourably his or her requests for visits”.

Libya

242. 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.

243. JAL 09/01/2013. Case no. [LBY 3/2012](#). State Reply: None to date. Alleged lack of compliance of new law on peaceful assembly containing provisions with international norms and standards related to freedom of peaceful assembly and to freedom of opinion and expression.

Observations

244. The Special Rapporteur would like to thank the Government of Libya for its response to his communication dated 5 September 2012, but he regrets no response was received to the other communication he sent on 9 January 2013. He considers responses to his communications as an important part of the cooperation of Governments with his mandate, and urges the authorities to provide as soon as possible detailed responses to all the concerns raised in his communication.

245. The Special Rapporteur commends the efforts of the Government for reforming a very strict legal framework governing freedom of association and of peaceful assembly, but he is very concerned about several provisions of a new law on peaceful assembly which do not adequately meet with international norms and standards related to freedom of peaceful assembly. In particular, he would like to highlight that any restrictions to freedom of peaceful assembly must be facilitated within “sight and sound” of its object and target audience. He further calls upon the authorities to ensure that no assembly organizer is held responsible and liable for the unlawful behaviour of others. He urges the authorities to ensure its legislation and its implementation pertaining to freedom of peaceful assembly and of association comply with the best practices detailed in his reports (see notably A/HRC/20/27). He stands ready to provide any technical assistance the Government of Libya may require.

246. The Special Rapporteur is also concerned about reported obstructions faced by peaceful protesters who called for the protection of cultural and religious sites in Libya. He urges the authorities to take positive measures to ensure individuals can freely exercise their right to freedom of association and of peaceful assembly and are not subject to, or threaten to be subject to, discrimination, threats or use of violence, harassment, persecution, intimidation or reprisals.

247. The Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 which “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights”.

Madagascar

248. JAL 14/12/2012. Case no. [MDG 2.2012](#). State Reply: Aucune à ce jour. Allegations de restrictions et d’un usage excessif de la force durant des manifestations pacifiques dans un contexte d’actes de harcèlement contre des journalistes d’une radio.

Observations

249. Le Rapporteur spécial regrette que le Gouvernement de Madagascar n'ait pas répondu à sa communication envoyée le 14 décembre 2012. Il considère les réponses à ses communications comme faisant partie intégrante de la coopération des gouvernements avec son mandat et invite de ce fait le Gouvernement à lui transmettre des réponses aux préoccupations soulevées dans sa communication.

250. Le Rapporteur spécial exprime de vives préoccupations quant à des allégations de restrictions à l'exercice de la liberté de réunion pacifique et d'un usage excessif de la force durant des manifestations pacifiques, dans le cadre de rassemblements visant à soutenir des journalistes d'une radio sujets à des actes d'harcèlement et d'intimidation, puis condamnés pour diffamation et propagation de fausses informations.

251. S'agissant des manifestations du mois de mai 2012, le Rapporteur spécial rappelle l'article 1 de la résolution du Conseil des droits de l'homme 21/16, selon lequel les États ont l'obligation « de respecter et de protéger pleinement le droit de tous les individus de se réunir pacifiquement et de s'associer librement, à la fois en ligne et hors ligne, notamment à l'occasion des élections, *y compris les personnes qui professent des opinions ou des croyances minoritaires ou dissidentes*, les défenseurs des droits de l'homme, les syndicalistes et tous ceux, notamment les migrants, qui cherchent à exercer ou à promouvoir ce droit. »

Malaysia

252. 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.

253. 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.

254. 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.

255. JAL 05/10/2012. Case no. [MYS 12/2012](#). State Reply: [06/02/2013](#). Allegations of on-going harassment of the non-governmental organization Suara Rakyat Malaysia (SUARAM).

256. JAL 12/02/2013. Case no. [MYS 2/2013](#). State Reply: None to date. Allegations of on-going investigations against members of SUARAM under the Peaceful Assembly Act 2012.

257. JUA 14/02/2013. Case no. [MYS 1/2013](#). State Reply: None to date. Allegations of investigations launched by the police to find 14 activists who allegedly brought children to a recent opposition-led rally.

Observations

258. The Special Rapporteur thanks the Government of Malaysia for having replied to four of his communications sent during the reported period, but regrets that his communications dated 12 and 14 February 2013 remain unanswered at the time of drafting the present report. He considers responses to his communications as an important part of the cooperation of Governments with his mandate, and urges the authorities to provide as

soon as possible detailed responses to all the concerns raised in these communications due to the grave nature of the allegations received.

259. The Special Rapporteur further urges the authorities to ensure that no individual is criminalised for the exercise of his or her legitimate fundamental freedoms. He also urges the authorities to take all relevant measures to ensure that any individual and legal entity can peacefully exercise their rights of freedom of peaceful assembly and of association. He recommends that the Government put in place an enabling and safe environment allowing individuals to exercise their legitimate freedoms without undue hindrances. A thorough and independent investigation into any allegations of any alleged human rights violations, including acts of intimidations or harassments, committed against those exercising their rights to freedom of peaceful assembly and of association, should be conducted; those responsible should be held accountable; and victims should be provided with full redress.

260. While welcoming the fact that the Companies Commission of Malaysia and the Registrar of Societies ended their investigations on SUARAM in the absence of conclusive elements, the Special Rapporteur remains concerned about the latest investigations launched against SUARAM under the Peaceful Assembly Act. He calls on the authorities and other stakeholders, including the media, to respect the legitimate work of SUARAM.

261. In a press statement dated 7 June 2012, the Special Rapporteur, jointly with other special procedures mandate holders, “called on the Government of Malaysia and other parties involved to respect and protect the legitimate work of an umbrella group of NGOs campaigning for reform of the electoral process in the lead-up to the general election”⁴ which took place in early May 2013. In this connection, the Special Rapporteur is concerned about the alleged attacks against human rights defenders following this election, and calls on the authorities to investigate all allegations of human rights violations and bring the perpetrators to justice.

262. The Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that “[r]eminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law”.

263. The Special Rapporteur thanks all the stakeholders with whom he met during his academic visit to Malaysia from 6 to 8 September 2012.

264. Finally, the Special Rapporteur thanks the Government of Malaysia for its invitation to undertake a country visit. He hopes that the Government will eventually agree on dates for the mission to materialize.

Maldives

265. JUA 22/03/2012. Case no. [MDV 3/2012](#). State Reply: None to date. Allegations of continuous excessive use of force by law enforcement authorities against, and the arrest and detention of protesters belonging to the Maldivian Democratic Party (MDP).

⁴ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12226&LangID=E>

Observations

266. The Special Rapporteur regrets that the Government of the Maldives did not respond to his communication dated 22 March 2012. He considers responses to his communications as an important part of the cooperation of Governments with his mandate, and urges the authorities to provide as soon as possible detailed responses to all the concerns he raised in his communication.

267. The Special Rapporteur urges again the authorities to ensure that any individual and legal entity, including political parties, can peacefully exercise their right of freedom of peaceful assembly. A thorough and independent investigation into any allegations of excessive use of force and of torture and ill treatment, including against women, during peaceful demonstrations, should be conducted; those responsible should be held accountable; and victims should be provided with full redress.

268. The Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that “[r]eminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law”.

269. The Special Rapporteur hopes to honour in the near future the invitation extended by the Government in 2011 to conduct a field visit to the Maldives.

Mauritania

270. JUA 27/07/2012. Case no. [MRT 2/2012](#). State Reply: Aucune à ce jour. 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

271. Le Rapporteur spécial regrette que le Gouvernement de la Mauritanie n’ait pas répondu à sa communication envoyée le 14 décembre 2012. Il considère les réponses à ses communications comme faisant partie intégrante de la coopération des gouvernements avec son mandat et invite de ce fait le Gouvernement à lui transmettre des réponses aux préoccupations soulevées dans sa communication.

272. Le Rapporteur spécial a pris note de la remise en liberté de militants de l’Initiative pour la Résurgence du Mouvement Abolitionniste en Mauritanie, une organisation qui lutte pour l’éradication de l’esclavage, mais a été informé que les charges portées à leur encontre n’ont pas été abandonnées et qu’ils étaient susceptibles d’être convoqués devant la justice à tout moment. Il appelle les autorités à prendre toute mesure positive nécessaire afin de favoriser l’exercice de la liberté d’association et de réunion pacifique par tous.

273. En particulier, le Rapporteur spécial rappelle l’article 1 de la résolution du Conseil des droits de l’homme 21/16, selon lequel les États ont l’obligation « de respecter et de protéger pleinement le droit de tous les individus de se réunir pacifiquement et de s’associer librement, à la fois en ligne et hors ligne, notamment à l’occasion des élections, *y compris les personnes qui professent des opinions ou des croyances minoritaires ou dissidentes*, les défenseurs des droits de l’homme, les syndicalistes et tous ceux, notamment les migrants, qui cherchent à exercer ou à promouvoir ce droit » (italiques ajoutés).

Mexico

274. JUA 20/04/2012. Case no. [MEX 9/2012](#). State Reply: None to date. Presuntos actos de hostigamiento e intimidación.

275. 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.

Observaciones

276. El Relator Especial quisiera agradecer la respuesta detallada del Gobierno de México al llamamiento urgente MEX 13/2012 con fecha de 8 de junio de 2012 sobre las presuntas amenazas y agresiones contra varios defensores de derechos humanos, la cual incluye detalles sobre los esquemas de protección acordados. Sin embargo, lamenta no haber recibido, hasta la fecha, respuesta a su llamamiento urgente MEX 9/ 2012 con fecha 20 de abril de 2012 referente a presuntas amenazas y actos de hostigamiento contra integrantes del Comité de Familiares de Detenidos y Desaparecidos “Hasta Encontrarlos”.

277. El Relator quisiera insistir de nuevo en la necesidad de asegurar la existencia de un ambiente seguro y propicio para la sociedad civil que permita el libre ejercicio de los derechos de asociación y reunión pacífica, especialmente para aquellos que defienden los intereses de los menos favorecidos. Asimismo, reitera que el Estado tiene una obligación positiva de llevar a cabo medidas eficaces para hacer efectivo el disfrute de estos derechos.

278. Se reitera el contenido del párrafo operativo 1 de la Resolución 21/16 del Consejo de Derechos Humanos donde se “[r]ecuerda a los Estados su obligación de respetar y proteger plenamente los derechos de todas las personas a la libertad de reunión pacífica y de asociación por cualquier vía, electrónica o no, también en el contexto de unas elecciones, incluidos los de las personas que abracen convicciones o creencias minoritarias o disidentes, los defensores de los derechos humanos, las personas afiliadas a sindicatos y otras personas, incluidos los migrantes, que traten de ejercer o promover esos derechos, y a que adopten todas las medidas necesarias para asegurar que cualquier restricción al libre ejercicio del derecho a la libertad de reunión pacífica y de asociación sea conforme con las obligaciones que les incumben en virtud del derecho internacional de los derechos humanos.”

Morocco

279. JAL 23/03/2012. Case no. [MAR 1/2012](#). State Reply: Aucune à ce jour. 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).

280. 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

281. Le Rapporteur spécial remercie le Gouvernement du Maroc pour la réponse transmise à sa communication envoyée le 27 novembre 2012, mais regrette ne pas avoir pu poursuivre l’échange concernant le cas de l’Association sahraouie des victimes de graves violations des droits de l’Homme (ASVDH), après une première réponse transmise par le Gouvernement l’année dernière.

282. Le Rapporteur spécial se félicite que, selon les informations transmises par le Gouvernement, 576 manifestations ont pu être organisées et se dérouler sans incident dans la capitale en 2012, mais demeure préoccupé par les allégations répétées, qu’il continue de

recevoir, d'usage excessif de la force durant des manifestations pacifiques, y compris contre des personnes venues couvrir les manifestations en question.

283. Eu égard aux allégations répétées de restrictions indues à la liberté d'association et de réunion pacifique au Sahara occidental, il rappelle l'article 1 de la résolution du Conseil des droits de l'homme 21/16, selon lequel les États ont l'obligation « de respecter et de protéger pleinement le droit de tous les individus de se réunir pacifiquement et de s'associer librement, à la fois en ligne et hors ligne, notamment à l'occasion des élections, y compris les personnes qui professent des opinions ou des croyances minoritaires ou dissidentes, les défenseurs des droits de l'homme, les syndicalistes et tous ceux, notamment les migrants, qui cherchent à exercer ou à promouvoir ce droit. » Le Rapporteur spécial demande aux autorités de le tenir informé des mesures prises pour assurer la formation d'associations de droits de l'homme, y compris de l'ASVDH.

284. Le Rapporteur spécial rappelle au Gouvernement du Maroc la demande de visite pays qu'il a formulée en décembre 2011. Dans ce contexte, le paragraphe 6 de la résolution 15/21 prévoit que le « Conseil des droits de l'homme [e]ngage les États à prêter leur concours et à offrir une coopération sans réserve au Rapporteur spécial lorsqu'il exerce ses fonctions ... et à donner une suite favorable à ses demandes de visite. »

Myanmar

285. 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.

286. JAL 22/10/2012. Case no. [MMR 7/2012](#). State Reply: None to date. Alleged discriminatory restrictions and systematic violations of the right to freedom of religion or belief of Chin Christians in Myanmar.

287. 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.

288. JUA 13/12/2012. Case no. [MMR 12/2012](#). State Reply: None to date. Alleged re-arrest and detention of former prisoner of conscience.

Observations

289. The Special Rapporteur regrets that the Government of Myanmar did not respond to any of his communications sent since the beginning of his tenure. He considers responses to his communications as an important part of the cooperation of Governments with his mandate, and urges the authorities to provide detailed answers to all the concerns raised in the communication.

290. The Special Rapporteur further urges the authorities to ensure that no individual is criminalised for the exercise of his or her legitimate fundamental freedoms. He also urges the authorities to take all relevant measures to ensure that any individual and legal entity, including political parties, can peacefully exercise their rights of freedom of peaceful assembly and of association. He recommends that the Government put in place an enabling and safe environment allowing individuals to exercise their legitimate freedoms without undue hindrances. A thorough and independent investigation into any allegations of any human rights violations, including acts of intimidations or harassments, committed against those exercising their rights to freedom of peaceful assembly and of association, should be conducted; those responsible should be held accountable; and victims should be provided with full redress.

291. The Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that “[r]eminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law”.

292. The Special Rapporteur further regrets that the Government of Myanmar responded negatively to his request to undertake a country mission to the country due to the reported unavailability of the concerned authorities. He urges the authorities to reconsider his request carefully. In this connection, OP6 of resolution 15/21 states that the “Human Rights Council... [c]alls upon States to cooperate fully with and assist the Special Rapporteur in the performance of his or her tasks, to provide all necessary information requested by him or her, ... and to consider favourably his or her requests for visits”.

Netherlands

293. 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

294. The Special Rapporteur wishes to thank the Government of the Netherlands for its response to the communication sent during the reporting period.

295. The Special Rapporteur notes that Mr. Kurbanjan Mutalip was granted a residence permit in July 2012.

Oman

296. JUA 21/06/2012. Case no. [OMN 1/2012](#). State Replies: [14/08/2012](#); [18/08/2012](#). Allegations of arbitrary arrest, detention and criminalisation of human rights defenders.

297. JUA 10/08/2012. Case no. [OMN 2/2012](#). State Replies: [14/08/2012](#); [18/08/2012](#). Alleged arrest, detention and sentencing of human rights defenders.

298. JUA 27/02/2013. Case no. [OMN 1/2013](#). State Replies: [20/03/2013](#); [21/03/2013](#). Alleged hunger strike started by eleven human rights defenders detained at Samail Central Prison, to protest their sentencing as well as delays in processing their cases at the Muscat Court of Appeals.

Observations

299. The Special Rapporteur wishes to thank the Government of Oman for replying to all the communications he sent during the period under review.

300. The Special Rapporteur is very concerned about the high number of arrests, of charges and of sentencing against individuals who have taken part in, or have monitored peaceful assemblies during the reporting period. The Special Rapporteur takes note of the efforts of the authorities to ensure the respect of a due process, but the replies transmitted by the Government have not dispelled his concerns about the physical and psychological integrity of individuals exercising their rights to freedom of peaceful assembly and

association in the country. The Special Rapporteur is especially concerned about overly broad interpretations of laws that have resulted in undue restrictions on individuals' rights to freedom of association and of peaceful assembly

301. The Special Rapporteur is also concerned about repeated allegations of excessive use of force during demonstrations that have largely been peaceful in the reporting period he continues to receive. He urges the authorities to ensure its legislation and its implementation pertaining to freedom of peaceful assembly and of association comply with the best practices detailed in his reports (see notably A/HRC/20/27). He remains available to provide any technical assistance the Government might require in this regard.

302. The Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 which "reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights".

303. The Special Rapporteur reminds the Government of Oman of his country visit request sent in September 2011, to which a response is yet to be received. He considers such a country visit may provide with a significant opportunity to discuss any technical assistance the Government may require.

Pakistan

304. 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.

305. JUA 27/08/2012. Case no. [PAK 10/2012](#). State Reply: [27/08/2012](#). Alleged accusation against human rights defenders of blasphemy.

306. 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.

307. JAL 01/02/2013. Case no. [PAK 1/2013](#). State Reply: [04/02/2013](#). Alleged killing of seven human rights defenders working for the non-governmental organisation Support with Working Solutions (SWWS).

Observations

308. The Special Rapporteur takes notes of the responses of the Government of Pakistan in which it acknowledged receipt of his communications. He considers responses to his communications as an important part of the cooperation of Governments with his mandate, and urges the authorities to provide detailed answers to all the concerns raised in his communications.

309. The Special Rapporteur is deeply disturbed about the killing of the seven SWWS staff members. He urges the authorities to conduct a thorough and independent investigation into this appalling case. Those responsible should be held accountable, and victims should be provided with full redress.

310. The Special Rapporteur further urges the authorities to ensure that no individual is criminalised for the exercise of his or her legitimate fundamental freedoms. He also urges the authorities to take all relevant measures to ensure that any individual and legal entity, including political parties, can peacefully exercise their rights of freedom of peaceful assembly and of association. He recommends that the Government put in place an enabling and safe environment allowing individuals to exercise their legitimate freedoms without

undue hindrances. A thorough and independent investigation into any allegations of any alleged human rights violations, including acts of intimidations or harassments, committed against those exercising their rights to freedom of peaceful assembly and of association, should be conducted; those responsible should be held accountable; and victims should be provided with full redress.

311. The Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that “[r]eminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law”.

312. The Special Rapporteur reminds the Government of Pakistan of his country visit request sent in September 2011, to which a response is yet to be received. In this connection, OP6 of resolution 15/21 states that the “Human Rights Council... [c]alls upon States to cooperate fully with and assist the Special Rapporteur in the performance of his or her tasks, to provide all necessary information requested by him or her, ... and to consider favourably his or her requests for visits”.

Panama

313. JAL 04/01/2013. Case no. [PAN 7/2012](#). State Reply: None to date. Presunta violencia policial, actos de tortura, abuso racista y denegación del acceso a la salud en respuesta a manifestaciones pacíficas en contra de la Ley reorganizadora de la Zona Libre de Colón.

Observaciones

314. El Relator lamenta no haber recibido respuesta por parte del Gobierno a la carta de alegaciones con fecha de 4 de enero de 2013 (PAN 7/ 2012) enviada conjuntamente con otros expertos independiente de la ONU, en la cual expresaba su preocupación por las graves alegaciones recibidas respecto de la conducta de las fuerzas de orden público en el contexto de diversas manifestaciones que tuvieron lugar entre los días 19 y 26 de octubre de 2012.

315. En dicha comunicación, el Relator, junto con otros expertos independientes de la ONU, mostraba su preocupación por las alegaciones acerca de diversas violaciones del derecho a la libertad de asamblea pacífica, especialmente sobre alegaciones referidas al excesivo uso de la fuerza por parte de los cuerpos y fuerzas de seguridad del Estado. Este comportamiento ocasionó víctimas mortales, presuntos malos tratos de detenidos, incluyendo actos de tortura, y denegación de acceso a atención médica y jurídica. El Relator considera que las alegaciones son muy graves y exhorta al Gobierno a proporcionar una respuesta detallada, incluyendo información sobre las investigaciones para identificar y castigar debidamente a los presuntos autores de las violaciones así como sobre las reparaciones a las víctimas y sus familiares.

316. Se reitera el contenido del párrafo operativo 1 de la Resolución 21/16 del Consejo de Derechos Humanos donde se “[r]ecuerda a los Estados su obligación de respetar y proteger plenamente los derechos de todas las personas a la libertad de reunión pacífica y de asociación por cualquier vía, electrónica o no, también en el contexto de unas elecciones, incluidos los de las personas que abracen convicciones o creencias minoritarias o

disidentes, los defensores de los derechos humanos, las personas afiliadas a sindicatos y otras personas, incluidos los migrantes, que traten de ejercer o promover esos derechos, y a que adopten todas las medidas necesarias para asegurar que cualquier restricción al libre ejercicio del derecho a la libertad de reunión pacífica y de asociación sea conforme con las obligaciones que les incumben en virtud del derecho internacional de los derechos humanos.”

Peru

317. 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.

318. 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

319. El Relator agradece la respuesta del Gobierno a su carta de alegaciones con fecha de 15 de agosto de 2012 (PER 3/2012) acerca de las presuntas agresiones físicas contra miembros de varias organizaciones de derechos humanos.

320. Sin embargo, el Relator lamenta que hasta la fecha no se haya recibido respuesta al llamamiento urgente enviado el 26 de julio de 2012 (PER 2/2012) conjuntamente con otros expertos independientes de la ONU. Dicho llamamiento expresaba preocupación acerca de las alegaciones recibidas sobre actos de violencia y ejecuciones extrajudiciales en el marco de unas protestas sociales contra proyectos de explotación minera en las regiones de Cajamarca y Espinar. El Relator considera que las alegaciones son muy serias y exhorta al Gobierno a proporcionar una respuesta detallada, incluyendo información sobre las investigaciones para identificar y castigar debidamente a los presuntos autores de las violaciones, así como sobre las reparaciones a las víctimas y sus familiares.

321. En este contexto, el Relator quisiera insistir en la necesidad de asegurar la existencia de un ambiente seguro y propicio para que se permita a individuos, sociedad civil y movimientos sociales el libre ejercicio del derecho reunión pacífica. El Relator quisiera hacer una referencia especial a la protesta social pacífica de aquellos que defienden los intereses de los menos favorecidos, a menudo expresando su oposición a actividades de explotación de recursos naturales por parte de empresas y corporaciones. Asimismo, reitera que el Estado tiene una obligación positiva de llevar a cabo medidas eficaces para hacer efectivo el disfrute de estos derechos.

322. Se reitera el contenido del párrafo operativo 1 de la Resolución 21/16 del Consejo de Derechos Humanos donde se “[r]ecuerda a los Estados su obligación de respetar y proteger plenamente los derechos de todas las personas a la libertad de reunión pacífica y de asociación por cualquier vía, electrónica o no, también en el contexto de unas elecciones, incluidos los de las personas que abracen convicciones o creencias minoritarias o disidentes, los defensores de los derechos humanos, las personas afiliadas a sindicatos y otras personas, incluidos los migrantes, que traten de ejercer o promover esos derechos, y a que adopten todas las medidas necesarias para asegurar que cualquier restricción al libre ejercicio del derecho a la libertad de reunión pacífica y de asociación sea conforme con las obligaciones que les incumben en virtud del derecho internacional de los derechos humanos.”

Philippines

323. JUA 28/12/2012. Case no. [PHL 7/2012](#). State Reply: None to date. Alleged continued wave of harassment, stigmatization, threats, and killings of human rights defenders, in particular environmental and indigenous rights defenders, many of whom are women human rights defenders and indigenous leaders.

Observations

324. The Special Rapporteur regrets that the Government of the Philippines did not respond to any of his communications sent since the beginning of his tenure. He considers responses to his communications as an important part of the cooperation of Governments with his mandate, and urges the authorities to provide as soon as possible detailed responses to all the concerns raised in these communications.

325. The Special Rapporteur remains gravely concerned by allegations of killings and other acts of violence against individuals exercising peacefully their rights of freedom of peaceful assembly and of association. A thorough and independent investigation into the abovementioned allegations of human rights violations should be conducted; those responsible should be held accountable; and victims should be provided with full redress. He requests that the Government keep him informed about the investigations conducted in relation to both cases.

326. The Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that “[r]eminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law”.

327. The Special Rapporteur reminds the Government of the Philippines of his country visit request sent in September 2011, to which a response is yet to be received. In this connection, OP6 of resolution 15/21 states that the “Human Rights Council... [c]alls upon States to cooperate fully with and assist the Special Rapporteur in the performance of his or her tasks, to provide all necessary information requested by him or her, ... and to consider favourably his or her requests for visits”.

Poland

328. OL 23/07/2012. Case no. [POL 1/2012](#). State Reply: None to date. Allegation of legislative amendments that may unduly limit the right of peaceful assembly.

Observations

329. The Special Rapporteur regrets the Government of Poland did not reply to the communication he sent during the period under review. He considers responses to his communications as an important part of the cooperation of Governments with his mandate, and urges the authorities to provide as soon as possible detailed responses to all the concerns raised in his communication.

330. The Special Rapporteur is concerned that some provisions of the proposed amendments made to the 1990 Law on Assemblies may operate a setback in the enjoyment

of the rights to freedom of peaceful assembly and of association. The Special Rapporteur urges the authorities to ensure its legislation and its implementation pertaining to freedom of peaceful assembly and of association favour the exercise of these freedoms and comply with the best practices detailed in his reports (see notably A/HRC/20/27). He remains available to provide any technical assistance the Government might require in this regard.

331. The Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 which “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights”.

Republic of Korea

332. 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.

Observations

333. The Special Rapporteur thanks the Government of the Republic of Korea for its response.

334. The Special Rapporteur urges the authorities to ensure that no individual is criminalised for the exercise of his or her legitimate fundamental freedoms. He also urges the authorities to take all relevant measures to ensure that any individual and legal entity, including political parties, can peacefully exercise their rights of freedom of peaceful assembly and of association. He recommends that the Government put in place an enabling and safe environment allowing individuals to exercise their legitimate freedoms without undue hindrances. A thorough and independent investigation into any allegations of any human rights violations, including acts of intimidations or harassments, committed against those exercising their rights to freedom of peaceful assembly and of association, should be conducted; those responsible should be held accountable; and victims should be provided with full redress.

335. The Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that “[r]eminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law”.

Republic of Moldova

336. 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.

337. JUA 08/02/2013. Case no. [MDA 1/2013](#). State Reply: [09/04/2013](#). Alleged risks to the physical and psychological integrity of Ms. Angela Frolov and Ms. Doina Ioana Straisteanu in view of insults and threats received during court hearings

Observations

338. The Special Rapporteur wishes to thank the Government of the Republic of Moldova for replying to the two communications he sent during the reporting period.

339. The Special Rapporteur urges the authorities to refrain from adopting and/or from implementing legislation that will unduly restrict the rights to freedom of association and of peaceful assembly to all individuals without discrimination of any kind. He further urges the authorities to ensure that no one is subject to, or threaten to be subject to, discrimination, threats or use of violence, harassment, persecution, intimidation or reprisals when exercising their rights to freedom of association and of peaceful assembly. He requests the authorities to keep him informed about the measures taken to ensure the physical and psychological integrity of Ms. Angela Frolov and Ms. Doina Ioana Straisteanu.

340. In relation to reported acts of harassment and intimidation against human rights defenders, the Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 which “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and *including persons espousing minority or dissenting views or beliefs*, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights” (emphasis added).

Russian Federation

341. 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.

342. 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.

343. 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.

344. JAL 21/01/2013. Case no. [RUS 1/2013](#). State Reply: [18/03/2013](#). Allegations of repeated undue restrictions related to the right to freedom of peaceful assembly and of association affecting mostly human rights defenders and activists.

Observations

345. The Special Rapporteur thanks the Government of the Russian Federation for its responses to his communications. He however regrets that the Government did not respond to his communication dated 20 June 2012. He considers responses to his communications as an important part of the cooperation of Governments with his mandate, and urges the authorities to provide as soon as possible detailed responses to all the concerns raised in these communications.

346. The Special Rapporteur remains deeply concerned about the adoption of the 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, and its on-going implementation, in violation of international human rights norms and standards governing the exercise of the right to freedom of association.

347. The Special Rapporteur remains equally concerned about the targeting by the authorities of peaceful protestors voicing dissent views, as well as undue restrictions on the right to freedom of peaceful assembly in the country, in particular the law amending the Code on Administrative Violation and the Federal Law on Assemblies, Meetings, Demonstrations, Processions and Picketing.

348. The Special Rapporteur urges the authorities to ensure that no individual is criminalised for the exercise of his or her legitimate fundamental freedoms. He also urges the authorities to take all relevant measures to ensure that any individual and legal entity, including political parties, can peacefully exercise their rights of freedom of peaceful assembly and of association. In this regard, he urges the authorities to bring the legal framework governing the exercise of the rights to freedom of peaceful assembly and of association in conformity with international human rights norms and standards (see notably A/HRC/20/27).

349. The Special Rapporteur also recommends that the Government put in place an enabling and safe environment allowing individuals to exercise their legitimate freedoms without undue hindrances. A thorough and independent investigation into any allegations of any human rights violations, including acts of intimidations or harassments, committed against those exercising their rights to freedom of peaceful assembly and of association, should be conducted; those responsible should be held accountable; and victims should be provided with full redress.

350. The Special Rapporteur, referring to the response of the Government to his request to undertake a visit, in which it stated that due to a heavy schedule it would resume discussion on a possible visit in 2013, hopes that mutually convenient dates for a visit in the near future will be identified.

Saudi Arabia

351. JUA 03/05/2012. Case no. [SAU 7/2012](#). State Reply: [01/02/2013](#). 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.

352. 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.

353. JAL 20/09/2012. Case no. [SAU 11/2012](#). State Reply: None to date. Allegations of excessive use of force used by law enforcement officers during assemblies, which resulted in the death of two participants.

354. JUA 21/12/2012. Case no. [SAU 13/2012](#). State Reply: None to date. Alleged arbitrary arrest of a human rights defender aged 77.

355. JUA 01/02/2013. Case no. [SAU 1/2013](#). State Reply: None to date. Alleged arbitrary arrest and detention of the spouse and the three children of a detainee, as well as of approximately 60 men, on the occasion of a peaceful protest in front of a prison.

Observations

356. The Special Rapporteur regrets the Government of Saudi Arabia only replied to one of the communications during the period under review. He considers responses to his communications as an important part of the cooperation of Governments with his mandate, and urges the authorities to provide as soon as possible detailed responses to all the concerns raised in these communications.

357. The Special Rapporteur is gravely concerned about the physical and psychological integrity of individuals exercising their rights to freedom of peaceful assembly and of association in the country, particularly of those promoting and protecting human rights. He calls upon the relevant authorities to ensure that no one is criminalised for the exercise of his legitimate rights and freedoms, and to release immediately and unconditionally all persons convicted for exercising their legitimate rights and freedoms. In light of the gravity of the allegations received during the reporting period, he requests the Government to keep him informed about any evolution of the situation of those mentioned in his communications who were arrested, charged or convicted in relation of the exercise of their rights and freedoms; and about the steps taken to secure the rights to freedom of peaceful assembly and of association, in law and in practice.

358. The Special Rapporteur is also very disturbed about allegations of killings during demonstrations. He reminds that the right to life and to be free from torture or cruel, inhuman or degrading treatment or punishment are a non-derogable right in international human rights law, including in the context of assemblies. In this regard, he refers to Article 5 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (1990), which provides that “whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall minimize damage and injury, and respect and preserve human life.” He calls upon the authorities to carry out a thorough and independent investigation into any allegations of excessive use of force and of torture and ill treatment during peaceful demonstrations that took place in July 2012; to hold accountable those responsible; and to provide full redress to victims.

359. The Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 which “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, *human rights defenders*, trade unionists and others, including migrants, seeking to exercise or to promote these rights” (emphasis added).

Singapore

360. JUA 10/12/2012. Case no. [SGP 4/2012](#). State Reply: [15/02/2013](#). Alleged legal sanctions brought against migrant public bus drivers from China in relation to a strike they undertook to demand equal pay.

Observations

361. The Special Rapporteur thanks the Government of Singapore for its response.

362. The Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that “[r]eminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law”.

Sri Lanka

363. 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.

364. JUA 10/12/2012. Case no. [LKA 6/2012](#). State Replies: [12/12/2012](#) and [15/02/2013](#). Alleged unlawful arrest of members of the Asian Federation Against Involuntary Disappearances (AFAD) in Colombo.

Observations

365. The Special Rapporteur thanks the Government of Sri Lanka for its responses to his communication of 10 December 2012. He however regrets that no reply has been received from the Government of Sri Lanka to the three previous communications he has sent. He considers responses to his communications as an important part of the cooperation of Governments with his mandate, and urges the authorities to provide as soon as possible detailed responses to all the concerns raised in his communications.

366. The Special Rapporteur urges the authorities to take all relevant measures to ensure that any individual and legal entity can peacefully exercise their rights of freedom of peaceful assembly and of association. He recommends that the Government put in place an enabling and safe environment allowing individuals to exercise their legitimate freedoms without undue hindrances. A thorough and independent investigation into any allegations of any alleged human rights violations, including acts of intimidations or harassments, committed against those exercising their rights to freedom of peaceful assembly and of association, should be conducted; those responsible should be held accountable; and victims should be provided with full redress.

367. The Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that “[r]eminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law”.

368. The Special Rapporteur reminds the Government of Sri Lanka of his country visit request sent in September 2011, to which a response is yet to be received. In this connection, OP6 of resolution 15/21 states that the “Human Rights Council... [c]alls upon States to cooperate fully with and assist the Special Rapporteur in the performance of his or her tasks, to provide all necessary information requested by him or her, ... and to consider favourably his or her requests for visits”.

Sudan

369. JUA 08/06/2012. Case no. [SDN 3/2012](#). State Replies: [26/06/2012](#); [03/07/2012](#). Allegation of arbitrary detention and ill-treatment of human rights defender.

370. 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.

371. JUA 03/08/2012. Case no. [SDN 5/2012](#). State Reply: None during the reporting period. Allegations of excessive use of force in the context of peaceful demonstrations resulting in killings, injuries and torture and ill-treatment, and mass arrests.

372. JUA 12/10/2012. Case no. [SDN 7/2012](#). State Reply: None to date. Allegations of charges brought against a political activist and human rights defender.

373. JAL 17/01/2013. Case no. [SDN 1/2013](#). State Reply: [15/03/2013](#). Alleged arbitrary closure of several human rights associations.

Observations

374. The Special Rapporteur wishes to thank the Government of Sudan for the replies it transmitted to three of the communications he sent during the reporting period, but he regrets that two communications have remained unanswered. He considers responses to his communications as an important part of the cooperation of Governments with his mandate, and urges the authorities to provide as soon as possible detailed responses to all the concerns raised in his communications.

375. The Special Rapporteur is gravely concerned about the physical and psychological integrity of individuals exercising their rights to freedom of peaceful assembly and association in Sudan. He is seriously concerned about reports indicating that on the occasion of demonstrations largely peaceful that have been taken place during the reporting period, law enforcement officials used teargas, rubber bullets and batons to disperse and arrest peaceful protesters; and that several demonstrators were subject to torture while in detention. The Special Rapporteur is particularly disturbed about allegations of deaths during demonstrations. He reminds that the right to life and to be free from torture or cruel, inhuman or degrading treatment or punishment are a non-derogable right in international human rights law, including in the context of assemblies. In this regard, he refers to Article 5 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (1990), which provides that “whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall minimize damage and injury, and respect and preserve human life.” He also underlines that “States Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation.” (Article 14 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which the Syrian Arab Republic is a State party). He calls upon the authorities to carry out a thorough and independent investigation; to hold accountable those responsible; and to provide full redress to victims. He further calls upon the authorities to release immediately and unconditionally all persons convicted for exercising their legitimate rights and freedoms. He requests the Government to keep him informed about the investigations conducted in relation to the aforementioned cases.

376. Furthermore, the Special Rapporteur is concerned about the closure of several human rights associations in the country. He notes the reply transmitted by the Government of Sudan, but he remains preoccupied that these measures may be related to the human rights work carried out by the concerned associations and may be a direct attempt to silence and intimidate independent civil society actors. He urges the authorities to take positive measures to ensure individuals can freely exercise their right to freedom of association and of peaceful assembly and are not subject to, or threaten to be subject to, discrimination, threats or use of violence, harassment, persecution, intimidation or reprisals.

377. The Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 which “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights”.

Swaziland

378. JAL 26/04/2012. Case no. [SWZ 2/2012](#). State Reply: None to date. Alleged de-registration of a trade union and excessive use of force during demonstrations.

379. JAL 20/09/2012. Case no. [SWZ 3/2012](#). State Reply: None to date. Alleged excessive use of force against student protesters.

Observations

380. The Special Rapporteur regrets that no reply has been received from the Government of Swaziland to the communications he sent on 26/04/2012 and on 29/09/2012. He considers responses to his communications as an important part of the cooperation of Governments with his mandate, and urges the authorities to provide as soon as possible detailed responses to all the concerns raised in his communications.

381. The Special Rapporteur is concerned about increasing restrictions on freedom of peaceful assembly and of association in the country. The Special Rapporteur considers crucial that individuals can take part in associations, including political parties, unions or civic organisations, to express their opinions and views, including in relation to economic, social and cultural rights. He urges the authorities to reconsider the decision to de-register the Trade Union Congress of Swaziland and to take steps to secure the right to freedom of association and of peaceful assembly.

382. In this context, the Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 which “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights”.

Syrian Arab Republic

383. JUA 27/03/2012. Case no. [SYR 4/2012](#). State Reply: None to date. Allegations of arbitrary arrest, incommunicado detention and possible enforced disappearances.

384. JUA 02/11/2012. Case no. [SYR 9/2012](#). State Reply: None to date. Allegations of arbitrary arrests, incommunicado detention, killings and torture.

385. JUA 08/11/2012. Case no. [SYR 10/2012](#). State Reply: [24/04/2013](#). Alleged enforced disappearance of representatives of associations.

Observations

386. The Special Rapporteur deeply regrets that, in light of the gravity of the allegations received, the Government of the Syrian Arab Republic only replied to one of the communications he sent during the reporting period. He considers responses to his communications as an important part of the cooperation of Governments with his mandate,

and urges the authorities to provide as soon as possible detailed responses to all the concerns raised in his communications.

387. The Special Rapporteur remains extremely concerned about the physical and psychological integrity of individuals exercising their rights to freedom of peaceful assembly and association in the Syrian Arab Republic. He is deeply disturbed by allegations of excessive use of force during demonstrations, killings and torture, arbitrary arrest, incommunicado detention, enforced disappearances in the context of the exercise of the rights to freedom of association and of peaceful assembly. He reminds that the right to life and to be free from torture or cruel, inhuman or degrading treatment or punishment are a non-derogable right in international human rights law, including in the context of assemblies. In this regard, he refers to Article 5 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (1990), which provides that “whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall minimize damage and injury, and respect and preserve human life.” He also underlines that “States Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation.” (Article 14 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which the Syrian Arab Republic is a State party). A thorough and independent investigation into any allegations of excessive use of force and of torture and ill treatment during peaceful demonstrations should be conducted; those responsible should be held accountable; and victims should be provided with full redress. He urges the Government to keep him informed about the investigations conducted in relation to the aforementioned cases.

388. The Special Rapporteur calls upon the relevant authorities to ensure that no one is criminalised for the exercise of his legitimate rights and freedoms. He urges the authorities to release immediately and unconditionally all persons convicted for exercising their legitimate rights and freedoms.

389. The Special Rapporteur regrets the Government of the Syrian Arab Republic did not respond to his letter dated 1 December 2011, in which he proposed dates for a visit when conditions were conducive for such a visit, after the Government extended an invitation for such a visit to take place “during the first months of [2012]”.

Tajikistan

390. 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).

391. 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

392. The Special Rapporteur thanks the Government of Tajikistan for its response. He however regrets that no reply has been received to the communication of 20 November 2012. He considers responses to his communications as an important part of the cooperation of Governments with his mandate, and urges the authorities to provide as soon as possible detailed responses to all the concerns raised in his communication.

393. The Special Rapporteur remains seriously concerned about the closure of the Association of Young Lawyers of Tajikistan (Amparo), allegations received pointing to the received pointing to the lack of transparency and clear procedural guidelines regarding the conduct of the audit as well as significant irregularities in the auditing process itself. This is all the more disturbing that Amparo had actively engaged with United Nations human rights mechanism, particularly on issues related to torture and ill-treatment.

394. The Special Rapporteur urges the authorities to take all relevant measures to ensure that any individual and legal entity can peacefully exercise their rights of freedom of peaceful assembly and of association. He recommends that the Government put in place an enabling and safe environment allowing individuals to exercise their legitimate freedoms without undue hindrances. A thorough and independent investigation into any allegations of any alleged human rights violations, including acts of intimidations or harassments, committed against those exercising their rights to freedom of peaceful assembly and of association, should be conducted; those responsible should be held accountable; and victims should be provided with full redress.

395. The Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that “[r]eminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law”.

Thailand

396. 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.

397. JAL 09/01/2013. Case no. [THA 1/2013](#). State Reply: [20/03/2013](#). Alleged killing of two women human rights defenders.

Observations

398. The Special Rapporteur thanks the Government of Thailand for its response to his communication of 9 January 2013. He however regrets that no reply has been received to the communication of 25 July 2012. He considers responses to his communications as an important part of the cooperation of Governments with his mandate, and urges the authorities to provide as soon as possible detailed responses to all the concerns raised in his communications.

399. The Special Rapporteur remains deeply disturbed about the killing of Ms. Montha Chukaew and Ms. Pranee Boonrat, and calls on the Government to keep him informed on the prosecution undertaken in relation to this case.

400. The Special Rapporteur urges the authorities to take all relevant measures to ensure that any individual and legal entity can peacefully exercise their rights of freedom of peaceful assembly and of association. He recommends that the Government put in place an enabling and safe environment allowing individuals to exercise their legitimate freedoms without undue hindrances. A thorough and independent investigation into any allegations of any human rights violations, including acts of intimidations or harassments, committed against those exercising their rights to freedom of peaceful assembly and of association,

should be conducted; those responsible should be held accountable; and victims should be provided with full redress.

401. The Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that “[r]eminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law”.

402. The Special Rapporteur reminds the Government of Thailand of his country visit request sent in September 2011, to which a response is yet to be received. In this connection, OP6 of resolution 15/21 states that the “Human Rights Council... [c]alls upon States to cooperate fully with and assist the Special Rapporteur in the performance of his or her tasks, to provide all necessary information requested by him or her, ... and to consider favourably his or her requests for visits”.

Tunisia

403. 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.

404. JAL 05/12/2012. Case no. [TUN 6/2012](#). State Reply: Aucune à ce jour. Allégations d’assassinat d’un activiste politique et syndicaliste.

Observations

405. Le Rapporteur spécial remercie le Gouvernement de la Tunisie pour la réponse transmise à sa communication envoyée le 20 avril 2012, mais regrette ne pas avoir pu recu de réponse à la deuxième communication envoyée durant la période couverte par le présent rapport. Il considère les réponses à ses communications comme faisant partie intégrante de la coopération des gouvernements avec son mandat et invite de ce fait le Gouvernement à lui transmettre des réponses aux préoccupations soulevées dans sa communication.

406. Le Rapporteur spécial est sérieusement préoccupé par les allégations d’assassinat de M. Mohamed Lotfi Nagedh, activiste politique et syndicaliste, durant une manifestation. Il rappelle que le droit à la vie et le droit de ne pas être soumis à la torture et autres peines ou traitements cruels, inhumains ou dégradants sont des droits non-derogables en droit international des droits de l’homme, y compris dans le contexte de manifestations. Il réfère à l’article 5 des Principes de base sur le recours à la force et l’utilisation des armes à feu par les responsables de l’application des lois (1990). Il demande aux autorités de faire toute la lumière sur ces allégations, de traduire les responsables en justice et de fournir réparation à la famille de la victime. Il demande aux autorités de bien vouloir le tenir informé des mesures prises à cet égard.

407. Le Rapporteur spécial s’inquiète également de l’usage excessif de la force durant des manifestations pacifiques. Il a lu les assurances transmises par le Gouvernement de la Tunisie en relation avec les événements du 9/4/2012, mais reste préoccupé par les incidents qui se sont déroulés ce jour-là. Il invite les autorités à prendre toutes les mesures nécessaires pour que les individus, y compris les journalistes, les militants politiques et les défenseurs des droits de l’homme, exerçant ou assurant le suivi de l’exercice du droit à la liberté d’association et de réunion pacifique ne soit pas soumis à, ou menacé d’être soumis,

à des faits de discrimination, de menace, de recours à la violence, de harcèlement, de persécution, d'intimidation ou de représailles.

408. Il rappelle l'article 1 de la résolution du Conseil des droits de l'homme 21/16, selon lequel les États ont l'obligation « de respecter et de protéger pleinement le droit de tous les individus de se réunir pacifiquement et de s'associer librement, à la fois en ligne et hors ligne, notamment à l'occasion des élections, y compris les personnes qui professent des opinions ou des croyances minoritaires ou dissidentes, les défenseurs des droits de l'homme, les syndicalistes et tous ceux, notamment les migrants, qui cherchent à exercer ou à promouvoir ce droit. »

409. Le Rapporteur spécial remercie le Gouvernement de la Tunisie pour la réponse positive à la demande de visite pays qu'il a formulée en décembre 2011. Il espère pouvoir discuter des dates d'une visite en Tunisie dans un proche avenir.

Turkey

410. JUA 04/07/2012. Case no. [TUR 5/2012](#). State Replies: [22/10/2012](#) and [16/01/2013](#). Alleged arbitrary detention of human rights defenders and trade unionists.

411. JUA 09/08/2012. Case no. [TUR 6/2012](#). State Reply: [22/10/2012](#). Alleged detention and trial of human rights defender.

Observations

412. The Special Rapporteur would like to thank the Government of Turkey for replying to the two communications he sent on 4 July 2012 and on 9 August 2012.

413. The Special Rapporteur notes that some members of civic associations that were subject to the communications sent during the reporting period have now been released. He urges the authorities to ensure that no one is criminalised for the peaceful exercise of the rights to freedom of peaceful assembly and of association. He urges the authorities to take positive measures to ensure that all individuals without discrimination of any kind can freely exercise their right to freedom of association and of peaceful assembly in all parts of the country. He further urges the authorities to ensure no one is subject to, or threaten to be subject to, discrimination, threats or use of violence, harassment, persecution, intimidation or reprisals when exercising their fundamental rights and freedoms.

414. The Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 which “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights”.

Uganda

415. JAL 29/03/2012. 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.

416. 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.

417. JAL 15/06/2012. Case no. [UGA 4/2012](#). State Reply: None to date. Allegations that a Public Order Management Bill may unduly limit the right of peaceful assembly as well as increasingly restrict the work of political pressure and civil society groups.

418. 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.

419. JAL 21/02/2013. Case no. [UGA 6/2012](#). State Reply: None to date. Alleged draft “anti-homosexuality legislation” which remained in the “business to follow” section of the order paper during the current session of the 9th Parliament of Uganda in February 2013.

Observations

420. The Special Rapporteur regrets that no reply has been received by the Government of Uganda to the communication sent during the reporting period. He considers responses to his communications as an important part of the cooperation of Governments with his mandate, and urges the authorities to provide as soon as possible detailed responses to all the concerns raised in his communications.

421. The Special Rapporteur is concerned about different draft laws which may negatively impact on the enjoyment of freedom of association and of peaceful assembly. He urges the authorities to ensure the rights to freedom of association and of peaceful assembly is enjoyed by all, without any kind of discrimination.

422. The Special Rapporteur is particularly concerned about several provisions of the Public Order Management Bill which do not comply with international norms and standards pertaining to freedom of association and of peaceful assembly. He urges the authorities to ensure any new legislation on these issues are in compliance with the best practices detailed in his reports (see notably A/HRC/20/27). He stands ready to provide any technical assistance the Government may require in this regard.

423. In relation to reported acts of harassment and intimidation against human rights defenders, the Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 which “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights”.

424. The Special Rapporteur reminds the Government of Uganda of his country visit request sent in September 2011, to which a response is yet to be received. He believes such a country visit may provide with a significant opportunity to discuss the technical assistance the Government may require.

Ukraine

425. JUA 21/12/2012. Case no. [UKR 3/2012](#). State Reply: [18/03/2013](#). Alleged attack against LGBT rights defenders.

Observations

426. The Special Rapporteur would like to thank the Government of Ukraine for replying to the communication he sent during the reporting period.

427. The Special Rapporteur is concerned about allegations of restrictions, and of violence against individuals, holding minority views or beliefs, exercising their rights to

freedom of peaceful assembly. He urges the authorities to take positive measures to ensure individuals without discrimination of any kind can freely exercise their right to freedom of association and of peaceful assembly, and are not subject to, or threaten to be subject to, discrimination, threats or use of violence, harassment, persecution, intimidation or reprisals.

428. In relation to reported acts of harassment and intimidation against human rights defenders who are members of associations, the Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 which “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and *including persons espousing minority or dissenting views or beliefs*, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights” (emphasis added).

United Arab Emirates

429. 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.

430. JUA 07/11/2012. Case no. [ARE 7/2012](#). State Reply: [26/03/2013]. Alleged mass arrest and detention of human rights defenders, judges and lawyers.

431. JAL 04/12/2012. Case no. [ARE 8/2012](#). State Reply: None to date. Allegations of amendments to the 2006 Law on Cybercrime which have the potential to significantly curtail freedom of opinion and expression on the internet, as well as the right to freedom of association and peaceful assembly.

Observations

432. The Special Rapporteur would like to thank the Government of the United Arab Emirates for its reply to the communication he sent on 7 November 2012, but he regrets that the two other communications he sent during the reporting period remain unanswered. He considers responses to his communications as an important part of the cooperation of Governments with his mandate, and urges the authorities to provide as soon as possible detailed responses to all the concerns raised in his communications.

433. The Special Rapporteur is concerned about the increasing restrictions to the exercise of freedom of association and of peaceful assembly in the country, which include withdrawal of nationality, arrests, detention and convictions against individuals who have solely exercised their fundamental rights and freedoms. The Special Rapporteur is increasingly concerned about the physical and psychological integrity of individuals exercising their rights to freedom of peaceful assembly and association in the country, particularly of those protecting or promoting human rights.

434. He refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 which “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights”.

United States of America

435. JAL 04/12/2012. Case no. USA 33/2012. State Reply: None to date. Alleged arson attack against the offices of non-governmental organization Women with a Vision (WWAV).

Observations

436. The Special Rapporteur regrets that the Government of the United States of America did not respond to any of his communications sent since the beginning of his tenure. He considers responses to his communications as an important part of the cooperation of Governments with his mandate, and urges the authorities to provide detailed answers to all the concerns raised in the communications.

437. The Special Rapporteur reiterates his concerns that the arson attack against the offices of WWAV forms part of a continued and escalated campaign of violence against sexual and reproductive rights defenders in the United States, in particular those persons and organizations which oppose the impact of legislation, and other measures, on the enjoyment of the right to the highest attainable standard of physical and mental health, including access to adequate sexual and reproductive healthcare services. He urges the authorities to fully investigate the aforementioned arson attack and bring the perpetrator(s) to justice. He further urges the authorities to put in place an enabling and safe environment for sexual and reproductive rights defenders in the United States.

Venezuela (Bolivarian Republic of)

438. 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.

439. 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.

Observaciones

440. El Relator lamenta que, en el momento de finalizar el presente informe, no se haya recibido respuesta a ninguna de las dos comunicaciones enviadas durante el periodo.

441. El Relator hace especial referencia a la carta de alegaciones enviada conjuntamente con otros expertos independientes de la ONU el 16 de mayo de 2012 sobre la reforma de la Ley Orgánica contra la delincuencia organizada y financiamiento al terrorismo así como otras leyes adoptadas que presuntamente atentarían contra los derechos de libertad de asociación y reunión pacífica. Dicha comunicación expresaba asimismo preocupación acerca del impacto de dicha legislación sobre las actividades y capacidad de financiación de organización de la sociedad civil y aquellos que trabajan en la defensa y promoción de los derechos humanos. El Relator considera que las alegaciones de esta comunicación son serias e invita al Gobierno a proporcionar una respuesta detallada a la misma.

442. El Relator quisiera insistir en la necesidad de asegurar la existencia de un ambiente seguro y propicio para la sociedad civil que permita el libre ejercicio de los derechos de asociación y reunión pacífica. Asimismo, reitera que el Estado tiene una obligación positiva de llevar a cabo medidas eficaces para hacer efectivo el disfrute de estos derechos.

443. Se reitera el contenido del párrafo operativo 1 de la Resolución 21/16 del Consejo de Derechos Humanos donde se “[r]ecuerda a los Estados su obligación de respetar y

proteger plenamente los derechos de todas las personas a la libertad de reunión pacífica y de asociación por cualquier vía, electrónica o no, también en el contexto de unas elecciones, incluidos los de las personas que abracen convicciones o creencias minoritarias o disidentes, los defensores de los derechos humanos, las personas afiliadas a sindicatos y otras personas, incluidos los migrantes, que traten de ejercer o promover esos derechos, y a que adopten todas las medidas necesarias para asegurar que cualquier restricción al libre ejercicio del derecho a la libertad de reunión pacífica y de asociación sea conforme con las obligaciones que les incumben en virtud del derecho internacional de los derechos humanos.”

Viet Nam

444. JUA 14/06/2012. Case no. [VNM 1/2012](#). State Reply: [14/09/2012](#). Alleged on-going detention, sentencing and trial of bloggers.

445. JAL 12/07/2012. Case no. [VNM 2/2012](#). State Reply: [27/09/2012](#). Allegations of harassment and intimidation of individuals participating or attempting to participate in peaceful protests across the country.

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

447. JUA 21/12/12. Case no. [VNM 5/2012](#). State Reply: [28/02/2013](#). Alleged trial and imprisonment of two songwriters.

448. JUA 14/01/2013. Case no. [VNM 1/2013](#). State Reply: [21/03/2013](#). Alleged sentencing and detention of pro-democracy activists.

449. JUA 07/02/2013. Case no. [VNM 1/2013](#). State Reply: [08/04/2013](#). Allegations of conviction of 22 members of the “Bia Son Council for Public Law and Affairs”.

Observations

450. The Special Rapporteur thanks the Government of Viet Nam for its replies to the communications sent during the reporting period.

451. The Special Rapporteur urges once again the authorities to ensure that no individual is criminalised for the exercise of his or her legitimate fundamental freedoms. He further urges the authorities to take all relevant measures to ensure that any individual and legal entity can peacefully exercise their rights of freedom of peaceful assembly and of association. He recommends that the Government put in place an enabling and safe environment allowing individuals to exercise their legitimate freedoms without undue hindrances. A thorough and independent investigation into any allegations of any human rights violations, including acts of intimidations or harassments, committed against those exercising their rights to freedom of peaceful assembly and of association, should be conducted; those responsible should be held accountable; and victims should be provided with full redress.

452. The Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that “[r]eminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law”.

Zimbabwe

453. 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.

454. JAL 29/03/2012. Case no. [ZWE 5/2012](#). State Reply: None to date. Alleged conviction and sentencing of six activists reportedly for watching a video on the Arab Spring; and the subsequent arrest of some of their supporters who were standing outside the Court during the trial.

455. 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).

456. 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.

457. JAL 16/11/2012. Case no. [ZWE 9/2012](#). State Reply: [21/01/2013](#). Allegations of unjustified raid on an association providing psychosocial support to victims of torture and trauma.

458. JAL 21/02/2013. Case no. [ZWE 1/2013](#). State Reply: None to date. Allegations of repeated acts of harassments against civil society actors, mostly working on human rights issues.

Observations

459. The Special Rapporteur regrets the Government of Zimbabwe only replied to one of the communication he sent during the reporting period. He considers responses to his communications as an important part of the cooperation of Governments with his mandate, and urges the authorities to provide as soon as possible detailed responses to all the concerns raised in his communications, including those from the previous reporting period to which no reply has yet been received.

460. The Special Rapporteur remains very concerned about repeated acts of harassments and intimidation, including raids on civic associations and criminalisation of individuals for running an “unregistered” organization. On 27 February 2013, the Special Rapporteur joined a press statement issued by several special procedures mandate holders, in which they voiced concern over undue restrictions to freedom of peaceful assembly and of association in the run up to the constitutional referendum on 16 March and subsequent elections. The Special Rapporteur believes that undue restrictions to the rights to freedom of peaceful assembly and of association, which are essential components of democracy, especially during electoral period, have a detrimental effect on the electoral process.

461. He urges the authorities to ensure the physical and psychological integrity of people exercising their rights to freedom of peaceful assembly and of association and to ensure these rights are enjoyed by all without any kind of discrimination. He urges the authorities to take positive measures to ensure individuals can freely exercise their right to freedom of association and of peaceful assembly and are not subject to, or threaten to be subject to, discrimination, threats or use of violence, harassment, persecution, intimidation or reprisals.

462. In relation to reported acts of harassment and intimidation against human rights defenders members of associations, the Special Rapporteur refers to Human Rights Council resolution 21/16, and in particular operative paragraph 1 which “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights

defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights”.

463. The Special Rapporteur reminds the Government of Zimbabwe of his country visit request sent in September 2011, to which a response is yet to be received. In this connection, OP6 of resolution 15/21 states that the “Human Rights Council... [c]alls upon States to cooperate fully with and assist the Special Rapporteur in the performance of his or her tasks, to provide all necessary information requested by him or her, ... and to consider favourably his or her requests for visits”.
