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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 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 1 May 2011 when the Special Rapporteur took up his functions and 15 March 2012. The addendum contains observations on these communications and on responses received from States until 15 May 2012.
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 response 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. JAL 28/07/2011. Case no. [DZA 3/2011](#). State Reply: [28/09/2011](#). Allégation d'atteinte à la liberté de religion ou de conviction de personnes de confession chrétienne.
6. JAL 11/10/2011. Case no. [DZA 4/2011](#). State Reply: [11/01/2012](#). Recrudescence alléguée d'actes de harcèlement judiciaire contre les membres de la Ligue Algérienne pour la Défense des Droits de l'Homme (LADDH) et des syndicalistes autonomes.
7. JAL 13/12/2011. Case no. [DZA 6/2011](#). State Reply: None to date. Allégation d'un projet de loi sur les associations portant atteinte à la liberté d'association.

Observations

8. Le Rapporteur spécial remercie le Gouvernement de l'Algérie pour les réponses qu'il a apportées à deux de ses communications, mais regrette de ne pas avoir reçu de

réponse à sa communication datée du 13 décembre 2011 relatif à une nouvelle loi sur les associations. Etant donné les préoccupations formulées, il invite les autorités à fournir aussi tôt que possible des réponses détaillées aux inquiétudes soulevées dans sa communication, qui sont également reflétées dans un communiqué de presse daté du 4 mai 2012.¹

9. Le Rapporteur spécial prend note de l'adoption de réformes législatives touchant notamment la liberté d'association. Il est particulièrement préoccupé par différentes dispositions du nouveau cadre législatif régulant les associations qui constituent un recul par rapport à la législation antérieure, et partage les inquiétudes formulées par le Rapporteur spécial sur la promotion et la protection du droit à la liberté d'expression et d'opinion dans son rapport de mission (A/HRC/20/17/Add.1). Il recommande au Gouvernement de réviser cette loi de sorte qu'elle soit conforme aux meilleures pratiques relatives à la liberté d'association et de réunion pacifique détaillées dans son rapport thématique. Il est prêt à fournir tout appui technique dont aurait besoin le Gouvernement à cet égard.

10. Le Rapporteur spécial a lu les assurances apportées par le Gouvernement dans sa réponse concernant les allégations de recrudescence d'actes de harcèlement judiciaire contre les membres associatifs et syndicalistes, mais reste préoccupé par les informations qu'il continue de recevoir confirmant les inquiétudes soulevées. Il recommande aux autorités de prendre toutes les mesures nécessaires pour favoriser l'exercice de la liberté d'association des membres associatifs et de syndicalistes et de s'assurer que ceux-ci ne soient pas l'objet d'actes de harcèlement et d'intimidation en relation avec l'exercice de leurs libertés fondamentales.

11. Le Rapporteur spécial réfère à la résolution 15/21 du Conseil des droits de l'homme, en particulier son premier paragraphe qui « [d]emande à tous les États de respecter et protéger le droit de réunion pacifique et de libre association dont jouissent tous les individus, y compris en ce qui concerne les élections et les personnes professant des opinions ou des croyances minoritaires ou dissidentes, ou défendant la cause des droits de l'homme, des syndicalistes et de tous ceux, y compris les migrants, qui cherchent à exercer ou promouvoir ce droit, et de faire en sorte que les restrictions éventuellement imposées au libre exercice du droit de réunion et d'association pacifiques soient conformes aux obligations que leur impose le droit international relatif aux droits de l'homme ».

12. Le Rapporteur spécial rappelle au Gouvernement de l'Algérie la demande de visite pays qu'il a formulée en décembre 2011. Il remercie le Gouvernement d'avoir accusé réception de sa demande et réitère sa disponibilité pour discuter des dates d'une visite en Algérie. Une telle visite pourrait permettre d'aborder la question de l'assistance technique du titulaire de mandat.

Angola

13. JAL 29/08/2011. Case no. [AGO 2/2011](#). State Reply: None to date. Alleged denial of entry by immigration officials.

14. JAL 21/12/2011 Case no. [AGO 3/2011](#). State Reply: None to date. Alleged repeated restrictions to the rights to freedom of peaceful assembly as well as the excessive use of force during allegedly peaceful protests.

¹ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12110&LangID=E>

Observations

15. The Special Rapporteur regrets that no reply has been received from the Government of Angola to the allegation letters 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 these communications.

16. The Special Rapporteur urges the authorities to refrain from using force during peaceful demonstrations. 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.

Armenia

17. JUA 22/08/2011. Case no. [ARM 1/2011](#). State Reply: [31/01/2012](#). Alleged harassment and imprisonment of Jehovah's Witnesses for their conscientious objection to military service.

Observations

18. The Special Rapporteur appreciates the response of the Government of Armenia in relation to the allegations contained in the joint communication dated 22 August 2011.

19. With regard to the fact Jehovah's Witnesses community members could not assemble, allegedly due to pressure from Government officials and from priests of the Armenian Apostolic Church, the Special Rapporteur notes the response of the Government in which it explained that the rented facilities belonged to private persons. However, he recalls that the State has a positive obligation to take effective measures to ensure that the right of peaceful assembly is adequately protected in all spheres, both public and private.

20. The Special Rapporteur recommends to the authorities to intensify efforts to ensure that the rights to freedom of peaceful assembly and of association continue to be genuinely protected in practice, without distinction of any kind including religion or belief. The Special Rapporteur underlines that the rights of peaceful assembly and of association are key for individuals espousing minority or dissenting views or beliefs.

Azerbaijan

21. JAL 24/08/2011. Case no. [AZE 2/2011](#). State Reply: [08/09/2011](#). Arbitrary demolition of a building housing the Institute of Peace and Democracy.

22. JAL 27/09/2011. Case no. [AZE 3/2011](#). State Reply: None to date. Arbitrary demolition of a building housing the Women's Crisis Center, the first and only shelter available to women, including victims of violence.

23. JAL 05/03/2012. Case no. [AZE 1/2012](#). State Reply: None to date. Grave challenges faced by NGOs in the context of the provisions contained in the 2009 Law on Non-Governmental Organizations.

Observations

24. The Special Rapporteur notes the responses to the communications he sent on 24 August 2011 and on 27 September 2011. He regrets however that no reply has been received from the Government of Azerbaijan to the joint letter sent on 5 March 2012

concerning the 2009 Law on Non-Governmental Organizations and the grave challenges faced by NGOs as well as the de facto ban on peaceful assemblies in Baku.

25. He recommends the Government to revise the aforementioned law to ensure its revised version complies with international human rights law. He is available to provide any technical assistance the Government might require in this regard.

26. With regard to the allegations of arbitrary demolishing of houses resided by NGOs, the Special Rapporteur remains concerned that the demolition of the building and the continuing harassment of its staff might be connected to their legitimate human rights activities.

27. In terms of the peaceful protests held in and around the city of Baku in March 2012, the Special Rapporteur is gravely concerned that the referred victims may have been subjected to acts of ill-treatment for exercising their legitimate rights to freedom of opinion and expression, and to peaceful assembly. While he notes the reply in which the Government details the procedure that was followed to detain those mentioned in the communication, the Government still needs to respond to the serious allegation of ill-treatment of protesters. He recommends the Government to 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, impartial and independent investigation into any allegation of human rights violations, including acts of intimidation or harassment 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.

28. The Special Rapporteur would like to refer to Human Rights Council resolution 15/21, and in particular operative paragraph 1 that “[c]alls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, 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”.

29. The Special Rapporteur reminds the Government of Azerbaijan 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”.

Bahrain

30. JAL 09/06/2011. Case no. [BHR 11/2011](#). State Reply: [25/07/2011](#). Alleged expulsion of university students following participation in protests.

31. JUA 16/6/2011. Case no. [BHR 12/2011](#). State Reply: [29/08/2011](#); [02/09/2011](#). Allegations of acts of violence, intimidation, and the enactment of travel bans against, as well as the interrogation of, a number of human rights defenders.

32. JAL 27/6/2011. Case no. [BHR 13/2011](#). State Reply: [9/08/2011](#). Alleged attacks on the Shia community, restricting religious freedom and right to assemble, worship and practice.

33. JUA 8/7/2011. Case no. [BHR 16/2011](#). State Reply: [9/08/2011](#). Alleged arbitrary detention and ill-treatment.

34. JUA 9/9/2011. Case no. [BHR 18/2011](#). State Reply: [15/12/2011](#). Alleged arrests, detention, harassment and stigmatisation against human rights defenders and their relatives.
35. JUA 20/1/2012. Case no. [BHR 1/2012](#). State Reply: [21/3/2012](#). Allegations of excessive use of force during peaceful demonstrations and targeted measures against human rights activist Ms. Zainab Al Khawaja, Ms Massoma Al Sayed, Mr. Nabeel Rajab and Mr. Sayed Yousif Al-Mahafdha.

Observations

36. The Special Rapporteur thanks the Government of Bahrain for replying to all communications sent. He nevertheless remains gravely concerned about the significant number and the grave nature of the allegations received during the reporting period.
37. The Special Rapporteur is gravely concerned about the physical and psychological integrity of people exercising their rights to freedom of peaceful assembly and of association as well as of those who monitor such fundamental freedoms in Bahrain, including prominent human rights defenders. He urges the authorities to refrain from using force, including the use of indiscriminate tear gas, during peaceful demonstrations. He also urges the authorities to ensure that no one is criminalised for the peaceful exercise of the rights to freedom of peaceful assembly and association and to release immediately and unconditionally all persons convicted for exercising their legitimate rights.
38. The Special Rapporteur refers again to Human Rights Council resolution 15/21, and in particular operative paragraph 1 that “[c]alls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, 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”.
39. He recommends the Government to ensure that the recommendations put forward by the Bahrain Independent Commission of Inquiry are implemented and accountability for those responsible and full redress to victims are provided. He requests the Government to keep him informed about any new steps taken in this regard.
40. 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. 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”.

Bangladesh

41. JAL 11/10/2011. Case no. [BGD 5/2011](#). State Reply: [12/10/2011](#). Alleged delay in approval for funding for NGO project.
42. JAL 21/12/2011. Case no. [BGD 7/2011](#). State Reply: [22/12/2011](#). 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.

Observations

43. The Special Rapporteur takes note of the letters of the Government of Bangladesh acknowledging receipt of the communications sent during the reporting period. He urges

the authorities to provide as soon as possible detailed responses to all the concerns raised in the communications, which are further echoed in a press release dated 28 February 2012 issued by seven special procedures mandate holders.²

44. 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 to take the relevant measures to ensure that the rights of the association Odhikar are not unduly restricted.

45. The Special Rapporteur refers again to Human Rights Council resolution 15/21, and in particular operative paragraph 1 that “[c]alls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, 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 30/05/2011. Case no. [BLR 6/2011](#). State Reply: [10/06/2011](#). Alleged arrest and arbitrary detention of human rights defenders.

47. JAL 01/06/2011. Case no. [BLR 7/2011](#). State Reply: [10/06/2011](#). Alleged arrests, arbitrary detentions and sentencing of human rights defenders following the Presidential elections.

48. JUA 15/08/2011. Case no. [BLR 9/2011](#). State Reply: [31/10/2011](#). Alleged arrest and arbitrary detention of human rights defender, Mr. Ales Bialatski.

49. JAL 21/11/2011. Case no. [BLR 10/2011](#). State Reply: [17/01/2012](#). Adoption of new legislative amendments that may further restrict the exercise of the rights to freedom of peaceful assembly and of association.

Observations

50. The Special Rapporteur would like to thank the Government of Belarus for the responses received. He regrets that the responses received on 10 June 2011 and 17 January 2012, regarding the allegation of detention of human rights defenders and the adoption of restrictive legislative amendments, respectively, do not reflect on the allegations. He urges the authorities to provide as soon as possible detailed responses to all the concerns raised in these communications.

51. The Special Rapporteur is gravely concerned about numerous provisions of the Law on Public Associations, the Law on Political Parties, the Law on Public Gatherings, the Criminal Code, the Election Code, and the Code of Administrative Violations and further recommends the Government to revise these laws to ensure compliance with international human rights law. The Special Rapporteur is available to provide any technical assistance the Government might require in this regard.

52. With regard to the detention of Mr. Ales Bialatski, the Special Rapporteur remains gravely concerned that the acts allegedly intended to seriously limit the legitimate activities

² See <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11878&LangID=E>

of the Viasna Human Rights Centre continue to be credible. The Special Rapporteur urges the authorities to seriously reconsider the grounds for accusing Mr Bialatski and demonstrate beyond doubt that such funds were intended for personal revenue and not for human rights activities.

53. The Special Rapporteur refers again to Human Rights Council resolution 15/21, and in particular operative paragraph 1 that “[c]alls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, 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 the Government of Belarus 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”.

Cambodia

55. JAL 13/05/2011. Case no. [KHM 3/2011](#). State Reply: None to date. Allegation that a draft NGO Law may hamper legitimate work in the promotion of human rights.

56. JAL 26/09/2011. Case no. [KHM 5/2011](#). State Reply: [09/01/2012](#); [23/01/2012](#). Alleged suspension, warnings and acts of intimidation against NGOs.

Observations

57. The Special Rapporteur thanks the Government of Cambodia for its responses to his communication dated 26 September 2011, but regrets that it did not respond to the other communication dated 13 May 2011 related to a draft legislation governing NGOs. He urges the authorities to provide as soon as possible detailed responses to all the concerns raised in the latter communication, which are further echoed in a press release dated 14 October 2011 issued by three special procedures mandate holders.³

58. The Special Rapporteur urges the Government of Cambodia to take the necessary measures to ensure that associations can operate in an enabling and safe environment allowing them to exercise their legitimate freedom of association without undue hindrances.

59. With regard to the draft NGO law, the Special Rapporteur renews its availability to provide any technical support and assistance needed to ensure that the legal framework governing association and its implementation meet international law standards.

60. The Special Rapporteur refers to Human Rights Council resolution 15/21, and in particular operative paragraph 1 that “[c]alls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, 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

³ See <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11494&LangID=E>

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”.

61. The Special Rapporteur reminds the Government of Cambodia 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”.

Chile

62. JUA 23/08/2011. Case no. [CHL 4/2011](#). State Reply: [26/10/2011](#); [15/11/2011](#). Alegaciones de uso desproporcionado de la fuerza y detención de manifestantes.

63. JAL 23/01/2012. Case no. [CHL 1/2012](#). State Reply: None to date. Alegaciones de restricciones a la libertad de expresión, y de reunión pacífica que pudieran resultar del Proyecto de Ley que Fortalece el Resguardo del Orden Público.

Observaciones

64. El Relator Especial agradece la respuesta a la carta de alegación con fecha 23 de agosto de 2011 relativa a alegaciones de uso excesivo de la fuerza por parte de las fuerzas y cuerpos de la seguridad del Estado contra manifestantes. En cuanto a las comunicaciones que aún precisan respuesta, el Relator Especial quisiera invitar a sus autoridades a responder a la mayor brevedad.

65. En lo que concierne a su respuesta con fecha 26 de octubre de 2011, se indica que las alegaciones de uso desproporcionado de la fuerza siguen preocupando al Relator, incluyendo el caso del Sr. Daniel Pantoja Quiroz. En este sentido, el Relator Especial quisiera recordar a sus autoridades que una reunión no debe dejar de considerarse como pacífica en caso que se incurra esporádicamente a la violencia. De hecho, siempre y cuando los organizadores y participantes tengan intenciones pacíficas, las autoridades del Estado tienen la obligación de proteger a los manifestantes contra actos violentos que impidan indebidamente el ejercicio del derecho a la libertad de reunión pacífica.

66. El Relator Especial quiere hacer un llamamiento al Gobierno de Chile a reconsiderar seriamente el contenido del Proyecto de Ley que Fortalece el Resguardo del Orden Público, tal y como se hizo referencia en la comunicación enviada el 31 de enero de 2012.

67. En este sentido, se reitera el contenido del párrafo operativo 1 de la resolución 15/21 del Consejo de Derechos humanos donde se “[e]xhorta a los Estados a que respeten y protejan plenamente el derecho de todas las personas a la libertad de reunión y de asociación pacíficas, incluso en el contexto de unas elecciones, y con inclusión de las personas que abracen convicciones o creencias minoritarias o disidentes, los defensores de los derechos humanos, las personas afiliadas a sindicatos y las demás 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 del libre ejercicio del derecho a la libertad de reunión y de asociación pacíficas sea conforme con las obligaciones que les incumben en virtud de las normas internacionales de derechos humanos”.

68. El Relator Especial quiere instar al Gobierno a que responda positivamente a la solicitud de visita al país. En este sentido, se reitera que el párrafo operativo 6 de la resolución 15/21 del Consejo de Derechos Humanos “[e]xhorta a los Estados a que colaboren plenamente con el relator especial y le presten asistencia en el desempeño de sus funciones, le faciliten toda la información necesaria que aquel les solicite, respondan con

prontitud a los llamamientos urgentes y a otras comunicaciones que haga, y consideren favorablemente sus solicitudes para realizar visitas”.

China

69. JUA 28/7/2011. Case no. [CHN 15/2011](#). State Reply: None to date. Alleged arbitrary detention, harassment and disappearances in Kardze County.

70. JUA 1/12/2011. Case no. [CHN 25/2011](#). State Reply: None to date. Allegation of arrest, detention, conviction and upholding of sentence on appeal on charges of “creating a disturbance”.

71. JUA 10/2/2012. Case no. [CHN 2/2012](#). State Reply: [12/4/2012](#). Allegations of excessive use of force against peaceful protestors in Luhuo, Seda and Rangtang Counties, Sichuan Province.

Observations

72. The Special Rapporteur thanks the Government of the People’s Republic of China for its response to the communication dated 10 February 2012. At the time of the finalization of this report, a translation of the reply was not available. He however regrets that the Government had not transmitted replies to the other communications sent. He urges the authorities to provide as soon as possible detailed responses to all the concerns raised in the other communications due to the grave nature of the allegations received with respect of the right to freedom of peaceful assembly and of association.

73. On 1 November 2011, the Special Rapporteur joined a press statement issued by several special procedures mandate holders, in which they voiced grave concern over reports of heavy security measures, in and around the area of the Tibetan Buddhist Kirti monastery - which houses some 2,500 monks- and other monasteries in Aba County, an area of Sichuan province with many ethnic Tibetans in south-west China. The Special Rapporteur warned that a series of measures, including security raids and surveillance within monasteries, with police presence inside and outside monasteries to monitor religious activities, seriously impeded the exercise of the right to association of members of the monastic community”.⁴

74. The Special Rapporteur urges the authorities to refrain from using force during peaceful demonstrations. He reminds that the right to life is 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.” 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 cases.

⁴ See <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11555&LangID=E>

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

76. The Special Rapporteur refers again to Human Rights Council resolution 15/21, and in particular operative paragraph 1 that “[c]alls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, 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”.

77. The Special Rapporteur reminds 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

78. JUA 24/11/2011. Case no. [COL 10/2011](#). State Reply: [28/02/2012](#). Ataque en una residencia de dos personas que podría estar relacionado con su activismo político y de derechos humanos.

79. JUA 31/01/2012. Case no. [COL 1/2012](#). State Reply: None to date. Presuntas amenazas de muerte contra varios integrantes del Movimiento de Víctimas de Crímenes de Estado (MOVICE).

80. JUA 7/02/2012. Case no. [COL 2/2012](#). State Reply: [06/03/2012](#). Presuntas amenazas de muerte contra los integrantes de la Corporación Regional para la Defensa de los Derechos Humanos (CREDHOS).

Observaciones

81. El Relator Especial quiere agradecer las respuestas del Gobierno a las comunicaciones enviadas el pasado 24 de noviembre de 2011 y 7 de febrero de 2012. No obstante, se invita al Gobierno a responder con urgencia a la comunicación pendiente, relacionada con presuntas amenazas de muerte contra varios integrantes del Movimiento de Víctimas de Crímenes de Estado (MOVICE). En este sentido, se reitera la necesidad por llevar a cabo investigaciones independientes y efectivas sobre dichas alegaciones, y en su caso, se sancione a los responsables y se repare a las víctimas.

82. Se reconoce el esfuerzo del Gobierno de Colombia en la protección de las personas mencionadas en los llamamientos urgentes con fecha 24 de noviembre de 2011 y 7 de febrero de 2012. En este sentido, se les acompaña en su determinación para garantizar que dichas personas puedan efectivamente disfrutar de sus derechos a las libertades de asociación, reunión pacífica y expresión.

83. El Relator Especial desea expresar su gran preocupación por las alegaciones recibidas de actos de hostigamiento contra activistas y amenazas de muerte contra miembros de asociaciones, incluyendo en este caso a los integrantes de la Corporación Regional para la Defensa de los Derechos Humanos (CREDHOS) y varios integrantes del Movimiento de Víctimas de Crímenes de Estado (MOVICE). En este sentido, el Relator Especial quiere recomendar al Gobierno que intensifique sus esfuerzos en vistas a crear un

ambiente propicio que permita a la sociedad civil expresarse libremente y permitir a toda persona ejercer su derecho legítimo a la libertad de asociación y reunión pacífica.

84. Se reitera a su vez el contenido del párrafo operativo 1 de la resolución 15/21 del Consejo de Derechos humanos donde se “[e]xhorta a los Estados a que respeten y protejan plenamente el derecho de todas las personas a la libertad de reunión y de asociación pacíficas, incluso en el contexto de unas elecciones, y con inclusión de las personas que abracen convicciones o creencias minoritarias o disidentes, los defensores de los derechos humanos, las personas afiliadas a sindicatos y las demás 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 del libre ejercicio del derecho a la libertad de reunión y de asociación pacíficas sea conforme con las obligaciones que les incumben en virtud de las normas internacionales de derechos humanos”.

Cuba

85. JUA 02/09/2011. Case no. [CUB 2/2011](#). State Reply: [28/09/2011](#); [11/11/2011](#). Presunto ataque contra dos integrantes de las Damas de Blanco.

86. JUA 15/11/2011. Case no. [CUB 3/2011](#). State Reply: [17/01/2012](#). Alegaciones recibidas indicando la persistencia de actos de intimidación, acoso, actos de violencia y detenciones de mujeres integrantes de la organización Damas de Blanco.

87. JUA 19/01/2012. Case no. [CUB 5/2011](#). State Reply: [27/03/2012](#). Alegaciones de actos de violencia, hostigamiento e intimidación, y de detenciones en el transcurso de una manifestación pacífica en la Habana.

88. JUA 09/02/2011. Case no. [CUB 2/2012](#). State Reply: [29/02/2012](#). Alegaciones de detención arbitraria y actos intimidatorios.

Observaciones

89. El Relator Especial quisiera agradecer las respuestas a todas las comunicaciones enviadas, cuyo contenido se ha leído con interés.

90. El 17 de enero y el 27 de marzo de 2012, el Gobierno de Cuba indicó, entre otras cuestiones, “que nadie en Cuba ha sido perseguido o sancionado por ejercer pacíficamente cualquiera de sus derechos, incluidos los de expresión, opinión y asociación”. Asimismo, se asegura la falsedad de todas las alegaciones de violaciones de los derechos humanos presentadas en cada una de las comunicaciones conjuntas que se enviaron durante este periodo, inclusive el hecho que hubiera habido implicado algún defensor de los derechos humanos. No obstante, 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.

91. El Relator Especial quisiera reiterar, por medio de la presente observación, una respuesta afirmativa a la solicitud de visita que el Gobierno de su Excelencia aún tiene pendiente por responder. Una eventual misión del Relator a Cuba ayudaría a clarificar éstas y otras alegaciones similares recibidas en materia de asociación y reunión pacífica.

92. Asimismo, se reitera también que el párrafo operativo 6 de la resolución 15/21 del Consejo de Derechos Humanos “[e]xhorta a los Estados a que colaboren plenamente con el relator especial y le presten asistencia en el desempeño de sus funciones, le faciliten toda la información necesaria que aquel les solicite, respondan con prontitud a los llamamientos urgentes y a otras comunicaciones que haga, y consideren favorablemente sus solicitudes para realizar visitas”.

93. En este sentido, se hace también mención del párrafo operativo 1 de la resolución 15/21 del Consejo de Derechos humanos donde se “[e]xhorta a los Estados a que respeten y protejan plenamente el derecho de todas las personas a la libertad de reunión y de asociación pacíficas, incluso en el contexto de unas elecciones, y con inclusión de las personas que abracen convicciones o creencias minoritarias o disidentes, los defensores de los derechos humanos, las personas afiliadas a sindicatos y las demás 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 del libre ejercicio del derecho a la libertad de reunión y de asociación pacíficas sea conforme con las obligaciones que les incumben en virtud de las normas internacionales de derechos humanos”.

Cyprus

94. JAL 20/07/2011. Case no. [CYP 1/2011](#). State Reply: [15/09/2011](#). Alleged charges brought against human rights activist.

Observations

95. The Special Rapporteur would like to thank the Government for its response to his communication dated 20 July 2011, which sought to clarify the allegations concerning two parallel assemblies which ended with violence.

96. The Special Rapporteur would like to emphasize that assemblies should not be deemed peaceful if organizers and participants do not have peaceful intentions. Considering that the allegations that the march organized by the Greek Resistance Movement against the multicultural Rainbow Festival openly insulted other communities, including Turks, Jews, Muslims or Refugees are still credible, greater efforts are required to ensure adequate protection. In this connection, the State has a positive obligation to ensure that the right to peaceful assembly is protected against any disruptive or provocative agent. In the event of competing assemblies that do not constitute a risk for violence, the Special Rapporteur considers that the State has also a responsibility to promote tolerance and understanding among the different views.

Djibouti

97. JUA 18/8/2011. Case no. [DJI 2/2011](#). State Reply: [19/09/2011](#). Allégation de détention arbitraire.

Observations

98. Le Rapporteur spécial remercie le Gouvernement de Djibouti pour la réponse apportée à sa communication du 18 août 2011 et prend note de la libération de M. Hassan Amine Ahmed depuis l’envoi de cet appel urgent. Le Rapporteur spécial recommande aux autorités de s’assurer que tous les individus, agissant de manière pacifique, puissent s’associer et s’exprimer librement et prendre part à la direction des affaires publiques.

99. Le Rapporteur spécial rappelle au Gouvernement de Djibouti la demande de visite qu’il a formulée en septembre 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. »

Ecuador

100. JAL 29/11/2011. Case no. [ECU 3/2011](#). State Reply: None to date. Alegaciones recibidas indicando el asesinato de un miembro de la organización Unión Tierra y Vida.

Observaciones

101. El Relator Especial lamenta que el Gobierno aún no haya respondido a la comunicación que se le envió en noviembre de 2011. El Relator Especial considera que dar respuesta a sus comunicaciones es una manera importante de cooperar con su mandato. En este sentido, el Relator Especial urge a las autoridades a que respondan detalladamente a las preocupaciones contenidas en esta comunicación. Asimismo, se expresa seria preocupación que los actos alegados en la carta de alegación puedan estar relacionados, de algún modo, con el activismo de la víctima y sus actividades legítimas en la defensa de los derechos humanos. El Relator Especial quiere hacer un llamamiento al Gobierno de su Excelencia para que adopte todas las medidas necesarias para asegurar una investigación independiente y creíble sobre estas alegaciones, y en su caso, se sancione a los culpables, y se repare a las víctimas. Asimismo, se solicita también que se informe sobre cualquier información relacionada con este y otros casos similares.

102. En este sentido, el titular del mandato quiere reiterar su seria preocupación por la situación en la que vive el país, especialmente en lo que concierne al derecho de asociación. Tal preocupación se debe a las alegaciones recibidas sobre varios dirigentes de diversas asociaciones, en el que se incluirían familiares, que también habrían sido asesinados u objeto de actos intimidatorios y de hostigamiento. Se recuerda que es necesario que el Gobierno adopte todas las medidas necesarias para asegurar la existencia de un ambiente propicio para la sociedad civil así como para cualquier persona que se disponga a disfrutar de su legítimo derecho a la libertad de asociación y reunión pacífica.

103. Se reitera que el párrafo operativo 1 de la resolución 15/21 del Consejo de Derechos humanos donde se “[e]xhorta a los Estados a que respeten y protejan plenamente el derecho de todas las personas a la libertad de reunión y de asociación pacíficas, incluso en el contexto de unas elecciones, y con inclusión de las personas que abracen convicciones o creencias minoritarias o disidentes, los defensores de los derechos humanos, las personas afiliadas a sindicatos y las demás 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 del libre ejercicio del derecho a la libertad de reunión y de asociación pacíficas sea conforme con las obligaciones que les incumben en virtud de las normas internacionales de derechos humanos”.

Egypt

104. JUA 11/10/2011. Case no. [EGY 11/2011](#). State Reply: [19/10/2011](#); [19/10/2011](#). Alleged harassment of the Coptic Christian community, restricting religious freedom and right to assemble, worship and practice.

105. JAL 17/11/2011. Case no. [EGY 12/2011](#). State Reply: [17/01/12](#). Alleged increasing climate of stigmatisation and harassment against civil society organisations as well as on-going difficulties for NGOs to operate within the context of the provisions contained in the Non-Governmental Organizations (NGO) law 84/2002.

106. JUA 22/12/2011. Case no. [EGY 13/2011](#). State Reply: None to date. Extension of period of detention, arrest, interrogation and charges.

107. JAL 12/1/2011. Case no. [EGY 1/2012](#). State Reply: 14/05/12. Alleged raids on several NGOs' offices.

108. JAL 19/1/2011. Case no. [EGY 2/2012](#). State Reply: None to date. Alleged violence against women by the Egyptian military in the context of the protests that took place in Cairo in November and December 2011.

109. JAL 24/2/2011. Case no. [EGY 5/2012](#). State Reply: None to date. Alleged increasingly restrictive environment for civil society organizations and activists.

Observations

110. The Special Rapporteur thanks the Government of Egypt for its responses. He however regrets that at the time of the finalization of the present report, the Government had not transmitted replies to all his communications sent. He urges the authorities to provide as soon as possible detailed responses to all the concerns raised in these other communications, which are also echoed in a press release dated 21 November 2011 issued by four special procedures mandate holders.⁵

111. The Special Rapporteur is very concerned about the context in which associations have had to operate during the reporting period where some NGOs' offices were raided; their members stigmatised and some referred to Cairo's Criminal Court under the accusation of operating an illegal entity or of illegally receiving foreign funding. He takes note of the reply transmitted in relation to the difficulties faced by NGOs to operate within the context of the Law 84/2002, but he remains concerned that numerous provisions of this law do not meet international human rights standards. He calls upon the Government to ensure that no individual is criminalised for the peaceful exercise of their fundamental freedoms. He recommends the Government to adopt a new law on NGO to be in compliance with the best practices detailed in his thematic report and with the accepted recommendations issued within the context of the Universal Periodic Review of the Arab Republic of Egypt in March 2010 and, in particular, recommendations 95.88 and 95.106. He is available to provide any technical assistance the Government might require in this regard.

112. The Special Rapporteur refers again to Human Rights Council resolution 15/21, and in particular operative paragraph 1 that "[c]alls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, 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".

113. The Special Rapporteur urges the authorities to refrain from using force during peaceful demonstrations. 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, particularly against women, should be conducted; those responsible should be held accountable; and victims should be provided with full redress.

114. 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. In this

⁵ See <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11629&LangID=E>

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”. Such a visit may allow the mandate holder to provide any technical assistance that might be required.

Ethiopia

115. JUA 5/10/2011. Case no. [ETH 4/2011](#). State Reply: [17/2/2012](#). Alleged arrests, detention and charges under anti-terrorism legislation of journalists and opposition politicians.

116. JAL 9/12/2011. Case no. [ETH 6/2011](#). State Reply: None to date. Alleged strict implementation of the Charities and Societies Proclamation 621/2009 impeding the legitimate work of a human rights association.

Observations

117. The Special Rapporteur thanks the Government of Ethiopia for its response to his communication dated 5 October 2011, but regrets that it did not respond to the other communication dated 9 December 2011. He urges the authorities to provide as soon as possible detailed responses to all the concerns raised in the latter communication due to the grave nature of the allegations received with respect of the right to freedom of association.

118. The Special Rapporteur is deeply concerned by several provisions of the anti-terror legislation and the 2009 CSO law that unduly restrict the right to freedom of association. He is gravely concerned that the strict legal framework governing civil society has had a chilling effect on human rights associations that had, for most of them, to stop their activities. He is concerned about the frozen of all assets of the Ethiopian Human Rights Council association, which may force it to stop its human rights work. The mandate holder recommends to the Government to immediately revise the 2009 CSO law, notably with respect to access to funding; and to ensure that the revised version complies with the best practices detailed in his thematic report and with the accepted recommendations issued within the context of the Universal Periodic Review of Ethiopia and, in particular, recommendation 97.53. The Special Rapporteur is available to provide any technical assistance the Government might require in this regard.

119. The Special Rapporteur refers again to Human Rights Council resolution 15/21, and in particular operative paragraph 1 that “[c]alls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, 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”.

120. 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. 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”.

Fiji

121. JAL 01/09/2011. Case no. [FJI 2/2011](#). State Reply: None to date. Alleged illegitimate restrictions on the exercise of workers' rights to freedom of association and of expression, right to collectively bargain and right to strike due to the promulgations of the "Essential National Industries (Employment) Decree"; arrest, detention, and physical assault of trade unionists; and arbitrary decision by the Ministry of Labour against a trade unionist.

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

Observations

123. The Special Rapporteur regrets that the Government of Fiji did not respond to any 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.

124. The Special Rapporteur remains very preoccupied by the Decree entitled "Essential National Industries (Employment) Decree", which put serious restrictions on the operation of unions in the country, and he recommends to the Government to revise thoroughly the aforementioned decree.

125. The Special Rapporteur urges the authorities to ensure that no individual is criminalised for the peaceful exercise of his fundamental freedoms. He recommends for the Government to put in place an enabling and safe environment that is conducive to the free expression of unionists, and to ensure that they are not subjected to any acts of harassment or intimidation in relation to the exercise of their fundamental freedoms. A thorough and independent investigation over any allegations of torture or ill treatment should be conducted, those responsible should be held accountable, and victims should be provided with full redress.

126. The Special Rapporteur refers to Human Rights Council resolution 15/21, and in particular operative paragraph 1 that "[c]alls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, 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".

127. The Special Rapporteur reminds 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".

France

128. JUA 10/2/2012. Case no. [FRA 1/2012](#). State Reply: [8/5/2012](#). Allégation d'un risque crédible d'extradition et de risque de torture ou de mauvais traitement.

Observations

129. Le Rapporteur spécial remercie le Gouvernement de la France pour la réponse apportée à sa communication du 10 février 2012 au sujet du risque d'extradition de M. Mourad Dhina, membre du mouvement d'opposition algérien Rachad et directeur exécutif de l'organisation Alkarama pour les droits de l'homme.

130. Le Rapporteur spécial prend note de la poursuite de l'affaire au niveau judiciaire, et recommande aux autorités de prendre toutes les mesures nécessaires pertinentes pour s'assurer que nul ne soit criminalisé pour le seul exercice de ses libertés fondamentales.

Georgia

131. JUA 20/06/2011. Case no. [GEO 1/2011](#). State reply: [07/07/2011](#). Allegations of disproportionate use of force by law enforcement authorities to disperse a demonstration by opposition supporters.

Observations

132. The Special Rapporteur would like to thank the Government of Georgia for its response to his communication dated 20 June 2011. As a result of this engagement, and in the context of a standing invitation to all Special Procedures, an official country visit took place from 6 to 13 February 2012.

133. In line with the conclusions and recommendations contained in his mission report, the Special Rapporteur would like to reiterate the need for strengthening dialogue with all stakeholders with regard to the 26 May 2011 events. He regrets that stark differences in the narratives of accounts continue to exist between the Government and the opposition, which evidences the need for a new, inclusive and independent enquiry.

Guatemala

134. JAL 27/06/2011. Case no. [GTM 7/2011](#). State Reply: None to date. Presuntos asesinatos de dos miembros de Sindicato de Trabajadores Bananeros de Izabal (SITRABI).

135. JAL 05/10/2011. Case no. [GTM 15/2011](#). State Reply: None to date. Presunto asesinato de un miembro del Sindicato de Trabajadores Administrativos en el Segundo Registro de la Propiedad (SITRASEREPRO).

136. JAL 31/01/2012. Case no. [GTM 1/2012](#). State Reply: [23/04/2012](#). Presunto asesinato de defensor de derechos humanos, miembro activo de la Juventud del Comité de Desarrollo Campesino (CODECA).

Observaciones

137. El Relator Especial quisiera agradecer la respuesta a la carta conjunta enviada el 31 de enero de 2012. Se lamenta que el Gobierno de Guatemala deba aún responder dos cartas de alegación relativas a presuntos asesinatos de miembros de los sindicatos de trabajadores. En este sentido, se expresa una grave preocupación por la situación actual, especialmente en lo que concierne al disfrute del derecho de asociación.

138. El Relator Especial quisiera agradecer la respuesta facilitada por la Presidenta de la Comisión Presidencial Coordinadora de la Política del Ejecutivo en materia de Derechos Humanos (COPREDEH) relativa al presunto asesinato de un miembro de la Juventud del Comité de Desarrollo Campesino. El Relator Especial quisiera acompañarle en su determinación para lograr que se pongan en práctica medidas efectivas para asegurar una

protección adecuada de derechos fundamentales, y en particular, del derecho a la libertad de asociación y reunión pacífica. Se reitera, a su vez, la necesidad de asegurar la existencia de un ambiente propicio para organizaciones de la sociedad civil así como para cualquier persona que se disponga a disfrutar de su derecho a la libertad de asociación y reunión pacífica. En este sentido, se hace un llamamiento para que investiguen, de manera independiente y efectiva, cualquier alegación de acto de hostigamiento, intimidación, violencia, asesinato y ejecución extrajudicial contra cualquier activista y defensor de los derechos humanos y, en su caso, se sancione a los culpables, y se repare a las víctimas.

139. En este sentido, se hace especial referencia al contenido del párrafo operativo 1 de la resolución 15/21 del Consejo de Derechos humanos donde se “[e]xhorta a los Estados a que respeten y protejan plenamente el derecho de todas las personas a la libertad de reunión y de asociación pacíficas, incluso en el contexto de unas elecciones, y con inclusión de las personas que abracen convicciones o creencias minoritarias o disidentes, los defensores de los derechos humanos, las personas afiliadas a sindicatos y las demás 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 del libre ejercicio del derecho a la libertad de reunión y de asociación pacíficas sea conforme con las obligaciones que les incumben en virtud de las normas internacionales de derechos humanos”.

140. El Relator Especial quisiera agradecer también la invitación de Guatemala para llevar a cabo una visita oficial al país.

Honduras

141. JUA 25/10/2011. Case no. [HND 9/2011](#). State Reply: None to date. Presunto asesinato, atentado contra la vida, detención arbitraria y amenaza de muerte contra miembros de asociaciones.

Observaciones

142. El Relator Especial lamenta no haber recibido una respuesta a su carta del octubre 2011 y quisiera invitar al Gobierno de Honduras a responder a la comunicación a la mayor brevedad, así como a proporcionar cualquier información actualizada que considere pertinente, dada la gravedad del caso. El Relator Especial considera que dar respuesta a sus comunicaciones es una forma importante de cooperar con su mandato.

143. En este sentido, se reitera la preocupación ya expresada, en cuanto a alegaciones recibidas de amenazas de muerte y actos de hostigamiento contra activistas y miembros de sindicatos de campesinos. En este sentido, se exhorta al Gobierno de su Excelencia para que intensifique sus esfuerzos en vistas a 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. De la misma manera, 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 repare a las víctimas.

144. Por otro lado, se reitera también que el Gobierno tiene una obligación positiva de asegurar que las organizaciones de la sociedad civil operan en un ambiente propicio y favorable. En este sentido, se recomienda adoptar medidas urgentes con el fin de lograr que cualquier persona pueda disfrutar libremente del derecho de asociación y reunión pacífica.

145. En este sentido, se hace especial referencia al párrafo operativo 1 de la resolución 15/21 del Consejo de Derechos humanos donde se “[e]xhorta a los Estados a que respeten y protejan plenamente el derecho de todas las personas a la libertad de reunión y de

asociación pacíficas, incluso en el contexto de unas elecciones, y con inclusión de las personas que abracen convicciones o creencias minoritarias o disidentes, los defensores de los derechos humanos, las personas afiliadas a sindicatos y las demás 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 del libre ejercicio del derecho a la libertad de reunión y de asociación pacíficas sea conforme con las obligaciones que les incumben en virtud de las normas internacionales de derechos humanos”.

146. El Relator Especial quiere agradecer la invitación del Gobierno para llevar a cabo una visita oficial al país.

Hungary

147. JAL 18/7/2011. Case no. [HUN 2/2011](#). State Reply: [7/9/2011](#). Alleged restriction of religious freedom and right to assemble, worship and practice of those belonging to minority faiths.

Observations

148. The Special Rapporteur thanks the Government of Hungary for its response to his communication dated 18 July 2011. He remains concerned by undue limitations to the right to freedom of association contained in the new legislation.

149. The Special Rapporteur underlines that the rights of peaceful assembly and association are key for individuals espousing minority or dissenting views or beliefs. He therefore urges States to refrain from adopting and implementing legislation that can hamper the legitimate work of civil society, including religious associations. He recommends to the Government to revise the aforementioned law to ensure it complies with international human rights law. He is available to provide any technical assistance the Government might require in this regard.

India

150. JUA 29/7/2011. Case no. [IND 14/2011](#). State Reply: [03/08/2011](#). Alleged acts of violence and intimidation in the context of forced evictions.

151. JUA 5/8/2011. Case no. [IND 16/2011](#). State Reply: [08/08/2011](#). Detention and allegations of acts of intimidation against residents of the villages located on Chhindwada.

152. JUA 9/9/2011. Case no. [IND 19/2011](#). State Reply: [21/09/2011](#). Alleged killing, attacks and threats against women human rights defenders.

153. JUA 17/1/2012. Case no. [IND 23/2011](#). State Reply: None to date. Alleged restrictions of right to freedom of movement.

Observations

154. The Special Rapporteur takes notes of the responses of the Government of India in which it acknowledged receipt of his communications. He and urges the authorities to provide detailed answers to all the concerns raised in his communications.

155. The Special Rapporteur remains gravely concerned by allegations of extrajudicial killing of Ms. Shehla Masood, an environmentalist and human rights defender exercising her right to freedom of peaceful assembly and of association. He is gravely concerned about the physical and psychological integrity of people exercising their right to freedom of peaceful assembly and of association and of their relatives in India. 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.

156. 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 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; to hold accountable those responsible and to provide full redress to victims.

157. The Special Rapporteur refers again to Human Rights Council resolution 15/21, and in particular operative paragraph 1 that “[c]alls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, 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

158. JUA 8/7/2011. Case no. [IDN 4/2011](#). State Reply: None to date. Alleged harassment of members of the Christian community, restricting religious freedom and right to assemble, worship and practice.

159. JUA 23/2/2012. Case no. [IDN 3/2012](#). State Reply: None to date. Alleged intimidation and attacks targeted at the congregation of the Taman Yasmin Indonesian Christian Church (Gereja Kristen Indonesia, GKI) by some Islamist groups in Bogor, West Java.

Observations

160. The Special Rapporteur regrets that the Government of Indonesia did not respond to any 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 as soon as possible detailed responses to all the concerns raised in these communications.

161. The Special Rapporteur further urges the authorities to ensure the protection of individuals belonging to religious communities, and in particular the congregation of the Taman Yasmin Indonesian Church, exercising their rights to freedom of peaceful assembly and of association.

162. The Special Rapporteur refers again to Human Rights Council resolution 15/21, and in particular operative paragraph 1 that “[c]alls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, 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”.

163. The Special Rapporteur reminds 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)

164. JUA 8/7/2011. Case no. [IRN 9/2011](#). State Reply: None to date. Alleged arbitrary detention of human rights defenders and persons peacefully exercising their freedoms of expression and assembly.

165. JUA 11/10/2011. Case no. [IRN 13/2011](#). State Reply: None to date. Alleged arrest and detention, ill-treatment, judicial harassment and sentencing of women human rights defenders.

166. JUA 19/10/2011. Case no. [IRN 14/2011](#). State Reply: [2/3/2012](#); [4/5/2012](#); [15/05/2012](#). Alleged arrest, detention and sentencing of human rights defenders.

Observations

167. The Special Rapporteur thanks the Government of the Islamic Republic of Iran for its responses to the communication dated 19 October 2011. He however regrets that at the time of the finalization of the present report, the Government had not transmitted replies to the two other communications. He 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.

168. The Special Rapporteur is very 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 men and women human rights defenders. He is very concerned about the information transmitted by the Government in relation to the joint urgent action he sent on 19 October 2010 and further 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 recommends the Government to 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 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.

169. The Special Rapporteur refers again to Human Rights Council resolution 15/21, and in particular operative paragraph 1 that “[c]alls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, 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”.

Iraq

170. JUA 21/6/2011. Case no. [IRQ 4/2011](#). State Reply: [28/07/2011](#). Allegations of attack against peaceful protestors in Baghdad's Tahrir Square.

Observations

171. The Special Rapporteur thanks the Government of Iraq for its response to his communication dated 21 June 2011. He read with interest that the "Ministry of Human Rights sent field monitoring team to follow the course of demonstrations in Baghdad and the governorates in order to monitor violations" and he further recommends the authorities to take all necessary positive measures to ensure that those exercising their right of peaceful assembly are protected against any violent counter-demonstrators.

172. The Special Rapporteur calls upon the authorities to intensify their efforts to protect peaceful protesters. He underlines that States have the primary responsibility to protect individuals, in particular women, who take part in peaceful assemblies. 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.

Israel

173. JAL 29/8/2011. Case no. [ISR 7/2011](#). State Reply: [15/12/2011](#). Allegation that a new law defines calling for a boycott as a 'civil wrong'.

Observations

174. The Special Rapporteur thanks the Government of Israel for its response to his communication dated 29 August 2011.

175. The Special Rapporteur read with interest that the Law for the prevention of Harm to the State of Israel through Boycotts was judicially reviewed by the Israel's High Court of Justice and the Special Rapporteur was further informed that this case was still pending. He urges the authorities to refrain from adopting or implementing legislations that can hamper the legitimate work of civil society. He would recommend the Government to revise the aforementioned law to ensure its revised version complies with international human rights law standards.

Kazakhstan

176. JUA 28/7/2011. Case no. [KAZ 2/2011](#). State Reply: [17/9/2011](#). Alleged detention of human rights defender and trade unionist.

177. JUA 13/1/2012. Case no. [KAZ 5/2011](#). State Reply: None to date. Allegations of widespread acts of violence and excessive use of force against protesters in Zhanaozen, Mangistau region.

Observations

178. The Special Rapporteur thanks the Government of Kazakhstan for the response received to his communication dated 28 July 2011. He regrets that it did not respond to the latter communication he sent dated 13 January 2012. He urges the authorities to provide as

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

179. The Special Rapporteur urges 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, including trade unions, can peacefully exercise their rights of freedom of peaceful assembly and of association. He recommends the Government to put in place an enabling and safe environment allowing individuals to exercise their legitimate freedoms without undue hindrances.

180. The Special Rapporteur urges the authorities to refrain from using force during peaceful demonstrations. He reminds that the right to life is 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 recommends 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.

181. The Special Rapporteur refers again to Human Rights Council resolution 15/21, and in particular operative paragraph 1 that “[c]alls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, 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”.

182. The Special Rapporteur reminds 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”.

Kuwait

183. JAL 6/3/2012. Case no. [KWT 1/2012](#). State Reply: [30/4/2012](#). Alleged undue restrictions to the right of peaceful assembly.

Observations

184. The Special Rapporteur thanks the Government of Kuwait for its response to his communication dated 6 March 2012. Official translation of this reply was pending at the time of finalizing this report.

185. Meanwhile, the Special Rapporteur underlines that the rights of peaceful assembly and of association are to be enjoyed by all without any discrimination, including by Bidun. He urges the authorities to refrain from using force during peaceful demonstrations. 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.

Lebanon

186. JUA 10/08/2011. Case no. [LBN 3/2011](#). State Reply: None to date. Allégations d'actes d'intimidation.

Observations

187. Le Rapporteur spécial regrette de ne pas avoir reçu aucune réponse du Gouvernement du Liban pour sa communication datée du 10 août 2011. Il considère les réponses à ses communications comme faisant partie intégrante de la coopération des gouvernements avec son mandat et invite de ce fait les autorités à fournir aussi tôt que possible des réponses détaillées aux préoccupations soulevées dans cette communication.

188. Le Rapporteur spécial rappelle qu'il appartient aux Etats de mettre en place un environnement qui soit favorable à l'expression de la société civile. Il invite le Gouvernement à clarifier les allégations d'actes d'intimidations contre des activistes de la société civile, notamment ceux actifs dans des associations des droits de l'homme.

Malawi

189. JUA 5/8/2011. Case no. [MWI 3/2011](#). State Reply: [09/08/2011](#). Alleged excessive use of force in the context of peaceful anti-Government protests, which resulted in at least 18 deaths and a large number of injured.

190. JUA 10/10/2011. Case no. [MWI 4/2011](#). State Reply: [17/10/2011](#). Alleged arson attacks and arrest.

191. JUA 19/10/2011. Case no. [MWI 6/2011](#). State Reply: None to date. Alleged arbitrary detention of human rights defenders for their peaceful exercise of the freedoms of expression and assembly.

Observations

192. The Special Rapporteur thanks the Government of Malawi for the responses it transmitted in response to communications dated 5 August 2011 and 10 October 2011. He regrets that the authorities did not provide detailed explanation of the measures taken with regard to the allegation of excessive use of force during peaceful protests that have resulted in numerous loss of lives. He further regrets that the Government did not respond to the latter communication dated 19 October 2011. He urges the authorities to provide as soon as possible detailed responses to all the concerns raised in the latter communication.

193. The Special Rapporteur urges the authorities to refrain from using force during peaceful demonstrations. He reminds that the right to life is 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." 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, notably during those that occurred in July

2011 in the cities of Lilongwe, Karonga and Mzuzu, 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 the aforementioned case.

194. He further recommends to the Government to put in place an enabling and safe environment that is conducive to the free expression of civil society and political activists allowing individuals to exercise their legitimate freedom of association without undue hindrances. He calls upon to investigate 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.

195. The Special Rapporteur refers again to Human Rights Council resolution 15/21, and in particular operative paragraph 1 that “[c]alls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, 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”.

196. The Special Rapporteur reminds the Government of Malawi 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”.

Malaysia

197. JUA 07/07/2011. Case no. [MYS 6/2011](#). State Reply: [10/08/2011](#). Alleged harassment, intimidation, arrest or questioning by police of members and supporters of the Coalition for Fair and Free Elections (Bersih).

198. JUA 28/07/2011. Case no. [MYS 7/2011](#). State Reply: [24/04/2012](#). Court order allegedly imposing ban on entering Kuala Lumpur.

199. JAL 02/12/2011. Case no. [MYS 10/2011](#). State Reply: [04/04/2012](#). Allegation that the proposed Peaceful Assembly Bill may unduly restrict the right to assemble peacefully.

200. JAL 23/01/2012. Case no. [MYS 11/2011](#). State Reply: [24/04/2012](#). Alleged banning of the Lesbian, Gay, Bisexual and Transgender (LGBT) festival, harassment and questioning of organizers.

Observations

201. The Special Rapporteur thanks the Government of Malaysia for having replied to all communications sent during the reported period. He remains nevertheless concerned by repeated allegations that those peacefully exercising their rights to freedom of peaceful assembly and association face undue restrictions, as echoed in a press release dated 7 December 2011 issued by four special procedures mandate holders.⁶

⁶ See: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11694&LangID=E>

202. The Special Rapporteur is concerned that, according to the Government's response, a demonstration of members and supporters of the Coalition for Fair and Free Elections (Bersih) was prevented on the sole basis that an opposite group wanted to demonstrate on the same day and at the same location. When there is still credible information that a violent counter-demonstration may take place, greater efforts are required to ensure adequate protection for the members of the first assembly planned. In this connection, the State has a positive obligation to ensure that the right of peaceful assembly is protected against any disruption or provocation.

203. Given the repeated allegations of acts of harassment and intimidation, the Special Rapporteur recommends the Government to immediately put in place an enabling and safe environment allowing individuals to exercise their legitimate freedoms of peaceful assembly and association 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.

204. The Special Rapporteur thanks the Government for the information it transmitted with regard to the new legislation. He nevertheless remains concerned about numerous provisions of this law, as identified in the communication he sent. He renews its availabilities to provide any technical support and assistance needed to ensure that the legal framework related to peaceful assemblies and its implementation meet international law standards.

205. The Special Rapporteur refers again to Human Rights Council resolution 15/21, and in particular operative paragraph 1 that "[c]alls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, 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".

206. The Special Rapporteur reminds the Government of Malaysia 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".

Maldives

207. JUA 29/02/2012. Case no. [MDV 2/2012](#). State Reply: None to date. Allegations of excessive use of force against protestors belonging to the Maldivian Democratic Party (MDP).

Observations

208. The Special Rapporteur regrets that the Government of the Maldives did not respond to his communication dated 29 February 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 concerned he raised in his communication.

209. The Special Rapporteur further urges the authorities to refrain from using force during peaceful demonstrations and 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.

210. The Special Rapporteur refers again to Human Rights Council resolution 15/21, and in particular operative paragraph 1 that “[c]alls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, 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”.

211. The Special Rapporteur welcomes the official invitation extended by the authorities on 19 May 2011 to conduct a field visit to the Maldives, and hopes to honour it in the near future.

Mexico

212. JAL 13/01/2012. Case no. [MEX 31/2011](#). State Reply: [27/03/2012](#); [15/5/2012](#). Alegaciones de ejecuciones extrajudiciales, así como de uso excesivo de la fuerza y de detención arbitraria contra manifestantes estudiantiles en Chilpancingo.

Observaciones

213. El Relator Especial quisiera agradecer la respuesta del Gobierno de México a la carta de alegación enviada relativa a las protestas estudiantiles del 12 de diciembre de 2012 en la autopista federal México-Acapulco, en el tramo de la carretera de la ciudad de Chilpancingo de los Bravo, en el Estado de Guerrero.

214. El Relator Especial toma debida nota del contenido de su carta en la que se indica que los enfrentamientos entre policías estatales y federales y manifestantes conllevaron “una actuación irregular de algunos servidores públicos que derivó en violaciones a diversos derechos humanos”, incluyendo el derecho a la vida, la integridad personal, la libertad y el debido proceso legal. También se toma nota de su argumentación que la manifestación “no se desarrolló por completo de manera pacífica”. No obstante, se hace especial mención al contenido del informe de la Comisión Nacional de los Derechos Humanos relativo a la investigación de violaciones graves a los derechos humanos relacionada con los hechos ocurridos el 12 de diciembre de 2011 en Chilpancingo. En particular, se destacan las observaciones de la Comisión, entre otras cuestiones, sobre la criminalización de la protesta social y el empleo de armas de fuego.

215. En este sentido, se hace un llamamiento al Gobierno de México y del Estado de Guerrero para que intensifiquen sus esfuerzos en vistas a lograr un diálogo abierto y genuino con la sociedad civil, incluyendo aquellas personas o asociaciones que defiendan posiciones minoritarias o disidentes. Por otro lado, se insiste en la necesidad de asegurar la existencia de un ambiente 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, se reitera que el Estado tiene una obligación positiva de llevar a cabo medidas efectivas para hacer efectivo el disfrute de estos derechos.

216. El Relator Especial quisiera también referirse al contenido del párrafo operativo 1 de la resolución 15/21 del Consejo de Derechos humanos donde se “[e]xhorta a los Estados a que respeten y protejan plenamente el derecho de todas las personas a la libertad de reunión y de asociación pacíficas, incluso en el contexto de unas elecciones, y con inclusión de las personas que abracen convicciones o creencias minoritarias o disidentes, los defensores de los derechos humanos, las personas afiliadas a sindicatos y las demás 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 del libre ejercicio del derecho a la libertad de reunión y de asociación pacíficas sea conforme con las obligaciones que les incumben en virtud de las normas internacionales de derechos humanos”.

Morocco

217. JUA 31/05/2011. Case no. [MAR 2/2011](#). State Reply: [29/07/2011](#). Allégation de mauvais traitements et d’arrestations dans le cadre des protestations.

218. JUA 4/11/2011. Case no. [MAR 6/2011](#). State Reply: [19/01/2012](#). Allégation d’arrestations et détentions de défenseurs de droits de l’homme.

219. JAL 29/11/2011. Case no. [MAR 8/2011](#). State Reply: [1/3/2012](#). Allégation de refus de réceptionner les documents de constitution de l’Association sahraouie des victimes de graves violations des droits de l’Homme (ASVDH).

Observations

220. Le Rapporteur spécial remercie le Gouvernement du Maroc pour ses réponses à toutes les communications envoyées.

221. Il demande au Gouvernement de mettre en place un environnement favorable à la pleine et libre expression de toutes les associations, notamment au Sahara occidental, par l’enregistrement de toutes les associations qui respectent les dispositions légales en ligne avec les standards internationaux relatifs à la liberté d’association, et par les garanties que nul ne puisse être criminalisé pour le seul exercice de ses libertés fondamentales.

222. 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

223. JAL 23/02/2012. Case no. [MMR 1/2012](#). State Reply: None to date. Alleged conviction of 32 lawyers in relation to the exercise of their rights to freedom of opinion, expression, peaceful assembly and association, as well as for providing legal representation and assistance, and their subsequent disbarment following proceedings in violation of fair trial safeguards.

Observations

224. The Special Rapporteur regrets that the Government of Myanmar 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 the communication.

225. The Special Rapporteur further urges the authorities to ensure that no individual is criminalised for the exercise of his 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 the Government to 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.

226. The Special Rapporteur refers again to Human Rights Council resolution 15/21, and in particular operative paragraph 1 that “[c]alls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, 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”.

227. 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. 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”.

Nigeria

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

Observations

229. The Special Rapporteur regrets that no reply has been received from the Government of Nigeria to the allegation letter 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 concerned he raised in his communication.

230. The Special Rapporteur underlines that the rights of peaceful assembly and of association are key for individuals espousing minority or dissenting views or beliefs. He therefore urges States to refrain from adopting legislations that can hamper the legitimate work of civil society, notably of those espousing minority or dissenting views or beliefs. He recommends to the Government to revise the Same-Gender Marriage” Bill to ensure it complies with international human rights law. He is available to provide any technical assistance the Government might require in this regard.

Pakistan

231. JAL 30/12/2011. Case no. [PAK 17/2010](#). State Reply: None to date. Alleged killing of a human rights defender.

Observations

232. The Special Rapporteur regrets that no reply has been received from the Government of Pakistan to the allegation letter 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 detailed answers to all the concerns raised in this communication.

233. The Special Rapporteur remains gravely concerned by the alleged extrajudicial killing of Mr. Zarteef Afridi from the Human Rights Commission of Pakistan (HRCP). He is gravely concerned about the physical and psychological integrity of people exercising their rights to freedom of peaceful assembly and of association in Pakistan, notably of those working for the HRCP as two other members of the organisation, Mr. Siddique Eido and Mr. Naeem Sabir, were reportedly subjected to abduction and subsequent killing in early 2011. He underscores that it is 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 into the killing of Mr. Zarteef Afridi should be conducted, and those responsible should be held accountable. He requests the Government to keep him informed about the investigations conducted in relation to the aforementioned case.

234. The Special Rapporteur refers again to Human Rights Council resolution 15/21, and in particular operative paragraph 1 that “[c]alls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, 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”.

235. 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”.

Paraguay

236. JAL 11/10/2011. Case no. [PRY 1/2011](#). State Reply: [17/01/2012](#). Presuntos actos de intimidación e irregularidades en el proceso judicial.

Observaciones

237. El Relator Especial quiere agradecer la respuesta del Gobierno de Paraguay a su carta del 11 octubre 2011, en relación con los actos alegados contra miembros de la ONG Iniciativa Amotocodie.

238. El Relator Especial ha leído con interés la respuesta donde se destaca el deber y atribución del Ministerio Público de “promover la acción penal pública para defender el

patrimonio público y social, el medio ambiente, y otros intereses difusos, así como los derechos de los pueblos indígenas”. Asimismo, se toma nota de su observación sobre el carácter aislado de la denuncia a Iniciativa Amotocodie, y que “no representa ni expresa el conjunto de las políticas públicas del Estado”. No obstante, el Relator Especial reitera su preocupación por las alegaciones recibidas de dichos actos intimidatorios, y se invita al Gobierno a que facilite información adicional actualizada sobre este caso.

Philippines

239. JAL 04/07/2011. Case no. [PHL 4/2011](#). State Reply: None to date. Alleged acts of violence and intimidation against human rights defenders.

240. JUA 10/11/2011. Case no. [PHL 6/2011](#). State Reply: None to date. Alleged killings of human rights defenders.

Observations

241. The Special Rapporteur regrets that no reply has been received from the Government of the Philippines to the communications 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 these communications.

242. The Special Rapporteur is gravely concerned by allegations of extrajudicial killings and acts of violence against individuals exercising peacefully their rights of freedom of peaceful assembly and of association. He is further gravely concerned about the physical and psychological integrity of people exercising their rights to freedom of peaceful assembly and association in the Philippines. A thorough and independent investigation into allegations of use of live fire and excessive use of force during peaceful demonstrations, 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.

243. The Special Rapporteur refers again to Human Rights Council resolution 15/21, and in particular operative paragraph 1 that “[c]alls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, 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”.

244. 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”.

Russian Federation

245. JUA 28/7/2011. Case no. [RUS 8/2011](#). State Reply: [15/9/2011](#). Alleged threats and acts of intimidation against human rights defenders.

246. JUA 16/9/2011. Case no. [RUS 10/2011](#). State Reply: [19/12/2011](#). Alleged arrest and detention of human rights defenders.

247. JUA 30/11/2011. Case no. [RUS 12/2011](#). State Reply: [18/1/2012](#). Allegation of the passing of the first reading of an allegedly discriminatory bill by the Legislative Assembly in Saint Petersburg amending the Law on administrative violations.

248. JUA 22/12/2011. Case no. [RUS 13/2011](#). State Reply: [30/3/2012](#). Allegations of harassment, arbitrary detention and excessive use of force against activists and peaceful protesters in the context of the parliamentary elections held on 4 December 2011.

Observations

249. The Special Rapporteur thanks the Government of the Russian Federation for transmitting responses to all his communications.

250. The Special Rapporteur urges the authorities to actively seek alternative solutions to the use of force during peaceful demonstrations. He further recommends to the Government to ensure that the physical and psychological integrity of the people exercising their rights to freedom of peaceful assembly and of association as well as of those who monitor such fundamental freedoms are guaranteed. He also recommends that a thorough, impartial and independent investigation 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.

251. The Special Rapporteur recommends to the Government to put in place an enabling and safe environment that is conducive to the free expression of civil society allowing individuals, notably those espousing minority or dissenting views or beliefs, to exercise their legitimate right to freedom of association without undue hindrances or restrictions. Any allegation of any alleged human rights violations, including acts of harassment and intimidation, committed against activists and human rights defenders should be investigated.

252. The Special Rapporteur refers again to Human Rights Council resolution 15/21, and in particular operative paragraph 1 that “[c]alls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, 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”.

253. The Special Rapporteur further refers to the recommendations issued within the context of the Universal Periodic Review (UPR) and accepted by the Russian Federation in February 2009 and, in particular, recommendation 85.42 concerning the duty to promote the rights of human rights defenders to freedom of expression, association and peaceful assembly. In this regard, he urges the authorities to refrain from adopting legislation that can hamper the legitimate work of civil society, notably of those who espouse minority or dissenting views or beliefs. He is available to provide any technical assistance the Government might require in this regard.

254. The Special Rapporteur thanks the Government of the Russian Federation for responding to his request to visit the country. He looks forward to further discussing mutually convenient dates for such a visit.

Senegal

255. JUA 28/7/2011. Case no. [SEN 2/2011](#). State Reply: None to date. Allégations d'actes de violence, ainsi que des propos diffamatoires à l'encontre de la société civile.

256. JAL 10/2/2012. Case no. [SEN 1/2012](#). State Reply: None to date. Allégations d'un usage excessif de la force et de restrictions illégitimes au droit à la liberté de réunion pacifique.

Observations

257. Le Rapporteur spécial regrette ne pas avoir reçu de réponses aux communications datées du 28 juillet 2011 et du 10 février 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 les nouvelles autorités à fournir aussi tôt que possible des réponses détaillées aux préoccupations soulevées dans ses communications.

258. Le Rapporteur spécial rappelle aux Etats qu'ils doivent s'abstenir de tout recours à la force durant des manifestations pacifiques, notamment celles tenues dans un contexte d'élections. Il rappelle que le droit à la vie est un droit auquel aucune dérogation n'est permise en droit international des droits de l'homme, y compris dans le contexte de manifestations pacifiques.

259. Le Rapporteur spécial réfère à la résolution 15/21 du Conseil des droits de l'homme, en particulier son premier paragraphe qui « [d]emande à tous les États de respecter et protéger le droit de réunion pacifique et de libre association dont jouissent tous les individus, y compris en ce qui concerne les élections et les personnes professant des opinions ou des croyances minoritaires ou dissidentes, ou défendant la cause des droits de l'homme, des syndicalistes et de tous ceux, y compris les migrants, qui cherchent à exercer ou promouvoir ce droit, et de faire en sorte que les restrictions éventuellement imposées au libre exercice du droit de réunion et d'association pacifiques soient conformes aux obligations que leur impose le droit international relatif aux droits de l'homme ».

260. Une enquête approfondie et indépendante sur les allégations d'usage excessif de la force et de torture et de mauvais traitement, y compris contre les femmes, durant des manifestations pacifiques, notamment celles tenues durant les élections présidentielles de février 2012, devrait être conduit ; les responsables de violence traduits devant la justice et les victimes obtenir une réparation intégrale.

Serbia

261. JAL 28/10/2011. Case no. [SRB 1/2011](#). State Reply: None to date. Alleged ban of the 2011 Belgrade Pride Parade.

Observations

262. The Special Rapporteur regrets that no reply has been received from the Government of the Serbia 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 communication.

263. The Special Rapporteur underlines that the rights of peaceful assembly and of association are key for individuals espousing minority or dissenting views or beliefs. He therefore urges the authorities to take positive measures to ensure the physical and

psychological integrity of people espousing minority or dissenting views or beliefs and exercising their rights of freedom of assembly and association.

264. He further recommends to States to avoid insofar as possible blanket prohibitions on assemblies. He further stresses that States have a positive obligation to ensure that the right to peaceful assembly is protected against any disruptive or provocative agent. In case competitive groups or assemblies emerge, he further recommends that positive measures are taken to ensure that any tension between such groups or assemblies is dissuaded as much as possible.

Sierra Leone

265. JUA 23/9/2011. Case no. [SLE 1/2011](#). State Reply: None to date. Alleged threats against human rights defender.

Observations

266. The Special Rapporteur regrets that no reply has been received from the Government of Sierra Leone to the communication dated 23 September 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 his communication.

267. The Special Rapporteur recommends to the Government to put in place an enabling and safe environment that is conducive to the free expression of civil society, including for associations such as the Women's Centre for Good Governance and Human Rights (WOCEGAR) that protect and promote the rights of individuals espousing minority or dissenting views or beliefs. 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.

Spain

268. JAL 9/3/2012. Case no. [ESP 2/2012](#). State Reply: [8/05/2012](#). Alegaciones de uso excesivo de la fuerza contra manifestantes pacíficos, en su mayoría menores, durante las protestas estudiantiles ocurridas en Valencia desde el 15 de febrero de 2012.

Observaciones

269. El Relator Especial quiere agradecer la respuesta del Gobierno de España del 8 de mayo de 2012 relativa a la carta de alegación relativa a las manifestaciones de estudiantes en Valencia. No obstante, se lamenta que no haya respondido a la totalidad de las alegaciones presentadas. En concreto, se reiteran los hechos alegados que durante las protestas en Valencia, las fuerzas y cuerpos de la seguridad del Estado no habrían hecho visibles sus placas de identificación personal con el correspondiente número de carnet profesional y de tarjeta de identidad profesional, tal y como exige la Instrucción 13/2007 del Ministerio del Interior. De confirmarse las imágenes en vídeo recibidas, dicha actuación podría sugerir que fue intencional y deliberada. Asimismo, el Relator Especial reitera su preocupación por las alegaciones recibidas de uso excesivo de la fuerza contra manifestantes pacíficos.

270. El Relator Especial considera que una actuación policial debe basarse en una presunción generalizada a favor de la celebración de dichas reuniones. En este sentido, si bien los manifestantes no deben recurrir a la violencia, tampoco procede categorizar como violenta a toda una manifestación por actos esporádicos de violencia perpetrados por un grupo reducido de personas. De hecho, una manifestación debe presumirse como pacífica siempre y cuando los organizadores y participantes tengan intenciones pacíficas. En este sentido, el Estado tiene una obligación positiva de tomar medidas para proteger el derecho de reunión pacífica de los manifestantes frente a cualquier acto que impida indebidamente el legítimo ejercicio de este derecho.

271. El Relator Especial quiere invitar a sus autoridades a intensificar sus esfuerzos en la búsqueda de alternativas a la dispersión forzosa de manifestantes pacíficos, especialmente si se tratan de menores de edad, incluyendo un cambio legislativo que permita la celebración de reuniones pacíficas espontáneas.

Sri Lanka

272. JAL 29/12/2011. Case no. [LKA 11/2011](#). State Reply: None to date. Allegations of detention of and acts of intimidation against a group of human rights and political activists who were planning to attend a peaceful protest in Jaffna on the occasion of Human Rights Day.

273. JUA 1/3/2012. Case no. [LKA 1/2012](#). State Reply: None to date. Allegations of excessive use of force against peaceful protestors and undue restrictions on the rights to freedom of peaceful assembly and expression.

Observations

274. The Special Rapporteur regrets that no reply has been received from the Government of Sri Lanka to the communications 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.

275. The Special Rapporteur underscores States' obligation to ensure that no one is criminalised for the peaceful exercise of the rights to freedom of peaceful assembly and of association. He is very concerned about the physical and psychological integrity of people exercising their rights to freedom of peaceful assembly and of association in Sri Lanka.

276. The Special Rapporteur recommends to the Government to 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 alleged human rights violations, including acts of intimidations or harassments, committed against those exercising their rights to freedom of peaceful assembly and association, should be conducted; those responsible should be held accountable; and victims should be provided with full redress.

277. The Special Rapporteur refers again to Human Rights Council resolution 15/21, and in particular operative paragraph 1 that “[c]alls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, 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”.

278. 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

279. JUA 15/2/2012. Case no. [SDN 1/2012](#). State Reply: None to date. Alleged excessive use of force during peaceful demonstrations.

Observations

280. The Special Rapporteur regrets that no reply has been received from the Government of Sudan to the urgent appeal 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 communication.

281. The Special Rapporteur recommends 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; to hold accountable those responsible and to provide full redress to victims.

Switzerland

282. JAL 5/3/2012. [CHE 1/2012](#). State Reply: [3/5/2012](#) ; [3/5/2012](#) ; [3/5/2012](#) ; [3/5/2012](#) ; [3/5/2012](#) ; [3/5/2012](#) ; [3/5/2012](#) ; [9/5/2012](#). Allégations de restrictions indues concernant la loi modifiant la loi sur les manifestations sur le domaine public au sein de la république et canton de Genève.

Observations

283. Le Rapporteur spécial remercie le Gouvernement de la Suisse pour les réponses qu’il a apportées à sa communication datée du 5 mars 2011.

284. Le Rapporteur spécial prend note du recours juridique déposé contre la nouvelle loi sur les manifestations. Il recommande au Gouvernement de réviser la loi modifiant la loi sur les manifestations sur le domaine public au sein de la république et canton de Genève de sorte qu’elle soit conforme aux meilleures pratiques relatives à la liberté d’association et de réunion pacifique détaillées dans son rapport thématique. Il est prêt à fournir tout appui technique dont aurait besoin le Gouvernement à cet égard.

Syrian Arab Republic

285. JUA 17/6/2011. Case no. [SYR 7/2011](#). State Reply: None to date. Alleged killings of protesters, excessive use of force and denial of life-saving medical treatment.

286. JAL 29/6/2011. Case no. [SYR 6/2011](#). State Reply: [25/10/2011](#). Alleged arrest and detention of human rights activists following peaceful protests.

287. JUA 3/8/2011. Case no. [SYR 8/2011](#). State Reply: None to date. Alleged arrests and possible enforced disappearances in the context of the demonstrations that have been taking place in the Syrian Arab Republic since 15 March 2011.

288. JUA 4/8/2011. Case no. [SYR 9/2011](#). State Reply: None to date. Alleged continued use of excessive force and arbitrary detention in relation to the continued violent crackdown against demonstrations.

289. JUA 10/8/2011. Case no. [SYR 10/2011](#). State Reply: None to date. Alleged arrest and possible enforced disappearance.

290. JUA 18/8/2011. Case no. [SYR 12/2011](#). State Reply: [27/12/2011](#). Alleged disciplinary procedure against human rights lawyer and defender.

291. JUA 30/8/2011. Case no. [SYR 13/2011](#). State Reply: None to date. Allegations of arrests, physical assault, ill-treatment, charges, and incommunicado detention.

292. JUA 3/2/2012. Case no. [SYR 1/2012](#). State Reply: None to date. Alleged shooting and subsequent arbitrary arrest and incommunicado detention of pro-democracy activist Mr. Mohamed Anwar Dabbas.

Observations

293. The Special Rapporteur thanks the Government of the Syrian Arab Republic for its responses. However, he deeply regrets that six communications he sent during the reported period are left unanswered. He remains gravely concerned about the significant number and the very grave nature of the allegations received during the reporting period. He urges the authorities to provide as soon as possible detailed responses to all the concerns raised in his communication.

294. The Special Rapporteur is extremely concerned about the physical and psychological integrity of people exercising their rights to freedom of peaceful assembly and association in the Syrian Arab Republic and further calls upon the authorities to release immediately and unconditionally all persons convicted for exercising their legitimate rights.

295. The Special Rapporteur reminds that the right to life is 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 requests the Government to keep him informed about the investigations conducted in this regard.

296. He urges all parties to immediately end violence and he calls on the authorities to stop using force during peaceful demonstrations. 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, should be conducted; those responsible should be held accountable; and victims should be provided with full redress.

297. The Special Rapporteur emphasises 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).

298. The Special Rapporteur refers again to Human Rights Council resolution 15/21, and in particular operative paragraph 1 that “[c]alls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, 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”.

299. The Special Rapporteur deeply 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, after the Government extended an invitation for such a visit to take place “during the first months of [2012]”. 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”.

Turkey

300. JUA 13/10/2011. Case no. [TUR 4/2011](#). State Reply: None to date. Alleged raids on offices and homes.

301. JAL 8/2/2012. Case no. [TUR 2/2012](#). State Reply: [26/4/2012](#). Alleged illegal raids on several NGOs' offices in Diyarbakir.

Observations

302. The Special Rapporteur thanks the Government of Turkey for its reply to his communication dated 8 February 2012. He regrets that it did not respond to his communication dated 18 October 2011. He urges the authorities to provide as soon as possible detailed responses to all the concerns raised in the latter communication.

303. The Special Rapporteur underscores States' obligation to ensure that no individual is criminalised for the peaceful exercise of the rights to freedom of peaceful assembly and of association. He is concerned about the physical and psychological integrity of defenders working on Kurdish rights, in the exercise of their rights to freedom of peaceful assembly and of association. He recommends to the Government to take all relevant measures to ensure that no individual who exercise their legitimate freedoms, is subjected to any acts of harassment and intimidation.

United States of America

304. JUA 21/12/2011. Case no. [USA 23/2011](#). State Reply: None to date. Alleged excessive use of force against peaceful protesters who were assembled in various cities throughout the United States of America.

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

Observations

306. The Special Rapporteur regrets that no reply has been received from the Government of the United States of America to the urgent appeals sent during the reporting period. He considers responses to his communication 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.

307. With regard to the allegations of excessive use of force against peaceful protesters, the Special Rapporteur urges the authorities to actively seek alternative solutions to the use of force during peaceful demonstrations. He further recommends a thorough and independent investigation regarding any allegation of excessive use of force during peaceful demonstrations; to hold accountable those responsible; and to provide full redress to victims. Moreover, the Special Rapporteur recalls that the State has a positive obligation to respect the rights of peaceful protesters against any disruptive or provocative act.

308. In terms of the allegations of judicial and other acts of harassment against an activist, the Special Rapporteur recommends to the Government to ensure the maintenance of an environment that is enabling and safe and to ensure that those exercising their rights to freedom of peaceful assembly and association are not subjected to any acts of harassment or intimidation in relation to the exercise of their fundamental freedoms.

Uzbekistan

309. JAL 31/01/2012. Case no. [UZB 1/2012](#). State Reply: None to date. Allegations of acts of harassment and intimidation, of forcible and arbitrary removal of peaceful protesters, and violation of fair trial safeguards in the context of two peaceful assemblies held in Tashkent.

310. The Special Rapporteur regrets that no reply has been received from the Government of Uzbekistan to the allegation letter sent during the reporting period. He urges the authorities to provide as soon as possible detailed responses to all the concerns raised in his communication.

311. The Special Rapporteur urges the authorities to refrain from using force during peaceful demonstrations. He further recommends 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 provide full redress to victims.

312. The Special Rapporteur urges the authorities to ensure that no individual is criminalised for the peaceful exercise of his/her fundamental freedoms. He recommends to the Government to 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. An independent and impartial investigation should be conducted into any allegation of human rights violations, including acts of intimidation or harassment, committed against those exercising their rights to freedom of peaceful assembly and of association.

313. The Special Rapporteur refers again to Human Rights Council resolution 15/21, and in particular operative paragraph 1 that “[c]alls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, 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”.

314. The Special Rapporteur reminds the Government of Uzbekistan 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”.

Viet Nam

315. JUA 29/07/2011. Case no. [VNM 3/2011](#). State Reply: [06/09/2011](#). Alleged sentencing of human rights defenders.

316. JUA 01/12/2011. Case no. [VNM 7/2011](#). State Reply: [16/04/2012](#). Alleged on-going detention and conviction of human rights defenders.

Observations

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

318. The Special Rapporteur underscores States’ obligation to ensure that no individual is criminalised for the peaceful exercise of the rights to freedom of peaceful assembly and of association. He is concerned about the physical and psychological integrity of people exercising their rights to freedom of peaceful assembly and association in Viet Nam. He recommends to the Government to take all relevant measures to ensure that no individual, in particular women, who exercise their legitimate freedoms, is subjected to any act of harassment and intimidation. A thorough and independent investigation into any alleged human rights violations, including acts of intimidations or harassments, committed against those exercising their rights to freedom of peaceful assembly and association, should be conducted; those responsible should be held accountable; and victims should be provided with full redress.

319. The Special Rapporteur refers again to Human Rights Council resolution 15/21, and in particular operative paragraph 1 that “[c]alls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, 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

320. JUA 1/6/2011. Case no. [ZWE 3/2011](#). State Reply: None to date. Alleged arrest and detention of human rights defenders.

321. JUA 26/10/2011. Case no. [ZWE 5/2011](#). State Reply: None to date. Alleged arrest and detention of human rights defenders.

322. JUA 22/12/2011. Case no. [ZWE 7/2011](#). State Reply: None to date. Allegations of surveillance and intimidation against Ms. Jestina Mukoko.

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

324. JAL 5/3/2012. Case no. [ZWE 3/2012](#). State reply: [8/3/2012](#). Alleged illegal decision suspending the activities of 29 NGOs in Masvingo.

Observations

325. The Special Rapporteur thanks the Government of Zimbabwe for its response to the communication dated 5 March 2012, but regrets that it did not respond to the four other communications. He urges the authorities to provide as soon as possible detailed responses to all the concerns raised in other communications.

326. The Special Rapporteur notes the reply transmitted by the Government in relation to the suspension of activities of 29 NGOs in the Masvingo province. He remains concerned on allegations that the decision taken may be illegal as domestic laws do not provide the Governor with the authority to suspend the activities of any NGOs, nor do they oblige NGO to register with the Provincial Governor's Office and to conclude a Memorandum of Understanding with the local authorities. He requests that the Government provide him with any additional information in relation to the aforementioned case.

327. The Special Rapporteur urges the Government to ensure the physical and psychological integrity of people exercising their rights to freedom of peaceful assembly and association, particularly of women and men working on human rights issues. He recommends to the Government to 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 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.

328. The Special Rapporteur urges the authorities to refrain from using force during peaceful demonstrations. He further recommends 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 and to hold accountable those responsible and to provide full redress to victims.

329. The Special Rapporteur refers again to Human Rights Council resolution 15/21, and in particular operative paragraph 1 that "[c]alls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, 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".

330. 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".