



# General Assembly

Distr.: General  
27 May 2013

English /French/Spanish only

---

## Human Rights Council

Twenty-third session

Agenda item 3

**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 extrajudicial, summary or arbitrary executions, Christof Heyns**

Addendum

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

---

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

## Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction .....	1–3	5
II. Classification of communications and replies .....	4–7	5
A. Violations alleged .....	5	5
B. Character of replies received .....	6	6
C. Observations of the Special Rapporteur.....	7	6
III. Tabulation of communications and replies.....		8
IV. Tabulation of communications requesting stay of executions.....	8	18
V. Summary of cases transmitted and replies received to communication sent within the reporting period.....	9–112	30
Afghanistan .....	9	30
Algeria .....	10	30
Bahrain .....	11	30
Bangladesh.....	12–14	31
Belarus .....	15–16	32
Bolivia (Plurinational State of).....	17	33
Brazil .....	18–21	33
Burundi .....	22	34
Cameroon .....	23–24	34
Chile .....	25	35
China .....	26–27	35
Colombia .....	28–31	35
Democratic People’s Republic of Korea .....	32	37
Democratic Republic of the Congo .....	33	37
Egypt .....	34–35	38
El Salvador.....	36	39
Ethiopia .....		39
Gambia .....	37	39
Guatemala .....	38–41	39
Guinea-Bissau .....		40
Guyana .....		40
Haiti .....	42	40
Honduras .....	43–46	41
India .....	47–48	42

Indonesia .....	49–51	43
Iran (Islamic Republic of) .....	52–57	44
Iraq .....	58–62	47
Kenya .....		48
Liberia .....		48
Mali .....	63	48
Mauritania .....	64	49
Mexico .....	65–71	49
Myanmar .....	72	51
Nigeria .....	73–74	51
Occupied Palestinian Territory .....	75	52
Other (UNMIK/Kosovo) .....	76	53
Pakistan .....	77–81	53
Paraguay .....	82–84	54
Peru .....		55
Philippines .....	85–86	55
Saudi Arabia .....	87–89	56
Singapore .....	90	57
Somalia .....		57
South Africa .....	91	57
Sudan .....	92–93	57
Syrian Arab Republic .....	94–95	58
Thailand .....	96–97	59
Tunisia .....	98	60
Uganda .....		60
Ukraine .....	99–100	60
United States of America .....	101–109	61
Venezuela (Bolivarian Republic of) .....	110–111	62
Yemen .....	112	63
VI. Observations to cases transmitted and replies received to communications sent prior to the reporting period .....	113–130	64
Bahrain .....	113	64
El Salvador .....	114	64
India .....	115–117	65
Iran (Islamic Republic of) .....	118–120	65
Madagascar .....	121	66

Malaysia .....	122–123	66
Mexico .....	124–125	67
Nigeria .....	126	67
Saudi Arabia.....	127-128	68
Syrian Arab Republic .....	129	69
Venezuela (Bolivarian Republic of).....	130	69

## I. Introduction

1. The present report contains observations by the Special Rapporteur on extrajudicial, summary or arbitrary executions on communications sent between 16 March 2012 and 28 February 2013 and responses received from States and other actors between 1 May 2012 and 30 April 2013. During the period under review, the Special Rapporteur sent a total of 158 communications to 54 States and other actors. This includes 100 urgent appeals and 58 allegation letters. The main issues covered in the communications were attacks or killings (48), the death penalty (54), excessive use of force (13), death threats (32), deaths in custody (12), impunity (1), expulsion (1) and other (4).

2. The Special Rapporteur received responses to 72 communications sent within the reporting period. He thanks all Governments who have replied to his communications for their cooperation. 86 of the communications are yet to be responded to. In all instances where no responses were received, the Special Rapporteur urges Governments to provide substantive responses. In this period, the Special Rapporteur also received replies to 15 previous communications, *i.e.* sent prior to the reporting period. This amounts to approximately 45,6 % response rate which represents an increase compared to the 35.5 % response rate observed for the previous reporting period 2011-2012 (see A/HRC/20/22/Add.4, para. 2).

3. In its resolution 17/5, the Human Rights Council urged States “[t]o cooperate with and assist the Special Rapporteur in the performance of his or her tasks, to supply all necessary information requested by him or her and to react appropriately and expeditiously to his or her urgent appeals, and those Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to do so without further delay;”. Therefore, the Special Rapporteur reiterates his appeal to all Governments to respond to communications in a timely manner so as to assist and cooperate with his mandate efficiently in accordance with Human Rights Council Resolution 17/5.

## II. Classification of communications and replies

4. For ease of reference, this report summarizes the correspondence regarding each communication. 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, in bold, is a summary of the allegations contained in the communication in the language of submission. All communications are available in the Special Procedures communication reports.

### A. Violations alleged

5. In the table on communications and replies contained in section III, the violations are classified into the following categories:

(a) Non-respect of international standards on safeguards and restrictions relating to the imposition of capital punishment (“Death penalty safeguards”);

(b) Death threats and fear of imminent extrajudicial executions by State officials, paramilitary groups, or groups cooperating with or tolerated by the Government, as well as unidentified persons who may be linked to the categories mentioned above, when the Government is failing to take appropriate protection measures (“Death threats”);

(c) Deaths in custody owing to torture, neglect, or the use of force, or fear of death in custody due to life-threatening conditions of detention (“Deaths in custody”);

(d) Deaths due to the use of force by law enforcement officials or persons acting in direct or indirect compliance with the State, when the use of force is inconsistent with the criteria of absolute necessity and proportionality (“Excessive force”);

(e) Deaths due to attacks or killings by security forces of the State, or by paramilitary groups, death squads, or other private forces cooperating with or tolerated by the State (“Attacks or killings”);

(f) Violations of the right to life during armed conflict, especially of the civilian population and other non-combatants, contrary to international humanitarian law (“Violations of right to life in armed conflict”);

(g) Expulsion, *refoulement*, or return of persons to a country or a place where their lives are in danger (“Expulsion”);

(h) Impunity, compensation and the rights of victims (“Impunity”).

The short versions contained in parentheses are used in the tabulation of communications.

## **B. Character of replies received**

6. The replies received have been classified according to the following six categories designed to assist the Human Rights Council in its task of evaluating the responses received to the communications sent within the reporting period and the effectiveness of the mandate:

(a) “No response” denotes the absence of a response to a communication sent within the reporting period;

(b) “Recent communication” denotes the absence of a response to a communication sent within the past 60 days;

(c) “Procedural response” refers to a reply acknowledging receipt that the communication was received and/or that it has been transmitted to the relevant State authorities;

(d) “Addresses some substantive issues” characterizes a reply that provided information on certain substantive issues raised in the communication;

(e) “Substantive response” denotes a reply that is responsive to the allegations and that substantively clarifies the facts. It does not, however, imply that the action taken necessarily complies with international human rights law.

(f) “Translation awaited” indicates that a response has been received, but has not yet been translated by the relevant services of the United Nations.

## **C. Observations of the Special Rapporteur**

7. In order to underscore the importance of the dialogue between the Special Rapporteur and States, this report contains brief comments by the Special Rapporteur on

the extent to which he considers each reply to have responded adequately to the concerns arising under the mandate. An indication is also provided in instances in which additional information is required to respond effectively to the information received.

### III. Tabulation of communications and replies

<i>Country / other</i>	<i>Type of communication</i>	<i>Date</i>	<i>Subject(s) concerned</i>	<i>Date of Reply</i>	<i>Violation(s) alleged</i>
Afghanistan	JAL	18/07/2012	2 females	04/10/2012	Attacks or killings
Algeria	JAL	31/07/2012	Group concern	01/10/2012	Excessive use of force
Bahrain	JAL	29/10/2012	2 minors	21/12/2012	Excessive use of force
Bangladesh	JAL	26/03/2012	2 females	29/03/2012	Other (domestic violence)
	JUA	04/07/2012	Group concern (17 identifiable individuals; journalists)	12/07/2012	Attacks or killings
	JUA	05/02/2013	1 male	21/02/2013; 15/04/2013	Death penalty safeguards
	JAL	20/02/2013	Group concern (1 identifiable individual)	25/02/2013	Excessive use of force
Belarus	JAL	30/03/2012	2 males	11/04/2012	Death penalty safeguards
Bolivia (Plurinational State of)	AL	26/09/2012	3 males	01/02/2013	Attacks or killings
Brazil	JAL	28/03/2012	2 males (journalists)	03/07/2012	Attacks or killings
	JUA	11/04/2012	1 male and 1 female (environmental and human rights defender)	No reply	Attacks or killings and death threats
	JUA	20/06/2012	1 male and 1 female (human rights defender and his wife)	24/04/2013	Death threats
	JAL	05/07/2012	2 males (human rights defenders)	24/04/2013	Attacks or killings
	JUA	23/08/2012	1 male (human rights defender)	No reply	Death threats
	JUA	10/10/2012	1 female (human rights defender)	No reply	Death threats and attacks or killings
Burundi	JAL	06/12/2012	1 male (journalist)	No reply	Attacks or killings
	JUA	21/05/2012	1 male (journalist)	No reply	Death threats

<i>Country / other</i>	<i>Type of communication</i>	<i>Date</i>	<i>Subject(s) concerned</i>	<i>Date of Reply</i>	<i>Violation(s) alleged</i>
Cameroon	JUA	05/11/2012	1 male and 1 female (lawyers and human rights defenders)	No reply	Death threats
	JUA	17/01/2013	3 males	No reply	Attacks or killings and death threats
Chile	JAL	31/07/2012	Group concern (minors)	07/09/2012	Excessive use of force
China	JUA	11/07/2012	1 male (human rights defender)	30/10/2012	Death in custody
	JUA	08/02/2013	1 female	21/03/2013	Death penalty safeguards
Colombia	JUA	27/03/2012	2 males and 1 female (human rights defenders)	No reply	Death threats and killing
	JUA	30/05/2012	10 males, 10 males and group concern (12 civil organisations)	23/10/2012	Death threats
	JUA	11/07/2012	1 male (witness)	No reply	Death threats
	JUA	14/09/2012	3 males (human rights defenders)	No reply	Death threats
	JAL	02/10/2012	Legislation	30/10/2012; 30/10/2012	Other (legislation that may encourage impunity)
	JUA	17/12/2012	Group of concern (1 identifiable individual - male; human rights defenders)	No reply	Death threats and killing
	JAL	29/01/2013	1 female and 1 male (trade unionists)	No reply	Killing and death threats
	JUA	15/02/2013	1 male (priest and human rights defender)	03/04/2012	Attacks or killings
Democratic People's Republic of Korea	JAL	03/10/2012	Group concern	No reply	Deaths in custody
Democratic Republic of the Congo	AL	11/07/2012	Group concern	No reply	Attacks or killings
	UA	07/08/2012	Group concern	No reply	Attacks or killings
Egypt	JAL	25/05/2012	1 male	17/07/2012	Death in custody
	JUA	20/06/2012	1 male (human rights defender)	No reply	Death threats

<i>Country / other</i>	<i>Type of communication</i>	<i>Date</i>	<i>Subject(s) concerned</i>	<i>Date of Reply</i>	<i>Violation(s) alleged</i>
	JUA	06/07/2012	1 male (human rights defender)	No reply	Death threats
	JAL	15/08/2012	Group concern (migrants)	No reply	Attacks or killings
	JUA	12/11/2012	6 males	No reply	Death penalty safeguards
	JUA	11/01/2013	Group concern (10 identifiable individuals)	No reply	Excessive use of force
El Salvador	JUA	21/09/2012	1 male (priest)	27/11/2012	Death threats
Ethiopia	JUA	22/05/2012	Group concern	No reply	Attacks or killings
Gambia	UA	28/08/2012	Group concern (9 identifiable individuals)	28/08/2012	Death penalty safeguards
Guatemala	JAL	14/05/2012	4 males (1 human rights defender)	13/07/2012; 21/08/2012	Attacks or killings
	JUA	28/06/2012	1 female (human rights defender)	07/08/2012; 12/09/2012; 18/10/2012	Attacks or killings
	JAL	15/10/2012	Group concern (indigenous)	09/01/2013	Excessive use of force
Guinea-Bissau	AL	04/04/2012	1 male (security agent)	No reply	Attacks or killings
Guyana	JAL	31/08/2012	Group concern	No reply	Excessive use of force
Haiti	JUA	25/10/2012	3 males (lawyers and human rights defenders)	No reply	Death threats
	JUA	03/01/2013	1 male (lawyer and human rights defender)	No reply	Attacks or killings and death threats
Honduras	JUA	23/03/2012	8 males and 2 females (journalists, student, business owner, manager, cameramen, human rights defenders)	12/06/2012; 10/05/2012	Attacks or killings and death threats
	JAL	04/04/2012	Group concern (lawyers)	No reply	Attacks or killings and impunity
	JUA	26/04/2012	2 females (lawyer and journalist)	No reply	Attacks and death threats
	JAL	24/05/2012	1 male (journalist)	No reply	Attacks or killings

<i>Country / other</i>	<i>Type of communication</i>	<i>Date</i>	<i>Subject(s) concerned</i>	<i>Date of Reply</i>	<i>Violation(s) alleged</i>
	AL	18/07/2012	8 individuals (including 2 minors)	No reply	Attacks or killings
	JUA	27/08/2012	1 male (human rights defender)	24/09/2012	Death threats
	JUA	12/09/2012	1 female (human rights defender)	No reply	Death threats
	JUA	28/09/2012	1 male (human rights defender)	No reply	Attacks or killings
	JAL	31/10/2012	Group of concern (1 identifiable individual; lawyer)	No reply	Attacks or killings
	JAL	21/02/2013	7 males and 2 females (journalist, human rights defenders, peasants activists)	25/03/2013	Attacks or killings and death threats
India	JUA	28/09/2012	Group concern (28 identifiable individuals)	No reply	Excessive use of force
	JAL	11/02/2013	1 male	12/02/2013	Death penalty safeguards
Indonesia	UA	03/07/2012	3 males	No reply	Death penalty safeguards
	JAL	24/07/2012	3 males	25/09/2012	Excessive use of force
	JUA	27/07/2012	Group concern (31 identifiable individuals)	25/09/2012	Attacks or killings and excessive use of force
	UA	11/01/2013	Group concern	No reply	Death penalty safeguards
Iran (Islamic Republic of)	JUA	26/03/2012	1 male	No reply	Death penalty safeguards
	JUA	11/04/2012	3 males	No reply	Death penalty safeguards
	JUA	18/04/2012	1 male	05/10/2012	Death penalty safeguards
	JUA	04/05/2012	1 male	No reply	Death penalty safeguards
	JUA	16/05/2012	1 male	03/09/2012	Death penalty safeguards
	JUA	19/06/2012	5 males	No reply	Death penalty safeguards
	JUA	26/06/2012	1 male and 1 female	10/10/2012	Death penalty safeguards
	JUA	06/07/2012	1 male	No reply	Death penalty safeguards
	JUA	13/07/2012	1 male	26/09/2012	Death penalty safeguards

<i>Country / other</i>	<i>Type of communication</i>	<i>Date</i>	<i>Subject(s) concerned</i>	<i>Date of Reply</i>	<i>Violation(s) alleged</i>
	JUA	31/07/2012	5 males	No reply	Death penalty safeguards
	JUA	07/08/2012	1 male	No reply	Death penalty safeguards
	JUA	27/08/2012	1 male	No reply	Death penalty safeguards
	JUA	11/10/2012	Group concern (5 identifiable individuals)	No reply	Death penalty safeguards
	JAL	16/11/2012	One male	13/11/2012; 04/12/2012	Death in custody
	JAL	05/12/2012	Group concern (1 identifiable individual)	No reply	Death penalty safeguards
	JUA	09/01/2013	2 males	No reply	Death penalty safeguards
	JUA	25/01/2013	5 males	No reply	Death penalty safeguards
Iraq	JUA	28/06/2012	3 males	No reply	Death penalty safeguards
	UA	26/07/2012	Group concern (196 individuals)	No reply	Death penalty safeguards
	JUA	28/08/2012	Group concern (1 identifiable individual)	02/11/2012	Death penalty safeguards
	JUA	14/09/2012	6 males	09/11/2012	Death penalty safeguards
	JUA	11/10/2012	1 male	12/12/2012	Death penalty safeguards
	JUA	21/12/2012	Group concern (28 identifiable individuals)	No reply	Death penalty safeguards
Kenya	JUA	15/08/2012	1 female (human rights defender)	No reply	Death threats
Liberia	JAL	21/09/2012	Group concern	No reply	Attacks or killings
Mali	JAL	31/08/2012	1 male and 1 female	No reply	Death penalty safeguards
	JUA	27/09/2012	Group concern	No reply	Attacks or killings
Mauritania	JUA	27/07/2012	7 males	No reply	Attacks or killings
Mexico	JAL	12/04/2012	1 male (human rights defender)	09/10/2012	Attack and death threats
	JUA	25/04/2012	8 males and 2 females (human	09/10/2012	Attacks or killings

<i>Country / other</i>	<i>Type of communication</i>	<i>Date</i>	<i>Subject(s) concerned</i>	<i>Date of Reply</i>	<i>Violation(s) alleged</i>
			rights defenders)		
	JUA	04/05/2012	Group of concern (1 identifiable; priest and human rights defender)	02/07/2012	Death threats
	JUA	16/05/2012	2 males and 1 female (unionists and human rights defenders)	No reply	Death threats
	JAL	29/05/2012	4 males and 2 females (media workers)	08/08/2012	Attacks or killings
	JUA	08/06/2012	2 males and 1 female (human rights defenders)	31/10/2012	Death threats
	JAL	27/06/2012	1 male (editor)	05/09/2012	Attacks or killings
Myanmar	JAL	03/12/2012	1 male	09/01/2013; 11/04/2013	Death in custody
Nigeria	UA	06/11/2012	2 individuals	No reply	Death penalty safeguards
	AL	13/12/2012	Group concern	21/12/2012	Attacks or killings
Occupied Palestinian Territory	JAL	19/03/2012	1 male	No reply	Death in custody
	JUA	26/06/2012	1 male	No reply	Death penalty safeguards
	UA	17/08/2012	Group concern (9 identifiable individuals)	No reply	Death penalty safeguards
	JAL	19/03/2012	1 male	No reply	Death in custody
	JUA	26/06/2012	1 male	No reply	Death penalty safeguards
	UA	17/08/2012	Group concern (9 identifiable individuals)	No reply	Death penalty safeguards
Other (UNMIK/ Kosovo)	JAL	10/01/2013	Group concern (human rights defenders)	26/03/2013	Death threats
Pakistan	JUA	22/03/2012	1 male and 1 female	22/03/2012	Death penalty safeguards
	JUA	15/06/2012	1 female (human rights defender)	No reply	Death threats
	JAL	18/07/2012	1 female	19/07/2012	Attacks or killings

<i>Country / other</i>	<i>Type of communication</i>	<i>Date</i>	<i>Subject(s) concerned</i>	<i>Date of Reply</i>	<i>Violation(s) alleged</i>
	JUA	12/10/2012	1 female (minor)	27/03/2013	Attacks or killings
	JAL	01/02/2013	6 females and 1 male (human rights defenders)	04/02/2013	Attacks or killings
Paraguay	JAL	10/10/2012	Group concern	10/12/2012	Attacks or killings
	JUA	10/12/2012	1 male (human rights defender)	16/01/2013	Attacks or killings
Peru	JUA	26/07/2012	Group concern	No reply	Attacks or killings
Philippines	JAL	30/05/2012	2 males (human rights defenders)	27/07/2012	Attacks or killings
	JUA	29/06/2012	1 male and 2 females (human rights defenders)	No reply	Attacks or killings
	JAL	31/10/2012	1 male	No reply	Attacks or killings
	JUA	28/12/2012	Group concern (human rights defenders)	No reply	Attacks or killings
Saudi Arabia	JUA	25/05/2012	1 male	12/02/2013	Death penalty safeguards
	JAL	20/09/2012	Group concern (3 identifiable individuals)	No reply	Excessive use of force
	JAL	11/01/2013	1 female	19/01/2013	Death penalty safeguards
Singapore	UA	23/04/2012	1 male	02/07/2012	Death penalty safeguards
Somalia	JUA	20/07/2012	8 males (journalists)	No reply	Attacks or killings
South Africa	JAL	28/06/2012	1 male (human rights defender)	No reply	Attacks or killings
	AL	27/09/2012	Group concern	No reply	Excessive use of force
Sudan	JUA	05/06/2012	1 female	No reply	Death penalty safeguards
	JUA	03/08/2012	Group concern (23 identifiable individuals)	No reply	Excessive use of force
	JUA	05/09/2012	1 female	18/09/2012	Death penalty safeguards
	JUA	12/10/2012	1 female (human rights defender)	No reply	Death penalty safeguards
	JUA	22/02/2013	1 male	No reply	Death penalty safeguards

<i>Country / other</i>	<i>Type of communication</i>	<i>Date</i>	<i>Subject(s) concerned</i>	<i>Date of Reply</i>	<i>Violation(s) alleged</i>
Syrian Arab Republic	JAL	28/06/2012	1 male	No reply	Death in custody
	JUA	15/08/2012	1 male (and 4 others)	No reply	Other (enforced disappearance)
	JUA	02/11/2012	3 females and 12 males	No reply	Deaths in custody
	JAL	21/02/2013	1 male (human rights defender)	No reply	Death in custody
Thailand	JAL	07/12/2012	1 male	04/03/2013	Attacks or killings
	JAL	09/01/2013	2 females (human rights defenders)	20/03/2013	Attacks or killings
Tunisia	JUA	05/07/2012	Group concern	30/11/2012; 07/12/2012	Attacks and death threats
	JAL	05/12/2012	1 male	No reply	Attacks or killings
Uganda	JAL	29/03/2012	Group concern	No reply	Other (Legislation violating human rights)
Ukraine	JAL	27/08/2012	1 male (environmental rights defender)	08/11/2012	Attacks or killings
United States of America	UA	05/06/2012	1 male	21/06/2012	Death penalty safeguards
	UA	25/06/2012	1 male	29/08/2012	Death penalty safeguards
	UA	13/07/2012	2 males	16/10/2012	Death penalty safeguards
	AL	18/07/2012	8 individuals (including 2 minors)	17/01/2013	Attacks or killings
	UA	27/07/2012	2 males	14/08/2012	Death penalty safeguards
	UA	03/08/2012	1 male	16/10/2012	Death penalty safeguards
	UA	21/09/2012	1 male	16/11/2012	Death penalty safeguards
	UA	16/10/2012	1 male	No reply	Death penalty safeguards
	UA	23/10/2012	1 male	16/11/2012	Death penalty safeguards
Venezuela (Bolivarian Republic of)	JUA	11/06/2012	1 male and 1 female (lawyer and human rights defender and their families)	No reply	Death threats

<i>Country / other</i>	<i>Type of communication</i>	<i>Date</i>	<i>Subject(s) concerned</i>	<i>Date of Reply</i>	<i>Violation(s) alleged</i>
	JUA	25/07/2012	Group concern	No reply	Deaths in custody
	JAL	08/02/2013	Group concern	22/02/2013; 25/03/2013	Attacks or killings
Yemen	JUA	14/12/2012	25 individuals	No reply	Death penalty safeguards
	JUA	07/02/2013	1 male	No reply	Death penalty safeguards

### Sent outside the reporting period

<i>Country / other</i>	<i>Type of communication</i>	<i>Date</i>	<i>Subject(s) concerned</i>	<i>Date of Reply</i>	<i>Violation(s) alleged</i>
Bahrain	JUA	18/03/2011	Group concern (10 identifiable individuals)	14/12/2012	Excessive use of force
El Salvador	JAL	19/07/2011	1 male	28/09/2012; 17/10/2012	Attacks or killings
India	JAL	02/09/2011	3 males	07/08/2012	Deaths in custody and excessive use of force
	JUA	09/09/2011	5 females (human rights defenders)	07/08/2012	Attacks or killings
Iran (Islamic Republic of)	JUA	24/06/2010	1 female	16/07/2012	Death penalty safeguards
	JUA	15/11/2011	2 males	11/06/2012	Death penalty safeguards
Madagascar	JAL	26/12/2011	2 males (1 journalist)	29/05/2012	Excessive use of force
Malaysia	JAL	02/03/2012	1 male (journalist)	04/06/2012	Expulsion
Mexico	JAL	13/01/2012	Group concern (2 males identifiable; students)	15/05/2012; 27/03/2012	Excessive use of force
	JUA	20/02/2012	1 female (human rights defender)	06/11/2012	Attacks or killings
Nigeria	JAL	09/03/2012	Group concern	25/05/2012	Attacks or killings
Saudi Arabia	JUA	09/02/2012	1 male	01/02/2013	Death penalty safeguards
	JUA	15/02/2012	3 males	01/02/2013	Death penalty safeguards

<i>Country / other</i>	<i>Type of communication</i>	<i>Date</i>	<i>Subject(s) concerned</i>	<i>Date of Reply</i>	<i>Violation(s) alleged</i>
Syrian Arab Republic	UA	15/03/2012	Group concern	18/09/2012	Attacks or killings
Venezuela (Bolivarian Republic of)	JAL	14/01/2010	1 male (human rights defender)	24/07/2012	Attacks or killings

#### **IV. Tabulation of communications requesting stay of executions**

8. In its resolution 17/5, the Human Rights Council requested the Special Rapporteur in carrying out his mandate “[t]o continue to monitor the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;”. In this respect, the Special Rapporteur has included the following table on the status of individuals who were the subject of concern with regard to the application of the death penalty in the present report. He urges all concerned States to provide updated information on the status of the subjects of these urgent appeals.

<i>Country</i>	<i>Date appeal sent</i>	<i>Date response received</i>	<i>Name of individual</i>	<i>Charge and violation alleged</i>	<i>Status as far as could be established</i>
Bangladesh	05/02/2013	21/02/2013; 15/04/2013	Mr. Abdul Kalam Azad	Involvement in 1971 revolution – death penalty safeguards not observed	Unknown / at risk of execution
China	08/02/2013	21/03/2013	Ms. Li Yan	Murder – death penalty safeguards not observed	Unknown / at risk of execution
Egypt	12/11/2012	No reply	Mr. Ahmed Mohamed Salem Ali	Deliberate killing of police officers; threat to the public security – death penalty safeguards not observed	Unknown / at risk of execution
			Mr. Mohamed Gomaa Hassan Nassar	Deliberate killing of police officers; threat to the public security – death penalty safeguards not observed	Unknown / at risk of execution
			Mr. Yasser Jermei Attiya Al-Torbini	Deliberate killing of police officers; threat to the public security – death penalty safeguards not observed	Unknown / at risk of execution
			Mr. Amr Mohamed Mahmoud El-Malah	Deliberate killing of police officers; threat to the public security – death penalty safeguards not observed	Unknown / at risk of execution
			Mr. Hossam Abdo Abdelrady Hassan	Deliberate killing of police officers; threat to the public security – death penalty safeguards not observed	Unknown / at risk of execution
			Mr. Ahmed Selmy Hammad Alyan	Deliberate killing of police officers; threat to the public security – death penalty safeguards not observed	Unknown / at risk of execution
Indonesia	03/07/2012	No reply	Mr. Namaona Dennis (Malawi)	Drug related offences – not most serious crime	Unknown / at risk of execution
			Mr. Muhammad Abdul Hafeez (Pakistan)	Drug related offences – not most serious crime	Unknown / at risk of execution
			Mr. Marcho Archer Cordova Moreira	Drug related offences – not most serious crime	Unknown / at risk of execution

<i>Country</i>	<i>Date appeal sent</i>	<i>Date response received</i>	<i>Name of individual</i>	<i>Charge and violation alleged</i>	<i>Status as far as could be established</i>
			(Brazil)		
Iran (Islamic Republic of)	26/03/2012	No reply	Mr. Habibollah Golparipour	Moharebeh (enmity against God) for cooperation with Kurdish party – death penalty safeguards not observed	Unknown / at risk of execution
	11/04/2012	No reply	Mr. Abdolreza Ghanbari	Moharebeh (enmity against God) for links with banned opposition group – death penalty safeguards not observed	Unknown / at risk of execution
			Mr. Ahmad Daneshpour Moqhaddam	Moharebeh (enmity against God) – death penalty safeguards not observed	Unknown / at risk of execution
			Mr. Mohsen Daneshpour Moqhaddam	Moharebeh (enmity against God) – death penalty safeguards not observed	Unknown / at risk of execution
	18/04/2012	05/10/2012	Mr. Aref Hamidian	Drug related offence – not most serious crime; death penalty safeguards not observed	Unknown / at risk of execution
	04/05/2012; 06/07/2012	No replies	Mr. Hamid Ghassemi-Shall	Moharebeh (enmity against God) for membership of terrorist group – death penalty safeguards not observed	Unknown / at risk of execution
	16/05/2012	03/09/2012	Mr. Behrouz Alakhani	Cooperation with the Party of Free Life of Kurdistan (PJAK) and participation in the murder of the Khoy Prosecutor – death penalty safeguards not observed	Unknown / at risk of execution
	19/06/2012	No reply	Mr. Abd Al-Rahman Heidari	Killing a law enforcement official – death penalty safeguards not observed	Executed 22/06/2012
			Mr. Taha Heidari	Killing a law enforcement official – death penalty safeguards not observed	Executed 22/06/2012
			Mr. Jamshid Heidari	Killing a law enforcement official – death penalty safeguards not observed	Executed 18/06/2012 (estimated date)
			Mr. Mansour Heidari	Killing a law enforcement official – death penalty	Unknown if executed with

<i>Country</i>	<i>Date appeal sent</i>	<i>Date response received</i>	<i>Name of individual</i>	<i>Charge and violation alleged</i>	<i>Status as far as could be established</i>
				safeguards not observed	the rest.
			Mr. Amir Muawi	Killing a law enforcement official – death penalty safeguards not observed	Sentenced converted to 15 years imprisonment
	26/06/2012	10/10/2012	Mr. Saeed Sedeghi	Drug related offences – death penalty safeguards not observed; not most serious crime	Executed 22/10/2012
			Ms. Safieh Ghafouri	Murder – death penalty safeguards not observed	Executed 12/07/2012
	13/07/2012	26/09/2012	Mr. Yunes Aghayan	Moharebeh (enmity against God) for participation in clashes with the police – not most serious crime	Unknown / at risk of execution
	31/07/2012; 25/01/2013	No reply	Mr. Mohammad Ali Amouri	Terrorism-related charges – death penalty safeguards not observed	Unknown / at risk of execution
			Mr. Sayed Jaber Alboshoka	Terrorism-related charges – death penalty safeguards not observed	Unknown / at risk of execution
			Mr. Sayed Mokhtar Alboshoka	Terrorism-related charges – death penalty safeguards not observed	Unknown / at risk of execution
			Mr. Hashem Sha'bani Amouri	Terrorism-related charges – death penalty safeguards not observed	Unknown / at risk of execution
			Mr. Hadi Rashidi (or Rashedi)	Terrorism-related charges – death penalty safeguards not observed	Unknown / at risk of execution
	07/08/2012	No reply	Mr. Saeed Sedeghi	Drug related offences – death penalty safeguards not observed; not most serious crime	Executed 22/10/2012
	27/08/2012	No reply	Mr. Gholamreza Khosravi Savadjani	Moharabeh (enmity against God) for alleged ties to a banned opposition group – death penalty safeguards not observed; not most serious crime	Unknown / at risk of execution
	11/10/2012	No reply	Mr. Saeed Sedeghi	Drug related offences – death penalty safeguards not observed; not most serious crime	Executed 22/10/2012
			Mr. Hamid Rabi'i	Unknown – death penalty safeguards not observed	Executed 22/10/2012

<i>Country</i>	<i>Date appeal sent</i>	<i>Date response received</i>	<i>Name of individual</i>	<i>Charge and violation alleged</i>	<i>Status as far as could be established</i>
			Mr. Mohammad Ali Rabi'i	Unknown – death penalty safeguards not observed	Executed 22/10/2012
			Mr. Ali Darvish	Unknown – death penalty safeguards not observed	Executed 22/10/2012
			Mr. Abbas Namaki	Unknown – death penalty safeguards not observed	Executed 22/10/2012
	09/01/2013	No reply	Mr. Zaneyar Moradee	Murder – death penalty safeguards not observed	Unknown / at risk of execution
			Mr. Loghmun Moradee	Murder – death penalty safeguards not observed	Unknown / at risk of execution
Iraq	28/06/2012	No reply	Mr. Tariq Aziz	Participating in killings of opposition political activists – death penalty safeguards not observed	Unknown / at risk of execution
			Mr. Sadoun Shakir	Participating in killings of opposition political activists – death penalty safeguards not observed	Unknown / at risk of execution
	28/08/2012	02/11/2012	Mr. Saleh Musa Ahmed Mohammed Al Baydani	Association with a terrorist group – death penalty safeguards not observed; juvenile at time of offence	Execution has been stayed pending a retrial
	14/09/2012	09/11/2012	Mr. 'Abdullah 'Azzam Saleh Musfer al-Qahtani	Murder – death penalty safeguards not observed	Unknown / at risk of execution
			Mr. Manaf 'Abdulrahim 'Abdulhamid 'Issa al-Rawi	Murder – death penalty safeguards not observed	Unknown / at risk of execution
			Mr. Mohammad Nouri Matar Yassin	Murder – death penalty safeguards not observed	Unknown / at risk of execution
			Mr. Ibrahim 'Abdulqader 'Ali 'Antik	Murder – death penalty safeguards not observed	Unknown / at risk of execution

<i>Country</i>	<i>Date appeal sent</i>	<i>Date response received</i>	<i>Name of individual</i>	<i>Charge and violation alleged</i>	<i>Status as far as could be established</i>
			Mr. Safa Ahmad ‘Abul’aziz ‘Abdullah	Murder – death penalty safeguards not observed	Unknown / at risk of execution
			Mr. Mohammad Jaber Tawfiq ‘Obaid,	Murder – death penalty safeguards not observed	Unknown / at risk of execution
	11/10/2012	12/12/2012	Mr. Ahmad ‘Amr ‘Abd al-Qadir Muhammad	Planting explosives – death penalty safeguards not observed	Unknown / at risk of execution
	21/12/2012	No reply	Mr. Najah Taleb Salman	Terrorist-related activities – death penalty safeguards not observed	Unknown / at risk of execution
			Mr. Ghanem Archij Salem	Terrorist-related activities – death penalty safeguards not observed	Unknown / at risk of execution
			Mr. Rahim Bashi Awad	Terrorist-related activities – death penalty safeguards not observed	Unknown / at risk of execution
			Mr. Sabah Nuri Dagher	Terrorist-related activities – death penalty safeguards not observed	Unknown / at risk of execution
			Mr. Mahmoud Razzak Mohamed	Terrorist-related activities – death penalty safeguards not observed	Unknown / at risk of execution
			Mr. Ali Attia Rahima	Terrorist-related activities – death penalty safeguards not observed	Unknown / at risk of execution
			Mr. Haider Kadhem Doeij	Terrorist-related activities – death penalty safeguards not observed	Unknown / at risk of execution
			Mr. Hussein Sharif Mazuk	Terrorist-related activities – death penalty safeguards not observed	Unknown / at risk of execution
			Mr. Abdullah Naim Delli	Terrorist-related activities – death penalty safeguards not observed	Unknown / at risk of execution
			Mr. Mohamed Sharif Mazuk	Terrorist-related activities – death penalty safeguards not observed	Unknown / at risk of execution
			Mr. Mohamed Jawad	Terrorist-related activities – death penalty	Unknown / at risk of

<i>Country</i>	<i>Date appeal sent</i>	<i>Date response received</i>	<i>Name of individual</i>	<i>Charge and violation alleged</i>	<i>Status as far as could be established</i>
			Hussein	safeguards not observed	execution
			Mr. Aqeel Kassem Mohamed	Terrorist-related activities – death penalty safeguards not observed	Unknown / at risk of execution
			Mr. Hassan Charif Marzuk	Terrorist-related activities – death penalty safeguards not observed	Unknown / at risk of execution
			Mr. Hussein Abd El Zahra Ouda	Terrorist-related activities – death penalty safeguards not observed	Unknown / at risk of execution
			Mr. Mohamed Ali Hattab	Terrorist-related activities – death penalty safeguards not observed	Unknown / at risk of execution
			Mr. Dia' Azib Lahoud	Terrorist-related activities – death penalty safeguards not observed	Unknown / at risk of execution
			Mr. Akil Jassem Mohame	Terrorist-related activities – death penalty safeguards not observed	Unknown / at risk of execution
			Mr. Azhar Thajil Edham	Terrorist-related activities – death penalty safeguards not observed	Unknown / at risk of execution
			Mr. Fadel Mohamed Cha'in	Terrorist-related activities – death penalty safeguards not observed	Unknown / at risk of execution
			Mr. Ali Dakhil Salem	Terrorist-related activities – death penalty safeguards not observed	Unknown / at risk of execution
			Mr. Ala' Khalaf Abed Ali	Terrorist-related activities – death penalty safeguards not observed	Unknown / at risk of execution
			Mr. Haidar Youssef Aziz	Terrorist-related activities – death penalty safeguards not observed	Unknown / at risk of execution
			Mr. Thaeir Hattab Ati	Terrorist-related activities – death penalty safeguards not observed	Unknown / at risk of execution
			Mr. Mohamed Abed Al Amir Jaafar	Terrorist-related activities – death penalty safeguards not observed	Unknown / at risk of execution

<i>Country</i>	<i>Date appeal sent</i>	<i>Date response received</i>	<i>Name of individual</i>	<i>Charge and violation alleged</i>	<i>Status as far as could be established</i>
			Mr. Kazem Wahid Hussein	Terrorist-related activities – death penalty safeguards not observed	Unknown / at risk of execution
			Mr. Ahmed Hachem Jaber	Terrorist-related activities – death penalty safeguards not observed	Unknown / at risk of execution
			Mr. Hussein Archik Salem	Terrorist-related activities – death penalty safeguards not observed	Unknown / at risk of execution
			Mr. Ghassan Monzer Mahouss	Terrorist-related activities – death penalty safeguards not observed	Unknown / at risk of execution
Mauritania	27/07/2012	No reply	Mr. Ould Dah Ould Abeid	Endangering the security of the State; apostasy – death penalty safeguards not observed; not most serious crime	Released on bail 03/09/2012
Nigeria	06/11/2012	No reply	Unknown (2 individuals)	Murder – death penalty safeguards not observed	Unknown / at risk of execution
Occupied Palestinian Territory	26/06/2012	No reply	Mr. Na'el Jamal Qandil Doghmosh	Murder – death penalty safeguards not observed	Unknown / at risk of execution
	17/08/2012	No reply	Jameel Zakaria Jaber Juha,	Murder – death penalty safeguards not observed	Unknown / at risk of execution
			Ehab Diab Mustafa Abu al-Amreen,	Murder; rape – death penalty safeguards not observed	Unknown / at risk of execution
			Usama Zidan Jaber al-Ghoul,	Murder – torture extract confession	Unknown / at risk of execution
Pakistan	22/03/2012	22/03/2012	Mr. Muhammad Ishaq	Blasphemy – not most serious crime	Unknown / at risk of execution
			Ms. Asia Bibi	Blasphemy – not most serious crime	Unknown / at risk of execution
Saudi Arabia	25/05/2012	12/02/2013	Mr. Ahmed El-Sayed	Drug related offences – death penalty safeguards not observed; not most serious crime	Unknown / at risk of execution

<i>Country</i>	<i>Date appeal sent</i>	<i>Date response received</i>	<i>Name of individual</i>	<i>Charge and violation alleged</i>	<i>Status as far as could be established</i>
Singapore	23/04/2012	02/07/2012	Mr. Yong Vui Kong	Drug related offence – not most serious crime	Unknown / at risk of execution
Sudan	05/06/2012	No reply	Ms. Intisar Sharif Abdallah	Adultery – death penalty safeguards not observed; Released July 2012 not most serious crime	
	05/09/2012	18/09/2012	Ms. Layla Ibrahim Issa	Adultery – death penalty safeguards not observed; Released 12/09/2012 not most serious crime	
	12/10/2012	No reply	Ms. Khamis Koko	Crimes against the State – not most serious crimes	Unknown / at risk of execution
	22/02/2013	No reply	Mr. Bakri Moussa Mohammed	Murder – death penalty safeguards not observed	Unknown / at risk of execution
United States of America	05/06/2012	21/06/2012	Mr. Abdul Hamin Awkal	Murder – death penalty safeguards not observed; mental illness	Stay of execution granted 18/06/2012
	25/06/2012	29/08/2012	Mr. Samuel Villegas Lopez	Murder – death penalty safeguards not observed; mental illness	Executed 27/06/2012
	13/07/2012	16/10/2012	Mr. Yokamon Laneal Hearn	Murder – death penalty safeguards not observed; mental ill	Executed 18/07/2012
			Mr. Warren Hill	Murder – death penalty safeguards not observed; mental illness	Temporary stay of execution 23/07/2012
	27/07/2012	14/08/2012	Mr. Marcus Ray Tyrone Druery	Murder – mental illness	Stay of execution issued 27/07/2012
			Mr. Daniel Wayne Cook	Murder – mental illness	Executed 08/08/2012
	03/08/2012	16/10/2012	Mr. Marvin Lee Wilson	Murder – mental illness	Executed 07/08/2012
	21/09/2012	16/11/2012	Mr. Terrance Williams	Murder – mental illness	Stay of execution granted 28/09/2012; Pennsylvania Supreme Court declined to reinstate sentence pending

<i>Country</i>	<i>Date appeal sent</i>	<i>Date response received</i>	<i>Name of individual</i>	<i>Charge and violation alleged</i>	<i>Status as far as could be established</i>
					further judicial review 03/10/2012
	16/10/2012	No reply	Mr. Anthony Haynes	Murder – death penalty safeguards not observed; mental illness	Stay of execution granted 18/10/2012
	23/10/2012	16/11/2012	Mr. Bobby Hines	Murder – death penalty safeguards not observed; mental illness	Executed 24/10/2012
Yemen	14/12/2012	No reply	Mr. Muhammad Taher Samoum	Murder - minor	Unknown / at risk of execution
			Mr. Waleed Hussein Haikal	Murder - minor	Unknown / at risk of execution
			Mr. Muhammad Abduh Qasim al- Taweel	Murder - minor	Unknown / at risk of execution
			Mr. Mohammad Ahmad Sanhan	Murder - minor	Unknown / at risk of execution
			Mr. Qa'ed Yusuf Omar al-Khadhami	Murder - minor	Unknown / at risk of execution
			Mr. Awadh Mus'id Ahmad Hussein al- Suwari	Murder - minor	Unknown / at risk of execution
			Mr. Tawfeeq Mahyoub al-Hubaishi	Murder - minor	Unknown / at risk of execution
			Mr. Faisal Naji Saeed al-Haddi	Murder - minor	Unknown / at risk of execution
			Mr. Muwaffaq Muthanna Ahmad Hussein al-Midhrahi	Murder - minor	Unknown / at risk of execution
			Mr. Basheer Mohammad Ahmad	Murder - minor	Unknown / at risk of

<i>Country</i>	<i>Date appeal sent</i>	<i>Date response received</i>	<i>Name of individual</i>	<i>Charge and violation alleged</i>	<i>Status as far as could be established</i>
			al-Dhahaar		execution
			Ms. Maryam Yahya Yusuf Battaah	Murder - minor	Unknown / at risk of execution
			Mr. Mohammad Abduh Mohammad Hasan 'Ajainah	Murder - minor	Unknown / at risk of execution
			Mr. Mohammad Abdallah Mutahhar al-Washali	Murder - minor	Unknown / at risk of execution
			Mr. Ahmad Bihaal Ahmad al-Rasisa	Murder - minor	Unknown / at risk of execution
			Mr. Sameer Naji Ahmad al-Mahdi	Murder - minor	Unknown / at risk of execution
			Mr. Ibrahim Fouad al-'Umais	Murder - minor	Unknown / at risk of execution
			Mr. Majid Abdallah Mohammad al-Madaah	Murder - minor	Unknown / at risk of execution
			Mr. Abdallah Abdulkareem Wasem Sha'rah	Murder - minor	Unknown / at risk of execution
			Mr. 'Alaa al-Din Fadhl Mohammad al-Rumaana	Murder - minor	Unknown / at risk of execution
			Mr. Salaah Ali Abdallah al-Raimi	Murder - minor	Unknown / at risk of execution
			Mr. Akram Mohammad Abdallah al-Faqeeh	Murder - minor	Unknown / at risk of execution

<i>Country</i>	<i>Date appeal sent</i>	<i>Date response received</i>	<i>Name of individual</i>	<i>Charge and violation alleged</i>	<i>Status as far as could be established</i>
			Mr. Mohammad Abdulwahab Faysal	Murder - minor	Unknown / at risk of execution
			Mr. Nasser Ahmed Ali Harqadeh	Murder - minor	Unknown / at risk of execution
	07/02/2013	No reply	Mr. Muhammad Abdul Wahhab Faysal al-Qassem	Murder - minor	Unknown / at risk of execution

## **V. Summary of cases transmitted and replies received to communication sent within the reporting period**

### **Afghanistan**

JAL 18/07/2012 Case No. AFG 1/2012 State Reply: 04/10/2012 **Alleged killing of two women.**

#### **Character of reply: addresses some substantive issues**

9. The Special Rapporteur thanks the Government of Afghanistan for its response to this communication. In its reply, the Government provided some information on the circumstances related to the killing of the two women. The Special Rapporteur takes note of the information on the arrest and interrogation process in the case of the killing of Ms. Jamila, and on the investigation launched in the case of Ms. Hanifa Safi. He would like to reiterate that there shall be thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions, as well as that it is the duty of the Governments to investigate, prosecute and punish all violations of the right to life. In this context, he looks forward to receiving further detailed information on the progress of the investigations and judicial proceedings in both cases, as well as on the provision of compensation to the families of the victims.

### **Algeria**

JAL 31/07/2012 Cas No. DZA 2/2012 Réponse: 01/10/2012 **Allégations d'un usage excessif de la force et de restrictions illégitimes au droit à la liberté de réunion pacifique.**

#### **Caractère de la réponse: informations reçues sur des questions substantives**

10. Le Rapporteur Spécial remercie le Gouvernement pour les informations transmises en réponse à une série de questions soulevées dans cette communication. Dans sa réponse, le Gouvernement précise que les faits tels que relatés dans la lettre d'allégation ont été dénatureés. Concernant le décès de M. Lasfer Said, le Gouvernement informe qu'une enquête a été diligentée, suite à laquelle il a été établi que la mort de M. Lasfer Said n'était pas survenue suite à l'usage excessif de la force et les blessures infligées par les forces de police. Le Rapporteur Spécial salue le fait qu'une enquête a été menée dans ce cas et souhaiterait recevoir des informations supplémentaires sur les détails de sa conduite et les résultats obtenus. Finalement, le Gouvernement a également fourni de l'information sur la gestion des manifestations de juillet 2012, y compris les cas d'utilisation de la force. Le Rapporteur Spécial souhaiterait également recevoir de l'information à la question concernant les motifs juridiques justifiant l'utilisation de la force et leur conformité aux principes internationaux de proportionnalité et nécessité.

### **Bahrain**

JAL 29/10/2012 Case No. BHR 9/2012 State Reply: 21/12/2012 **Allegations of excessive use of force during protests, resulting in the death of two children.**

**Character of reply: addresses some substantive issues**

11. The Special Rapporteur thanks the Government of Bahrain for its response to this communication. In its reply, the Government indicated that the protests held on 17 and 28 September 2012 were not peaceful, which compelled the security forces to deal with them in accordance with their legal powers. The Government also provided information on the investigation into the deaths of the two children, specifying that the Special Investigation Unit concluded that the incidents constituted cases of lawful self-defence, and ordered the closure of the cases. In this regard, the Special Rapporteur welcomes the carrying out of investigations, but would appreciate additional details on the proceedings, in particular on the elements leading to the conclusion on the lawfulness of the killings and its conformity with the international law principles of necessity and proportionality. Finally, the Special Rapporteur is grateful for the information provided on policy measures undertaken in 2011 and 2012 for better regulation of the use of force and ensuring accountability of officials who committed unlawful acts. In this regard, he would like to stress the importance of ensuring that the international law understanding of the principles of necessity and proportionality is applied stringently in all legislative and policy acts at domestic level. The effective implementation of those measures will be of crucial importance as well.

**Bangladesh**

(a) JAL 26/03/2012 Case No. BGD 3/2012 State Reply: 29/03/2012 **Alleged acts of dowry related domestic violence leading to the death of two women.**

**Character of reply: procedural response**

(b) JUA 04/07/2012 Case No. BGD 4/2012 State Reply: 12/07/2012 **Alleged ongoing attacks against journalists.**

**Character of reply: procedural response**

(c) JUA 05/02/2013 Case No. BGD 3/2013 State Reply: 21/02/2013; 15/04/2013 **Alleged sentence to death after a trial conducted in absentia and which did not provide for all the guarantees of a fair trial and due process, and alleged sentence to life imprisonment after a trial which did not provide for all the guarantees of a fair trial and due process.**

**Character of reply: substantive response**

12. The Special Rapporteur thanks the Government of Bangladesh for its detailed response to this communication. With regard to the death sentence pronounced by the International Crimes Tribunal in Bangladesh in January 2013, the Government provided information on the circumstances of the verdict, including on the level of respect of fair trial and due process guarantees. While acknowledging the need to ensure justice for all crimes committed in the past, the Special Rapporteur would appreciate more details on the measures taken to investigate the allegations on irregularities of fair trial and due process in this case. Given the irreversibility of capital punishment, the Special Rapporteur would like to stress that it is crucial to ensure not only that all possible safeguards in cases leading to death sentences have been respected at the highest level, but also that these trials are perceived as fair and impartial by the public at large.

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

**Character of reply: procedural response**

13. The Special Rapporteur thanks the Government of Bangladesh for its acknowledgement of receipt and looks forward to receiving a response on the substantive matters raised.

**General observations:**

14. The Special Rapporteur thanks the Government of Bangladesh for its response during the reporting period. However, he strongly encourages the Government to provide substantive responses to the communications dated 26 March 2012, 4 July 2012 and 20 February 2013. He is also concerned about the different situations of killings reported to him during the period under review, and calls upon the authorities in Bangladesh to ensure thorough, prompt and impartial investigations into all alleged instances of killing. With regard to the proceedings at the International Crimes Tribunal in Bangladesh, the Special Rapporteur will continue following closely all cases that resulted or may result in a death sentence, and calls upon the authorities in Bangladesh to ensure the highest level of respect of international human rights law provisions regarding fair trial and due process safeguards.

**Belarus**

JAL 30/03/2012 Case No. BLR 1/2012 State Reply: 11/04/2012 **Alleged executions carried out in violation of due process safeguards.**

**Character of reply: addresses some substantive issues**

15. The Special Rapporteur thanks the Government of Belarus for its reply. This communication and the reply received constituted follow-up to the communication of 9 December 2011 and the reply of the Government of Belarus of 29 December 2011 regarding the alleged risk of execution of Messrs. Dzmitry Kononov (Dzmitry Kanavalau) and Vladislav Kovalev (Uladzslau Kavalyou) following a trial that did not comply with international fair trial safeguards. According to the information presented in the communication of 30 March 2012, both individuals were reportedly executed between 14 and 16 March 2012. In its reply of 11 April 2012, the Government of Belarus considered its answer of 29 December 2011 as fully comprehensive and sufficient for understanding the legal nature of the cases. The Special Rapporteur deeply regrets that the reply of 11 April 2012 did not provide substantive information on the additional questions raised in the communication of 30 March 2012. Nor did the Government of Belarus confirm the information on the execution of both individuals. The Special Rapporteur would like to refer to his observations on these cases made in his previous report A/HRC/20/22/Add.4, para.16, as well as express concern with regard to the alleged lack of transparency in the post-conviction proceedings in these cases. He invites the Government of Belarus to provide the additional information requested.

16. In its reply of 11 April 2012, the Government of Belarus raised procedural aspects of the functioning and implementation of the mandates of United Nations Special Rapporteurs. In this context, the Special Rapporteur would like to recall that his mandate is exercised in accordance with the requests made by the Human Rights Council in resolution A/HRC/RES/17/5 and the General Assembly in resolution A/RES/67/168.

## **Bolivia (Plurinational State of)**

AL 26/09/2012 Case No. BOL 3/2012 Respuesta: 01/02/2013 **Muerte violenta presuntamente causada por el operativo lanzado el 16 de abril de 2009 en la Ciudad de Santa Cruz.**

### **Carácter de la respuesta: sustantiva**

17. El Relator Especial agradece al Gobierno la respuesta recibida a la comunicación arriba mencionada. El Relator toma nota sobre las informaciones relativas a la audiencia judicial del 9 de octubre 2012, y agradece las aclaraciones sobre la respuesta realizada por el Gobierno Boliviano en 2011.

## **Brazil**

(a) JAL 28/03/2012 Case No. BRA 2/2012 State Reply: 03/07/2012 **Alleged killing of two journalists.**

### **Character of reply: addresses some substantive issues**

18. The Special Rapporteur thanks the Government of Brazil for its response and for the efforts carried out to safeguard the rights of journalists as well as the programme implemented for the protection of human rights defenders. However, the Special Rapporteur remains deeply concerned at the number of situations involving killings of, and threats against journalists and human rights defenders. Finally, the Special Rapporteur calls on the Government to ensure that the perpetrators of these killings are brought to justice and that the victims' families obtain compensation.

(b) JUA 11/04/2012 Case No. BRA 4/2012 **Alleged killing of environmental rights defender and death threats against another human rights defender.**

### **Character of reply: no response**

(c) JUA 20/06/2012 Case No. BRA 6/2012 State reply: 24/04/2013 **Alleged threats against the family of a human rights defender.**

### **Character of reply: addresses some substantive issues**

19. The Special Rapporteur thanks the Government of Brazil for its response wherein it provides clarification on the steps taken to ensure protection for the subjects of this communication. The Special Rapporteur further appreciates the information provided on the National Program for the Protection of Human Rights Defenders; however he would have appreciated a more detailed exposition on what measures are implemented to ensure such protection.

(d) JAL 05/07/2012 Case No. BRA 7/2012 State reply: 24/04/2013 **Alleged killing of two human rights defenders.**

### **Character of reply: substantive**

20. The Special Rapporteur thanks the Government of Brazil for its response and would appreciate any further information on the progress of the investigations.

(e) JUA 23/08/2012 Case No. BRA 9/2012 **Alleged death threats against a human rights defender.**

**Character of reply: no response**

(f) JUA 10/10/2012 Case No. BRA 11/2012 **Alleged judicial harassment, attacks and death threats against a lawyer and a human rights defender.**

**Character of reply: no response**

(g) JAL 06/12/2012 Case No. BRA 15/2012 **Alleged killing of a journalist in Campo Grande, the capital of Mato Grosso do Sul state, on 21 November 2012.**

**Character of reply: no response**

**General observations:**

21. The Special Rapporteur regrets that the Government has to date not provided responses to the communications dated 11 April 2012, 23 August 2012, 10 October 2012 and 6 December 2012 and encourages the Government to provide responses. The Special Rapporteur is concerned about the number of incidents involving human rights defenders and journalists. He calls on the Government to carry out a prompt, impartial and thorough investigation into the alleged violations, to ensure that those responsible are brought to justice and punished, and to provide the results of any investigations and inquiries in this regard. The Special Rapporteur furthermore urges the Government to ensure appropriate measures are implemented to ensure protection to human rights defenders.

## **Burundi**

JUA 21/05/2012 Cas No. BDI 1/2012 **Allégations de menaces de mort à l'encontre d'un journaliste des droits humains.**

**Caractère de la réponse: pas de réponse**

22. Le Rapporteur Spécial regrette l'absence de réponse à la communication envoyée au cours de la période couverte par le présent rapport et invite le Gouvernement à répondre au plus vite aux allégations exprimées.

## **Cameroon**

(a) JUA 05/11/2012 Cas No. CMR 5/2012 **Allégations de menaces de mort contre deux avocats et défenseurs des droits de l'homme.**

**Caractère de la réponse: pas de réponse**

23. Le Rapporteur Spécial regrette l'absence de réponse à la communication envoyée au cours de la période couverte par le présent rapport et invite le Gouvernement à répondre au plus vite aux allégations exprimées.

(b) JUA 17/01/2013 Cas No. CMR 1/2013 **Allégation d'assassinat de Lamine Goche et de menaces de mort contre Jonas Singa Kumie et Franky Ndomedeux, qui seraient liées à leur orientation sexuelle.**

**Caractère de la réponse: pas de réponse**

24. Le Rapporteur Spécial regrette l'absence de réponse à la communication envoyée au cours de la période couverte par le présent rapport et invite le Gouvernement à répondre au plus vite aux allégations exprimées.

## Chile

(a) JAL 31/07/2012 Case No. CHL 3/2012 Respuesta: 07/09/2012 **Alegaciones de uso excesivo y desproporcionado de la fuerza por parte de la policía contra un grupo de menores de edad.**

### **Carácter de la respuesta: respuesta sustantiva**

25. El Relator Especial agradece al Gobierno la respuesta recibida a la comunicación arriba mencionada. En su respuesta, el Gobierno proporciona informaciones sobre los casos de protesta en la región de Araucanía. El Relator Especial agradecería al Gobierno de perseverar sus esfuerzos para que los cuerpos y fuerzas de seguridad del estado no incurran en el uso excesivo de la fuerza, en este caso menores de edad, y en especial en la región de Araucanía, que participan en reuniones y manifestaciones públicas.

## China

(a) JUA 11/07/2012 Case No. CHN 6/2012 State Reply: 30/10/2012 **Alleged torture in prison and investigation deficiencies on the death in hospital of a prominent human rights activist.**

### **Character of reply: addresses some substantive issues**

26. The Special Rapporteur thanks the Government of the People's Republic of China for its response. He welcomes the series of examinations and investigations carried out on the case of Mr. Li Wangyang. However, he regrets that the Government did not provide information on whether investigations also addressed the allegation that Mr. Li Wangyang was physically unable to commit suicide by hanging, as well as the other elements casting doubt on the cause and circumstances of his death. The Special Rapporteur would appreciate to receive additional information in this respect, as well as with regard to the following aspects of the investigation process: specifications whether the results of all examinations, including the autopsy, and of the investigations were made public; specifications on whether the allegations that the family of Li Wangyang and its lawyer acted under undue pressure, were investigated. In this context, the Special Rapporteur reiterates the importance of carrying out impartial and thorough investigations into all suspected cases of extra-legal, arbitrary and summary executions. Finally, should further investigations corroborate the accuracy of the allegations, the Special Rapporteur calls on the Government to ensure that the victim's family is provided with adequate compensation.

(b) JUA 08/02/2013 Case No. CHN 2/2013 State Reply: 21/03/2013 **Alleged risk of imminent execution after proceedings that did not comply with international human rights law standards of fair trial and due process guarantees.**

### **Character of reply: translation awaited**

27. The Special Rapporteur thanks the Government of China for its response and looks forward to receiving the translated text.

## Colombia

(a) JUA 27/03/2012 Case No. COL 3/2012 **Supuestos actos de intimidación y amenazas de muerte contra defensores de derechos humanos.**

**Carácter de la respuesta: sin respuesta**

(b) JUA 30/05/2012 Case No. COL 6/2012 Respuesta: 23/10/2012 **Presuntas amenazas de muerte, seguimientos y agresiones en contra de defensores de derechos humanos.**

**Carácter de la respuesta: sustantiva**

28. El Relator Especial agradece al Gobierno la respuesta recibida a la comunicación arriba mencionada. El Relator Especial toma nota de la averiguación iniciada sobre el caso de Albert Franco y Danilo Rueda. Igualmente, el Gobierno informa sobre las medidas de seguridad a favor de la Sra. Monica Roa, así como las medidas preventivas adoptadas para garantizar la vida de los integrantes de WLW. Finalmente, el Relator agradece al Gobierno las medidas se han adoptado con enfoque diferencial para protección de mujeres en el marco del Comité de Evaluación del Riesgo y Recomendación de Medidas de Protección.

(c) JUA 11/07/2012 Case No. COL 7/2012 **Presunta amenazas de muerte y actos de intimidación en contra de un testigo**

**Carácter de la respuesta: sin respuesta**

(d) JUA 14/09/2012 Case No. COL 10/2012 **Presunta amenaza de muerte contra defensores de los derechos humanos.**

**Carácter de la respuesta: sin respuesta**

(e) JAL 02/10/2012 Case No. COL 12/2012 Respuesta: 30/10/2012; 30/10/2012 **Posible adopción por el Congreso de la República del “Proyecto de acto legislativo por el cual se reforman los artículos 116, 152 y 221 de la Constitución Política de Colombia” (Fuero Penal Militar), el cual podría afectar seriamente el Estado de Derecho y la lucha contra la impunidad en Colombia.**

**Carácter de la respuesta: sustantiva**

29. El Relator agradece al Gobierno la información presentada sobre el proceso legislativo de Colombia y sus implicaciones, tanto como los alcances del acto legislativo en cuestión por el cual se reforman los artículos 116, 152 y 221 de la Constitución Política de Colombia. El Relator Especial llama la atención sobre la necesidad de persistir en la lucha contra la impunidad y reitera su preocupación sobre la capacidad de la sociedad civil y de los activistas para trabajar en un ambiente propicio para la defensa de los derechos humanos en Colombia.

(f) JUA 17/12/2012 Case No. COL 13/2012 **Presunto asesinato de un defensor de los derechos de las víctimas y alegaciones de una ola creciente de amenazas y actos de intimidación contra defensores de los derechos de las víctimas y sus familiares.**

**Carácter de la respuesta: sin respuesta**

(g) JAL 29/01/2013 Case No. COL 1/2013 **Presunto asesinato, actos de intimidación y acoso, incluyendo amenazas de muerte, y malos tratos de activistas sindicales.**

**Carácter de la respuesta: sin respuesta**

(h) JUA 15/02/13 Case No. COL 3/2013 Respuesta: 03/04/2013 **Alegaciones de un atentado contra la vida de un sacerdote y defensor de derechos humanos.**

**Carácter de la respuesta: sustantiva**

30. El Relator Especial agradece al Gobierno de Colombia la respuesta detallada proporcionada a la comunicación con fecha 15 de febrero de 2013. El Gobierno en su respuesta detalla las medidas de protección aprobadas, en este caso concreto, a favor de los integrantes de la Comisión Intereclesial de Justicia y Paz, y destaca de forma general, las medidas adoptadas por parte del Gobierno para garantizar la seguridad e integridad física de los defensores de los derechos humanos.

**Observaciones generales:**

31. El Relator Especial lamenta que el Gobierno no haya respondido a varias de las comunicaciones enviadas durante el periodo del presente informe. En este sentido, el Relator Especial alienta al Gobierno a responder a sus cartas de manera oportuna. Igualmente, el Relator Especial comparte la preocupación, expresada por la Relatora Especial sobre la situación de defensores de derechos humanos, por la persistente situación de inseguridad en la que operan muchos de los defensores y defensoras en Colombia, los cuales son amenazados, intimidados, atacados, secuestrados y, en ocasiones, asesinados, en conexión directa a sus actividades. (A/HRC/22/47/Add.4, para.110) En especial, el Relator subraya la importancia de llevar ante la justicia todos los individuos responsables de ejecuciones extrajudiciales, sumarias o arbitrarias.

**Democratic People's Republic of Korea**

JAL 03/10/2012 Case No. PRK 1/2012 **Alleged use of labour camps for political prisoners and patterns of human rights violations committed therein.**

**Character of reply: no response**

32. The Special Rapporteur regrets that the Government of the Democratic People's Republic of Korea has not yet provided a response to this communication. He would like to express deep concern regarding the allegations of serious human rights violations reported in the kwan-li-so camps, in particular the various situations of unlawful killings. He calls upon the Government of the Democratic People's Republic of Korea to conduct thorough, prompt and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions. The Special Rapporteur strongly encourages the Government to provide a substantive reply to this communication.

**Democratic Republic of the Congo**

(a) AL 11/07/2012 Cas No. COD 2/2012 **Allégations d'attaques perpétrées contre la population civile par des membres d'un groupe armé au Sud-Kivu ayant causé la mort de 78 civils.**

**Caractère de la réponse: pas de réponse**

(b) UA 07/08/2012 Cas No. COD 3/2012 **Allégations de détérioration de la situation sécuritaire et d'attaques perpétrées contre la population civile dans la province du Nord-Kivu.**

**Caractère de la réponse: pas de réponse**

**Observations générales :**

33. Le Rapporteur Spécial regrette l'absence de réponse aux communications envoyées au cours de la période couverte par le présent rapport.

**Egypt**

(a) JAL 25/05/2012 Case No. EGY 6/2012 State reply: 17/07/2012 **Alleged death in custody due to torture by prison guards.**

**Character of reply: substantive response**

34. The Special Rapporteur would like to thank the Government of Egypt for the response to the communication sent. The Special Rapporteur welcomes the investigation conducted into the death in custody and would appreciate information on the basis upon which the decision was reached that there were no suspicious circumstances and that there was no torture involved.

(b) JUA 20/06/2012 Case No. EGY 8/2012 **Alleged death threats against a human rights defender in violation of his right to freedom of opinion and expression.**

**Character of reply: no response**

(c) JUA 06/07/2012 Case No. EGY 9/2012 **Alleged death threats against a human rights activist in relation to his human rights work.**

**Character of reply: no response**

(d) JAL 15/08/2012 Case No. EGY 10/2012 **Alleged hostage taking, abuse and exploitation of migrants by traffickers in Sinai.**

**Character of reply: no response**

(e) JUA 12/11/2012 Case No. EGY 15/2012 **Alleged risk of execution of six individuals following proceedings that did not comply with fair trial standards.**

**Character of reply: no response**

(f) JUA 11/01/2013 Case No. EGY 1/2013 **Alleged violence in the context of protests in Cairo, including killings, injuries and acts of torture and sexual harassment.**

**Character of reply: no response**

**General observations:**

35. While the Special Rapporteur thanks the Government of Egypt for the response to the communication dated 25 May 2012, he regrets that in respect of four communications sent no responses have been provided. In particular, the Special Rapporteur is concerned that three unanswered communications concern urgent matters surrounding imminent executions and death threats. The Special Rapporteur urges the Government to provide necessary and effective protection to individuals against whom death threats have been leveled and to ensure compliance with international standards of fair trial and due process in instances where the death penalty is imposed. The Special Rapporteur would appreciate responses to all communications sent by him.

## El Salvador

JUA 21/09/2012 Case No. SLV 3/2012 Respuesta: 27/11/2012 **Alegación de una amenaza de muerte contra un sacerdote que trabaja en proyectos de rehabilitación con ex miembros de pandillas.**

### Carácter de la respuesta: substantiva

36. El Relator Especial agradece al Gobierno la respuesta recibida a la comunicación arriba mencionada. El Relator Especial nota sobre las investigaciones iniciadas a fin de identificar los responsables de las amenazas de muerte. Igualmente, el Relator agradece al Gobierno la implementación de medidas de protección y de asistencia brindadas a favor del Sacerdote Rodríguez Lopez.

## Ethiopia

JUA 22/05/2012 Case No. ETH 3/2012 **Alleged incidents of violence, including against members of the Anywa community and the deteriorating security situation in the Gambella region following involuntary displacement of communities from the region.**

### Character of reply: no response

## Gambia

UA 28/08/2012 Case No. GMB 1/2012 State reply: 28/08/2012 **Alleged executions after a moratorium on the death penalty for 27 years.**

### Character of reply: procedural response

37. The Special Rapporteur thanks the Government of the Gambia for its acknowledgement of receipt and looks forward to receiving a response on the substantive matters raised. He takes note of the concerns brought to his attention that these executions were the first to have been carried out in 27 years in the Gambia.

## Guatemala

(a) JAL 14/05/2012 JAL Case No. GTM 3/2012 Respuesta: 13/07/2012; 21/08/2012 **Presuntos asesinatos de un defensor de los derechos humanos y de tres otras personas.**

### Carácter de la respuesta: sustantiva

38. El Relator Especial agradece al Gobierno las respuestas detalladas proporcionadas a la comunicación arriba mencionada. El Relator Especial toma nota de la investigación iniciadas para esclarecer los hechos acontecidos con respecto a los asesinatos de los señores Bildave Santos Barco, Luis Ovicio Ortiz Cajas, Fredy Leonel Estrada Mazarlegos y Oscar Alexander Rodríguez, e identificar los presuntos responsables. De igual manera, el Relator agradece al Gobierno la información adicional enviada ofreciendo detalles sobre los avances en la investigación.

(b) JUA 28/06/2012 Case No. GTM 5/2012 Respuestas: 07/08/2012; 12/09/2012; 18/10/2012 **Presunto atentado contra la vida de una defensora de derechos humanos.**

**Carácter de la respuesta: sustantiva**

39. El Relator Especial agradece al Gobierno las respuestas recibidas a la comunicación arriba mencionada. Adicionalmente, el Relator toma especial nota sobre la información detallada sobre la investigación en referencia al caso de la Sra. Telma Yolanda Oqueli, y las medidas de protección adoptadas por parte de las autoridades.

(c) JAL 15/10/2012 Case No. GTM 6/2012 Respuesta: 09/01/2013 **Alegaciones de actos de violencia y uso desproporcionado de la fuerza contra manifestantes pacíficos en el contexto de unas protestas en la cumbre de Alaska, jurisdicción de Santa Catarina Ixtahuacán, Sololá.**

**Carácter de la respuesta: sustantiva**

40. El Relator Especial agradece al Gobierno la respuesta recibida a la comunicación arriba mencionada. En concreto, el Relator Especial agradece la detallada información sobre las investigaciones iniciadas para aclarar los hechos acaecidos durante las protestas organizadas por las comunidades indígenas en 48 cantones en la cumbre de Alaska. El Relator espera que las investigaciones se completen de forma exhaustiva, inmediata e imparcial.

**Observaciones generales:**

41. El Relator Especial comparte la preocupación, expresada por la Relatora Especial sobre la situación de defensores de derechos humanos, sobre el grado de violencia y los graves ataques a los que se ven sometidos los defensores y defensoras de derechos humanos en Guatemala, en particular por los asesinatos y ataques a su integridad física (A/HRC/22/47/Add.4, paras. 174). El Relator Especial quisiera instar al Gobierno de Guatemala a que adopte medidas eficaces para proteger a los defensores de derechos humanos, periodistas y todo individuo amenazado de muerte sin discriminación alguna, así como a llevar a cabo investigaciones independientes sobre presuntas ejecuciones extrajudiciales y amenazas de muerte, de acuerdo con su obligación de proteger el derecho a la vida de todo individuo.

**Guinea-Bissau**

AL 04/04/2012 Cas No. GNB 1/2012 **Allégation d'exécution extrajudiciaire.**

**Caractère de la réponse: pas de réponse**

**Guyana**

JAL 31/08/2012 Case No. GUY 1/2012 **Allegations of widespread acts of violence against peaceful protesters in the context of the protests carried out since 18 July in Linden, Georgetown.**

**Character of reply: no response**

**Haiti**

(a) JUA 25/10/2012 Cas No. HTI 1/2012 **Allégations de menaces de mort et d'actes d'intimidation contre trois avocats et défenseurs des droits de l'homme.**

**Caractère de la réponse: pas de réponse**

(b) JUA 03/01/2013 Cas No. HTI 2/2012 **Allégation d'une tentative d'assassinat contre un avocat défenseur des droits de l'homme**

**Caractère de la réponse: pas de réponse****Observations générales:**

42. Le Rapporteur Spécial regrette l'absence de réponse aux communications envoyées au cours de la période couverte par le présent rapport et invite le Gouvernement à répondre au plus vite aux allégations exprimées.

**Honduras**

(a) JUA 23/03/2012 Case No. HND 2/2012 Respuesta: 10/05/2012; 12/06/2012 **Presunta ola de violaciones de derechos humanos contra periodistas, activistas campesinos y defensores de derechos humanos.**

**Carácter de la respuesta: sustantiva**

43. El Relator Especial agradece al Gobierno la respuesta recibida a la comunicación arriba mencionada. El Relator Especial toma nota de las investigaciones iniciadas y detalles sobre las medidas adoptadas con respecto a algunos casos mencionados en la comunicación con respecto a violaciones de derechos humanos contra periodistas, activistas campesinos y defensores de derechos humanos.

(b) JAL 04/04/2012 Case No. HND 3/2012 **Alegaciones de asesinatos de abogados y de impunidad en estos crímenes.**

**Carácter de la respuesta: sin respuesta**

(c) JUA 26/04/2012 Case No. HND 4/2012 **Presuntos ataques, actos de hostigamiento y amenazas de muerte contra dos miembros del Comité de Familiares de Detenidos Desaparecidos en Honduras (COFADEH).**

**Carácter de la respuesta: sin respuesta**

(d) JAL 24/05/2012 Case No. HND 5/2012 **Presunto asesinato de periodista.**

**Carácter de la respuesta: sin respuesta**

(e) AL 18/07/2012 Case No. HND 6/2012 **Presunta muerte violenta de civiles durante operativo militar.**

**Carácter de la respuesta: sin respuesta**

(f) JUA 27/08/2012 Case No. HND 8/2012 Respuesta: 24/09/2012 **Alegación de persecución y amenaza de muerte contra un defensor de los derechos humanos.**

**Carácter de la respuesta: sustantiva**

44. El Relator Especial agradece al Gobierno la respuesta e información recibida a la comunicación arriba mencionada. Además, el Relator Especial toma nota sobre las investigaciones iniciadas sobre las amenazas de muerte contra el Sr. Donny Ramon Reyes Velasquez, así como las medidas cautelares de protección aprobadas para garantizar su seguridad e integridad física.

(g) JUA 12/09/2012 Case No. HND 9/2012 **Alegación de amenazas contra una defensora de los derechos humanos**

**Carácter de la respuesta: sin respuesta**

(h) JUA 28/09/2012 Case No. HND 10/2012 **Presunto asesinato del destacado abogado de derechos humanos, Sr. Antonio Trejo Cabrera.**

**Carácter de la respuesta: sin respuesta**

(i) JAL 31/10/2012 Case No. HND 11/2012 **Presunta violación del derecho de los pueblos a la libre determinación en el contexto de una supuesta represión contra campesinos y miembros de organizaciones de derecho a la tierra por parte de miembros de fuerzas de seguridad y de seguridad privada.**

**Carácter de la respuesta: sin respuesta**

(j) JAL 21/02/2013 Case No. HND 1/2013 Respuesta: 25/03/2013 **Presunto asesinato de miembros de movimientos campesinos que operan en la zona del Bajo Aguán.**

**Carácter de la respuesta: sustantiva**

45. El Relator Especial agradece al Gobierno la respuesta recibida a la comunicación arriba mencionada. El Relator toma especial de las averiguaciones inicialadas para la investigación y el esclarecimiento de las alegaciones.

**Observaciones generales:**

46. El Relator Especial agradece las respuestas recibidas durante el periodo del presente informe, y alienta al Gobierno a responder al resto de las comunicaciones. El Relator Especial se muestra especialmente preocupado por el alto grado de impunidad que impera respecto a las ejecuciones extrajudiciales y amenazas de muerte de los defensores y defensoras de derechos humanos, periodistas y activistas campesinos e insta al Gobierno a que tome las medidas necesarias para que lleve a cabo investigaciones independientes sobre las presuntas alegaciones.

## **India**

(a) JUA 28/09/2012 Case No. IND 24/2012 **Allegations of new acts of harassment against members of the Peoples Movement Against Nuclear Energy (PMANE) and other human rights defenders.**

**Character of reply: no response**

(b) JAL 11/02/2013 Case No. IND 1/2013 State Reply: 12/02/2013 **Alleged execution after proceedings that did not comply fully with fair trial and due process guarantees.**

**Character of reply: procedural response**

47. The Special Rapporteur thanks the Government of India for its response and looks forward to receiving a substantive reply to this communication. He takes note of the concerns brought to his attention that the execution of Mr. Ajmal Kasab in India was the first to have been carried out since 2004 in this country, which is after eight years of respect of a de facto moratorium on the implementation of the death penalty.

**General observations:**

48. The Special Rapporteur regrets that no substantive replies were provided by the Government of India to the two communications sent during the period under review, and encourages the Government to respond substantively in both cases.

**Indonesia**

(a) UA 03/07/2012 Case No. IDN 5/2012 **Alleged imminent execution for drug related offences.**

**Character of reply: no response**

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

**Character of reply: addresses some substantive issues**

49. The Special Rapporteur thanks the Government of Indonesia for its reply. He welcomes the launch and carrying out of investigations into the violations alleged, and encourages the Government to provide further detailed information on their progress, as well as on any prosecutions or other measures undertaken, and the payment of compensation to the victims or their families, where applicable. He would like to recall that there should be thorough, prompt and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions.

(c) JUA 27/07/2012 Case No. IDN 7/2012 State Reply: 25/09/2012 **Alleged increasing climate of violence, including unlawful killings by both State authorities (police and military forces) and non-State actors, as well as excessive use of force.**

**Character of reply: addresses some substantive issues**

50. The Special Rapporteur thanks the Government of Indonesia for its reply. He welcomes the launch and conduct of investigations into the violations alleged, and encourages the Government to provide further detailed information on their progress, as well as on any prosecutions or other measures undertaken, and the payment of compensation to the victims or their families, where applicable. He would like to recall that there should be thorough, prompt and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions, irrespective of whether the perpetrator was a State or non-State actor. With regard to the death of Mr. Mako Tabuni, the Special Rapporteur invites the Government of Indonesia to provide detailed information on the elements that led the investigation to conclude that the measures taken by the police officers were in accordance with relevant regulations and whether the decision to shoot Mr. Mako Tabuni conformed to the international human rights law standards regarding use of force.

(d) UA 11/01/2013 Case No. IDN 1/2013 **Allegation regarding 10 imminent executions of convicted prisoners.**

**Character of reply: no response****General observations:**

51. While looking forward to receiving additional information from the Government of Indonesia in response to the communications dated 24 July and 27 July 2012, the Special

Rapporteur regrets that no replies were provided by the Government to the other two communications of 3 July 2012 and 11 January 2013 on the alleged risk of imminent executions for drug-related offences. The Special Rapporteur expresses concern about these allegations, and would like to recall that, under international human rights law, drug-related offences are not considered as a most serious crime and therefore may not be punishable with the death penalty. He calls upon the authorities in Indonesia to refrain from any executions which would be in contravention of international human rights law, and to provide substantive replies to the communications of 3 July 2012 and 11 January 2013.

### **Iran (Islamic Republic of)**

(a) JUA 26/03/2012 Case No. IRN 6/2012 **Alleged imminent execution for non-serious crime and following a trial in violation of procedural safeguards.**

**Character of reply: no response**

(b) JUA 11/04/2012 Case No. IRN 7/2012 **Alleged risk of execution for crimes not deemed to be “most serious” following trials in violation of procedural safeguards.**

**Character of reply: no response**

(c) JUA 18/04/2012 Case No. IRN 8/2012 State Reply: 05/10/2012 **Alleged imminent execution for not most serious crime and following a trial in violation of procedural safeguards.**

**Character of reply: addresses some substantive issues**

52. The Special Rapporteur thanks the Government of the Islamic Republic of Iran for its reply. He notes with concern that the charges brought against Mr. Aref Hamediyani (Aref Hamidian) are drug-related and, therefore, do not constitute most serious crimes under international human rights law standards regarding the death penalty. As a consequence, the Special Rapporteur urges the Government to commute without delay the death sentence against Mr. Aref Hamediyani (Aref Hamidian). He would also appreciate to receive additional information from the Government on the progress of the judicial proceedings in this case, and the conformity of each of their stages to international human rights law standards regarding fair trial and due process guarantees.

(d) JUA 04/05/2012 Case No. IRN 9/2012 **Alleged death sentence and imminent execution on charges of moharebeh (enmity against God).**

**Character of reply: no response**

(e) JUA 16/05/2012 Case No. IRN 11/2012 State Reply: 03/09/2012 **Alleged incommunicado detention, torture, unfair trial and sentence to death for moharebeh.**

**Character of reply: addresses some substantive issues**

53. The Special Rapporteur thanks the Government of the Islamic Republic of Iran for its reply. He notes with concern that the Supreme Court upheld the death sentence against Mr. Behrooz Alkhani Aghbarzeh (Mr. Behrouz Alakhani). The Special Rapporteur would appreciate additional information on the evidence used to find the defendant guilty, as well as on any measures taken to investigate the allegations of violations of procedural safeguards in the proceedings conducted against him. He would also appreciate a response on the conformity of these proceedings to international human rights law standards of fair trial and due process guarantees. Should any of the alleged violations be confirmed, the Special Rapporteur calls upon the Government of the Islamic Republic of Iran not to

execute Mr. Behrooz Alkhani Aghbarzeh (Mr. Behrouz Alakhani), and commute without delay his sentence.

(f) JUA 19/06/2012 Case No. IRN 13/2012 **Allegations that five members of Ahwazi Arab minority community are at risk of imminent execution.**

**Character of reply: no response**

(g) JUA 26/06/2012 Case No. IRN 15/2012 State Reply: 10/10/2012 **Alleged imminent risk of execution of two individuals after reported unfair trials.**

**Character of reply: addresses some substantive issues**

54. The Special Rapporteur thanks the Government of the Islamic Republic of Iran for its reply. He would appreciate additional detailed information on the compliance of each stage of the judicial proceedings against Ms. Safieh Ghafouri with the international human rights law standards of fair trial and due process safeguards. He also regrets that the reply does not address the case of Mr. Saeed Sedeghi, and would appreciate a response from the Government on the questions raised on this case as well. According to non-official sources, Mr. Sedeghi was executed on 22 October 2012. The Government of the Islamic Republic of Iran is also kindly requested to confirm this information.

(h) JUA 06/07/2012 Case No. IRN 16/2012 **Alleged death sentence and imminent execution on charges of moharebeh (enmity against God).**

**Character of reply: no response**

(i) JUA 13/07/2012 Case No. IRN 17/2012 State Reply: 26/09/2012 **Alleged imminent execution of a follower of the Ahl-e Haqq faith in Mahabad prison.**

**Character of reply: addresses some substantive issues**

55. The Special Rapporteur thanks the Government of the Islamic Republic of Iran for its reply, which includes inter alia information on the case of Mr. Younos Aghayan (referred to in the communication as Mr. Yunes Aghayan). He would appreciate to receive detailed information on the legal grounds and evidence used to sentence the defendant to death, as well as on the compliance of each judicial proceeding with the international human rights law provision of most serious crime, and standards on fair trial and due process safeguards. He calls upon the authorities in the Islamic Republic of Iran to ensure the highest level of respect of the rights and freedoms of Mr. Aghayan.

(j) JUA 31/07/2012 Case No. IRN 19/2012 **Alleged torture and risk of imminent execution of five representatives of the Ahwazi Arab minority.**

**Character of reply: no response**

(k) JUA 07/08/2012 Case No. IRN 21/2012 **Alleged imposition of the death penalty on an individual for drugs offence.**

**Character of reply: no response**

(l) JUA 27/08/2012 Case No. IRN 22/2012 **Alleged risk of execution under charges which are not considered as most serious crimes.**

**Character of reply: no response**

(m) JUA 11/10/2012 Case No. IRN 25/2012 **Alleged risk of imminent execution after proceedings that did not comply with international human rights law standards on fair trial and due process guarantees, and the most serious crimes provision.**

**Character of reply: no response**

(n) JAL 16/11/2012 Case No. IRN 27/2012 State Reply: 13/11/2012; 04/12/2012 **Allegations of torture resulting in death in custody of a blogger.**

**Character of reply: addresses some substantive issues**

56. The Special Rapporteur thanks the Government of the Islamic Republic of Iran for its reply. He welcomes the measures undertaken to investigate the death in custody of Mr. Satar Beheshti. He calls upon the authorities to ensure a thorough, prompt and impartial criminal investigation of this death, as well as to criminally prosecute and punish all those responsible. The Special Rapporteur would appreciate further detailed information on the progress of the investigation and all other related proceedings on this case.

(o) JAL 05/12/2012 Case No. IRN 28/2012 **Alleged ongoing executions for drug-related crimes, following proceedings that do not comply with international human rights law standards on fair trial and due process guarantees.**

**Character of reply: no response**

(p) JUA 09/01/2013 Case No. IRN 1/2013 **Alleged imminent execution of members of the Kurdish community.**

**Character of reply: no response**

(q) JUA 25/01/2013 Case No. IRN 5/2013 **Alleged imminent execution of five representatives of the Ahwazi Arab minority.**

**Character of reply: no response**

**General observations:**

57. The Special Rapporteur notes that 17 communications were sent to the Government of the Islamic Republic of Iran during the period under review. He thanks the Government for the responses received to five communications. At the same time, he regrets that the Government did not provide replies to 12 communications, and encourages it to respond substantively to all of them. The Special Rapporteur is particularly concerned about the high number of cases regarding the imposition of the death penalty in the Islamic Republic of Iran in contravention of international human rights law, namely of the most serious crimes provision and the standards on fair trial and due process safeguards. Should these allegations be corroborated, he strongly encourages the Government to stay all executions and commute without delay the death sentences. He also calls upon the Government to bring its domestic legislation and practice in conformity with the international law requirements regarding the imposition of the death penalty in the countries which have not yet abolished it.

## Iraq

(a) JUA 28/06/2012 Case No. IRQ 1/2012 **Follow-up communication on alleged imminent executions in violation of safeguards applicable to deprivation of liberty and to the imposition of capital punishment.**

**Character of reply: no response**

(b) UA 26/07/2012 Case No. IRQ 2/2012 **Alleged imminent risk of execution of 196 prisoners.**

**Character of reply: no response**

(c) JUA 28/08/2012 Case No. IRQ 3/2012 State Reply: 02/11/2012 **Alleged risk of imminent execution and 21 executions carried out under terrorism-related charges.**

**Character of reply: addresses some substantive issues**

58. The Special Rapporteur thanks the Government of Iraq for its reply, transmitting a copy of the Iraqi Federal Cassation Court's sentence regarding Mr. Saleh Musa Ahmed Mohammed al Baydani, as well as of the request for a stay of execution on this case, dated 14 April 2012, following a request for a retrial. He urges the Iraqi authorities to ensure that further proceedings against Mr. Saleh Musa Ahmed Mohammed al Baydani are fully compliant with international human rights law, requiring that, in countries which have not yet abolished the death penalty, the death penalty may not be imposed against persons who have been minors at the time of the offence. Furthermore, the death penalty may be imposed only for the most serious crimes, namely for intentional killing, and after a stringent respect of fair trial and due process safeguards. In this regard, the Special Rapporteur would appreciate additional information on the compliance of the proceedings against Mr. Saleh Musa Ahmed Mohammed al Baydani with the mentioned international human rights law standards.

59. The Special Rapporteur regrets however that the Government did not provide in its reply any information regarding the reported execution of 21 individuals on 27 August 2012 for terrorism-related charges. He kindly requests the Government to provide full details on the identity of the 21 individuals, the specific crimes for which they were sentenced to death, and how these sentences and the legal proceedings against the defendants complied with the international human rights law provision of most serious crimes and the standards on fair trial and due process safeguards.

(d) JUA 14/09/2012 Case No. IRQ 4/2012 State Reply: 09/11/2012 **Alleged risk of execution of six individuals after proceedings that did not comply with fair trial and due process standards.**

**Character of reply: addresses some substantive issues**

60. The Special Rapporteur thanks the Government of Iraq for its reply, containing a table with the names of the six individuals sentenced to death, their nationality, the sentences against them and the legal basis thereof, as well as the type of prison where they are detained. He regrets however the lack of information on the specific crimes for which the six individuals were sentenced to death, on each stage of the judicial proceedings against them and their compliance with the international human rights law requirements of fair trial and due process, as well as on whether any investigations have been taken to investigate the allegations of torture and ill-treatment in these cases. He kindly requests the Government of Iraq to provide additional information on the aspects mentioned. Unless a

thorough review of these cases is ensured, the Special Rapporteur calls upon the Iraqi authorities not to execute the six individuals and to commute their sentences.

(e) JUA 11/10/2012 Case No. IRQ 5/2012 State Reply: 12/12/2012 **Alleged risk of imminent execution following proceedings that did not comply with international human rights law standards on fair trial and due process guarantees.**

**Character of reply: translation awaited**

61. The Special Rapporteur thanks the Government of Iraq for its response and looks forward to receiving the translated text.

(f) JUA 21/12/2012 Case No. IRQ 7/2012 **Alleged religious intolerance, arbitrary detention, summary execution, torture and unfair trial proceedings.**

**Character of reply: no response**

**General observations:**

62. The Special Rapporteur thanks the Government of Iraq for the responses to three communications sent during the period under review and awaits translation of the reply of 12 December 2012 to the communication of 11 October 2012. He invites the Government to submit substantive responses to the other three communications sent during this period, which have not yet been replied to. The Special Rapporteur is particularly concerned about the information on the very high number of executions and individuals at risk of execution in Iraq, in contravention of international human rights law standards on the imposition of the death penalty in countries which have not yet abolished it. He calls upon the Government of Iraq to comply fully with the most serious crimes provision, the international law requirement of stringent respect of fair trial and due process guarantees, and the requirement to ensure transparency in all cases of capital punishment. He calls upon the Government to refrain from any further executions in contravention of the international human rights law, and to consider commuting the death sentences in all such cases.

## **Kenya**

JUA 15/08/2012 Case No. KEN 1/2012 **Alleged threats against human rights defenders, including death threats and surveillance.**

**Character of reply: no response**

## **Liberia**

JAL 21/09/2012 Case No. LBR 1/2012 **Alleged violation of the right of peoples to self-determination in the context of Liberian mercenaries' attacks on civilians in Côte d'Ivoire.**

**Character of reply: no response**

## **Mali**

(a) JAL 31/08/2012 Cas No. MLI 2/2012 **Allégation d'exécution par lapidation d'un couple non marié au Nord du Mali.**

**Caractère de la réponse: pas de réponse**

(b) JUA 27/09/2012 Cas No. MLI 3/2012 **Allégations d'exécutions extrajudiciaires, de disparitions forcées, tortures, détentions arbitraires et violences contre les femmes commises dans le contexte du conflit armé au nord du Mali.**

**Caractère de la réponse: pas de réponse****Observations générales :**

63. Le Rapporteur Spécial regrette l'absence de réponse aux communications envoyées au Gouvernement de Mali au cours de la période couverte par le présent rapport et invite le Gouvernement à répondre au plus vite aux allégations exprimées.

**Mauritania**

JUA 27/07/2012 Cas No. MRT 2/2012 **Allégation de détentions de défenseurs de droits de l'homme et procédures judiciaires à leur encontre en violation du droit à un procès équitable.**

**Caractère de la réponse: pas de réponse****Observations générales :**

64. Le Rapporteur Spécial regrette l'absence de réponse à la communication envoyée au cours de la période couverte par le présent rapport et invite le Gouvernement à répondre au plus vite aux allégations exprimées.

**Mexico**

(a) JAL 12/04/2012 Case No. MEX 7/2012 Respuesta: 09/10/2012 **Supuestas amenazas de muerte y agresiones contra defensor de derechos humanos.**

**Carácter de la respuesta: sustantiva**

65. El Relator Especial agradece al Gobierno la respuesta recibida a la comunicación arriba mencionada. En su respuesta, el Gobierno indica que las Unidades de Investigación adscritas a la Fiscalía Regional de Ecatepec no tiene registro de averiguación previa relacionado con las supuestas amenazas de muerte. El Relator agradece al Gobierno la información proporcionada y reitera su especial preocupación por el clima de inseguridad en el que operan los defensores de derechos humanos en México.

(b) JUA 25/04/2012 Case No. MEX 8/2012 Respuesta: 09/10/2012 **Alegaciones de una ola de violaciones de derechos humanos contra defensores de los derechos humanos de los pueblos y comunidades indígenas.**

**Carácter de la respuesta: sustantiva**

66. El Relator Especial agradece al Gobierno la respuesta recibida a la comunicación arriba mencionada. El Relator toma nota de la información proporcionada por parte del Gobierno indicando que las autoridades judiciales han cumplido con el debido proceso legal con respecto de los casos incluidos en la comunicación.

(c) JUA 04/05/2012 Case No. MEX 10/2012 Respuesta: 02/07/2012 **Presuntas amenazas de muerte y actos de intimidación en contra de defensores de los derechos de las personas migrantes.**

**Carácter de la respuesta: sustantiva**

67. El Relator Especial agradece al Gobierno la respuesta recibida a la comunicación arriba mencionada. En su respuesta, el Gobierno confirma las averiguaciones iniciadas para la investigación de amenazas de muerte contra el Padre Alejandro Solalinde Guerra. Igualmente, el Relator toma nota de la información proporcionada por el Gobierno indicando las medidas de protección adoptadas por parte de las autoridades para garantizar el auxilio necesario al Padre Alejandro Solalinde Guerra y el personal de la Casa del Migrante "Frontera Digna".

(d) JUA 16/05/2012 Case No. MEX 12/2012 **Presuntas amenazas de muerte y actos de intimidación en contra de defensores de derechos humanos y sindicalista.**

**Carácter de la respuesta: sin respuesta**

(e) JAL 29/05/2012 Case No. MEX 11/2012 Respuesta: 08/08/2012 **Alegaciones de asesinatos de trabajadores de la prensa.**

**Carácter de la respuesta: sustantiva**

68. El Relator Especial agradece la respuesta recibida a la comunicación arriba mencionada. El Relator toma nota de la información proporcionada por el Gobierno indicando que la Procuraduría General de la República a través de la Fiscalía Especial para la Atención de Delitos Cometidos contra la libertad de expresión y la Procuraduría General de Justicia del Estado de Veracruz ha iniciado averiguaciones previas sobre los casos mencionados en la comunicación. El Relator Especial agradecería recibir información complementaria sobre las investigaciones judiciales y administrativas en relación con estos casos.

(f) JUA 08/06/2012 Case No. MEX 13/2012 Respuesta: 31/10/2012 **Presuntas amenazas de muerte y agresiones contra defensores de derechos humanos.**

**Carácter de la respuesta: sustantiva**

69. El Relator Especial agradece al Gobierno la respuesta recibida a la comunicación arriba mencionada. En su respuesta, el Gobierno proporciona informaciones sobre las investigaciones del caso del Sr. Vidulfo Rosales Sierra, el Sr. José Enrique Morales y la Sra. Blanca Velázquez. Al respecto, el Relator estaría muy agradecido de recibir información actualizada sobre el resultado final de las investigaciones y de los procedimientos judiciales. El Relator toma nota también del establecimiento en marzo 2012 del Mecanismo de Protección de Defensores de Derechos Humanos.

(g) JAL 27/06/2012 Case No. MEX 13/2012 Respuesta: 05/09/2012 **Presunto asesinato de un periodista en el estado de Veracruz.**

**Carácter de la respuesta: sustantiva**

70. El Relator Especial agradece al Gobierno la respuesta recibida a la comunicación arriba mencionada. El Relator toma especial nota de las averiguaciones previas iniciadas sobre el caso del Sr. Víctor Manuel Báez Chino por parte de la Procuraduría General de la República. El relator también toma nota de las medidas de protección implementadas a favor de los periodistas y sus centros de trabajo, y en concreto, la reforma al Artículo 73 Constitucional para federalizar los delitos cometidos contra periodistas del 25 de junio de

2012, y la Ley para la Protección de Personas Defensoras de Derechos Humanos y Periodistas aprobada por la Cámara de Diputados el lunes 30 de abril de 2012.

#### **Observaciones generales:**

71. El Relator Especial agradece al Gobierno las respuestas recibidas, aunque lamenta que, en el momento de finalizar el presente informe, no se había recibido respuesta a la comunicación enviada el 16 de mayo de 2012. El Relator Especial comparte la preocupación, expresada por la Relatora Especial sobre la situación de defensores de derechos humanos, sobre las alegaciones recibidas indicando la persistencia de un clima de violencia e inseguridad para los defensores y defensoras en México, y en particular, por la situación de riesgo que afecta a los periodistas, a los que trabajan por los derechos de las víctimas de violaciones por parte de agentes estatales, a los que trabajan por los derechos de las comunidades indígenas y campesinas, a las mujeres defensoras que trabajan por los derechos de las mujeres, y a los que trabajan por los derechos de los migrantes. (A/HRC/22/47/Add.4). Por último, el Relator Especial se complace también por la decisión favorable del Gobierno de permitir una visita a México. Visita que tuvo lugar del 22 de abril al 2 de mayo 2013, y que le permitió examinar la situación del derecho a la vida.

### **Myanmar**

JAL 03/12/2012 Case No. MMR 9/2012 State Reply: 09/01/2013; 11/04/2013 **Alleged death in custody by torture.**

#### **Character of reply: substantive response**

72. The Special Rapporteur thanks the Government of Myanmar for the responses to this communication, transmitting information gathered from the Ministry of Home Affairs and the Myanmar National Human Rights Commission. He welcomes the conduct of investigations and other judicial inquiries into the death of Mr. Myo Myint Swe, and takes particular note of the decision of the Mayangone Township Court that it was difficult to conclude that the cause of death of Mr. Myo Myint Swe was natural. The Special Rapporteur is unclear how the independence and impartiality of the post-mortem examination and the ensuing investigation by the Myanmar Police Force was ensured. He kindly requests the Government of Myanmar to send additional information on these aspects, including on whether and how the evidence provided by the family on torture signs was considered during the investigation and the judicial proceedings. He would like to stress that international human rights law requires the conduct of thorough, prompt and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions. While taking note of the disciplinary measures taken against the members of the police involved in the case of Mr. Myo Myint Swe, the Special Rapporteur would like to underline that unlawful killings cases should be prosecuted criminally and receive adequate criminal penalties. Finally, he notes that the family of the victim was provided with compensation, but would like to stress that the payment of compensation should not replace the conduct of criminal proceedings in cases of unlawful killings.

### **Nigeria**

(a) UA 06/11/2012 Case No. NGA 4/2012 **Alleged imposition of the death penalty on two prisoners on death row.**

**Character of reply: no response**

(b) AL 13/12/2012 Case No. NGA 5/2012 State reply: 21/12/2012 **Allegedly extrajudicial killings by the Nigerian Security Forces.**

**Character of reply: procedural response**

73. The Special Rapporteur wishes to thank the Government of Nigeria for its acknowledgment of receipt and looks forward to receiving a substantive reply.

**General observations:**

74. The Special Rapporteur thanks the Government of Nigeria for its procedural response and urges the Government to provide substantive responses in respect of both communications sent.

**Occupied Palestinian Territory**

(a) JAL 19/03/2012 Case No. PSE 2/2011 **Alleged beating and subsequent death in custody.**

JAL 19/03/2012 Case No. OTH 6/2011 **Alleged beating and subsequent death in custody.**

**Character of reply: no response**

(b) JUA 26/06/2012 Case No. PSE 4/2012 **Alleged imminent execution and forced confession obtained under torture.**

JUA 26/06/2012 Case No. OTH 3/2012 **Alleged imminent execution and forced confession obtained under torture.**

**Character of reply: no response**

(c) UA 17/08/2012 Case No. PSE 5/2012 **Alleged imposition of the death penalty in violation of due process safeguards.**

UA 17/08/2012 Case No. OTH 8/2012 **Alleged imposition of the death penalty in violation of due process safeguards.**

**Character of reply: no response**

**General observations:**

75. The Special Rapporteur deeply regrets that neither the Government of the State of Palestine nor the de facto authorities in Gaza replied to any of the communications sent during the reporting period, all of which concerned events in Gaza. The Special Rapporteur strongly encourages the authorities to provide substantive replies to all communications. He is particularly concerned about the information on the imposition and implementation of the death penalty in contravention of human rights law standards, especially in Gaza. He would like to recall that, in countries which have not yet abolished the death penalty, capital punishment may only be carried out pursuant to a final judgement rendered by a competent court after legal process which gives all possible safeguards to ensure a fair trial, and it must be regarded as an exception to the fundamental right to life, and must as such be applied in the most restrictive manner.

## **Other (UNMIK / Kosovo<sup>1</sup>)**

JAL 10/01/2013 Case No. KSV 1/2012 Reply: 26/03/2013 **Alleged physical attacks and threats against lesbian, gay, bisexual, and transgender rights defenders, including members of the organizations Kosovo 2.0 and Libertas.**

### **Character of reply: addresses some substantive issues**

76. The Special Rapporteur thanks UNMIK and the Kosovo authorities for the reply. He welcomes the launch of investigations into the acts occurred, as well as the assurances that appropriate support and protection has been offered to all victims threatened, and that appropriate measures are taken in order to prevent such incidents in the future. The Special Rapporteur would appreciate further detailed information on the progress of investigations, as well as on the protection measures taken, in particular with regard to the two Lesbian, Gay, Bisexual and Transgender women defenders threatened to death. He would like to stress also the importance of conducting thorough, prompt and impartial investigations into all suspected violations of the right to life.

## **Pakistan**

(a) JUA 22/03/2012 Case No. PAK 3/2012 State Reply: 22/03/2012 **Alleged death sentences on blasphemy charges in Pakistan.**

### **Character of reply: procedural response**

77. The Special Rapporteur thanks the Government of Pakistan for its acknowledgement of receipt and looks forward to receiving a response on the substantive matters raised.

(b) JUA 15/06/2012 Case No. PAK 8/2012 **Alleged plot to kill human rights defender.**

### **Character of reply: no response**

(c) JAL 18/07/2012 Case No. PAK 9/2012 State Reply: 19/07/2012 **Alleged killing of a woman human rights defender in Hayatabad.**

### **Character of reply: procedural response**

78. The Special Rapporteur thanks the Government of Pakistan for its acknowledgement of receipt and looks forward to receiving a response on the substantive matters raised.

(d) JUA 12/10/2012 Case No. PAK 11/2012 State Reply: 27/03/2013 **Alleged assassination attempt against an advocate for girls' education by the Tehrik-i-Taliban Pakistan (TTP).**

### **Character of reply: substantive response**

79. The Special Rapporteur thanks the Government of Pakistan for its reply. He welcomes the carrying out of an investigation on this case, as well as the measures taken by the Government to ensure protection of Ms. Malala Yousafzai and security to all girls' schools and colleges as well as boys schools in District Swat. The Special Rapporteur

---

<sup>1</sup> In the present report, all reference to the term "Kosovo", whether to the territory, institutions or population, should be understood to be in full compliance with Security Council resolution 1244 (1999) and without prejudice to the status of Kosovo.

would like to recall not only the need to ensure thorough, prompt and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions, but also the need to bring to justice the identified perpetrators. He would appreciate additional information on the progress of the proceedings in this case.

(e) JAL 01/02/2013 Case No. PAK 1/2013 State reply: 04/02/2013 **Alleged killing of seven human rights defenders working for the non-governmental organisation Support with Working Solutions (SWWS).**

**Character of reply: procedural response**

80. The Special Rapporteur thanks the Government of Pakistan for its acknowledgement of receipt and looks forward to receiving a response on the substantive matters raised.

**General observations:**

81. The Special Rapporteur thanks the Government of Pakistan for its substantive reply to the communication of 12 October 2012. He regrets that the Government did not provide substantive replies to the other four communications sent during the period under review, and strongly encourages it to do so. The Special Rapporteur is particularly concerned about the number of cases reporting killings or assassination attempts of women human rights defenders. He calls upon the authorities in Pakistan to take resolute measures to ensure effective protection of the lives of women human rights defenders.

**Paraguay**

(a) JAL 10/10/2012 Case No. PRY 1/2012 Respuesta: 10/12/2012 **Presunta muerte violenta de 17 personas (11 campesinos y 6 policías), y más de 80 heridos.**

**Carácter de la respuesta: sustantiva**

82. El Relator Especial agradece al Gobierno la respuesta recibida a la comunicación arriba mencionada. El Relator agradece al Gobierno por la información presentada sobre los hechos acontecidos en Curuguaty el 15 de junio de 2012. El Relator agradece al Gobierno de Paraguay por su iniciativa a la inmediata atención médica y psicológica a las víctimas. El Relator quisiera instar al Gobierno de Paraguay a que adopte medidas eficaces para garantizar que los funcionarios encargados de hacer cumplir la ley, en el desempeño de sus funciones, utilizan en la medida de lo posible medios no violentos antes de recurrir al empleo de la fuerza.

(b) JUA 10/12/2012 Case No. PRY 4/2012 Respuesta: 16/01/2013 **Asesinato de defensor de derechos humanos, y presunto riesgo para la integridad física y psicológica de miembros de su familia, e individuos involucrados en la investigación de los incidentes ocurridos en Curuguaty.**

**Carácter de la respuesta: sustantiva**

83. El Relator Especial agradece al Gobierno de Paraguay la respuesta recibida a la comunicación arriba mencionada. El Relator Especial toma nota de la investigación iniciada sobre el caso del Sr. Vega, tanto como de las medidas tomadas por las autoridades del Distrito de Curuguaty para garantizar la integridad física de los familiares de la víctima.

**Observaciones generales:**

84. El Relator Especial agradece que el Gobierno haya contestado a todas las comunicaciones enviadas. Igualmente, el Relator Especial comparte la preocupación,

expresada por la Relatora Especial sobre la situación de defensores de derechos humanos, sobre las informaciones recibidas indicando un mayor clima de inseguridad y una tendencia a la estigmatización y deslegitimación del trabajo de las y los defensores de derechos humanos por parte de autoridades públicas y algunos medios de comunicación, en particular aquellos que trabajan por los derechos de los campesinos y comunidades indígenas.

## **Peru**

JUA 26/07/2012 Case No. PER 2/2012 **Alegaciones de actos de violencia y ejecuciones extrajudiciales en el contexto de unas protestas sociales contra proyectos de explotación minera llevadas a cabo en Cajamarca y en Espinar.**

**Carácter de la respuesta: sin respuesta**

## **Philippines**

(a) JAL 30/05/2012 Case No. PHL 2/2012 State Reply: 27/07/2012 **Alleged killing of two human rights defenders.**

**Character of reply: substantive response**

85. The Special Rapporteur thanks the Government of the Philippines for its reply. He welcomes the carrying out of investigations in both cases of killing, and would appreciate further information on their progress, as well as on the results of the judicial proceedings. He would like to recall the duty of Governments to investigate thoroughly, promptly and impartially all suspected cases of extrajudicial, summary or arbitrary executions, as well as bring to justice all perpetrators thereof. The Special Rapporteur kindly requests the Government of the Philippines to provide also information on the payment of compensation to the families of the victims.

(b) JUA 29/06/2012 Case No. PHL 3/2012 **Alleged killing of human rights defender and alleged acts of intimidation against two women human rights defenders.**

**Character of reply: no response**

(c) JAL 31/10/2012 Case No. PHL 5/2012 **Allegations concerning the situation of oil palm cultivation in Higaonon indigenous communities in the municipality of Opol, Misamis Oriental in southern Philippines, as well as the alleged killing of an indigenous Higaonon leader who had protested against the oil palm cultivation.**

**Character of reply: no response**

(d) JUA 28/12/2012 Case No. PHL 7/2012 **Alleged continued wave of harassment, stigmatization, threats, and killings of human rights defenders, in particular environmental and indigenous rights defenders, many of whom are women human rights defenders and indigenous leaders.**

**Character of reply: no response**

**General observations:**

86. The Special Rapporteur thanks the Government of the Philippines for its substantive reply to the communication of 30 May 2012. He regrets that the Government did not

provide substantive replies to the other three communications sent during the period under review, and strongly encourages it to do so. The Special Rapporteur is particularly concerned about the number of cases reporting threats and killings of human rights defenders in the Philippines, in particular environmental and indigenous rights defenders. He calls upon the Government in the Philippines to adopt effective measures on the protection of the lives of human rights defenders.

## **Saudi Arabia**

(a) JUA 25/05/2012 Case No. SAU 8/2012 State reply: 12/02/2013 **Alleged arbitrary arrest and torture in detention of a human rights lawyer, and false charges brought against him.**

### **Character of reply: addresses some substantive issues**

87. The Special Rapporteur thanks the Government of Saudi Arabia for its reply and the clarifications. He regrets however that the Government did not provide information on the charges and ongoing judicial proceedings against Mr. Ahmed El-Sayed. The Special Rapporteur kindly requests the Government to provide detailed information on these aspects, as well as on any verdict pronounced on this case. He is particularly concerned about the risk that Mr. Ahmed El-Sayed may have been or be sentenced to death for drug-related offences, which would be in contravention of international human rights law. In this regard, the most serious crimes provision under international law is recalled, which provide that, in countries which have not yet abolished the death penalty, capital punishment can be imposed only for crimes of intentional killing. Furthermore, the Special Rapporteur would appreciate details on how the allegations of torture and confession under torture have been investigated in this case.

(b) JAL 20/09/2012 Case No. SAU 11/2012 **Allegations of disproportionate use of force during demonstrations, resulting in the death of two protesters.**

### **Character of reply: no response**

(c) JAL 11/01/2013 Case No. SAU 2/2013 State Reply: 19/01/2013 **Alleged execution of a Sri Lankan domestic worker, who was charged with murder for killing a baby in her care in 2005 and convicted in 2007.**

### **Character of reply: addresses some substantive issues**

88. The Special Rapporteur thanks the Government of Saudi Arabia for its reply. He takes note of the information regarding the age of Ms. Rizana Nafeeq, as well as the proceedings conducted against her and the verdicts pronounced. The Special Rapporteur would however appreciate detailed information on the process of confession of the crime by Ms. Rizana Nafeeq, and on how the allegations of confession under duress have been investigated. The Special Rapporteur takes note that Ms. Rizana Nafeeq had a legal representative, as well as that interpreters attended all stages of the proceedings. He would be grateful for additional details on the specific access of Ms. Rizana Nafeeq to her lawyer prior to her conviction, as well as to the interpreters who attended the proceedings.

### **General observations:**

89. The Special Rapporteur thanks the Government of Saudi Arabia for the replies to two communications sent during the period under review, and kindly requests that a substantive response is also provided to the communication of 20 September 2012.

## **Singapore**

UA 23/04/2012 Case No. SGP 1/2012 State Reply: 02/07/2012 **Alleged risk of execution for a drug trafficking offence following denial of a judicial appeal.**

### **Character of reply: substantive response**

90. The Special Rapporteur thanks the Government of Singapore for its detailed response. The Government again shared its view on the imposition of the death penalty, specifying that it regarded drug-trafficking as a serious criminal offence, and disagreeing that the mandatory imposition of the capital punishment is a violation of international law. The Special Rapporteur takes note of the Government's views. However, he wishes to reiterate that the "most serious crimes" provision under international law has been consistently interpreted to mean that the death penalty may be imposed only for those crimes that result in intentional loss of life. The Special Rapporteur takes note of the information received that the Government of Singapore has suspend executions after legislation was introduced which bans mandatory death sentences, and requests the Government to confirm this.

## **Somalia**

JUA 20/07/2012 Case No. SOM 1/2012 **Alleged killings of, and attacks on, journalists in relation to their professional activities.**

### **Character of reply: no response**

## **South Africa**

(a) JAL 28/06/2012 Case No. ZAF 2/2012 **Alleged killing of a LGBTI rights defender.**

### **Character of reply: no response**

(b) AL 27/09/2012 Case No. ZAF 3/2012 **Alleged killings of 34 mineworkers.**

### **Character of reply: no response**

### **General observations:**

91. The Special Rapporteur regrets that the Government of South Africa has as of yet not provided a response to either of the communications sent. The Special Rapporteur is pleased to be informed that a commission of inquiry has been established concerning the mass killings of 34 mineworkers and would appreciate confirmation in this regard from the Government. The Special Rapporteur urges the Government of South Africa to provide substantive responses to the aforementioned communications.

## **Sudan**

(a) JUA 05/06/2012 Case No. SDN 2/2012 **Alleged sentencing to death by stoning for adultery.**

**Character of reply: no response**

(b) JUA 03/08/2012 Case No. SDN 5/2012 **Allegations of excessive use of force in the context of peaceful demonstrations resulting in killings, injuries and torture and ill-treatment, and mass arrests.**

**Character of reply: no response**

(c) JUA 05/09/2012 Case No. SDN 6/2012 State reply: 18/09/2012 **Alleged sentencing to death by stoning for adultery of a 23-year old Sudanese woman resident of South Kordofan.**

**Character of reply: addresses some substantive issues**

92. The Special Rapporteur thanks the Government of Sudan for its response indicating that the matter is not yet finalised. According to information received, Ms Layla Ibrahim Issa was released. The Special Rapporteur would appreciate confirmation from the Government in this regard.

(d) JUA 12/10/2012 Case No. SDN 7/2012 **Alleged imposition of the death penalty on charges brought against a political activist and human rights defender.**

**Character of reply: no response**

(e) JUA 22/02/2013 Case No. SDN 2/2013 **Alleged imposition of the death penalty without compliance with international standards of due process and fair trial.**

**Character of reply: no response**

**General observations:**

93. The Special Rapporteur expresses concern at the number of allegations of sentences of death contrary to international standards, in particular, those death sentences to be carried out by stoning for allegations of adultery, which is not regarded as a most serious crime under international law, the only offences for which the death penalty may be imposed and urges the Government to refrain from imposing death sentences in such instances. The Special Rapporteur would appreciate responses from the Government in respect of all the communications sent.

**Syrian Arab Republic**

(a) JAL 28/06/2012 Case No. SYR 6/2012 **Alleged death in custody of a social media activist.**

**Character of reply: no response**

(b) JUA 15/08/2012 Case No. SYR 7/2012 **Alleged mass arrests, deaths in custody and enforced disappearance.**

**Character of reply: no response**

(c) JUA 02/11/2012 Case No. SYR 9/2012 **Allegations of arbitrary arrests, incommunicado detention, killings and torture.**

**Character of reply: no response**

(d) JAL 21/02/2013 Case No. SYR 1/2013 **Alleged torture and death of a human rights activist by Air Force Intelligence in Mezze, Syrian Arab Republic.**

**Character of reply: no response****General observations:**

94. The Special Rapporteur regrets that the Government of the Syrian Arab Republic has not responded to any of the communications sent during the reporting period. Given the grave scale of violations of the right to life reported in the Syrian Arab Republic, he urges the Government to provide substantive replies to all communications sent.

95. The Special Rapporteur wishes to refer to the public statement issued on 15 June 2012, in which, jointly with the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, he deplored the escalation of violence in the country and the use of force with an alarming intensity, as well as called on all parties to renounce violence and lay down arms. The Special Rapporteur continues to be deeply alarmed at the level of violence and gross human rights violations, in particular unlawful killings, committed by State and non-State actors in the Syrian Arab Republic. He reiterates his observations made in his previous report (A/HRC/20/22/Add.4, para. 79) and urges all parties to cease using force. Ensuring accountability for all human rights violations, in particular for unlawful killings, is imperative.

**Thailand**

(a) JAL 07/12/2012 Case No. THA 11/2012 State Reply: 04/03/2013 **Alleged torture and ill-treatment by military officers, resulting in death.**

**Character of reply: substantive response**

96. The Special Rapporteur thanks the Government of Thailand for its response. He welcomes the conduct of criminal law, civil law and disciplinary proceedings in the case of Private Wichean Phuaksom, as well as the measures both undertaken and ongoing regarding the payment of compensation to the family of the victim. He would appreciate further information on the results of all proceedings launched, and expresses the hope of their further conduct in full compliance with the international human rights law standards requiring the conduct of thorough, prompt and impartial investigations, as well as of criminal prosecutions and punishment of all the perpetrators of unlawful killings.

(b) JAL 09/01/2013 Case No. THA 1/2013 State Reply: 20/03/2013 **Alleged killing of two women human rights defenders.**

**Character of reply: addresses some substantive issues**

97. The Special Rapporteur thanks the Government of Thailand for its response. He welcomes the carrying out of investigations in the case of the killings of Ms. Montha Chukaew and Ms. Pranee Boonrat, as well as the measures undertaken to pay compensation to the families of the victims. He would appreciate further information on the results of these investigations and further judicial proceedings, and recalls the international human rights law standards requiring the carrying out of thorough, prompt and impartial investigations, as well as of criminal prosecutions and punishment of all the perpetrators of unlawful killings. However, the Special Rapporteur regrets that the Government did not provide information on the alleged inadequacy of protection measures in the Khlong Sai

Pattana community, and invites the authorities to send a detailed reply on this aspect as well.

## **Tunisia**

(a) JUA 05/07/2012 Case No. TUN 2/2012 Réponse: 30/11/2012; 07/12/2012 **Allégations relatives à des atteintes commises à l'encontre des libertés artistique et académique en Tunisie, sous la pression notamment de groupes dits « salafistes ».**

**Caractère de la réponse: informations reçues sur des questions partiellement substantives**

98. Le Rapporteur Spécial remercie le Gouvernement de Tunisie pour ses réponses à cette communication, et précise qu'il est dans l'attente de la traduction de l'annexe contenu dans la réponse du 7 décembre 2012, contenant un tableau récapitulatif des affaires judiciaires en cours. Par rapport au contenu de la lettre de réponse, le Rapporteur Spécial salue le déroulement des enquêtes judiciaires et la prise d'autres mesures sur les violations commises. En parallèle, il regrette l'absence d'information détaillée sur les mesures prises par les autorités afin d'assurer la sécurité des artistes et du personnel académique, en particulier de ceux qui ont fait l'objet de menaces de mort et notamment de M. Habib Kazdaghli. Il invite le Gouvernement de Tunisie à fournir de l'information supplémentaire sur ces aspects et le tenir au courant sur le progrès et résultats des enquêtes diligentées.

(b) JAL 05/12/2012 Cas No. TUN 6/2012 **Allégations d'assassinat d'un activiste politique et syndicaliste.**

**Caractère de la réponse: pas de réponse**

## **Uganda**

JAL 29/03/2012 Case No. UGA 2/2012 **Alleged re-tabling of a bill which would violated fundamental principles and norms of international human rights law if enacted.**

**Character of reply: no response**

## **Ukraine**

JAL 27/08/2012 Case No. UKR 1/2012 State Reply: 08/11/2012 **Alleged killing of environmental rights defender.**

**Character of reply: substantive response**

99. The Special Rapporteur thanks the Government of Ukraine for its response. He welcomes the carrying out of investigations in the case of killing of Mr. Volodymyr Honcharenko, and would appreciate updated information from the Government of Ukraine on the current state of the investigation process and, if applicable, the subsequent judicial proceedings on this case.

100. With regard to the issue of compensation to the family of the victims, the Special Rapporteur takes note of the Government's reply that the existing criminal procedure legislation in Ukraine does not provide for granting material or any other assistance to the victim's family. In this regard, he would like to reiterate that the families and dependents of victims of extra-legal, arbitrary or summary executions shall be entitled to fair and adequate

compensation within a reasonable period of time. He calls upon the Government of Ukraine to provide further information on the compliance of its domestic legislation with the mentioned principle of international human rights law.

## **United States of America**

(a) UA 05/06/2012 Case No. USA 5/2012 State reply: 21/06/2012 **Alleged imminent execution of a person suffering from serious mental illness.**

### **Character of reply: addresses some substantive issues**

101. The Special Rapporteur thanks the Government of the United States of America for its response and welcomes the decision to stay the execution of Mr. Abdul Hamin Akwal.

(b) UA 25/06/2012 Case No. USA 9/2012 State reply: 29/08/2012 **Alleged imminent execution of a Mexican American, following a trial which did not strictly observe death penalty safeguards.**

### **Character of reply: addresses some substantive issues**

102. The Special Rapporteur thanks the Government of the United States of America for its response. While the Special Rapporteur takes note of the outline of the legal framework applicable in cases of the death penalty, he regrets that the Government did not address the basis on which Mr. Samuel Villegas Lopez was denied clemency and regrets that Mr. Villegas Lopez was subsequently executed on 27 June 2012.

(c) UA 13/07/2012 Case No. USA 10/2012 State reply: 16/10/2012 **Alleged imposition of the death penalty on two individuals with psychosocial disabilities and in violation of due process safeguards.**

### **Character of reply: addresses some substantive issues**

103. The Special Rapporteur thanks the Government of the United States of America for its response. The Special Rapporteur welcomes the decision of the Supreme Court of Georgia to temporarily stay the execution of Mr. Hill and welcomes further developments in this regard. The Special Rapporteur regrets that the Government did not provide further details on the basis on which Mr. Hearn's application for a stay of execution and petition for a writ of certiorari was denied and regrets that Mr. Hearn was executed on 18 July 2012.

(d) AL 18/07/2012 Case No. USA 11/2012 State reply: 17/01/2013 **Alleged killings of civilians during a military operation.**

### **Character of reply: addresses some substantive issues**

104. The Special Rapporteur thanks the Government of the United States of America for its response confirming that it assisted the Government of Honduras in law enforcement operations and takes note that the forces of the Government of the United States of America did not discharge their weapons as well as the referral to the Government of Honduras for further details.

(e) UA 27/07/2012 Case No. USA 12/2012 State reply: 14/08/2012 **Alleged imposition of the death penalty on two individuals with psychosocial disabilities.**

### **Character of reply: addresses some substantive issues**

105. The Special Rapporteur thanks the Government of the United States of America for its response to this communication. The Special Rapporteur welcomes the information that

the Texas Court of Criminal Appeals issued a stay of execution in respect of Mr. Marcus Ray Tyrone Druery. However, the Special Rapporteur regrets that the Government did not indicate what the basis was for the decision to execute Mr. Daniel Wayne Cook on 8 August 2012.

(f) UA 03/08/2012 Case No. USA 14/2012 State reply: 16/10/2012 **Alleged imposition of the death penalty on an individual with intellectual disabilities.**

**Character of reply: addresses some substantive issues**

106. The Special Rapporteur thanks the Government of the United States of America for its response to this communication. The Special Rapporteur regrets that the Government did not indicate what the basis was for the denial of a stay of execution and petition for a writ of certiorari of Mr. Marvin Lee Wilson who was executed on 7 August 2012.

(g) UA 21/09/2012 Case No. USA 26/2012 State reply: 16/11/2012 **Alleged imposition of the death penalty on a man suffering from psychosocial disabilities.**

**Character of reply: addresses some substantive issues**

107. The Special Rapporteur thanks the Government of the United States of America for its response to this communication and welcomes the decision to stay the execution of Mr. Terrance Williams.

(h) UA 16/10/2012 Case No. USA 27/2012 **Alleged imposition of the death penalty in violation of due process guarantees.**

**Character of reply: no response**

(i) UA 23/10/2012 Case No. USA 29/2012 State reply: 16/11/2012 **Alleged imposition of the death penalty on a person with mental health disabilities.**

**Character of reply: addresses some substantive issues**

108. The Special Rapporteur thanks the Government of the United States of America for its response. The Special Rapporteur regrets however, that the Government did not indicate on what basis was for the denial of the petition for a writ of certiorari and application for a writ of habeas corpus of Mr. Bobby Hines, who was executed on 24 October 2012.

**General observations:**

109. The Special Rapporteur is concerned with the number of death sentences imposed and executions carried out in circumstances where the compliance with international standards on fair trial and due process are doubted, in particular, in matters involving individuals who are alleged to suffer from mental illness. The Special Rapporteur reiterates that international law regards the death penalty as an exception to the fundamental right to life and that it must be applied in the most restrictive manner, only being carried out pursuant to a final judgment rendered by a competent court after legal processes which give all possible safeguards to ensure a fair trial. He urges the Government of the United States of America to have due regard for due process and fair trial concerns in all matters involving the imposition of the death penalty.

**Venezuela (Bolivarian Republic of)**

(a) JUA 11/06/2012 Case No. VEN 4/2012 **Presuntas amenazas de muerte, robo y actos de intimidación en contra defensores de derechos humanos.**

**Carácter de la respuesta: sin respuesta**

(b) JUA 25/07/2012 Case No. VEN 5/2012 **Alegaciones de muerte violenta de 18 internos, además al menos 17 internos y cinco de los funcionarios de la Guardia Nacional habrían sido heridos.**

**Carácter de la respuesta: sin respuesta**

(c) JAL 08/02/2013 Case No: VEN 2/2013 Respuesta: 22/02/2013; 25/03/2013 **Actos violentos en el Centro Penitenciario “Cárcel de Uribana”.**

**Carácter de la respuesta: sustantiva**

110. El Relator Especial agradece al Gobierno de Venezuela por las respuestas detalladas recibidas a las comunicaciones arriba mencionadas. El Relator Especial toma nota de las investigaciones iniciadas por parte de las autoridades, y las implementaciones de las medidas provisionales otorgadas al Centro Penitenciario “Carcel de Uribana” y otros centros de detención para mejorar las condiciones de reclusión de los internos. El Relator Especial reitera la recomendación realizada por el Relator Especial sobre la Tortura, (E/CN.4/2003/68, para. 26(j)), la cual señala que “los países deberían adoptar medidas eficaces para impedir la violencia entre los presos investigando los informes de este tipo de violencia, encausando y sancionando a los responsables y ofreciendo protección a las personas vulnerables sin marginarlas de la población penitenciaria más de lo que exijan las necesidades de protección y sin someterlas a nuevos riesgos de malos tratos.” Igualmente, el Relator Especial llama al Gobierno a avanzar en la formulación de programas de capacitación para sensibilizar a los funcionarios de prisiones acerca de la importancia de adoptar medidas eficaces para impedir los abusos entre presos.

**Observaciones generales:**

111. La Relatora Especial agradece al Gobierno de Venezuela las respuestas recibidas a dos de las tres comunicaciones enviadas durante el periodo del presente informe así como la respuesta recibida a una comunicación enviada durante 2010 y otra 2012. La Relatora lamenta que, en el momento de finalizar este informe, no se había recibido respuesta a dos de las comunicaciones enviadas en el periodo.

**Yemen**

(a) JUA 14/12/2012 Case No. YEM 1/2012 **Alleged risk of 23 executions, and two executions carried out in 2012 against individuals who were minors at the time of the alleged offence.**

**Character of reply: no response**

(b) JUA 07/02/2013 Case No. YEM 1/2013 **Alleged risk of execution of a juvenile offender.**

**Character of reply: no response****General observations:**

112. The Special Rapporteur regrets that the Government of Yemen has not responded to the communications sent during the reporting period. Given the seriousness of the allegations on the executions of juveniles, he urges the Government to provide substantive replies to both communications. The Special Rapporteur expresses concern about the number of cases reported to him with regard to the execution or risk of execution of

individuals who may have been minors at the time of the offence, which would be in violation of international law. He calls upon the authorities in Yemen to stay all executions that may be carried out in contravention of international human rights law, ensure a thorough review of all cases, and consider commuting the death sentences.

## **VI. Observations to cases transmitted and replies received to communications sent prior to the reporting period**

### **Bahrain**

JUA 18/03/2011 Case No. BHR 3/2011 State Reply: 14/12/2012 **Alleged excessive use of force by security forces against protesters.**

#### **Character of reply: addresses some substantive issues**

113. The Special Rapporteur thanks the Government of Bahrain for its second reply, dated 14 December 2012, to this communication. The reply provides information on the Salmaniya case. The Special Rapporteur takes note of the conduct and results of the proceedings in this case, in particular of the retrial held in civilian courts against the medical personnel and the measures undertaken to ensure accountability for torture by the security forces. The Special Rapporteur would like however to refer to the observations made on this communication in his previous report (A/HRC/20/22/Add.4, para. 13) and requests that additional information be provided on whether the instructions given to security forces in the context of the demonstrations held in 2011 were in compliance with international standards on the use of force, providing inter alia that lethal force may be used only as a last resort with the sole objective of imminently saving another life. He would also appreciate updated information on the investigations conducted and any subsequent judicial proceedings into the alleged deaths and attacks against protestors and medical personnel, in accordance with the international standards on the duty of Governments to conduct thorough, prompt and impartial investigations on all suspected cases of extrajudicial, summary or arbitrary executions, leading to prosecution and punishment of all perpetrators. Information on the payment of compensation and redress to the victims or their families would be very much appreciated as well.

### **El Salvador**

JAL 19/07/2011 Case No. SLV 3/2011 Respuestas: 28/09/2012; 17/10/2012 **Supuesto asesinato.**

#### **Carácter de la respuesta: sustantiva**

114. El Relator Especial agradece al Gobierno las respuestas recibidas a la comunicación arriba mencionada. En su respuesta, el Gobierno proporciona informaciones sobre el asesinato del Sr. Duran Ayala. Igualmente, el Relator toma nota sobre las medidas implementadas a fin de garantizar el derecho a la vida de los defensores de derechos humanos, y en concreto, la reforma del Código Penal llevada a cabo a través del Decreto legislativo 781, de 14 de julio de 2011, que conllevó una reforma del artículo 30 añadiendo como agravante de responsabilidad del delito que sea cometido contra defensores de derechos humanos.

## India

(a) JAL 02/09/2011 Case No. IND 18/2011 State Reply: 07/08/2012 **Alleged deaths in custody.**

### **Character of reply: addresses some substantive issues**

115. The Special Rapporteur thanks the Government of India for its second reply, dated 7 August 2012, to this communication, and appreciates the receipt of information on substantive elements of the case. With regard to the case of Mr. Nazim Rashid Shala, the Special Rapporteur welcomes the carrying out of investigations into his death, and would appreciate updated information on the outcome of the judicial proceedings. Concerning the case of Mr. Saidul Mondal, the Special Rapporteur takes note of the conclusion reached by the Departmental Staff Court of Inquiry and would appreciate detailed information on the conduct of the inquiry and the elements leading to the conclusion reached, as well as on any other measures undertaken to shed light on the circumstances of death of Mr. Saiful Mondal. Regarding the case of Mr. Salam Sanjoy, the Special Rapporteur takes note of the proceedings undertaken and their conclusions. He would appreciate detailed information on their conduct and the elements leading to the conclusion, as well as on the results reached by the Central Forensic Science Laboratory in Kolkata.

116. With regard to all three cases raised in the communication of 2 September 2011, the Special Rapporteur would like to recall the international standards on the duty of Governments to conduct thorough, prompt and impartial investigations on all suspected cases of extrajudicial, summary or arbitrary executions, as well as to prosecute and adequately punish all perpetrators of such violations. He would also appreciate information from the Government on the payment of compensation to the families of the victim, in case the allegations of unlawful killings are corroborated.

(b) JUA 09/09/2011 Case No. IND 19/2011 State Reply: 07/08/2012 **Alleged killing, attacks and threats against women human rights defenders.**

### **Character of reply: addresses some substantive issues**

117. The Special Rapporteur thanks the Government of India for its second reply, dated 7 August 2012, to this communication, and appreciates the receipt of information on some substantive elements of the cases. He kindly requests the Government of India to provide additional detailed information on the elements leading to the conclusion reached by the investigation officers on the death of Ms. Shehla Masood, as well as on the current stage of the judicial proceedings. He would also appreciate to receive detailed information on specific measures taken to protect Mmes. Mumta Bibi, Iberei Begum, Najida and Leila Bibi, as well as whether any inquiries have taken place to date regarding the alleged attacks against them.

## Iran (Islamic Republic of)

(a) JUA 24/06/2010 Case No. IRN 17/2010 State Reply: 16/07/2012 **Alleged imminent execution of a woman sentenced to death by stoning for committing adultery.**

### **Character of reply: addresses some substantive issues**

118. The Special Rapporteur thanks the Government of the Islamic Republic of Iran for its second reply, dated 16 July 2012, to this communication, and appreciates the receipt of information on the progress of judicial proceedings against Ms. Sakineh Mohammadi-Ashtiani (or Mohammadi Ashteyani). He notes with appreciation that, on orders from the

Chief of the Judiciary, the execution of Ms. Ashtiani's death sentence was halted. The Special Rapporteur would like to recall that the crime of adultery does not meet the threshold of "a most serious crime" as understood under international human rights law to include only the offence of intentional killing. By consequence, any death penalty based on the charge of adultery is in violation of international law. The Special Rapporteur calls therefore upon the authorities in the Islamic Republic of Iran to commute the death sentence against Ms. Ahtiani, as well as ensure that all her rights and freedoms are respected.

119. The Special Rapporteur would appreciate to receive also a response from the Government of the Islamic Republic of Iran on the question regarding statistics on the number of persons sentenced to death and executed for the offence of adultery, as well as on the compliance of the Government with the most serious crimes provision under international law.

(b) JUA 15/11/2011 Case No. IRN 18/2011 State Reply: 11/06/2012 **Alleged imminent execution of Mr. Lo Zaniar (or Zanyar) Moradi and Mr. Loghman (or Loqman) Moradi.**

**Character of reply: addresses some substantive issues**

120. The Special Rapporteur thanks the Government of the Islamic Republic of Iran for its reply. He regrets however that the Government did not provide information on the respect of fair trial and due process guarantees during the proceedings against the two defendants, in particular on the allegations that they were coerced into confessing after being tortured. The Special Rapporteur would appreciate detailed information from the Government on the aspects mentioned, as well as on the current stage of the judicial proceedings against them and further verdicts pronounced, if applicable.

## **Madagascar**

JAL 26/12/2011 Cas No. MDG 2/2011 Réponse: 29/05/2012 **Emploi illicite de la force par les forces de l'ordre et meurtre allégué d'un substitut du procureur.**

**Caractère de la réponse: informations reçues sur des questions substantives**

121. Le Rapporteur Spécial remercie le Gouvernement pour les informations transmises en réponse des questions soulevées dans la communication. Dans sa réponse, le Gouvernement confirme le meurtre d'un substitut du procureur, et fournit des éléments d'information concernant les circonstances de sa mort et l'attaque contre un journaliste. Le Rapporteur Spécial invite le Gouvernement à lui transmettre des informations supplémentaires sur les mesures prises par les autorités compétentes du Gouvernement afin d'enquêter sur les allégations.

## **Malaysia**

JAL 02/03/2012 Case No. MYS 2/2012 State Reply: 04/06/2012 **Alleged arrest and deportation of a journalist.**

**Character of reply: addresses some substantive issues**

122. The Special Rapporteur thanks the Government of Malaysia for its response. In its reply, the Government specifies that the information contained in the communication of 2 March 2012 is not fully accurate. According to the Government of Malaysia, Mr. Hamza

Kashgari was believed to be involved in militant activities in Saudi Arabia, based on which he was arrested and deported from Malaysia to Saudi Arabia. The Government of Malaysia further specifies that the decision to deport Mr. Kashgari was taken after the conclusion of relevant investigations, and that it had no knowledge of the type of punishment that would be imposed against Mr. Kashgari in Saudi Arabia.

123. The Special Rapporteur takes note of this information. However, he is unclear whether the investigation conducted by the Malaysian authorities on the case of Mr. Kashgari included an assessment of the risks of human rights violations that he might face, if returned to Saudi Arabia. In particular, the Special Rapporteur would appreciate information on whether any assessment was made by the Malaysian authorities regarding the risk of imposition of the death penalty against Mr. Kashgari in Saudi Arabia for a non-serious crime, and consequently in violation of international human rights law. He would like to reiterate that a person shall not be involuntarily returned or extradited to a country where there are substantive grounds for believing that he or she may become victim of extra-legal, arbitrary or summary execution in that country. Any death sentence undertaken in contravention of a Government's international obligations is tantamount to an arbitrary execution.

## Mexico

(a) JAL 13/01/2012 Case No. MEX 31/2011 Respuestas: 15/05/2012; 27/03/2012 **Alegaciones de ejecuciones extrajudiciales, así como de uso excesivo de la fuerza y de detención arbitraria contra manifestantes estudiantiles en Chilpancingo.**

### Carácter de la respuesta: sustantiva

124. El Relator Especial agradece al Gobierno la respuesta recibida a la comunicación arriba mencionada. El Relator Especial toma nota de la investigación iniciada por parte de las autoridades sobre el caso del Sr. Jorge Alexis Herrera Pino y el Sr. Gabriel Echeverría de Jesús, como la elaboración de diversos proyectos de reformas para el diseño de la nueva normatividad estatal en materia de seguridad pública y derechos humanos de la Secretaría de Seguridad Pública y Protección civil. He sido informado que el 23 de abril de 2013 el Juez Primero de Primera Instancia del Ramo Penal del Distrito Judicial de los Bravo, dictó auto de libertad por falta de elementos para procesar a dos miembros de la policía. Igualmente, he sido informado que el 25 de abril de 2013, la fiscalía General del Estado de Guerrero interpuso recurso de apelación en contra del auto de libertad del 23 de abril de 2013. El relator agradecería recibir información adicional sobre la resolución de esta apelación y sobre los avances de la investigación de este caso.

(b) JUA 20/02/2012 Case No. MEX 6/2012 Respuesta: 06/11/2012 **Presunto atentado contra la vida de una defensora de derechos humanos.**

### Carácter de la respuesta: sustantiva

125. El Relator Especial agradece al Gobierno la respuesta recibida a la comunicación arriba mencionada. El Relator Especial lamenta sobre las alegaciones recibidas con respecto a asesinatos de periodistas y defensores de derechos humanos durante el periodo del presente informe. Por lo tanto, el Relator Especial llama la atención sobre la necesidad de persistir en la lucha contra la impunidad y el respeto del artículo 6 del Pacto Internacional de Derechos Civiles y Políticos, y de los principios 4, 9 y 18 de los Principios relativos a una eficaz prevención e investigación de las ejecuciones extralegales, arbitrarias o sumarias (resolución del Consejo Económico y Social en su resolución 1989/65, de 24 de mayo de 1989).

## **Nigeria**

JAL 09/03/2012 Case No. NGA 1/2012 State reply: 25/05/2012 **Alleged religion and ethnicity based violence by Boko Haram in northern Nigeria.**

### **Character of reply: substantive response**

126. The Special Rapporteur would like to thank the Government of Nigeria for its substantive response in this regard, including providing clarity on the incidents that occurred. While the Special Rapporteur regrets that no judicial investigations have been initiated insofar as the incidents raised in the communication are concerned, the Special Rapporteur wishes to commend the Government on the measures it has implemented to address terrorism, including providing assistance to victims of terrorist activity, whilst maintaining respect for human rights, including those of alleged terrorists. The Special Rapporteur urges the Government to undertake thorough, prompt and impartial investigations in this regard.

## **Saudi Arabia**

(a) JUA 09/02/2012 Case No. SAU 3/2012 State reply: 01/02/2013 **Alleged imminent execution for drug-related offence.**

### **Character of reply: addresses some substantive issues**

127. The Special Rapporteur thanks the Government of Saudi Arabia for its reply and substantive specifications. He takes note of the information that the defendant was sentenced to death under drug-related offences. He regrets that the Government did not reply to the question of compliance of the sentence to death against Mr. Mohamed Fahd Al Wajaan Al Shamari with the most serious crimes provision under international human rights law. In this regard, it is recalled that international human rights law provides that, in countries which have not yet abolished the death penalty, capital punishment can be imposed only for crimes of intentional killing. Furthermore, the Special Rapporteur would appreciate to receive detailed information on the investigations held by the authorities that, according to the Government's reply, found nothing to substantiate the allegation that the confessions of the defendant were made under duress. He calls upon the Government to refrain from the execution of Mr. Mohamed Fahd Al Wajaan Al Shamari, which, based on the information provided, would be in contravention of the international human rights law.

(b) JUA 15/02/2012 Case No. SAU 5/2012 State reply: 01/02/2013 **Alleged imminent execution without complying with due process guarantees.**

### **Character of reply: addresses some substantive issues**

128. The Special Rapporteur thanks the Government of Saudi Arabia for its reply and substantive specifications. He takes note of the information that the three defendants were sentenced to death under drug-related offences. He regrets that the Government did not reply to the question of compliance of the sentences to death with the most serious crimes provision under international human rights law. In this regard, it is recalled that international human rights law provides that, in countries which have not yet abolished the death penalty, capital punishment can be imposed only for crimes of intentional killing. Furthermore, the Special Rapporteur would appreciate to receive detailed information on the access of the defendants to lawyer at each stage of the proceedings against them, as well as on whether investigations were conducted on the allegations of coercion to confession.

He calls upon the Government to refrain from executions in this case, which, based on the information provided, would be in contravention of the international human rights law.

### **Syrian Arab Republic**

(a) UA 15/03/2012 Case No. SYR 3/2012 State Reply: 18/09/2012 **Alleged widespread violence in the country.**

#### **Character of reply: addresses some substantive issues**

129. The Special Rapporteur thanks the Government of the Syrian Arab Republic for the information provided. He takes note of the information from the Government on the acts committed by the armed groups. The Special Rapporteur would appreciate at the same time also to receive detailed information on the violations reportedly committed by the Syrian security forces, as well as on any investigations and legal proceedings conducted in all cases of extrajudicial killings that have occurred in the country since March 2011. He reiterates his call on all parties to cease using force, as well as refers to the observations that he made on the situation in the Syrian Arab Republic in paragraph 95 of this report.

### **Venezuela (Bolivarian Republic of)**

JAL 14/01/2010 Case No. VEN 1/2010 Respuestas: 24/07/12 **Presunto asesinato de un defensor de derechos humanos.**

#### **Carácter de la respuesta: sustantiva**

130. El Relator Especial agradece al Gobierno la respuesta recibida a la comunicación arriba mencionada. En su respuesta, el Gobierno ofrece información en relación con el asesinato del Sr. Mijail Martínez, integrante del Comité de Víctimas contra la Impunidad (CVCI). Además, el Relator está preocupado por las alegaciones recibidas de los continuos actos de estigmatización e intimidación contra defensores y defensoras de derechos humanos en el país. Por ello, el Relator Especial llama al Gobierno a adoptar medidas de protección a favor de defensores de derechos humanos y periodistas.

---