**Questionnaire for Civil Society by the**

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

**Mary Lawlor, August 2020**

The UN Special Rapporteur on the situation of human rights defenders, Ms. Mary Lawlor invites you or your organization to respond to the questionnaire below. Submissions received will inform the thematic report of the Special Rapporteur on the issue of killings of human rights defenders, which will be presented to the UN Human Rights Council in March 2021.

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

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

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

Deadline for submissions: **5 October 2020**

**Contact Details**

Please provide your contact details in case we need to contact you in connection with this survey. Note that this is optional. (edited for public release)

|  |  |
| --- | --- |
| Type of Stakeholder (please select one) | [x]  Civil Society Group or Organisation[ ]  Individual human rights defender[ ]  Academic/training or research institution[ ]  Other (please specify): |
| Name of Stakeholder/Organization (if applicable)Name of Survey Respondent | ARTICLE 19 |
| Email |  |
| Address |  |
| Can we attribute responses to this questionnaire to you or your organization publicly? | [x]  Yes [ ]  NoComments (if any): |

**Questions**

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

**Have you documented any killing of human rights defenders since 1 January 2019 up to 30 June 2020?** **If so in what context did the killing(s) occur? Have there been any convictions for the killing(s)?**

ARTICLE 19 considers the killing of many human rights defenders and journalists to be directly linked with their work. Worldwide, impunity for crimes committed against freedom of expression stands around 90%. This sets a context which facilitates and even motivates the killing of human rights defenders and journalists because of the lack of sufficient investigations. In too many cases, authorities overlook essential information and fail to exhaust lines of enquiry during the investigations, such as links to the victims’ work or other personal motives. In the cases mentioned below, the contexts for killing includes human rights defenders and journalists covering environmental issues, monitoring or reporting on protests, and undertaking investigative work and uncovering corruption.

ARTICLE 19 registered the murder of 12 journalists in **Mexico** during this time. While killings are general threat, indigenous human rights defenders and journalists face disproportionate or unique threats of murder. As examples:

* On 20 February 2019, Samir Flores, an indigenous Náhuatl farmer, radio producer, and environmental human rights defender, was murdered in the community of Amilcingo, Morelos. One day before his murder, Samir publicly spoke out against the Morelos Integral Project (MIP, a government-backed plan to develop energy infrastructure in the area, including two thermoelectric plants.[[1]](#footnote-1)
* On 15 March 2019, Santiago Barroso, a broadcaster of 91.1 FM Rio Digital and director of Red 653 News, was murdered in San Luis Rio Colorado, Sonora. This was allegedly carried out by organised crime groups. During his last broadcast, Barroso addressed issues regarding a human trafficking network that targeted migrants.[[2]](#footnote-2)
* On 2 May 2019, Telésforo Santiago Enríquez, a journalist whose work focused on cultural and indigenous rights was murdered in Oaxaca. Telésforo had recently received an anonymous threat on his live call-in talk show when he was criticising local government.[[3]](#footnote-3)

In **Honduras**, it has been possible to observe the alliances that exist between public officials, business owners and criminal organisations to threaten, attack and even kill journalists who report on socio-environmental conflicts. This includes:

* On 14 March 2020, Nahúm Palacios, a journalist who supported farmers standing up to companies and security forces in order to prevent dispossession of farmland and evictions, was assassinated with total impunity in Bajo Aguán. The family decided to bring the case before the Inter-American Court of Human Rights in 2018, which was admitted for review in 2020.[[4]](#footnote-4)

In **Nigeria**, we have also documented a number of killings of human rights defenders and journalists, particularly in the context of monitoring and reporting on protests. This comes with the UN Human Rights Committee recently acknowledging the particular importance of journalists monitoring or reporting on protests, and emphasising that they must not face reprisals.[[5]](#footnote-5) This includes:

* On 22 July 2019, Precious Owolabi, a journalist of Channels Television and member of the National Youth Service Corps, was killed while covering a demonstration organised by members of the Islamic Movement of Nigeria following the detention of their leader Ibrahim Yaqoub El Zakzaky.[[6]](#footnote-6)
* On 21 January 2020, Alex Ogbu, a reporter and editor with the local independent outlet Regent Africa Times, died from head injuries sustained at a protest in Abuja. The protest was similarly held by members of the Islamic Movement of Nigeria.[[7]](#footnote-7)

In **Ghana**, there are ongoing attacks against human rights defenders and journalists, including cases of killings with impunity. This is particularly the case for investigative journalists and those uncovering corruption. For example:

* On 16 Janurary 2019, Ahmed Hussein-Suale, a member of the investigative journalists group Tiger Eye Pi team, was killed in the street on his way home in Accra. Hussein-Suale was renowned for his investigations of corruption of football in Africa.[[8]](#footnote-8)

In **Malawi**, we have documented deaths and attempted killings of human rights defenders, including those who have organising or taken part in protests on civil and political rights. This includes:

* In September 2019, Justin Phiri, a prominent anti-government protester, died in prison after being arrested and detained by military officials for participating in a protest against presidential election results in the northern town of Karonga. Phiri was allegedly brutally beaten while in custody before his death.[[9]](#footnote-9)
* On 10 October 2019, there was an attempted murder of human rights defender Timothy Mtambo, chairperson of the Human Rights Defenders Coalition. As he was driving home from his place of work, several gunshots were fired towards him by unknown perpetrators. This follows several months of attacks and threat. Mtambo organises large protests on civil and political rights in Malawi, including recent protests calling for the resignation of Malawi Electoral Commission Chairperson Jane Ansah over the alleged mismanagement of national elections held on 21 May 2019.[[10]](#footnote-10)

In **Cambodia**, we have not documented killings in this time period, yet previous murders of human rights defenders remain unsolved and have been met with impunity. While outside of the time period, the lack of justice in these cases only serves to facilitate further violence and killings. This is particularly the case for forestry activists who are conducting their work remotely and without emergency support, often faced with facing equipped with weapons. This includes:

* On 26 April 2012, Chhut Wuthy, a prominent land and environmental activist, was killed while he monitored the forest in Koh Kong. At the time, he had been investigating illegal logging and land seizures in the forests near the border of Thailand.[[11]](#footnote-11)

In **Bangladesh**, we similarly draw attention to killings of human rights defenders and journalists which have gone unsolved and with inadequate investigations. As an example:

* On 11 February 2012, journalist couple Sagar Sarowar and Meherun Runi were brutally murdered in their rented flat in Dhaka. Sagar was the news editor of private TV channel Maasranga, while Runi was a senior reporter at ATN Bangla. The law enforcement officials have yet to find out who killed them, and why. When the court sets a date for an investigation officer to submit the probe report in the murder case, the officer fails to do so. The court then sets another date for the report submission. This has been going on for the last eight and half years.[[12]](#footnote-12)

In **Thailand**, we have not documented killings of human rights defenders, yet are seriously concerned with a one case of extraterritorial targeting and possible killing. We note that the UN Human Rights Council recently raised deep concern over incidences of extraterritorial threats.[[13]](#footnote-13) The details are as follows:

* On 4 June 2020, Wanchalerm Satsaksit, a Thai HIV/AIDS and LGBTI human rights defender and government critic, was abducted by a group of unidentified armed men in front of his residence in Phnom Penh, Cambodia. Since 2014, Satsaksit had been living in Cambodia in self-imposed exile after the National Council for Peace and Order of Thailand issued an arrest warrant against him for refusing to be summoned by the military government. On 25 June 2018, another arrest warrant was issued by the Technology Crime Suppression Division under the Computer Crime Act regarding his role as an admin of a government-mocking page on Facebook. On 13 May 2020, around six police officers visited his family house in Ubon Ratchathani, Thailand, to ask about his whereabouts, just one month for his abduction in Phnom Penh.[[14]](#footnote-14)

Satsaksit’s case is similar to at least eight incidents of extraterritorial targeting of Thai political exiles in Laos during 2018 and 2019. Among those targeting, two have been found dead in Mekong River.[[15]](#footnote-15)

**Have you, any of your colleagues or your organization received online/offline threats and attacks since 1 January 2019 up 30 June 2020?**

ARTICLE 19 continually document online and offline threats against human rights defenders and journalists, including intimidation, verbal attacks, and physical violence. We consider impunity for such threats to create an environment which only facilitates instances of killings. As an example:

* On 8 July 2020, Chhorn Phalla, a Cambodian forestry activist, was beaten by a group of villagers after he told the attendees of a public forum that officials ignored his complaint filed years ago related to forest crimes in the Lumphat District. The district governor later threatened to arrest and imprison him if he continued to protest. On 20 July, Phalla filed a complaint to a provincial court against six local officials and 10 villagers for allegedly committing acts of violence against him, including threatening his life. The environmentalist has since fled the village for security reasons.[[16]](#footnote-16)

ARTICLE 19 itself has also received online and offline threats linked to our work, for example:

* ARTICLE 19 Mexico, alongside Aristegui Noticias and Signa\_Lab ITESO, was threatened after we revealed attacks orchestrated by NOTIMEX director Sanjuana Martinez, from false accounts and even official accounts, against ex-employees and managers of the agency and its critics. On 19 June 2020, Martinez threatened to initiate legal action against us and partners via Twitter saying: "I inform you that I have advised my lawyers to take legal action against those who are responsible for the damage to my image”.[[17]](#footnote-17)

We have serious concerns over gender-based threats and other forms of violence which affect women human rights defenders and journalists disproportionately, or differently, when compared to their male counterparts. Across the globe, women human rights defenders and journalists are at increased risk of certain threats, such as online harassment and abuse and sexual violence, as a result of their work.

While journalists and HRDs are at-risks groups, we also record disproportionate or different forms of threats against human rights defenders and journalists among those who face multiple or intersecting forms of discrimination, such as LGBTI or indigenous individuals.

**Do you normally report death threats? If so, where?**

ARTICLE 19, wider civil society, and victims themselves can resort to national protection mechanisms to report death threats and incidences of killings, but we note that these can be largely inadequate and fail to deal with the issue of impunity.

In **Mexico**, the Mechanism of Protection for Journalists and Human Rights Defenders, the National Human Rights Commission, and, in some cases, the Freedom of Expression Special Attorney receive reports of death threats. However, because of corruption and a lack of capabilities and resources, there is often impunity which discourages victims from reporting.

Similarly, in **Honduras**, the National System for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Workers does not provide adequate protection nor deals with the issue of impunity. The mechanism depends on protection measures provided by security forces, which are often involved in attacks. At the same time, human rights defenders and journalists distrust the system for fear of information leaks regarding their cases and personal data. This is confounded by a lack of civil society consultation and participation, as well as a lack of coordination and collaboration between different institutions within the system to avoid impunity for aggressors.

ARTICLE 19 also raise incidences of death threats and killings at the United Nations, including through statements at the Human Rights Council, communications to Special Procedures, as well as through reports to Treaty Bodies and the Universal Periodic Review.

**What in your organization’s experience has worked well to respond to death threats and to prevent them from escalating into the actual killing(s) of human rights defenders?**

In ARTICLE 19´s experience, the impact of certain measures depends on the case and the context.

* As a first step, when the severity and risk of the circumstances requires special attention, **relocation** or other security measures of the HRD and their families might be needed. However, relocation is a temporary measure that has not been effective when adopted in isolation. Other steps and actions are required to ensure HRD safety and their return to the life and activities they decide to continue.
* Training HRDs on developing **risk assessment** and other type of protection measures can also prevent attacks from escalating.
* In some cases, making the case visible via **public statements** and other type of public communications demanding the government to fulfil its duty to protect HRDs has had a positive impact. In other cases, however, increasing the visibility can put the HRD more in danger. This needs to be assessed case by case.
* Bringing the case to **intergovernmental human rights mechanisms** has in some cases stop or decrease the level of threats, but it has in some cases backfired. This needs to be carefully assessed.
* In some cases, embassies and intergovernmental organizations have the leverage to undertake quiet **diplomacy** at the local and national level to stop or decrease threats, especially if those come from public officials and/or government.
* Engagement and **solidarity** from other peer networks and CSOs have also worked in some cases.
* **Public international pressure** can also be of help to stop threats against HRDs.
* **Reporting threats to law enforcement** would need to be the way to go. It is obviously not the case in many countries.
* If the country has a **protection mechanism** for HRDs or any other specific human rights institutions, including a human rights commission and/or ombudsperson, reporting the case can also be of benefit.
* Civil society engagement on and providing of **legal representation of HRD** on the investigation of attacks can be another measure that de-escalate the threats and violence, if done properly and under a victim’s and human rights approach, the legal representation of HRD by civil society put pressure on authorities, they are more keen to respond to requests for further protection measures and act more professionally aware of the scrutiny they are under. This depends as well on the context and the case.

ARTICLE 19 recommends the following to States:

* Ensure that all death threats and killings against human rights defenders and journalists are impartially, promptly, independently, thoroughly and effectively investigated in accordance with their obligations under international human rights law and standards, **including exhausting the lines of enquiries that connect perpetrators with their work**, with a gender-perspective and paying attention to those experiencing multiple and intersecting forms of discrimination.
* Ensure national protection mechanisms for human rights defenders and journalists are adequately resourced and financed and wholly independent as to prevent any political pressure.
* Design and implement gender-responsive **early warning and rapid response mechanisms** to give HRDs, when threatened, immediate access to the authorities and protective measures, also in the event of online abuse and harassment, and with particular attention to women experiencing multiple and intersecting forms of discrimination.
* Implement **capacity-building and training of public officials** at all levels and branches of national and subnational government to ensure they are properly equipped to prevent, protect against, and remedy violence and attacks against HRDs. Tailored training on the human rights framework that recognises and protects the role and activities of HRD should be provided to personnel of public agencies conducting risk assessments, receiving reports of attacks, and implementing and installing protective measures.
* Public officials at all levels must **cease denigrating HRDs**, including through the use of misogynistic language to discredit women journalists. They must publicly condemn all attacks against HRDs, including gender-based violence, online attacks, sexual harassment and abuse.
* Design, implement and promote ongoing **awareness-raising initiatives** at national and local levels to highlight the role of HRDs.
* Develop **national action plans** with specific goals, actions and indicators that guide the steps needed to prevent attacks against HRD.
* Recognise that the safety of human rights defenders also comprises the **online and digital aspects of their activities.** Therefore, States must acknowledge and include different forms of online attacks and threats against HRD as a risk factor when assessing and determining the level of endangering circumstances, including surveillance and other practices compromising their right to privacy. The measures determined to protect HRD from threats and violence should reflect this digital component and be complementary to any offline consideration.

We have the following recommendations to the United Nations:

* Establish a **Standing Instrument for the Criminal Investigation into Allegations of Targeted Killing**, or other acts of violence against journalists, human rights defenders or others targeted because of their peaceful activities or expressions, including to take gender-responsive investigations, as proposed by the Special Rapporteur on extrajudicial, summary or arbitrary executions.
* Support the creation of a **Special Procedures Task-Force** to undertake rapid responses missions in response to the unlawful death, acts of violence or credible threats against journalists, as proposed by the Special Rapporteur on extrajudicial, summary or arbitrary executions.
* Develop through UN standard-setting mechanisms a **Protocol on the Investigation and Responses to Threats and Risks** to guide and strengthen the institutional capacity of national and local authorities.

To private companies and internet intermediaries:

* Internet intermediaries should fully implement the **UN Guiding Principles on business and human rights** and fully respect the right to freedom of expression and to privacy, including by adapting their Community Standards or Terms of Service in line with international human rights law and standards. Companies should provide effective remedies for human rights abuses resulting from their operations.
* Take steps to **proactively promote the rights and role of HRDs and journalists** using their platforms by conducting a human rights impact assessment that identifies, prevent and mitigates any adverse impact of their operations on their rights, in particular their rights to freedom of expression, privacy, participation and non-discrimination.
* Internet intermediaries should develop ongoing **capacity building initiatives** aimed at training HRDs and journalists and media on the use and application of their content related policies, reporting and appeals mechanisms, among other relevant areas that can improve the participation and safety of HRDs and journalists in their platforms.
* Internet intermediaries should enhance their **transparency** efforts regarding how they operate and treat reports of threats and harassment against HRDs.
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2. ARTICLE 19, ‘El periodista Santiago Barroso es asesinado en Sonora, cubría temas sobre crimen organizado’, 16 March 2019. Available at: <https://articulo19.org/el-periodista-santiago-barroso-es-asesinado-en-sonora-cubria-temas-sobre-crimen-organizado/> [↑](#footnote-ref-2)
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4. Committee to Protect Journalists, ‘Nahúm Palacios Arteaga’, 14 March 2020. Available at: <https://cpj.org/data/people/nahum-palacios-arteaga/> [↑](#footnote-ref-4)
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7. Committee to Protect Journalists, ‘Nigerian journalist Alex Ogbu dies at protest’, 5 February 2020. Available at: <https://cpj.org/2020/02/nigerian-journalist-alex-ogbu-dies-at-protest/> [↑](#footnote-ref-7)
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