**Questionnaire for International Organizations and Civil Society by the**

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

**Mary Lawlor, 9 February 2021**

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 long term detention of human rights defenders, which will be presented to the UN General Assembly in October 2021.

The questionnaire on the report is 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: **19 March 2021**

**Contact Details**

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

|  |  |
| --- | --- |
| Type of Stakeholder (please select one) |  International or Inter-governmental Organisations  Civil Society Groups or Organisations  Individual human rights defender Academic/training or research institution Other (please specify) |
| Name of Stakeholder/Organization (if applicable)Name of Survey Respondent | Front Line Defenders |
| Email | michelle@frontlinedefenders.org |
| Can we attribute responses to this questionnaire to you or your organization publicly\*?\*On OHCHR website, under the section of SR on human rights defenders. |  **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.

Defenders around the world peacefully promoting and defending human rights operate under national legal frameworks not always fully consistent with the United Nations Charter and international human rights law. In some instances, as echoed in multiple Human Rights Council and General Assembly resolutions,[[1]](#footnote-1)[1] national legislation, in particular national
security and counter-terrorism laws, or regulations on civil society and public freedoms have been misused to target defenders in a manner contrary to international law, that might result in long-term arbitrary deprivation of liberty.

**1) Do you know of any human rights defender(s) currently detained by States, who have been imprisoned on charges that carry a prison sentences of at least 10 years or more? Please provide a list of cases.**

Please find a list of the cases we would like to highlight here. In most cases, the name of the human rights defender is hyperlinked to more details of the case on the Front Line Defenders’ website, or other.

**AFRICA**

[**Dawit Issak**](https://www.frontlinedefenders.org/en/profile/dawit-isaak) **(Eritrea)**

Sentence: no trial/ no sentence known

Date of detention/ arrest: 23 September 2001

Gender (identifying as): Male

Issue working on: Freedom of expression

Current status of judicial process: unknown

**UN Special Procedures communications: None to date**

A Swedish-Eritrean journalist and human rights defender, Dawit Issak has been held incommunicado, without charge or trial, in Eritrea since **23 September 2001**. He was 38 at the time of the arrest. His whereabouts are unconfirmed, but it is believed that since 2008 he has been held in the maximum-security Eiraeiro prison, outside the capital, Asmara. In 1993 Issak returned to his native Eritrea when the country finally gained its independence and helped launch *Setit*, the first independent newspaper in Eritrea. He was an outspoken critic of authoritarian rule in the country following independence. In 2001, a group of politicians known as the “G15” published a series of open letters in which they criticised President Isaias Afwerki and called for democratic reforms. Issak reported on these letters in his newspaper. The government response was immediate. Issak was arrested along with ten other journalists, and eight independent newspapers were shut down. To this day, Issak and at least five other print journalists, as well as all of the politicians, remain detained incommunicado without charge or trial. He has had no contact with relatives, no access to Swedish consular officials, and no recourse to a lawyer. It is not known if Issak is still alive; the last ‘proof of life’ was in 2010, when a former prison guard reported that he was being kept in conditions exposed to ‘terrible heat’. In 2003, Issak was awarded the Reporters Without Borders Freedom of the Press Prize, in 2011 he received the Golden Pen of Freedom Award from the World Association of Newspapers and in 2017, he received the UNESCO / Guillermo Cano World Press Freedom Prize.

**AMERICAS**

[**Pablo López Alavéz**](https://www.frontlinedefenders.org/en/profile/pablo-lopez-alavez) **(Mexico)**

Sentence: 30 years

Date of detention/ arrest: August 2010

Gender (identifying as): Male

Issue working on: Land/ environmental rights

Current status of judicial process: Please see joint submission by Consorcio Oaxaca, FLD and OMCT for comprehensive case file.

An environmental rights defender and Zapoteco indigenous leader, López Alavéz has been arbitrarily imprisoned for **more than 10 years** in the state of Oaxaca, Mexico. For two decades, López Alavéz worked to ensure that the San Isidro Aloapam community’s rights to a safe environment and access to water were guarded and guaranteed. Prior to his detention, the defender exercised a number of community leadership roles, reported on the illegal logging of trees and raised awareness on environmental protection and sustainability. As a direct consequence of this human rights works, he made many powerful enemies of illegal loggers and faced many criminal accusations as a result. In 2000, he was convicted of attacking public roads, but an appeal court later overturned the verdict. He was also accused, but not convicted, of assault, wood robbery and damages. In August 2010, he was arbitrarily and violently detained by a group of more than 15 unidentified men wearing hoods and taken to a prison in Etla, Oaxaca. López Alavéz was tried and convicted of shooting and killing two men from San Miguel Aloápam in 2007. The judge **sentenced him to 30 years in prison** despite López Alavéz testifying and presenting proof that he was elsewhere at the time and day of the shooting and the many inconsistencies and contradictions in the witnesses' testimony. The UN Working Group on Arbitrary Detention (WGAD) has recognised his detention as arbitrary and a retaliation for his environmental and indigenous peoples rights activism, and recommended his immediate release [(](https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session78/A_HRC_WGAD_2017_23.pdf)Opinion 23/2017 (Mexico)). **The persecution of López Alavéz has extended to his family, and in particular to his his wife,** [Yolanda Perez Cruz](https://www.frontlinedefenders.org/en/profile/yolanda-perez-cruz) **who is also an environmental rights defender.** She is now the target of death threats and intimidation and she has been forced to leave her home in the mountains and settle in the city.

[**María Esperanza Sánchez**](https://im-defensoras.org/2020/07/alerta-urgente-nicaragua-sentencian-a-10-anos-de-prision-y-multan-a-activista-politica-maria-esperanza-sanchez/) **(Nicaragua)**

Sentence: 10 years

Date of detention/ arrest: 26 January 2020

Gender (identifying as): Female

Issue working on: Pro-democracy movement

Woman human rights defender Esperanza Sánchez has been active in the civil society movement in Nicaragua that has been calling for justice and democracy in the country since April 2018. She was arrested on 26 January 2020 on trumped up drug trafficking charges. On 06 July 2020, she was sentenced to **10 years imprisonment** and 31,000 córdobas fine (approx €750). Since her arrest Esperanza Sánchez has been denied access to medicines for a chronic illness, as well as access to PPE. She has been subjected to threats and insults from the staff at the women's prison, and due to hostility fuelled by the staff between regular prison inmates and WHRDs and political prisoners, has been a victim of harassment and threats from some inmates, which go ignored by the prison authorities.

**ASIA PACIFIC**

[**Ilham Tohti**](https://www.frontlinedefenders.org/en/profile/ilham-tohti) **(China)**

Sentence: Life imprisonment

Date of detention/ arrest: January 2014

Gender (identifying as): Male

Issue working on: Minority rights (Uyghur rights)

A renowned Uyghur intellectual and human rights defender, Ilham Tohti was an economist at Central University for Nationalities in Beijing prior to his arrest in 2014. Rejecting separatism and violence, he worked for over two decades to build understanding between Chinese Han and Uyghurs, a mainly Muslim Turkic ethnic group residing primarily in the Xinjiang Uyghur Autonomous Region (XUAR). In 2006, Ilham set up the *Uyghur Online* website to criticise government policy which discriminated against Uyghurs and promote better Uyghur-Han relations. When violence erupted in Xinjiang in 2009, he posted information online about Uyghurs who had been detained, killed, or disappeared during and after protest activities. The website was shut down and Ilham was detained for several weeks. In January 2014, following a raid on his home by over 20 police officers, Ilham was detained yet again and one month later this detention was upgraded to formal arrest on charges of ‘separatism’ despite the defender’s extensive work to heal societal rifts between Uyghur and Han citizens. In September 2014, Ilham was **sentenced to life imprisonment** and began serving this sentence in No.1 Prison in Urumqi, Xinjiang’s capital city. During his detention, the defender has been shackled and kept in solitary confinement, denied family visits and access to legal counsel, deprived of food and subjected to intimidation by prison officers. His family has had no contact with him since 2017 and do not know if he is has been transferred or if he has been sick. In 2019, Ilham was announced as the winner of the EU Parliament’s 2019 [Sakharov Prize for Freedom of Thought](https://www.europarl.europa.eu/news/en/headlines/eu-affairs/20191213STO69021/sakharov-prize-daughter-of-2019-winner-ilham-tohti-receives-prize-on-his-behalf).

[**Qin Yongmin**](https://www.frontlinedefenders.org/en/case/case-history-qin-yongmin) **(China)**

Sentence: 13 years in prison and 3 years deprivation of political rights

Date of detention/ arrest: January 2015

Gender (identifying as): Male

Issue working on: Documenting human rights abuses

**UN Special Procedures communications: None to date**

On 11 July 2018, following over three years of incommunicado detention, China Human Rights Watch founder Qin Yongminwas convicted of ‘subversion of state power’ and sentenced to **13 years in prison** with three years’ deprivation of political rights. As a human rights defender, Qin Yongmin worked with China Human Rights Watch and the Rose Group, two domestic organisations which pursue equal rights for all, highlight cases of human rights abuses and assist those who have had their rights violated. Qin Yongmin had been in detention since his arrest in January 2015. His wife, Zhao Suli, had also been kept by authorities in an unknown location from early 2015 until February 2018, when she was permitted a visit from family and then returned home to Wuhan where her activities continue to be restricted by authorities.

[**Huang Qi**](https://www.frontlinedefenders.org/en/case/detention-huang-qi) **(China)**

Sentence: 12 years

Date of detention/ arrest: 28 November 2016

Gender (identifying as): Male

Issue working on: Documenting human rights abuses

In July 2019 Huang Qi was sentenced to **12 years’ imprisonment** on the trumped-up charges of ‘intentionally leaking state secrets’ and ‘illegally providing state secrets to foreign entities’. Huang Qi is one of the most active documenters of human rights violations in China, which he catalogued on the website he established in 1998, 64 Tianwang. The website, along with the affiliated 64 Tianwang Human Rights Center, were originally established to help locate victims of kidnapping and human trafficking. Today, the website has expanded its focus to cover all acts of human rights violations taking place in China.

[**Le Huu Minh Tuan**](https://www.frontlinedefenders.org/en/profile/le-huu-minh-tuan)**,** [**Nguyen Tuong Thuy**](https://www.frontlinedefenders.org/en/profile/nguyen-tuong-thuy) **&** [**Pham Chi Dung**](https://www.frontlinedefenders.org/en/profile/pham-chi-dung) **(Vietnam) -** On 5 January 2021, a court in Ho Chi Minh City sentenced journalists and human rights defenders Le Huu Minh Tuan and Nguyen Tuong Thuy to **eleven years in prison**. A third journalist and HRD, Pham Chi Dung was **sentenced to fifteen years**. The human rights defenders were charged with making and disseminating propaganda against the state. For Nguyen Tuong Thuy in particular this is an extremely harsh sentence given that he is 60 years of age. Individual profiles are linked and the case file for the three HRDs can be viewed **h**[**ere**](https://www.frontlinedefenders.org/en/case/nguyen-tuong-thuy-le-huu-minh-tuan-and-pham-chi-dung-sentenced).

**ECA**

[**Server Mustafayev (Crimea)**](https://www.frontlinedefenders.org/en/case/arrest-server-mustafayev)

Sentence: 14 years

Date of detention/ arrest: 22 May 2018

Gender (identifying as): Male

Issue working on: Minority rights

Mustafayev is a Tatar human rights defender and the coordinator of Crimean Solidarity, a civil society initiative created following the occupation of the Crimean peninsula by the Russian Federation and the repression of dissenting voices. Crimean Solidarity was created by the families of those imprisoned for opposing the occupation and it monitors and documents human rights violations, provides legal aid, observes trials, and provides assistance - including financial - to families. It focuses on providing support to the Crimean Tatar community which has been particularly targeted by the Russian authorities. Server Mustafayev was detained on 22 May 2018 at his home in Bakhchisaray. Before the detention a search was conducted at his home where electronic equipment and documents were seized. His lawyer was denied permission to observe the search at the time. On 16 September 2020, the Southern District Military Court in Rostov-on-Don found Mustafayev guilty of membership of the Islamic group Hizb ut-Tahrir and ‘planning to violently seize state power’ under part 2 of Articles 205.5.2 and 278 of the Criminal Code of the Russian Federation respectively. He was **sentenced to 14 years** in a strict-regime correctional colony and after which he would have certain rights and freedoms restricted for one year. Hizb ut-Tahrir has been recognised as a terrorist organisation in Russia since 2003, but is not prohibited in Ukraine and most other European countries.

[**Emir Usein Kuku**](https://www.frontlinedefenders.org/en/case/emir-usein-kuku-sentenced-twelve-years-strict-regime-correctional-colony#case-update-id-7309) **(Crimea)**

Sentence: 12 years

Date of detention/ arrest: 11 February 2016

Gender (identifying as): Male

Issue working on: Minority rights

Kuku is the Chair of the Crimean Contact Group on Human Rights in Yalta and a member of the Crimean Human Rights Movement. The Crimean Contact Group on Human Rights monitors violations of human rights, provides legal assistance to the population, and reports cases of politically-motivated enforced disappearance in Crimea. Prior to his detention in February 2016, Kuku was actively involved in the monitoring and documentation of human rights violations in the Yalta region. He provided legal assistance and support to members of Muslim ethnic groups such as Crimean Tatars, who continuously faced discrimination and political persecution. On 11 February 2016, Kuku was arrested on charges of terrorism and alleged involvement in the Muslim political organisation Hizb ut-Tahrir and remanded in pre-trial detention. On 11 January 2017, the Supreme Court of Crimea upheld a decree to extend the pre-trial detention. This was extended again on 3 February 2017 and again on 4 October 2017, and again on 4 December 2017, and again on 27 February 2019. On 12 November 2019, the Southern District Military Court in Rostov-on-Don **sentenced Kuku to twelve years** in a strict-regime correctional colony. On 25 June 2020, the Military Court of Appeals in Vlasikha upheld the 12 year sentence against him.

**MENA**

[**Abdulhadi Al-Khawaja**](https://www.frontlinedefenders.org/en/case/case-history-abdulhadi-al-khawaja) **(Bahrain)**

Sentence: Life imprisonment

Date of detention/ arrest: 9 April 2011

Gender (identifying as): Male

Issue working on: Pro-democracy activist / human rights movement

A former Middle East and North Africa (MENA) Protection Coordinator for Front Line Defenders, former President of the Bahrain Centre for Human Rights (BCHR) and co-founder of Gulf Centre for Human Rights (GCHR), Al-Khawaja has a long history of working to promote human rights in the MENA region and championing the protection of human rights defenders at risk. In February 2011 protests and demonstrations broke out across Bahrain calling for greater political freedoms. As part of the government’s crackdown on these protests, opposition leaders and leading human rights defenders, including Al-Khawaja were arrested. On 9 April 2011, up to twenty armed and masked policemen broke into the Al-Khawaja family home in the middle of the night, dragged Al-Khawaja down the stairs even though he agreed to go peacefully. They extensively beat him, including being repeatedly kicking his head. Following his arrest he required a 4 hour surgery on his face and jaw, injuries that continue to cause him pain 10 years on. In June 2011, Al-Khawaja was sentenced to life imprisonment on charges of ‘organising and managing a terrorist organisation,’ ‘attempts to overthrow the government by force and in liaison with a terrorist organisation working for a foreign country’ and the ‘collection of money for a terrorist group’. All of these charges were filed based on emergency legislation that the government of Bahrain introduced during the wave of protests earlier in the year. No credible evidence was presented to support any of these charges, and the Bahrain Independent Commission of Inquiry report subsequently ruled out any foreign involvement in the pro-democracy protests. Al-Khawaja will have spent 10 years in detention on 10 April 2021. Since his imprisonment, human rights groups have repeatedly called for his release, with numerous protests taking place outside Bahrain in support of the prominent activist. Despite the international solidarity Al Khawaja’s case has received however, Bahraini authorities have been unmoved to grant his release.

[**Naji Fateel (Bahrain)**](https://www.frontlinedefenders.org/en/case/case-history-naji-fateel#case-update-id-311)

Sentence: 15 years

Date of detention/ arrest: 2 May 2013

Gender (identifying as): Male

Issue working on: Young peoples’ rights

On 2 May 2013 police arrested human rights defender and board member of the Bahrain Youth Society for Human Rights, Naji Fateel at his home in the village of Bani Jamra in north-west Bahrain. Initially held incommunicado, on 5 May 2013 he was transferred to the Dry Dock prison. It is alleged that he was brutally tortured during these days in incommunicado detention (more details at link). In September 2013, Fateel was sentenced to **15 years' imprisonment** for ‘the establishment of a group for the purpose of disabling the constitution’ under Article 6 of the controversial Terrorism Act. On 29 May 2014, the Appeals Court of Bahrain upheld the 15-year sentence. On 9 August 2020, Naji Fateel began an open-ended hunger strike, explaining in a voice note that it was to protest the poor living conditions in Bahraini prisons, including insufficient health care and a ban on prisoners practising their religious rites.

[**Nasrin Sotoudeh**](https://www.frontlinedefenders.org/en/profile/nasrin-sotoudeh) **(Iran)**

Sentence: 38 years and 148 lashes

Date of detention/ arrest: June 2018

Gender (identifying as): Female

Issue working on: Human rights lawyer

A prominent human rights lawyer, Sotoudeh was arrested in June 2018 and charged with spying, spreading propaganda and insulting Iran’s supreme leader, charges based on her legal representation of opposition activists including women prosecuted for removing their mandatory headscarf. On 11 March 2019, she was sentenced to **33 years in prison and 148 lashes**. As a result of a previous sentence of five years for ‘espionage in hiding’ which was handed down to her in 2015, she is now due to serve **38 years in prison**. Previously Sotoudeh was imprisoned in Iran from 2010 to 2013, after defending protesters who had been arrested during the 2009 demonstrations against the contested re-election of ex-president Mahmoud Ahmadinejad. On this occasion she was charged with ‘acting against national security’ and ‘propaganda against the regime’. She was sentenced to six years in prison but was released after serving half the term. Sotoudeh has also worked extensively with young prisoners sentenced to death for crimes they committed when they were under 18. Throughout 2020 she and her family came under increasing pressure from the Iranian authorities, which included her bank accounts being frozen and her transfer from Evin prison to Qarchak prison, an institution known for its poor living conditions. In November 2020 she was released on temporary furlough for health reasons, but was summonsed back to prison on 2 December 2020. On 17 March 2021, she was granted another temporary furlough. She is due to return to prison after 2 weeks. Sotouteh is the recipient of numerous human rights awards, including the [Sahkarov Prize for Freedom of Thought (2012)](https://www.europarl.europa.eu/sakharovprize/en/nasrin-sotoudeh-2012-iran/products-details/20200331CAN54204).

[**Arash Sadeghi**](https://www.frontlinedefenders.org/en/case/case-history-arash-sadeghi) **(Iran)**

Sentence: 19 years

Date of detention/ arrest: 7 June 2016

Gender (identifying as): Male

Issue working on: Human rights documentation and prisoners’ rights

An Iranian student rights activist and human rights defender working on the documentation of human rights violations inside Iranian prisons, Sadeghi has extensively reported on abuses and poor prison conditions, as well as violations committed by the authorities including torture, ill treatment, lack of visitation rights and access to a lawyer, and lack of medical treatment for prisoners. He is currently serving **a 19 year prison sentence**.

[**Saba Kord Afshari**](https://www.frontlinedefenders.org/en/case/prison-sentence-saba-kord-afshari-reduced-7-years-and-6-months) **(Iran)**

Sentence: 24 years, reduced to seven years and six months

Date of detention/ arrest: 01 June 2019

Gender (identifying as): Female

Issue working on: women’s rights

Kord Afshari (22) is a women’s rights defender, who campaigns against the mandatory veil in Iran. On 27 August 2019, Kord Afshari was initially sentenced to a total of **24 years in prison**. Branch 26 of the Islamic Revolution Court of Tehran sentenced her to 15 years in prison for ‘encouraging people to commit immorality and/or prostitution’ seven years and six months for ‘gathering and collusion against internal or external security’ and one year and six months for ‘spreading propaganda against the system’. She was also sentenced to a ban on social activities. The court issued the maximum sentence stipulated by the Islamic Penal Code for each charge and increased it by half, based on the multiplicity of charges against her and her previous conviction in 2018 for participating in a series for protests. This sentence was reduced to nine years by Branch 36 of the Tehran Court of Appeals in December 2019. According to this sentence, Saba was sentenced to one year and six months imprisonment for "propaganda activities against the regime" and to 7 years and six months imprisonment for "conspiracy to commit a crime against national security." Therefore, after being acquitted of “encouraging people to commit immorality and/or prostitution” the 15 years was dropped and she was sentenced to 9 years in prison altogether. However, according to Article 134 of the Islamic Penal Code, the most severe punishment, ie **7 years and six months imprisonment**, was applicable to her on the charge of "conspiracy to commit a crime against the security of the country."

[**Waleed Abu Al-Khair**](https://www.frontlinedefenders.org/en/case/detention-waleed-abu-al-khair#case-update-id-3570) **(Saudi Arabia)**

Sentence: 15 years

Date of detention/ arrest: 15 April 2014

Gender (identifying as): Male

Issue working on: human rights lawyer / human rights documentation

Waleed Abu Al-Khair is a lawyer and head of the Monitor of Human Rights in Saudi Arabia, an organisation which monitors and documents human rights violations in Saudi Arabia. On 6 July 2014, the human rights defender was sentenced to **15 years' imprisonment**, with five years suspended, and a travel ban of equal duration, as well as a fine of 200,000 Saudi Riyal, for charges related to his peaceful human rights activities. On 12 January 2015, following an appeal by the Public Prosecutor, the Specialised Criminal Court in Riyadh revoked the suspension of the final five years**.** The human rights defender was sentenced on charges of ‘striving to overthrow the state and the authority of the King’; ‘criticising and insulting the judiciary’, ‘assembling international organisations against the Kingdom’, ‘creating and supervising an unlicensed organisation, and contributing to the establishment of another’, and ‘preparing and storing information that will affect public security’.

[**Mohammad Fahd Al-Qahtani**](https://www.frontlinedefenders.org/en/case/case-history-mohammad-fahd-al-qahtani#case-update-id-3562) **(Saudi Arabia)**

Sentence: 10 years

Date of detention/ arrest: 2012

Gender (identifying as): Male

Issue working on: Civil & political rights

Al-Qahtani is a prominent human rights defender and a founding member of the Saudi Civil and Political Rights Association (ACPRA), a leading human rights organisation in Saudi Arabia. On 9 March 2013, Riyadh Specialized Criminal Court issued its ruling sentencing Al-Qahtani to **10 years imprisonment**, followed by a ten year travel ban. The Court also dissolved ACPRA, confiscating its assets and halting its activities. This dissolution was based on an accusation of failure to obtain an official license by the organisation. The list of charges brought against Mohammad bin Fahad Al-Qahtani included taking part in the establishment of an unlicensed association; seeking to undermine state policies; **providing false information about Saudi Arabia to United Nations human rights mechanisms**; inciting international organisations against the Kingdom of Saudi Arabia and undermining the integrity of the state.

[**Mohammed Al-Otaibi**](https://www.frontlinedefenders.org/en/statement-report/ongoing-imprisonment-human-rights-defender-mohammed-al-otaibi) **(Saudi Arabia)**

Sentence: 14 years

Date of detention/ arrest:

Gender (identifying as): Male

Issue working on: Anti-death penalty / women’s rights defender

Al-Otaibi is the co-founder of the Union for Human Rights in Riyadh which was established in 2013. The Union was active in calling for the abolition of the death penalty and strengthening women’s role in society in Saudi Arabia. Al-Otaibi worked with the organisation for three years despite constant harassment by the Saudi government for issuing international appeals to highlight human rights violations committed by the Saudi government. On 25 January 2018, the Specialised Criminal Court in Riyadh sentenced Mohammed Al-Otaibi to **14 years in prison** on charges of ‘forming an unlicensed organisation’. The Court examined his appeal in February 2020 and confirmed his sentence later that year. In December 2020, the Specialised Criminal Court sentenced Al-Otaibi to an additional year in prison for travelling to Qatar in 2017 and for a tweet he published at this time. In January 2021, Al-Otaibi engaged in hunger strike for more than two weeks, in protest against the prison authorities denying him proper medical treatment for his high blood pressure.

[**Mohammed Al-Roken**](https://www.frontlinedefenders.org/en/profile/mohamed-al-roken) **(UAE)**

Sentence: 10 years

Date of detention/ arrest: April 2011

Gender(identifying as): Male

Issue working on: Human rights lawyer

A leading human rights lawyer, Al-Roken has provided legal assistance to victims of human rights abuse in the UAE, including to fellow human rights defenders. He is a former president of the UAE’s Association of Jurists, holds a PhD in Constitutional Law from the UK’s University of Warwick and is a member of the International Bar Association. He has written several books on human rights, counter-terrorism laws and freedom of expression. He has also represented the UAE government at several legal conferences. In 2011 Al-Roken was one of 133 UAE citizens to sign an open letter to the government calling for more democratisation and asking that the UAE’s Federal National Council (FNC), an advisory body that reviews legislation, be fully elected rather than part elected and part appointed. In April 2011, five members of this group, including human rights defender [**Ahmed Mansoor**](https://www.frontlinedefenders.org/en/case/ahmed-mansoor-detained), were arrested and tried. Mohamed Al-Roken was their lawyer. In July 2012, State Security personnel initiated a major round-up of human rights defenders and critics of the government, including Al-Roken. He and the other members of the ‘UAE 94’ were accused of plotting to overthrow the government. The trial of the ‘UAE 94’ was considered a turning point in the country’s history as it represented the most serious attempt to date to silence calls for democratic reform. On 2 July 2013 the Federal Supreme Court of Abu Dhabi sentenced 56 people, including Al-Roken to **10 years in prison**. The trial was grossly unfair and marred by a catalogue of human rights violations. The authorities denied defendants access to a lawyer while they were detained incommunicado awaiting trial. All were held in solitary confinement in secret detention facilities, some for up to a year; many told the judge they had been tortured; ‘confessions’ obtained after the use of torture or other ill-treatment were used in court as evidence of their guilt. Al-Roken, a finalist for the 2014 Front Line Defenders Award, gave the following response to this accolade from prison:

 “*I am an optimist by nature. I imagine that the future is built on this idea of human rights and its culture. He who does not feel that he lives in a free society that makes him feel equal to others will feel that his humanity is incomplete. There is a saying that in a confrontation between the river and the rock, the river always wins. Not because of its strength, but because of its perseverance. Those working for human rights in the GCC region are not strong, but they have perseverance*”.

**2) Do you know of any human rights defender(s) currently detained by States, who have been imprisoned on continuous sentences amounting to 10 years or more? For example, a defender who completes a sentence of four years in detention but instead of being released is given another six year sentence? Please provide a list of cases or examples if possible.**

**ECA**

[Jordi Cuixart](https://www.frontlinedefenders.org/en/case/catalan-hrd-jordi-cuixart-sentenced-9-years-prison) **(Catalonia)** – Cuixart is the president of Òmnium Cultural, a non-governmental organisation founded in 1961 in response to censorship and persecution of Catalan culture by the Franco dictatorship. Òmnium Cultural has been working to promote and preserve Catalan language and cultural heritage ever since its establishment. Serving its purpose, the organisation has also founded and sponsored various awards and literary contests for works published in Catalan. Upon the restoration of democracy in Spain, Omnium Cultural has been actively involved in the promotion and defence of human rights in Catalonia and has helped to organise a number of peaceful demonstrations in support of the right of people in Catalonia to decide their political future freely and democratically. Detained since October 2017, Cuixart was initially held in pre-trial detention on charges that could have seen him face **up to 25 years of prison** on charges of ‘rebellion’. These allegations were brought against him in connection to the promotion of a peaceful demonstration in Catalonia 20 September 2017 and the referendum on the independence of Catalonia on 1 October 2017. On 14 October 2019, he was found guilty on charges of sedition and sentenced to **9 years in prison**.

**MENA**

**Atena Daemi (Iran)**

Sentence: 14 years, reduced to 7 on appeal, increased by 2 years + 74 lashes

Date of detention/ arrest: October 2014

Gender (identifying as): Female

Issue working on: anti-death penalty / women and children’s rights

31 year old anti-death penalty activist, and women and children’s rights defender Daemi has been in prison in Iran since November 2016. She was first arrested in October 2014, and charged with ‘propaganda against the regime’, ‘collusion against the regime’ on the basis of holding demonstrations in support of the children of Kobane in Syria, opposition to the execution of Reyhaneh Jabbari (hanged for murdering in self-defence the man who raped her), ‘insulting the Supreme Leader of Iran’, and ‘blasphemy’ in connection with listening to Iranian rapper Shahin Najafi’s protest songs. She was denied access to a lawyer during her entire time in detention, even though she was repeatedly interrogated, and in May 2015, a Revolutionary Court sentenced her to **14 years in prison** after an unfair trial lasting only 15 minutes. She was released on bail in February 2016, **her sentence reduced from 14 to to seven years on appeal** in May 2016 and she was summonsed back to Evin Prison in November 2016. In late December 2019, following her participation in a peaceful sit-in protest in Evin prison, Daemi was put in solitary confinement, where she was physically abused and denied medical assistance. In July 2020, Daemi was sentenced to an additional two years in prison and 74 lashes on charges of ‘propaganda against the state’ and ‘disrupting the prison order’. The lashes are due to be administered on the final day of imprisonment.

[**Soheil Arabi**](https://www.frontlinedefenders.org/en/case/soheil-arabi-acquitted-new-charge#case-update-id-12762) **(Iran)**

Sentence: Initially received a death sentence + 3 years, then 7.5 years on appeal, reduced to 6.5 years. A series of additional charges have been levelled against him. Release date due 2025.

Date of detention/ arrest: 2013

Gender (identifying as): Male

Issue working on: Freedom of expression / right to information

A blogger and photojournalist, Arabi won the Reporters Without Borders prize for Press Freedom in 2017. He was sentenced to death for blasphemy by Branch 76 of the Criminal Court of Tehran on 30 August 2014 on charges of ‘insulting the Prophet of Islam’ on Facebook. Since his arrest and detention in 2013, Arabi has become a vocal defender of prisoner’s rights and raises awareness from inside prison about unfit conditions that detainees are forced to endure. On 3 September 2014, in addition to his **death sentence**, Branch 15 of the Revolutionary Court found the human rights defender guilty of ‘insulting the supreme leader’ and ‘propagandising against the regime’ and sentenced him to a total of three years imprisonment for his work defending prisoner rights. After a lengthy appeals process his death sentence was commuted on 27 June 2015 by Branch 34 of the Supreme Court. Arabi was subsequently retried by Branch 81 of the Tehran Provincial Court and sentenced initially to seven and a half years of prison, two years of Shi'ism studies as well as the hand copying of thirteen Shi'a textbooks. In late November 2015, the sentence was reduced to six and a half years imprisonment. Arabi, who has faced retaliation for sending out messages from prison in defence of prisoners’ right, has faced several subsequent charges since his first arrest in 2013 and the date of his release has been announced as 2025. **In addition, on 20 October 2020, Arabi’s mother Farangis Mazloum was sentenced to 18 months imprisonment by Branch 29 of Tehran Revolutionary Court, of which one year is executable,** on charges of ‘gathering and colluding against national security’ for continuing to speak out against the conditions in which her son is being held. She has yet to receive a summons to be sent to prison to serve her sentence.

**3) Do you know of any human rights defender(s) whose time in pre-trial detention and/or administrative detention by States combines with a sentence that amounts, or would amount to 10 years or more? Please provide a list of cases.**

**ASIA PACIFIC**

**China -** Under China's Criminal Procedure Law, a defendant could be held in pre-verdict detention, including if there is a re-trial, for up to at least 13 years and 1 month, if the various authorities impose the maximum permissible time spans and extensions before reaching a verdict. Although we are not aware of any HRD who has been kept in pre-trial / pre-verdict detention for more than 10 years the possibility exists on the statute books. Chinese authorities usually count the time spent under pre-trial / pre-verdict detention towards a sentence when they calculate the end-of-sentence date.

[**Gao Zhisheng**](https://www.frontlinedefenders.org/en/case/gao-zhisheng-reported-missing) **(China)** has been continuously deprived of his liberty through formal imprisonment, house arrest and enforced disappearance since April 2010:

* 16 August 2006: detained until trial in Beijing on 12 December 2006. Sentenced on 22 December 2006 to 3 years, suspended for 5 years (during which he was on probation).
* 4 February 2009: disappeared after his wife and daughter fled to the US until he resurfaced and gave interviews to foreign media in March 2010.
* Late April 2010: disappeared after visiting family in western China, until 16 December 2011 when a Beijing court announced he was sent back to prison for violating terms of his probation.
* August 2014: released from prison into house arrest in Shaanxi Province until he was disappeared again on 13 August 2017.
* On 5 September 2017, authorities informed Gao Zhisheng’s brother that the human rights defender is in police custody in Beijing. No additional information has been provided to the defender’s family, nor have they received any official notification of his arrest.

**4) Do you know of any human rights defender(s) falling under any of the previous categories above, who were released before ending their long-term prison sentences for any reasons (e.g. granted a pardon, as a result of an appeal, or released on humanitarian or other grounds)? Please provide a list of cases.**

**AMERICAS**

**David Ravelo Crespo (Colombia)** - On 7 December 2012, David Ravelo Crespo was sentenced to **18 years and 3 months' imprisonment** on trumped up charges of aggravated homicide following a lengthy trial marred with irregularities. On 20 June 2017, the HRD was freed on parole after almost 7 years in prison. He was released according to the Amnesty Law (Law 1820) approved on 30 December 2016 by the Colombian government. The legislation established the Special Jurisdiction for Peace following the peace deal signed between the Colombian authorities and  FARC rebels in November 2016.

**ASIA PACIFIC**

[**Nguyen Van Dai (Vietnam)**](https://www.frontlinedefenders.org/en/case/case-history-nguyen-van-dai)is the co-founder of the Vietnam Human Rights Committee and a pro-democracy activist. He has provided legal assistance to citizens vocal against human rights violations committed by the government and members of religious minorities and has faced judicial harassment in the past. On 16 December 2015, he was arrested by the police for ‘conducting propaganda against the state of the Socialist Republic of Vietnam’. He had previously been arrested in 2007 on charges of propaganda against the state and spent four years in prison, and then spent a further four years under house arrest. Despite an official release from house arrest in March 2015, the human rights defender was kept under police surveillance. On 5 April 2018, following 27 months of pre-trial detention, Nguyen Van Dai was found guilty by a Hanoi court and received a sentence of 15 years’ imprisonment and 5 years’ probation. On 7 June 2018, **he was released from prison and exiled to Germany**.

[**Nguyen Ngoc Nhu Quynh**](https://www.frontlinedefenders.org/en/case/arrest-nguyen-ngoc-nhu-quynh#case-update-id-8361) **(Vietnam)** is a blogger and Coordinator of the Vietnamese Bloggers Network. Since 2006, she has been blogging under the pseudonym of Me Nam (Mother Mushroom). She is known for her criticism of the government, including revealing corruption cases and human rights violations committed by the authorities. As a result, she has repeatedly been targeted, including being arrested and physically attacked. She was arrested on 10 October 2016 and charged under Article 88 of the Penal Code with ‘conducting propaganda against the state of the Socialist Republic of Vietnam’. On 29 June 2017, she was given a 10 year jail sentence after a one day trial in the People’s Court in Nha Trang, Khanh Hoa province. On 17 October 2018, **she was released from prison on the condition of exile**, and sent to the USA.

[**Tran Thi Nga (Vietnam)**](https://www.frontlinedefenders.org/en/case/tran-thi-nga-released-exile) - A member of Vietnamese Women For Human Rights, a group that includes overseas Vietnamese wishing to lend support, training and encouragement to those who stand up to defend human rights in Vietnam, Tran Thi Nga also assisted those whose land has been confiscated by local authorities and demonstrated in support of democratic reform. In July 2019 she was sentenced to nine years imprisonment to be followed by a five year probation period for ‘conducting propaganda against the state of the Socialist Republic of Vietnam’. On 10 January 2020, **she was released into exile**.

**MENA**

**Bahrain** - In December 2019, to mark the country’s National Day, King Hamad bin Isa Al Khalifa issued a decree to release 269 prisoners and grant alternative sentencing to an additional 530 inmates in a rare move of clemency. While the list of people released included political prisoners, high-profile human rights defenders, including, Abdulhadi Al Khawaja were not among them.

[**Narjes Mohammadi**](https://www.frontlinedefenders.org/en/profile/narges-mohammadi) **(Iran)** - The spokesperson of the Iranian Defenders of Human Rights Center, Mohammadi was arrested in 2016 and **sentenced to 16 years in prison** for ‘propaganda against the regime’ and establishing the ‘illegal’ group Legam, which campaigns against capital punishment. The WHRD contracted Covid-19 in prison in July 2020 and reported she was denied proper medical care. On 8 October 2020, **she was released from prison based on a law reducing prison sentences for political prisoners**, which was passed in May 2020.

The following is a case where sentencing is imminent which we would like to highlight -

[**Maria Rabkova**](https://www.frontlinedefenders.org/en/case/maria-rabkova-arbitrarily-detained) **(Belarus)** – Rabkova is a woman human rights defender and coordinator of the Volunteer Service at Human Rights Centre Viasna (HRC Viasna). Together with Viasna volunteers, Rabkova has been monitoring peaceful assemblies that have broken out across Belarus since the announcement of the 2020 Presidential election results on 9 August 2020. She has also been documenting cases of torture and other ill-treatment against detained protesters, and playing an active role in the independent election observation campaign ‘Human Rights Defenders for Free Elections’. On 17 September 2020, she was detained in Minsk as part of a criminal investigation opened in relation to ongoing protests in the country, and handed an indictment for ‘education or other preparation of persons for participation in mass riots, or financing such activities’ under part 3 of Article 293 of the Criminal Code. On 11 February 2021, Rabkova was handed an indictment under two more articles of the Criminal Code: ‘participating in criminal organization’ (Part 2 of Article 285 of the Criminal Code) and ‘inciting racial, national, religious or other social hostility social hostility by a group of individuals’ (Part 3 of Art. 130 of the Criminal Code). **If found guilty, Rabkova may be imprisoned for up to twelve years.**

**5) What actions do you suggest the Special Rapporteur can take to:**

1. **Prevent defenders from being detained for long terms in connection to their human rights work? And**
* Continue to advocate for increasing the legitimacy of HRDs
* Highlight the stigmatisation and smearing of HRDs by State and non-state actors
* Highlight the existing laws that are persistently used to against HRDs eg. in Iran, Vietnam
* Highlight the adoption of new laws that may be used to target HRDs and their legitimate work eg. Hong Kong
* Develop an early warning mechanism to identify potential long-term cases before sentencing. Deploy trial observers under the OHCHR banner to these trials and issue press releases after them.
* Highlight instances when HRDs’ sentences are exceptionally long / punitive eg. not in keeping with sentencing guidelines.
* Issue a press release each time a HRD is sentenced to a term above 10 years
* Publish an annex to the report to the UNGA listing human rights defenders imprisoned for more than 10 years and/or sentenced to 10 years in prison with a call for their release
1. **Have those human rights defenders arbitrarily detained under long sentences released?**
* Call for the unconditional release of imprisoned human rights defenders;
* Push for fair judicial procedures during trials;
* Request to visit defenders in long-term detentions;
* Highlight the numerous cases where defenders have been mistreated while in prison
* While the HRD is still imprisoned call on governments to ensure that they;
	+ have access to family and especially regular access for children when HRD is a parent
	+ have access to phone calls
	+ have access to reading materials
	+ have adequate medical treatment
	+ have adequate assistance for disability related needs
	+ have adequate nutrition
	+ have adequate sanitation
	+ are imprisoned in jails close to their home cities/towns and that they are not transferred to prisons in other parts of the country to further punish them
* Highlight cases where family members are further targeted while a HRD is in prison and implications for the families and family life when a HRD is detained;
* Collate an exhaustive list of long-term imprisoned HRDs and repeatedly publish and continue to raise the thematic issue

**NOTE**: When providing the list of cases/examples under each question, please include: the name of the human rights defender(s), a summary of their human rights work, history of
detention (date of arrest(s), charges and conviction including articles of the relevant law(s)), a brief explanation of facts relevant to their case).

1. [1][1][1][1][1][1][1] See [A/HRC/RES 22/6](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/22/6) (2013) and [A/RES/68/181(2014)](https://undocs.org/A/RES/68/181). See also: [A/HRC/RES/25/18 (2014),](https://undocs.org/A/HRC/RES/25/18) [A/HRC/RES/27/31 (2014),](https://undocs.org/A/HRC/RES/27/31) [A/HRC/RES/32/31](https://undocs.org/en/A/HRC/RES/32/31) (2016) and [A/HRC/RES/34/5 (2017)](https://undocs.org/en/A/HRC/RES/32/31)  [↑](#footnote-ref-1)