



THE OBSERVATORY
for the Protection of
Human Rights Defenders

Human rights defenders and Covid-19:

the impact of the pandemic
on human rights defenders
and their work





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List of acronyms

- ACAAMI:** Agro-environmental and Mining Association
- ACHPR:** African Commission on Human and Peoples' Rights
- ADB:** Asian Development Bank
- AMJI:** Moroccan Association for Investigative Journalism (*Association marocaine pour le journalisme d'investigation*)
- APIB:** Articulation of Indigenous Peoples of Brazil
- ASTCAP:** Association of Workers and Small Farmers and Livestock Producers (*Asociación de Trabajadores y Pequeños Productores Agropecuarios*)
- BCHR:** Bahrain Center for Human Rights
- BNG:** Bolivarian National Guard
- BYSHR:** Bahrain Youth Society for Human Rights
- CAJAR:** José Alvear Restrepo Lawyers' Collective (*Colectivo de Abogados José Alvear Restrepo*)
- ÇHD:** Progressive Lawyers' Association (*Çağdaş Hukukçular Derneği*)
- CCIN:** Indigenous Citizens' Council of Nahuatzen
- CNA:** National Agrarian Coordinator
- CODEDI:** Committee for the Defence of Indigenous Peoples (*Comité de Defensa de los Pueblos Indígenas*)
- CoE:** Council of Europe
- CORE:** Centre for Organisation, Research and Education
- COTRAD:** Community Tolerance Reconciliation and Development
- DHRC:** Defenders of Human Rights Center
- ECHR:** European Court for Human Rights
- EU:** European Union
- FENAMAD:** Native Federation of the Madre de Dios River and Affluents (*Federación Nativa del Río Madre de Dios y Afluentes*)
- FIDH:** International Federation for Human Rights
- FIR:** First Information Report
- GCHR:** Gulf Centre for Human Rights
- GMCH:** Gauhati Medical College and Hospital
- HRD:** human rights defenders
- IACHR:** Inter-American Commission on Human Rights
- ICCPR:** International Covenant on Civil and Political Rights
- INPE:** National Penitentiary Institute of Peru
- KIBHR:** Kazakhstan International Bureau for Human Rights and Rule of Law
- KMSS:** Krishak Mukti Sangram Samiti
- LGBTQI+:** Lesbian, Gay, Bisexual, Transgender, Queer, Intersex and more
- LICADHO:** Cambodian League for the Promotion and Defense of Human Rights
- MBAKITA:** Mission of Beneficence Agriculture of Kubando Inclusive Technologies and Environment
- NIA:** National Investigation Agency
- ODHAG:** Oficina de Derechos Humanos del Arzobispado de Guatemala
- OFP:** Women's Popular Organisation (*Organización Femenina Popular*)
- OMCT:** World Organisation Against Torture
- OSCE:** Organisation for Security and Cooperation in Europe
- PA:** Philippine Army
- PNC:** Guatemalan National Civil Police
- PNP:** Philippine National Police
- PROVEA:** Venezuela Program Education-Action on Human Rights (*Programa Venezolano de Educación Acción en Derechos Humanos*)
- RAJ:** Youth Action Gathering (*Rassemblement Action Jeunesse*)
- SSS:** State Security Services
- TLP:** Turning the Page (*Tournons la Page*)
- UAPA:** Unlawful Activities (Prevention) Act
- UDEFEGUA:** Unit for the Protection of Human Rights Defenders in Guatemala
- UDHR:** Universal Declaration of Human Rights
- UN:** United Nation
- UNHCR:** United Nations High Commissioner for Refugees
- UNOHCHR:** United Nations Commission on Human Rights
- UNPACU:** Patriotic Union of Cuba
- YFPHR:** Youth's Forum for Protection of Human Rights

Executive summary

As Covid-19 hit the world in early 2020, many observers had hoped that governments would have responded to this global health crisis by fostering togetherness and solidarity, protecting the most vulnerable groups within their societies, and engaging a meaningful dialogue with independent civil society in order to create a more peaceful, just, and inclusive future. However, the Covid-19 crisis has only worsened existing challenges faced by human rights defenders and has created new challenges as well. The global health crisis has in many ways paralysed the human rights movement and deprived it of many of its traditional monitoring and fact-checking tools. It has also led to an almost universal breakdown of protection systems, both at the domestic and international levels. This situation has not only led to a rise in serious human rights violations, but also to a sharp increase in attacks against defenders. Moreover, in many countries around the world, governments have seized the Covid-19 pandemic as a pretext for imposing unprecedented restrictions on civic space and further silence critical voices.

In the totally unpredictable context triggered by the spread of Covid-19, many governments deployed more efforts to protect themselves from criticism than seek to inform, empower and listen to communities. This resulted in an increase of attacks against human rights defenders, including journalists, sharing information on the mismanagement of the crisis – or simply continuing their offline and online human rights work. Besides, the pandemic has deepened pre-existing inequalities and the impact of discrimination against human rights defenders across societies: in many places, imprisoned HRDs continued to be detained in unsanitary prisons while other prisoners were released; defenders from indigenous isolated communities and other defenders already at risk such as land and environmental rights defenders were even more subject to attacks – especially in contexts of isolation triggered by lockdowns and curfews, or in reprisals of their online activism; and women human rights defenders and LGBTQI+ activists also faced increased gender-based violence and discrimination. In many parts of the world, the Covid-19-related preventive measures were more generally instrumentalised to restrict the right to freedom of assembly beyond what is permissible under international law, and peaceful protests and gatherings were often faced with excessive use of force by the police.

The present report aims at outlining how the situation of human rights defenders deteriorated in direct relation with the Covid-19 context, and at formulating recommendations to State and non-State actors on how to restore and guarantee civic space, protect human rights defenders, provide a more enabling environment for their work, and prevent similar violations to occur in case of future pandemics or world crises.

Introduction

Measures taken to contain the spread of the pandemic – including lockdowns, quarantines, prohibition of mass events and protests, or travel bans – have deeply impacted human rights and freedoms all around the world¹. While some restrictive measures were necessary in this unprecedented context, many governments have used them as a cover for repressive action against human rights defenders and other critical voices, and as a tool to silence independent media. From the very beginning of the spread of the Covid-19, United Nations (UN) experts urged States to avoid overreach of security measures in their response to the outbreak, and reminded them that emergency powers should not be used to quash dissent². Yet, among the numerous measures taken by State authorities, some have intentionally undermined the work and freedom of human rights defenders under the guise of protecting health and fighting false information.

Despite the international duty of all States to protect human rights defenders in all circumstances, the health crisis has indeed been instrumentalised to further obstruct their activity. The crackdown on civil society during the pandemic has taken different forms. Freedom of peaceful assembly and civic space more generally have been largely restricted, at times disproportionately (section 1). Independent journalists, media outlets and human rights defenders more broadly have been targeted and harassed, while they have been main vectors of critical information on the management of the pandemic (section 2). For defenders already behind bars for their legitimate work and those arrested and detained during the health crisis, the risks related to their conditions of detention have never been higher, given the high probability of being infected with Covid-19 while in detention. The pandemic has often been used as a further tool of repression for defenders not being released, as retaliation for their work (section 3). Finally, in some countries, human rights defenders – already constantly targeted for their work through attacks and threats – suffered more assaults during the pandemic³, mostly because of the lack of State protection within that context (section 4).

The aim of the present report is to assess and analyse the deterioration of the situation in relation with the pandemic, with regards to freedom of peaceful assembly, to freedom of association and freedom of expression of human rights defenders⁴, to the increased harassment of the latter as a result of the pandemic, and to the risks of potential long-lasting setbacks. It also aims at assessing and analysing the working conditions of human rights defenders and groups – including online – in the increasingly insecure context and the deteriorating human rights environment triggered by the Covid-19 pandemic. The objective is also to avoid similar violations against human rights defenders from occurring in the event of future pandemics or global crises, notably by guaranteeing that the right to defend rights is preserved even during – and after – states of emergency and other exceptional measures, and to guarantee that nothing can justify specific restrictions to human rights defenders' activities, under any circumstances.

The report contains a series of recommendations addressed to a wide range of State and non-State actors in order to restore civic space, protect human rights defenders and guarantee a more conducive environment for their activities, and more generally to respect in all circumstances international human rights law, in the event of any future pandemic or crisis.

¹ See FIDH, "Human Rights in the Context of COVID-19" July 29, 2020, and OMCT, "Dignity in the time of Covid-19" March 19, 2020, <https://www.omct.org/en/resources/statements/dignity-in-the-time-of-covid-19>.

² See UNOHCHR, "COVID-19: States should not abuse emergency measures to suppress human rights – UN experts" March 3, 2020.

³ In Mexico and in Venezuela for instance, violence against defenders has increased significantly. In 2020, Mexico saw a 67% increase in attacks against defenders: <https://www.eluniversal.com.mx/mundo/mexico-uno-de-los-paises-mas-peligrosos-para-defensores-ambientales>. Venezuela saw an increase of 157% during the pandemic only: <https://www.omct.org/es/recursos/comunicados-de-prensa/venezuela-attacks-on-human-rights-defenders-surge-by-157-during-covid-19>.

⁴ e.g., the whole situation of human rights defenders who were detained prior to the pandemic.

Who are human rights defenders?

The term “human rights defender” refers to any individual who, individually or in association with others, acts peacefully in the name of individuals or groups, to promote, defend, and protect the human rights and fundamental freedoms recognised by the Universal Declaration of Human Rights, and guaranteed by various international human rights instruments. As a result of their active commitment in the defence of human rights, defenders are prone to acts of reprisal, harassment, and violations of their rights by both State and non-State actors.

The [UN Declaration on Human Rights Defenders](#), adopted by the United Nations General Assembly on December 9, 1998, outlines the right of individuals “*to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels,*” and the responsibility and duty of States to “*protect, promote and implement all human rights and fundamental freedoms.*”

Methodology

The present report is based notably on the alerts published by the Observatory for the Protection of Human Rights Defenders, a partnership of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT) since the beginning of the pandemic, in early 2020. The individual cases outlined throughout the report have been updated with follow-up information, to the extent possible.

1. Abusive restrictions on civic space

On April 27, 2020, the UN High Commissioner for Human Rights declared that Covid-19 related measures and restrictions should not be used as “a cover for human rights violations, further restricting fundamental freedoms and civic space, and undermining the rule of law”⁵. And yet, since early 2020, the Observatory has documented worrying trends in terms of abusive restrictions on civic space generated by the crisis, notably the increase in surveillance measures (i) as well as the adoption of pieces of legislation providing extensive powers to the authorities, including through abusive restrictions on freedom of peaceful assembly under the guise of fighting the pandemic (ii).

(i) Increased surveillance of human rights defenders under the guise of fighting the pandemic

In recent years, facial recognition, geolocation tracking and video surveillance technologies have been rapidly emerging all around the world. The Pegasus scandal is yet more evidence of the massive use of surveillance tools to stifle and monitor human rights critics. The Covid-19 crisis has been further used by various governments as a reason to justify the increase in the digital surveillance of the population. While the surveillance systems put in place might be temporarily useful for preventing the spread of the virus, concerns over access to individuals’ private information and whereabouts exist, given the lack of transparency in the use and function of these systems. In **Israel**, new regulations of March 2020 allow the police to track mobile phones of Covid-19 patients, or those suspected of being infected, without seeking a court order. The **Peruvian** mobile phone application “En tus Manos” uses geolocation tracking, but the privacy policy is unclear concerning the destination or uses of the information gathered. In **Nigeria**, a partnership was made on April 5, 2020 with MTN Nigeria, a telecommunication and internet service provider, to use subscriber data to combat Covid-19. The partnership has raised concerns over information sharing, privacy, and the protection of human rights, since the data used was not originally shared or intended for this purpose. In addition, mobile phone applications launched in several countries, including **Kyrgyzstan** and **India**, were criticised for not specifying which government agency has access to the information, and where and how long it is stored. Although officially limited to the fight against the virus, these measures might, in the future, make the activity of human rights defenders even more challenging, with the likelihood of continued monitoring of their movements and work.

(ii) Abusive restrictions on civil society consultation and freedom of peaceful assembly

In an April 2020, press statement, the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association emphasised that: “It is inadmissible to declare blanket restrictions on human rights and fundamental freedoms. Exemptions should be foreseen for civil society actors, particularly those monitoring human rights, trade unions, social services providing humanitarian assistance, and journalists covering the management of the crisis. (...) It is imperative the crisis not be used as a pretext to suppress rights in general or the rights to freedom of peaceful assembly and of association in particular”⁶.

However, some State authorities have used the prohibition of protests beyond the necessities of safeguarding health – and the restrictions permitted under international law – to abusively restrict the right to peaceful assembly, in breach of their international obligation.

⁵ See UNOHCHR, “Exceptional measures should not be cover for human rights abuses and violations” – UN High Commissioner for Human Rights, Ms. Michelle Bachelet” April 27, 2020, <https://www.ohchr.org/en/video/2021/emergency-measures-cannot-be-blank-checkue>

⁶ See UNOHCHR, “States responses to Covid 19 threat should not halt freedoms of assembly and association – UN expert on the rights to freedoms of peaceful assembly and of association, Mr. Clément Voule” April 14, 2020.

Under international law, restrictions on freedom of assembly on the basis of public health concerns may be justifiable, provided that they meet international standards for rights limitations in times of emergency. Namely, in order to be lawful under international law, restrictions on human rights and fundamental freedoms, such as states of emergency, must be necessary and proportionate, prescribed by law, limited in time, and non-discriminatory in nature. Derogation clauses, allowing States to temporarily suspend these rights – enshrined in international treaties and conventions that they have ratified – during national emergencies, are included in several international law instruments such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the African Charter on Human and Peoples Rights, the American Convention on Human Rights, and the European Convention of Human Rights. These instruments permit derogation on condition that States comply with the aforementioned criteria, and that the State party has notified the relevant international bodies tasked with monitoring their respect, indicating the specific rights that have been derogated from, and the reasons for the suspension. Having this international legal framework in mind, it appears that many States have not fully complied with those standards in implementing public health measures related to the Covid-19 pandemic, particularly with regard to the limitations imposed on the right to peaceful gathering. Blanket bans were imposed in some cases without taking into account the objectives of particular gatherings and the actual risks they could pose to public health, without ensuring that restrictions were limited to what was strictly required by the situation⁷, and that no other, less intrusive means, were available to respond to the public emergency without disproportionately limiting this right.

In many countries including **Turkey, Cambodia, Niger, Guatemala, Angola, Morocco/Western Sahara, Venezuela, India, Thailand** and **Bangladesh**, the right to peaceful gathering was abusively restricted under anti-Covid-19 pretexts.



In **Turkey** for instance, between January 1, 2020 and June 1, 2020, nine assemblies and events were met with police force on the grounds of anti-Covid-19 measures, and 42 demonstrators were taken into custody on these occasions⁸.

⁷ See Article 4.1 ICCPR; Article 5.1 ECHR. Article 4 of the ICCPR explicitly recognises that, during officially declared public emergencies that threaten the life of the nation, States may derogate from some of their obligations under the ICCPR to the extent “strictly required” by the exigencies of the situation. In its General Comment 29, the UN Human Rights Committee has set requirements for these states of emergency. In particular, it notes that States are under obligation to ensure that measures imposed under the declared state of emergency must be proportionate, timebound, temporary, and prescribed by law. It further notes that, although international law permits restrictions on the enjoyment of certain rights in times of emergencies, including public health crises, these restrictions should meet the principles of legality, proportionality, necessity, and non-discrimination.

⁸ See Observatory Report, Turkey, *A Perpetual Emergency: Attacks on Freedom of Assembly in Turkey and Repercussions for Civil Society*, July 27, 2020, p. 51, https://www.fidh.org/IMG/pdf/rapport_fidh_obs_turkey_covid_july_2020_v2_web_light_ok.pdf.



In **Thailand**, in March 2020, youth pro-democracy demonstrations came to a halt due to the Covid-19 pandemic. In an attempt to control the spread of the virus, on March 26, the Thai government promulgated an Emergency Decree, which included a ban on public gatherings⁹. Violations of measures under the Emergency Decree carried a penalty of up to two years in prison and a fine of up to 40,000 baht (around 1,083 EUR)¹⁰. The protests then resumed and intensified following the lifting of the ban on public gatherings under the Emergency Decree on August 1, 2020. Throughout the year 2020, Thai Lawyers for Human Rights reported notably that 183 individuals were charged under the Emergency Decree and the Severe State of Emergency, and 68 under the Public Assembly Act.



In **Niger**, on March 15, 2020, the authorities severely repressed an assembly which was called for by the NGO Turning the Page Niger (*Tournons La Page Niger* – TLP) in the capital, Niamey, to denounce a misappropriation of public funds for the purchase of weapon equipment intended to fight terrorism. Law enforcement officials alleged that the assembly had been banned within the framework of the fight against Covid-19, although Turning the Page was not notified of such a ban. Between March 15 and 17, at least 15 people were arrested and detained for “participating in a prohibited demonstration”. They were all prosecuted under the same charges, but some of the human rights defenders arrested after the protest were released soon after, like Messrs. **Moussa Tchangari**, **Sani Chekaraou** and **Habibou Soumaila**¹¹, while others remained incarcerated for several months. It was only on September 29 and 30, 2020 that Messrs. **Moussa Moudi**, **Halidou Mounkaila** and **Maïkoul Zodi**, members of *Turning the Page Niger*, were released on bail¹². At the time of publication of this report, the three human rights defenders were still waiting for their trial to begin.

Image credits – Maïkoul Zodi: JOEL SAGET / AFP | Moussa Tchangari: ISSOUF SANOGO / AFP



Maïkoul Zodi



Moussa Tchangari

⁹ Royal Gazette, Emergency Decree on Public Administration in Emergency Situations B.E. 2548 (2005); <http://web.krisdika.go.th/data/slideshow/File/1-EN-EMERGENCY.pdf>

¹⁰ See Observatory Report, *Thailand: Women Pro-Democracy Activists Criminalized, Harassed, New Report Shows*, February 2021, available at: <https://www.fidh.org/en/region/asia/thailand/thailand-women-pro-democracy-activists-criminalized-harassed-new>

¹¹ See Observatory Urgent Appeal NER 001/0320/OBS 022, “Niger: Libération provisoire de MM. Moussa Tchangari, Sani Chekaraou et Habibou Soumaila” March 17, 2020, <https://www.fidh.org/fr/themes/defenseurs-des-droits-humains/niger-arrestation-arbitraire-de-8-membres-de-la-societe-civile>

¹² See Observatory Statement, “Niger: Libération provisoire de trois membres de l’ONG Tournons La Page Niger” October 2, 2020, <https://www.fidh.org/fr/the-mes/defenseurs-des-droits-humains/niger-liberation-provisoire-de-trois-membres-de-l-ong-tournons-la>



In **Guatemala**, mass protests were held on November 21, 2020 against the budget approved by the Guatemalan Congress for 2021, and in rejection of alleged corruption regarding the management of resources intended to curb the health and social crisis generated by the Covid-19 pandemic. On that occasion, **Roxana Coronado**, educator at the Human Rights Office of the Archbishopric of Guatemala (*Oficina de Derechos Humanos del Arzobispado de Guatemala* – ODHAG), was demonstrating with the ecumenical organisation Centinelas when members of the Guatemalan national civil police (PNC) suddenly arrested several demonstrators, including her son. She struggled to stop them from arresting him, to the point that she climbed into the patrol car where the police were taking several of those arrested. They finally arrested her as well. She was eventually released without charge on November 23, 2020¹³. Her son was also released without charge in November 2020.



In **Angola**, the Presidential Decree of March 26, 2020 established that the infringement of movement restrictions is punishable as a crime of disobedience, which has enabled immediate arrests. In practice, several incidents of police abuse of force have been reported. Human rights defenders affiliated to the NGO Mission of Beneficence Agriculture of Kubando Inclusive Technologies and Environment (MBAKITA) have been the most targeted ones. On April 2, 2020, nine MBAKITA activists who were distributing information about Covid-19 and protection products to the indigenous population and traditional communities in rural areas of the province of Cuando Cubango were attacked by the police with batons and threatened with firearms¹⁴. They were arrested and released eight hours later without charges. Another similar incident was reported later in the month. This situation has been all the more concerning in the context of the pandemic, as humanitarian relief and viral prevention awareness campaigns are essential to ensure the safety of the more marginalised and isolated communities, such as the San community¹⁵. Despite legal authorisation to carry out their activities of awareness on Covid-19 prevention, including distribution of biosecurity materials, some members continuously receive intimidations and threats. As of April 2022, many MBAKITA members were still facing death threats, arbitrary arrests, harassment, intimidation, loss of job in public sector, and home and office burglaries.



In **Morocco/Western Sahara**, journalists **Ahmed Ettanji** and **Nazha El Khalidi**, President and member of the board of directors of the Sahrawi collective *Équipe Média*, had their home surrounded on November 21 and 22 of 2020, by approximately 200 Moroccan police and paramilitary personnel, supposedly to prevent the spread of Covid-19. The said authorities prevented anyone from entering or leaving the house as the two journalists prepared to celebrate their wedding, while the ceremony respected the required social distance. The police finally left the site at dawn on November 23¹⁶.

¹³ See Observatory Urgent Appeal GTM 006/1120/OBS 134, “*Guatemala: Detención arbitraria y posterior puesta en libertad de la Sra. Roxana Coronado y tres miembros de su familia*”, November 26, 2020, https://www.omct.org/es/recursos/llamamientos-urgentes/detencion-arbitraria-y-posterior-puesta-en-libertad-de-la-sra-roxana-coronado-y-tres-miembros-de-su-familia#_ftnref2

¹⁴ See Amnesty International, “*Angola: Activists prevented from distributing COVID-19 essentials*” April 15, 2020.

¹⁵ See Joint Letter to the authorities, “*Angola: Open Letter of concern on members of civil society and religious body facing death threats and intimidation in the Cuando Cubango province*” May 19, 2020, <https://www.fidh.org/en/issues/human-rights-defenders/angola-open-letter-of-concern-on-members-of-civil-society-and>

¹⁶ See Observatory Urgent Appeal MAR 001/1120/OBS 131, “*Maroc/Sahara occidental: Harcèlement à l'encontre des journalistes M. Ahmed Ettanji et Mme Nazha El Khalidi*” November 23, 2020, <https://www.omct.org/fr/ressources/appels-urgents/harassment-against-journalists-ahmed-ettanji-and-nazha-el-khalidi>



In **Cambodia**, the government harassed individuals attempting to seek assistance for vulnerable communities, and adopted a set of additional legal tools to further crack down on dissent¹⁷. On April 28, 2020, authorities in Phnom Penh harassed more than 30 community representatives who had gathered in the capital to try and submit a petition to the Council of Ministers to ask for additional government assistance to poor and vulnerable communities during the pandemic. The petition was signed by 141 communities across the country and addressed the health and economic impacts of the virus. In addition, a new Law on the Management of the Nation in State of Emergency (Law on the State of Emergency) was promulgated on April 29, 2020, after its adoption by the National Assembly and Senate earlier in April. This law, which contradicts many international human rights standards¹⁸, grants extensive powers to further curtail civil rights and freedoms to the government, such as freedoms of movement, expression, association, and peaceful assembly – as well as the freedom to inform and be informed – if a state of emergency is declared. According to Prime Minister Hun Sen, the law was justified by the Covid-19 pandemic¹⁹. While the law was not used and the state of emergency was not declared, the Covid Law, which was enacted in March 2021, was frequently used²⁰. For example, between March and October 2021, more than 700 people were arbitrarily arrested on the basis of this law, in relation to social media posts or assemblies²¹. There were also reports of the law being abused to order communities involved in land disputes into “isolation” under the guise of seeking to prevent the spread of Covid-19²². In August 2021, two land community representatives in Svay Rieng Province were charged with “disobeying administrative measures” and “obstruction” under the March 2021 Covid Law after their community protested against pressure from local authorities to accept inadequate compensation for the acquisition of their land for the construction of a canal. As of June 2022, no information could be obtained as to whether the charges against the two community representatives remained pending.



In **Hungary**, the Authorisation Act adopted on March 30, 2020 granted sweeping emergency powers to the government, which Prime Minister Viktor Orban considered necessary to fight the pandemic. The law gave the government the power to rule by decree for an indefinite period of time, without being bound by current laws. Although the Authorisation Act was then revoked in June 2020, the so-called Transitional Act introduced at the same time vested the government with extraordinary powers that can be applied with reference to an epidemic, with weakened constitutional safeguards. The new provisions were applied during the second wave of Covid-19 in the country in autumn 2020, and remained in force as of June 2022. In addition, another State of emergency was declared in November 2020, and also remained in force as of June 2022²³.

¹⁷ See Observatory Report, *Down but not out – Repression of Human rights defenders in Cambodia*, July 09, 2020, p. 12, https://www.fidh.org/IMG/pdf/rapport-cambodia2020_final.pdf

¹⁸ See FIDH, *analysis of the State of Emergency Law*, https://www.fidh.org/IMG/pdf/20200407_cambodia_analysis_soe_bp_en-2.pdf

¹⁹ See Observatory Report, *Down but not out: repression of human rights defenders in Cambodia*, available at https://www.fidh.org/IMG/pdf/rapport-cambodia2020_final.pdf

²⁰ See FIDH, *shadow report on Cambodia*, paras 42-43 : https://www.fidh.org/IMG/pdf/20220131_cambodia_ccpr134_fidh_en.pdf

²¹ See Al Jazeera, *Cambodia Bleeding as Space for Civil Society Shrinks*: <https://www.aljazeera.com/news/2021/11/3/cambodia-bleeding-as-space-for-civil-society-shrinks>

²² See FIDH, *Shadow report for the review of Cambodia by the UN Human Rights Committee*, available at: <https://www.fidh.org/en/region/asia/cambodia/cambodia-un-body-reviews-civil-and-political-rights-situation-amid>

²³ For more details, see briefing paper prepared by the Hungarian Helsinki Committee: https://helsinki.hu/en/wp-content/uploads/sites/2/2022/01/HHC_Hungary_emergency_measures_overview_01012022.pdf



In **Venezuela**, the health crisis and the measures taken to address it have been instrumentalised to target human rights defenders providing healthcare and hygiene support to communities.

As of March 13, 2020, the National Executive decreed a state of emergency throughout the national territory. Shortly after, from March 16, 2020 a ‘social quarantine’ was announced. On December 31, 2020, a new Emergency Decree was issued. The last decree was issued on February 28, 2021, for a period of 30 days²⁴. In that context, violations against human rights defenders increased, as an attempt to allegedly maintain what the authorities have called “Bolivarian fury” (*furia bolivariana*), as an alert to protect the nation from so-called “enemies and interventionist agents”²⁵. UN experts expressed deep concern “*about what appear[ed] to be an increase in the stigmatisation, attacks and criminalisation of human rights defenders, including journalists, since the state of health emergency was declared*”²⁶. As an example of this crackdown, **Johan León Reyes, Yordy Bermúdez, Layners Gutiérrez Díaz, Alejandro Gómez Di Maggio** and **Luis Ferrebuz**, five members of **Azul Positivo**, an NGO that works in Zulia state on healthcare and hygiene campaigns and disease prevention in the vulnerable communities, were arbitrarily detained on January 19, 2021. All five were brought to trial for their work, prosecuted for supposed “association to commit a crime” and other very serious crimes related to the terrorist financing law, which carry high prison sentences²⁷. Although they were released after 29 days of detention with an obligation to appear every 30 days before the court²⁸, they have continued to be subjected to a flawed judicial process with alternative custodial measures at the time of publication of this Report.

²⁴ Decree No. 4.448 published in Official Gazette No. 6.618 of the Bolivarian Republic of Venezuela, dated February 28, 2021.

²⁵ See Observatory Report, *Venezuela: Enemigos internos: defender derechos humanos en el contexto de la pandemia Covid-19*, February 2, 2021, <https://www.omct.org/site-resources/files/Informe-Venezuela-Enemigos-internos-Covid19-0221.pdf>

²⁶ See PROVEA, “*Venezuela: la emergencia sanitaria no es excusa para seguir restringiendo los derechos humanos, dicen expertos de la ONU*” April 30, 2020, <https://www.derechos.org/ve/actualidad/venezuela-la-emergencia-sanitaria-no-es-excusa-para-seguir-restringiendo-los-derechos-humanos-dicen-expertos-de-la-onu>

²⁷ See Observatory Urgent Appeal VEN 003/0121/OBS 009, “*Venezuela: Detención arbitraria de integrantes de Azul Positivo*”, January 19, 2021, <https://www.fidh.org/es/temas/defensores-de-derechos-humanos/venezuela-detencion-arbitraria-de-integrantes-de-azul-positivo>

²⁸ See https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFMV/A-HRC-48-CRP.5_SP.pdf, and <https://accesoalajusticia.org/cronologia-del-caso-de-la-ong-azul-positivo/#:~:text=Los%20trabajadores%20humanitarios%20detenidos%20fueron,y%20Luis%20Ferrebuz%2C%20promotor%20social>

2. Criminalisation of human rights defenders criticising the handling of the pandemic

Allegedly to limit the spread of false information on the virus, some State authorities have arrested and judicially harassed independent journalists and human rights defenders who criticised their handling of the crisis. In most serious cases, media outlets have been shut down completely. Not only does this practice cause a lack of access to information for the population, but it also contributes to the erosion of freedom of expression and information through the censorship of independent media.

In July 2020²⁹, the UN Special Rapporteur on Freedom of Expression highlighted that: “People have died because governments have lied, hidden information, detained reporters, failed to level with people about the nature of the threat, and criminalised individuals under the guise of ‘spreading false information’”. The Special Rapporteur urged governments in particular to: “reinforce access to information and share as much as possible about the course of the disease (...); refrain from all attacks on the media and release all journalists detained, whether during or before the pandemic, especially given the health risks they face (...); refrain from treating the so-called infodemic as a problem that criminalisation will solve (...); and ensure that any public health surveillance measures are consistent with fundamental legal standards of necessity and proportionality, and are transparent, non-discriminatory, limited in duration and scope, subject to oversight, and never be used to criminalise individuals”.

Under international law, governments have a duty to protect the right to freedom of expression, including the right to seek, receive, and impart information of all kinds, regardless of frontiers³⁰. In times of crisis, the provision of reliable information in accessible formats to all, including by ensuring access to the internet, is all the more crucial to protect populations. In some countries, since the beginning of the pandemic, access to information has taken a particular importance as it has allowed people to learn about the risks associated with the virus, and follow evidence-based guidance on how to stay safe. Yet, while international bodies have highlighted the importance of disseminating information related to the ongoing public health emergency, many States across the globe have failed to promptly and comprehensively report on the incidence and the management of the Covid-19 pandemic. In fact, many governments around the world have deployed more efforts to protect themselves from criticism than seek to “inform, empower and listen to communities”, as advised by the World Health Organisation (WHO) Director-General in August 2020. This resulted in an increase of attacks against civil society organisations, journalists and the media, and more generally human rights defenders sharing information on the mismanagement of the crisis – or simply continuing their offline and online human rights work³¹.

Under the pretext of protecting the population from fake news, several governments have put in place restrictive measures, sometimes permanent and thus not tied to the lifespan of the Covid-19 pandemic, that have reinforced the control on communication. Laws or specific orders on “fake news” or “disinformation” have become the easiest way to silence critical voices on a long-term basis. Furthermore, in many countries the health crisis has exacerbated problems of resource management and highlighted many cases of corruption denounced by human rights defenders.

²⁹ See <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26075&LangID=E>

³⁰ See ICCPR, Article 19.

³¹ It needs to be highlighted that civil society organisations have mobilised a wide array of resources and strategies to push governments to lift the veil of secrecy. At the same time, CSOs have developed their own methods to collect information about infection rates, emergency frameworks and protocols in place and other matters of public interest. For further details and examples, see: OMCT, Breaking the walls of silence: Access to information for detainees in a world with COVID-19, in COVID-19 and detention Series: Impacts, lessons and urgent actions, April 2022, https://www.omct.org/site-resources/legacy/Guidance-Note_1_English.pdf

These criticisms have in turn met with strong repression in **China, Cambodia, Niger, Belarus, Turkey, Honduras, Kazakhstan, Guatemala, Tajikistan**, or in **Uzbekistan**, among other countries.



In **China**, in early 2020 the authorities launched a global disinformation campaign, and media censorship allowed the virus to spread without public knowledge for weeks. Numerous articles, social media posts or hashtags were censored, and whistle-blowers, healthcare workers and journalists were silenced.

For instance, **Zhang Zhan**, a former lawyer who turned journalist, was arrested in Wuhan on May 15, 2020 after she commented on Twitter on the authorities' countermeasures to contain the virus. She was sentenced on December 28, 2020, in a two-hour trial, to four years detention by the Shanghai Pudong People's Court, for "picking quarrels and provoking trouble" (Article 293 of China's Criminal Law). The court rejected the application filed by Zhang Zhan's lawyers for bail, live streaming of the trial, and a time extension of the proceedings, as well as their requests to have the defence witnesses appear in court to present exculpatory evidence. Her health deteriorated due to a hunger strike started in June 2020, and the subsequent forced-feeding she endured³². Between July 31 and August 11, 2021, she was sent to the hospital for medical treatment due to her deteriorating health as a result of her ongoing hunger strike. According to the journalist's relatives, she at some point weighed only 40kg³³. The authorities have repeatedly used the pandemic as a pretext to deny Zhang Zhan visits from, or contacts with, family. In October 2021, her mother was allowed to have a video call with her and later conveyed her great concern, fearing for her daughter's life³⁴. In March 2022 Ms. Zhang announced to her mother by video call that she had broken her partial hunger strike so that the authorities would stop force-feeding her. At the time of publication of this report, Zhang Zhan remains detained in Shanghai.



In **Algeria**, permanent amendments were introduced to the Penal Code on April 29, 2020 amid the Covid-19 crisis, providing new penalties – including prison sentences – for the dissemination of "false information".

These amendments added to an already repressive policy targeting human rights defenders and journalists in Algeria (see section 3 below). Moreover, access to independent information has been limited in the country, and those reporting on sensitive issues can face censorship. For instance, three online information websites, *L'Avant-Garde*, *Le Matin d'Algérie*, and *DzVID*, reporting on the Covid-19 pandemic and the Hirak protests became unavailable on Algerian networks between April and May 2020³⁵.

³² See Observatory Urgent Appeal CHN 004/1220/OBS 139.1, "China, Sentencing of freelance journalist Zhang Zhan" January 4, 2021, <https://www.omct.org/en/resources/urgent-interventions/china-sentencing-of-freelance-journalist-zhang-zhan>

³³ See Observatory Urgent Appeal CHN 004/1220/OBS 139.2, "China: Deteriorating health condition of Zhang Zhan", September 3, 2021, <https://www.omct.org/en/resources/urgent-interventions/china-deteriorating-health-condition-of-zhang-zhan>

³⁴ See Observatory Urgent Appeal CHN 004/1220/OBS 139.3, "China: Journalist Zhang Zhan at imminent risk of death" November 4, 2021, <https://www.omct.org/en/resources/urgent-interventions/china-journalist-zhang-zhan-at-imminent-risk-of-death>

³⁵ See Committee to Protect Journalists, "Algerian media websites newly censored after "false news ban" March 20, 2020, <https://cpj.org/2020/05/algerian-media-websites-newly-censored-false-news/>



In **Egypt**, human rights defenders were arrested on March 18, 2020, after they staged a small protest outside the Cabinet Minister Headquarters, calling for the release of prisoners as part of the State's efforts to combat the spread of the pandemic in prisons.

Mona Seif, co-founder of the “No to Military Trials for Civilians” movement and sister of **Alaa Abdel Fattah**³⁶, **Laila Souef** and **Ahdaf Souef**, respectively Alaa Abdel Fattah's mother and aunt, as well as **Rabab Elmahdy**, a university professor, were arrested and taken to the Qasr al-Nil police station, in Cairo. They were released on March 19, 2020 on an EGP 5,000 bail (around 297 EUR), after appearing before the Qasr al-Nil Prosecution. They were charged with “calling for an illegal protest with the aim of blocking traffic”, “publishing false news” and “causing panic by spreading rumours” about prison neglect in the context of the Covid-19 outbreak. Despite their bail having been paid immediately, Mona Seif, Ahdaf Souef and Rabab Elmahdy were only effectively released from Qasr al-Nil police station late in the afternoon on March 19, 2020. Laila Souef was also finally released later, on an additional EGP 3,000 bail (around 162 EUR), on another set of similar charges³⁷.

Image credit: Gigi Ibrahim from Cairo, Egypt ©



In **Azerbaijan**, amendments to the Law on Information, which were also adopted at the beginning of the Covid-19 pandemic on March 17, 2020, have prohibited the publication of “false information threatening to cause damage to human life and health”. This broad definition resulted in wide discretion for law enforcement agencies, including in order to stifle journalists.

As a result of these amendments, journalist and human rights lawyer **Elchin Mammad** was arrested on March 30, 2020, following the online publication of a critical report on the human rights situation in his country. This arrest illustrates the tendency of the Azerbaijani authorities to target all voices critical of their handling of the health crisis. Only a few days before, on March 19, President Ilham Aliyev had referred to the civil society activists as “traitors” and “enemies” impeding the fight against the pandemic with “open provocations”. On October 14, 2020, Elchin Mammad was sentenced to four years in prison under trumped-up charges of theft (see below section 3. a)³⁸.

³⁶ Blogger and member of the “No to Military Trials for Civilians” movement, Alaa Abdel Fattah has been arbitrarily detained since September 2019.

³⁷ See Observatory Urgent Appeal EGY 002 / 0320 / OBS 025.1, “Egypt: Abduction and arbitrary detention of Ms. Sanaa Seif, sister of Alaa Abdel Fattah” June 23, 2020 <https://www.omct.org/en/resources/urgent-interventions/abduction-and-subsequent-arbitrary-detention-of-ms-sanaa-seif>

³⁸ See Observatory Urgent Appeal AZE 001/0520/OBS 055.1, “Azerbaijan: Sentencing and ongoing arbitrary detention of Mr. Elchin Mammad” October 15, 2020, <https://www.omct.org/en/resources/urgent-interventions/sentencing-and-ongoing-arbitrary-detention-of-mr-elchin-mammad>



In **Zimbabwe**, an order from March 30, 2020 created a permanent criminal liability for any person who publishes or communicates “false news” about any official involved with enforcing the national lockdown. Under this order, one is liable to a “Level 14 fine” (ZWL\$ 1,600,000 – EUR 15,930 as at January 25, 2021), 20 years of prison, or both. A number of journalists have been targeted as a result.

For instance, this order was used as a legal basis for the arrest of **Hopewell Chin’ono**, prominent journalist, on July 20, 2020, after he reported on corruption within the procurement of Covid-19 supplies, leading to the dismissal of Health Minister Obadiah Moyo³⁹. Moreover, on August 18, 2020, his lawyer, **Beatrice Mtetwa**, was ordered by Harare Magistrate Ngoni Nduna to stand down from representing Mr. Chin’ono. The judge further ordered the Prosecutor General to consider prosecution against Ms. Mtetwa for supposed “contempt of court”, and unsuccessfully urged the Law Society of Zimbabwe to cancel her licence⁴⁰, in an attempt to undermine her client’s right to a fair trial. Mr. Chin’ono was released on bail in September 2020. Yet he was re-arrested on January 8, 2021 for “publishing or communicating false statements prejudicial to the State”, as defined in section 31(a) of the Zimbabwe’s Criminal Law (Codification and Reform) Act, Chapter 9:23, for a tweet he wrote about the death of a child who had allegedly been beaten by the police, while enforcing new lockdown measures. He was eventually released in February 2021, but he was still facing charges of “obstruction to justice” as of June 2022. As far as she is concerned, Ms. Mtetwa is now able to practice her profession but is still subject to harassment.



Beatrice Mtetwa image credit: U.S. Department of State via wikicommons

³⁹ See Observatory Urgent Appeal ZWE 002/0720/OBS 084.2, “Zimbabwe: Arbitrary arrest of Messrs. Hopewell Chin’ono and Jacob Ngarivhume” September 4, 2020, <https://www.fidh.org/en/issues/human-rights-defenders/zimbabwe-release-on-bail-of-messrs-hopewell-chin-ono-alias-daddy-hope>

⁴⁰ See Observatory Urgent Appeal ZWE 002/0720/OBS 084.1, “Zimbabwe: Judicial harassment of Mr. Hopewell Chin’ono’s lawyer Ms. Beatrice Mtetwa” August 20, 2020, <https://www.fidh.org/en/issues/human-rights-defenders/zimbabwe-judicial-harassment-of-mr-hopewell-chin-ono-s-lawyer-ms>



In **Iran**, four human rights lawyers and a civil rights defender and journalist were convicted by Branch 29 of the Islamic Revolution Court in Tehran in April and May 2022 for “gathering and collusion against national security” under Article 610 of the Islamic Penal Code and sentenced to prison sentences ranging from 95 days to four years:

Mostafa Nili, a human rights lawyer who represented many political prisoners, including student activists and unionists in the past, was sentenced to four years in prison and a two-year ban on practising law and activities in the media; **Arash Kaykhosravi**, a human rights lawyer who previously defended numerous human rights defenders and political activists, was sentenced to two years in prison and a one-year ban on practising law; **Mohammad-Reza Faqihi**, a human rights lawyer, was sentenced to six months in prison; **Maryam Afrafaraz**, a lawyer and civil rights defender and a member of the now-banned Imam Ali Charity Association, was sentenced to 95 days in prison; and **Mehdi Mahmoodian**, a civil rights defender and outspoken journalist who denounced civil rights violations, was sentenced to four years in prison and a two-year ban on activities in the media. All of them said they would appeal their convictions and prison sentences. The five were arrested by 15 security forces officers on August 14, 2021, during a meeting at the office of the Association for the Protection of Civil Rights in Tehran, when they gathered together with two other human rights lawyers, **Mohammad Hadi Erfanian Kaseb** and **Leila Heidari**. They met to draft a complaint against: Supreme Leader Khamenei; the country’s National Task Force Against Coronavirus; the Minister of Health; and other officials responsible for the alleged mismanagement of the Covid-19 pandemic and the ban on the import of US and UK-made Covid-19 vaccines in January 2021. Before being arrested, they received threats by unknown individuals, but refused to back down. During the arrest, some of the defenders’ personal belongings, including their mobile phones, were confiscated by the security forces. They were taken to an undisclosed location and then detained in Tehran’s Evin prison, under the supervision of the intelligence service of the Judiciary. Mohammad Hadi Erfanian Kaseb and Leila Heidari were released after a few hours of detention. All were released between August and December 2021. Mehdi Mahmoodian had already been sentenced to one year in prison for “spreading propaganda against the system” and four years in prison for “gathering and collusion with intent to disrupt the national security” in a different case in September 2020, in relation to previous civic actions. His sentence was upheld. As of June 2022, he was serving his prison sentence in Tehran’s Evin prison. On February 27, 2022, Arash Kaykhosravi and Mohammad-Reza Faqihi jointly filed a complaint against 18 high-ranking officials, including the Supreme Leader and then President Rouhani for “*causing unintentional killing of more than 100 thousand compatriots, abuse of power and authority, failure to enforce the laws, offering untrue reports to the people and spreading lies.*” It is feared that further retaliatory actions might be undertaken in relation to this complaint.



In **India**, on March 31, 2020, the government approached the Supreme Court seeking a directive to order news outlets to refrain from publicising information about Covid-19 without ascertaining prior clearance from relevant health authorities, officially to avoid the spread of misinformation. Although the Supreme Court denied the government’s request on the same day, it ordered “*that no electronic/print media/ web portal or social media shall print/ publish or telecast anything without first ascertaining the true factual position from the separate mechanism provided by the Central government*”⁴¹. The implementation of this ambiguous directive has resulted in a crackdown on journalists’ coverage of the pandemic.

From March 25 to May 31, 2020, at least ten journalists were arrested, and four others were saved from being arrested, by the Supreme Court for allegedly giving misinformation or spreading rumours about Covid-19⁴². For instance, online reporter **Pawan Choudhary**, was arrested on April 6, 2020 and sent to judicial custody in Munger jail on charges of spreading misinformation about the death of a Covid-19 patient. In addition, although – in principle – lockdown rules did not apply to the press,

⁴¹ Record of proceeding, Supreme Court of India, March 31, 2020, https://drive.google.com/viewerng/viewer?url=https://www.livelaw.in/pdf_upload/pdf_upload-371977.pdf

⁴² See Rights & Risks analysis group, “India: Media’s Crackdown During COVID-19 Lockdown” June 6, 2020, available at: http://www.rightsrisks.org/banner/india-medias-crackdown-during-covid-19-lockdown-2/#_Toc43105781

State and national authorities have used them to limit journalists' ability to cover the health crisis. In addition, **Roy Laifungbam**, President of the Centre for Organisation, Research and Education (CORE), **Konsam Victor Singh**, member of the Manipur People's Party, **Takhenchangbam Shadishkanta**, Secretary of the Youth's Forum for Protection of Human Rights (YFPHR), and **Khangjrakpam Phajaton**, President of YFPHR, were arrested at the beginning of April 2020 for making public statements against Covid-19 management and corruption. Mr. Laifungbam was accused under Section 188 of the Indian Penal Code ("disobedience to an order duly promulgated by a public servant") after a Facebook post concerning the crisis posed by the spread of Covid-19. As for Mr. Shadishkanta and Mr. Phajaton, they were charged under Section 51 (b) of the 2005 Disaster Management Act ("refusal to comply with directions given by governing bodies") and Section 120 B of the Indian Penal Code ("criminal conspiracy"), because of a press statement issued by YFPHR on April 1, 2020, expressing serious concerns about the government's proposal to set up a quarantine centre in a paddy field, which would pose a threat to the livelihood of the people of the area. Mr. Singh on the other hand was only notified by the police of the reason of his arrest, namely a Facebook post "*promoted negativity against the Chief Minister of Manipur.*" They were all released a few days later, Mr. Shadishkanta and Mr. Phajaton on a bail of 30,000 INR (around 360 EUR) each⁴³. On February 9, 2022 the High Court of Manipur quashed the First information Report (FIR) against Mr. Shadishkanta and Mr. Phajaton stating that the FIR was nothing short of abuse of power and could not be sustained both on technical grounds as well as on merits. On March 25, 2022, the Manipur Human Rights Commission asked to pay monetary compensation of 10,000 INR (around 120 EUR) to each victim within one month. The deadline lapsed on April 25, 2022, but as of the publication of this report, the government had provided no response.



In **Kazakhstan**, after the announcement of the state of emergency on March 15, 2020, and its introduction on March 16⁴⁴, the authorities initiated administrative proceedings and threatened dozens of human rights defenders with criminal prosecution.

For instance, in response to the critical position taken by the Kazakhstan International Bureau for Human Rights and Rule of Law (KIBHR) to a draft law infringing the right to peaceful assembly, a large-scale and well-orchestrated smear campaign was launched on April 28, 2020 in the media and social networks against KIBHR members and other civil society organisations critical of the controversial draft law. In the short period of time from April 28 to May 2, 2020, dozens of publications appeared on social networks and online media that systematically received State funds⁴⁵. The online attacks have been particularly alarming since the only space available for public discussion of the draft law was online, due to the restrictions on the right to freedom of assembly imposed during the state of emergency. The proposed law was however adopted in May 2020, and entered into force in June 2020⁴⁶.

⁴³ See Observatory Urgent Appeal IND 003/0420/OBS 034, "India: Harassment of four human rights defenders for criticising the management of COVID-19 pandemic in Manipur State" April 4, 2020, <https://www.omct.org/en/resources/urgent-interventions/police-harassment-of-four-human-rights-defenders-for-criticising-the-management-of-covid-19-pandemic-in-manipur-state>

⁴⁴ On March 16, 2020, the Kazakh authorities responded to the Covid-19 pandemic by introducing a state of emergency, along with a series of measures restricting the freedom of movement and other fundamental rights of citizens. After the state of emergency expired on May 11, 2020, restrictions were gradually eased. However, as the Covid-19 infection rate started to increase rapidly in the second half of June 2020, and hospitals were overcrowded by patients, restrictive measures were again stepped up. This was in particular the case under a new, nation-wide quarantine introduced as of July 5, 2020, even if the second lockdown was not as strict as the initial one. As of mid-August 2020, restrictions were again eased.

⁴⁵ See Observatory Urgent Appeal KAZ 001/0120/OBS 050, "Kazakhstan: Smear campaign against Mr. Yevgeniy Zhovtis and other representatives of KIBHR" May 11, /2020, <https://www.fidh.org/en/issues/human-rights-defenders/kazakhstan-smear-campaign-against-mr-yevgeniy-zhovtis-and-other>

⁴⁶ Law of the Republic of Kazakhstan N°33-VI ZRK of May 25, 2020 "On The Procedure Of Organizing And Holding Peaceful Assemblies" available at : <http://adilet.zan.kz/rus/docs/Z2000000333>



In **Thailand**, as a result of the Emergency Decree's ban on public gatherings (see above), young people took to social media platforms to continue their activism and criticise the government's management of the pandemic⁴⁷.

In response, the Thai government heightened its effort to hamper the exercise of freedom of expression online⁴⁸. Authorities actively monitored online activities, censoring, and prosecuting those publishing alleged "fake news" online under the Computer Crimes Act⁴⁹. Throughout the year 2020, Thai Lawyers for Human Rights reported that 42 individuals were charged under the Computer Crimes Act.



In **Cambodia**, the government became increasingly aggressive towards independent media engaged in public scrutiny of the government's handling of the virus crisis. Several journalists, and critics were arrested and harassed for expressing their opinions about Covid-19, including on Facebook. Some journalists were also accused of "stirring chaos" by accurately quoting some of the Prime Minister's speeches about the economic effects of Covid-19 on motorbike-taxi drivers in Cambodia.

On April 7, 2020, **Sovann Rithy**, the Director of *TVFB*, an online news outlet, was arrested for a Facebook post about the economic effects of Covid-19 on motorbike-taxi drivers in Cambodia, in which he accurately quoted the Prime Minister. Within 24 hours following his arrest, the Ministry of Information issued a letter to terminate *TVFB*'s media licence and shut down its website. According to a Ministry spokesman, Mr. Rithy's post violated the terms of his news licence by "selectively quoting a Hun Sen joke". After having served almost six months of his 18-month sentence, Mr. Rithy was released from prison on October 5, 2020, after the Phnom Penh Municipal Court ruled that the remaining prison term be suspended. This crackdown "*makes people fearful of reporting or making comments on social media*", highlighted **Am Sam Ath**, Deputy Director of the Cambodian League for the Promotion and Defense of Human Rights (LICADHO), who was himself threatened by Prime Minister Hun Sen during a press conference at the National Assembly on March 30, 2020⁵⁰. On a more general note, the number of "fake news" accusations has increased since the beginning of the pandemic. According to local groups, as of May 13, 2020, over 40 arrests of engaged citizens had been reported for Facebook posts in relation to the Covid-19. By March 2021, as many as 80 activists or ordinary citizens had been arrested or detained for criticising and expressing their opinions about the efficacy of Chinese-made Covid-19 vaccines.

⁴⁷ See Reuters, *Coronavirus pandemic prompts rare questioning of Thai monarchy*, March 23, 2020.

⁴⁸ See Human Rights Watch, "Thailand: COVID-19 clampdown on free speech", March 25, 2020; ARTICLE 19, "*Thailand: Emergency measures threatens human rights*" March 25, 2020. See Observatory Report, Thailand: Women Pro-Democracy Activists Criminalized, Harassed, New Report Shows, February 2021, available at: <https://www.fidh.org/en/region/asia/thailand/thailand-women-pro-democracy-activists-criminalized-harassed-new>

⁴⁹ Khaosod English, *Gov't bans media from field report during virus curfew*, April 3, 2020; Thai Lawyers for Human Rights, "*TLHR overall situation in April 2020*", May 12, 2020.

⁵⁰ See Observatory Report, *Down but not out – Repression of Human rights defenders in Cambodia*, *op. cit.*, p. 16.



In **Turkey**, several independent journalists have been facing charges of supposedly “causing people to panic and publishing reports on coronavirus outside the knowledge of authorities”, while media outlets criticising the government’s management of the crisis were subject to administrative harassment.

On March 30, 2020, an investigation was launched against journalist **Nurcan Baysal** for her social media posts, which included her opinions on the authorities’ response to Covid-19. Her harassment continued on April 20, 2020, when Diyarbakır police invited Ms. Baysal to the police station to give her statement within the scope of a new investigation on social media posts published in 2018 and 2019⁵¹. This investigation eventually ended with a decision of non-prosecution by the Prosecutor. Furthermore, some independent media outlets were also targeted by the authorities: in August 2020, Turkey’s Radio and Television Supreme Council imposed administrative fines on media outlets after they presented coverage that was critical of the government’s handling of the pandemic⁵².



In **Niger**, the 2019 Law on Cybercrime and other legislative arsenal has been used to repress journalists and citizens reporting on the Covid-19 crisis.

Several journalists were summoned by the police or arrested after speaking out, or for conducting interviews related to the pandemic, such as **Mamane Kaka Touda**⁵³. This journalist and member of the NGO Alternative Citizen Spaces (*Alternative Espaces Citoyens*) was accused of supposedly “disseminating data which may disturb public order” and detained for three weeks in Niamey prison in March 2020, simply for having shared information on the existence of a suspicious case of Covid-19. Besides, **Amina Maiga**, who works for the Court of Niamey, was arrested on April 29, 2020⁵⁴ after a private WhatsApp message – in which she criticised the management of the Covid-19 pandemic by the government – was intercepted. She was sentenced on May 7, 2020 to a suspended prison sentence of three months and a fine of 20,000 francs CFA (around 30 Euros) for “disturbing public order”.



In **Belarus**, human rights defenders were detained for organising a public event on the authorities’ management of the Covid-19 crisis.

On April 5, 2021, **Natalia Trenina, Tatsiana Hatsura-Yavorskaya, Yuliya Semenchanka, Hanna Sakaloukaya** and **Volha Shapakoukaya** were arbitrarily detained in Minsk following their organisation of the exhibition “*The Machine Breathes but I Don’t*”, which shed the light on the struggles of the medical personnel amid the Covid-19 crisis and the politicisation of healthcare in Belarus⁵⁵. Natalia Trenina, Yuliya Semenchanka and Hanna Sakaloukaya were sentenced to seven days of detention. Tatsiana Hatsura-Yavorskaya and Volha Shapakoukaya, who were subsequently released, were sentenced to a 455-euro fine. They were all released a few days later. All were accused of “disobedience to lawful order or requirement of the public official” (Article 24.3 of the Code of Administrative Offences).

⁵¹ See Observatory Urgent Appeal TUR 004/0420/OBS 030.1, “Turkey: Continuing judicial harassment of Ms. Nurcan Baysal” April 27, 2020, <https://www.fidh.org/en/issues/human-rights-defenders/turkey-continuing-judicial-harassment-of-ms-nurcan-baysal>

⁵² See OSCE, “OSCE Media Freedom Representative worried about media bans imposed by Turkey’s Radio and Television Supreme Council (RTÜK)” May 05, 2020, available at: <https://www.osce.org/representative-on-freedom-of-media/451513>

⁵³ See Joint Press Release, “Niger: Civil society organisations call on authorities to end harassment of human rights defenders” March 24, 2020, <https://www.fidh.org/en/issues/human-rights-defenders/niger-civil-society-organisations-call-on-authorities-to-end>

⁵⁴ See Amnesty International, “Niger. La loi sur la cybercriminalité est un instrument de répression des voix dissidentes” May 8, 2020.

⁵⁵ See Observatory Urgent Appeal BLR 005/0421/OBS 043, “Belarus: Judicial harassment of six human rights defenders” April 9, 2021, <https://www.fidh.org/en/issues/human-rights-defenders/belarus-judicial-harassment-of-six-human-rights-defenders>



In **Guatemala**, judicial harassment and arrests of independent journalists have been exacerbated in the Covid-19 context, as a result of their criticism of the handling of the pandemic by the government.

Marvin David Del Cid and **Sonny Armando Figueroa** were subjected to various forms of harassment as a result of critical publications⁵⁶. On March 25, 2020, both journalists had signed an article published in the digital newspapers *Artículo35* and *Vox Populi Guatemala*, in which they denounced a possible case of corruption, and denounced the lack of transparency in the Spokesperson of the Ministry of Public Health's communication of information on the Covid-19 crisis in Guatemala, as well as the restriction of communication channels to some journalists. On March 26, 2020, the Ministry of Public Health and Social Assistance threatened to file a complaint for defamation and psychological violence against them⁵⁷, which he ultimately did not do.

Similarly, **Anastasia Mejía Tiriquiz**, a journalist and director of the local radio station *Xol Abaj Radio* and *Xol Abaj TV*, was arrested on September 22, 2020 for covering and broadcasting live the protests of August 24, 2020 in Joyabal, where protesters were marching against the alleged acts of favouritism by Mayor Florencio Carrascosa in the delivery of aid for the Covid-19 pandemic. The journalist was accused of "sedition", "attack with specific aggravations", "aggravated arson" and "aggravated robbery"⁵⁸. On October 28, 2020, the Criminal Court of First Instance of Santa Cruz del Quiché heard the case of Anastasia Mejía Tiriquiz for the crimes of "sedition" and "attack with specific aggravations", and granted her alternative measures to pre-trial detention upon payment of bail of 20,000 quetzales (approximately 2,200 EUR). On September 3, 2021, the Criminal Court of First Instance of Nebaj dismissed the criminal case against Anastasia Mejía Tiriquiz on the grounds that there was insufficient evidence to charge her⁵⁹.

⁵⁶ See Observatory-UDEFEGUA Joint Statement, "Guatemala: Nuevos ataques contra los periodistas Marvin Del Cid y Sonny Figueroa" June 4, 2020, <https://www.omct.org/es/recursos/llamamientos-urgentes/nuevos-ataques-contra-los-periodistas-marvin-del-cid-y-sonny-figueroa>

⁵⁷ See Observatory-UDEFEGUA Joint Statements, "Guatemala: Cesen los ataques a periodistas" April 3, 2020, <https://www.omct.org/es/recursos/llamamientos-urgentes/cesen-los-ataques-a-periodistas-pronunciamiento-conjunto> and "Guatemala: La criminalización como respuesta a la labor periodística" June 3, 2021, <https://www.omct.org/es/recursos/declaraciones/guatemala-la-criminalizaci%C3%B3n-como-respuesta-a-la-labor-period%C3%ADstica>. The work of Marvin Del Cid and Sonny Figueroa continues to be targeted by the authorities, especially after the publication of their investigations on the actions of the executive. After revealing a scandal of the purchase of luxury real estate by the Luis Miguel Martínez Morales family, they were prosecuted under false criminal charges and targeted by stigmatisation campaigns on social media. On May 21, 2021 they were accused of "coercion" and "rape against women in its psychological manifestation" by Luis Miguel Martínez Morales' mother and sister and by the Director of Communication of the Congress of the Republic, who filed a complaint against them for alleged psychological violence, and against Marvin Del Cid for harassment while she was his student between 2010 and 2012.

⁵⁸ See Observatory Urgent Appeal GTM 005/0920/OBS 108, "Guatemala: Criminalización y detención arbitraria de la periodista Anastasia Mejía Tiriquiz", September 25, 2020, <https://www.omct.org/es/recursos/llamamientos-urgentes/criminalizaci%C3%B3n-y-detenci%C3%B3n-arbitraria-de-la-periodista-anastasia-mej%C3%ADa-tiriquiz>

⁵⁹ See Observatory Urgent Appeal GTM 005/0920/OBS 108.1, "Guatemala: Fin de la criminalización de Anastasia Mejía Tiriquiz" September 24, 2021, <https://www.omct.org/es/recursos/llamamientos-urgentes/guatemala-fin-de-la-criminalizaci%C3%B3n-de-la-periodista-anastasia-mej%C3%ADa-tiriquiz>



In **Venezuela**, several journalists, bloggers and those covering the Covid-19 crisis management by the authorities were targeted and persecuted. According to the Venezuela Program Education-Action on Human Rights (*Programa Venezolano de Educación Acción en Derechos Humanos* – PROVEA), 22 journalists and members of the media were arrested between March 13 and May 13, 2020 during the pandemic state of alert⁶⁰.

Notably, journalist **Darvinson Rojas** was arrested by special agent forces on March 21, 2020 for his reporting on the pandemic. The authorities also confiscated his electronic equipment, including his mobile phone, to which all his social network accounts were linked. Even after his release on April 2, 2020, he did not have access to his phone immediately, after it was considered as evidence of the crime he was accused of having committed⁶¹. As of June 2022, no significant progress had been made in the criminal proceedings against him and charges remained pending.

In March 2020, human rights lawyer **Henderson Maldonado**, Legal Coordinator of the non-profit Movimiento Vinotinto and an active member of PROVEA, was arbitrarily detained on March 31, 2020 and physically attacked by officials of the Bolivarian National Guard (BNG) in the city of Barquisimeto, in the state of Lara, while recording a video of a demonstration organised by kidney patients that he represents. The patients were denied access to medical treatment due to Covid-19 related restrictions. During his detention, Mr. Maldonado was threatened, tortured and subjected to cruel and degrading treatment by officials of the BNG⁶². He was released on April 1, 2020, although charges with “inciting the public to violence” and “resistance to authority” remained pending as of July 2022.



In **Uzbekistan**, an independent blogger was harassed for reporting, among others, about alleged corruption and lack of transparency over the use of Covid-19-related funds by the authorities.

Independent blogger and LGBTQI+ advocate **Miraziz Bazarov** published an official open letter to the Asian Development Bank (ADB), about an alleged case of corruption related to the funding it allocated to help Uzbekistan cope with the pandemic. Miraziz Bazarov said that reports in the mass media and on social networks indicated that ADB loans acted as a catalyst, increasing the level of corruption. This led to an investigation and persecution – in particular, cyber-attacks – by the State Security Services (SSS). On July 30, 2020, Miraziz Bazarov, along with journalists Vlad Avdeev and Darin Solod, who work for *Hook Report* (a local online media that had written about his situation with the SSS and the letter to ADB), were abusively registered by third parties on an online prostitution services and were publicly listed as “gay prostitutes”, which led to a violent homophobic aggression on March 28, 2021⁶³. On April 29, 2021, upon his release from the hospital, police officers took Miraziz Bazarov to the Tashkent police department, where he was charged with “defamation” (Article 139 Part 3 (d) of the Criminal Code of Uzbekistan) and “insult” (Article 140 of the same Code)⁶⁴, after he stated that the attack was organised or provoked by the intelligence services as an intimidation tactic. Mr. Bazarov was sentenced by the Mirabad District Criminal Court on January 21, 2022, to three years of restricted freedom. He is forbidden from travelling out of town, as well as

⁶⁰ See PROVEA, Venezuela, “Informe: Patrones de violación de derechos civiles durante 2 meses Estado de Alarma en Venezuela” May 21, 2020, <https://www.derechos.org/ve/actualidad/informe-patrones-de-violacion-de-derechos-civiles-durante-2-meses-estado-de-alarma-en-venezuela>

⁶¹ See Observatory Press Release, “Venezuela: Liberación y continuación de la criminalización del Sr. Darvinson Rojas” April 7, 2020, <https://www.omct.org/es/recursos/llamamientos-urgentes/press-release-the-coronavirus-as-a-pretext-to-silence-defenders-and-journalists>

⁶² See Observatory Urgent Appeal VEN 001/0420/OBS 031, “Venezuela: Criminalización del Sr. Henderson Maldonado” April 3, 2020, <https://www.omct.org/es/recursos/llamamientos-urgentes/detenci%C3%B3n-arbitraria-malos-tratos-y-criminalizaci%C3%B3n-contra-henderson-maldonado-abogado-del-movimiento-vinotinto>

⁶³ *Unhealthy Silence: Development banks’ inaction on retaliation during COVID-19* Coalition for Human Rights in Development, ARTICLE 19, IFEX, July 2021, https://rightsinddevelopment.org/wp-content/uploads/2021/07/Unhealthy-silence_full-report.pdf

⁶⁴ See Observatory Urgent Appeal UZB 001/0521/OBS 054, “Uzbekistan, Attack and judicial harassment against Miraziz Bazarov, May 3, 2021, <https://www.omct.org/en/resources/urgent-interventions/uzbekistan-attack-and-judicial-harassment-against-blogger-miraziz-bazarov>

leaving his home at a time specified by the police. In addition, he was banned from using the Internet and working as a psychologist, his profession. During the trial, which began on January 20, 2022, no journalists were able to attend the hearing due to the unannounced requirement that a negative PCR test be presented. The calculation of Mr. Bazarov's sentence began with the start of his house arrest on April 29, 2021⁶⁵.



In **Kazakhstan**, Article 274 of the Criminal Code stipulates that “dissemination of knowingly false information, endangering public order (...) during a state of emergency (...) shall be punishable by deprivation of liberty of three to seven years (...)”

Invoking this provision, on March 28, 2020, the police in Almaty **arrested** a man who posted a video message on *YouTube* calling on the authorities to do more to assist the poor and the unemployed⁶⁶. The Kazakhstan International Bureau for Human Rights and the Rule of Law, a prominent human rights NGO, reported **more arrests** on the same charges in April 2020⁶⁷. In Almaty, **two activists**, who made a video of a quarantine roadblock and posted it on Facebook, were charged with “disobeying the lawful order of a law enforcement officer” and sentenced respectively to two and to 10 days administrative detention⁶⁸. One of them complained he was ill-treated by other inmates without guards intervening, and subsequently hospitalised with symptoms of heart attack⁶⁹.



In **Tajikistan**, on May 11, 2020, **Abdullo Gurbato**, a young reporter with *Asia Plus* who had repeatedly criticised the Tajikistani government's fairy tale stories about the absence of Covid-19, was violently **attacked** on the streets of Dushanbe by unknown assailants⁷⁰.

⁶⁵ See Observatory Urgent Appeal UZB 001/0521/OBS 054.1, “Uzbekistan: Sentencing of blogger Miraziz Bazarov” January 26, 022, <https://www.omct.org/en/resources/urgent-interventions/uzbekistan-sentencing-of-independent-blogger-miraziz-bazarov>

⁶⁶ See https://bureau.kz/en/news/own_information/one_answer_to_all_questions/

⁶⁷ See https://bureau.kz/novosti/zayavleniya_i_obrasheniya/vlasti-kazahstana-dolzhny-prekratit-ispolzovat-vvedenie-chrezvychajnoj-situacii-v-kachestve-povoda-dlya-presledovaniya-svoih-kritikov-i-opponentov/

⁶⁸ See https://bureau.kz/publ-all/sobstvennaya_informaciya/dobit-krestyanskogo/

⁶⁹ See OMCT blogpost, *How Central Asian States are muzzling dissent to stop the spread of news about Covid-19*, June 10, 2020, <http://omct-2020.mudbank.uk/en/resources/blog/central-asian-states-are-muzzling-dissent-to-stop-the-spread-of-news-about>

⁷⁰ See OMCT blogpost, *How Central Asian States are muzzling dissent to stop the spread of news about Covid-19*, June 10, 2020, <http://omct-2020.mudbank.uk/en/resources/blog/central-asian-states-are-muzzling-dissent-to-stop-the-spread-of-news-about>



In **Cuba**, human rights defender **José Daniel Ferrer Garcia**, leader of the main political opposition group, the Patriotic Union of Cuba (*Unión Patriótica de Cuba* – UNPACU), was arrested on July 11, 2021, after he and many Cuban citizens demonstrated peacefully to demand better economic conditions, freedom of expression, and to question the government’s response to the pandemic⁷¹.

Before his arrest, Mr. Ferrer was serving a sentence of four years and six months in a regime of house arrest, for a 2020 case. After his arrest on July 11, this measure was revoked, ordering his deprivation of liberty in a prison, where he remained as of June 2022, in inhuman prison conditions. His mental health has deteriorated significantly while in detention and he continues to hear buzzing noises and has constant headaches.

In addition to direct criticism of the political authorities and their management of the health crisis, human rights defenders warned of the risks associated with the lack of protection from dangerous economic activities during the pandemic concerning the most vulnerable communities.

Image credit Chip Somodevilla/Getty Images/AFP



In **Peru**, the Native Federation of the Madre de Dios River and Affluents (*Federación Nativa del Río Madre de Dios y Afluentes* – FENAMAD) and its President **Julio Ricardo Cusurichi** privately informed the Ministry of Culture in March 2020 of the serious risks faced by the indigenous people of Mascho Piro due to the economic reactivation, in the context of the Covid-19 pandemic, of the activities of the logging company Canales Tahuamanu S.A.C in their territory.

With no response from the Ministry, they publicly raised the concern, in July 2020, that the company’s personnel and machinery operated in the territory with a high risk of conflict, forced contact and transmission of Covid-19, given the high epidemiological vulnerability of peoples in isolation.⁷² Canales Tahuamanu subsequently filed a constitutional complaint of Amparo against FENAMAD and its President, for violation of the company’s rights to honour good reputation and image. On July 14, 2021, the court ordered the organisation to publish a notarised letter of rectification within two days or pay a fine of 3,520 soles (approximately 770 EUR). On November 29, 2021, the Superior Court of Justice confirmed the sentence against FENAMAD and Julio Ricardo Cusurichi, in the second instance⁷³.

⁷¹ See Observatory Urgent Appeal CUB 002/0821/OBS 089.1, “Cuba: Malos tratos contra José Daniel Ferrer” December 17, 2021, <https://www.omct.org/es/recursos/llamamientos-urgentes/cuba-malos-tratos-contra-jos%C3%A9-daniel-ferrer-garc%C3%ADa>

⁷² <https://www.facebook.com/FENAMAD/posts/3502434716456872>

⁷³ See Observatory Urgent Appeal PER 003/1221/OBS 129, “Peru: Criminalización contra la Federación Nativa del Río Madre de Dios y Afluentes” December 15, 2021, <https://www.omct.org/es/recursos/llamamientos-urgentes/per%C3%BA-criminalizaci%C3%B3n-contra-la-federaci%C3%B3n-nativa-del-r%C3%ADo-madre-de-dios-y-afluentes>

3. Continued arbitrary detention of human rights defenders despite acute infection risk in prisons

In recent years, we have witnessed an increase in the criminalisation and detention of human rights defenders around the world, as reprisals for their human rights work, in an effective attempt by States to undermine their work and silence them. As legitimate and essential actors of change, they should never have been detained in the first place. At the same time, the Covid-19 pandemic has added another layer of threat, as the virus has spread rapidly in many places of detention. Yet, while a number of States around the world have released waves of detainees in an attempt to decongest their prisons in the context of the pandemic, often human rights defenders, including those in pre-trial detention, have remained in arbitrary detention, sometimes being arbitrarily excluded from early release schemes or amnesties on a discriminatory basis, and in turn running the risk of being contaminated in overcrowded prisons. As a result, multiple reports of defenders affected by Covid-19 in detention have been reported across the world.

On March 25, 2020, the UN High Commissioner for Human Rights urged all States to release “every person detained without sufficient legal basis, including political prisoners and others detained simply for expressing critical or dissenting views” in response to the Covid-19 pandemic⁷⁴.

Similarly, because overcrowding in detention increases the risks of transmission of Covid-19, the WHO recommended in March 2020 that “enhanced consideration should be given to using non-custodial measures at all stages of the administration of criminal justice, including at the pre-trial, trial, sentencing and post-sentencing stages. Priority should be given to non-custodial measures for alleged offenders and people in prison with low-risk profiles and caring responsibilities, with preference given to pregnant women and women with dependent children”⁷⁵.

The UN Working Group on Arbitrary Detention has recalled on numerous occasions that under international law, prohibition of “arbitrary” deprivation of liberty is absolute and universal, even in contexts of national emergency, maintaining public security or health.

The notion of “arbitrary” includes both the requirement that a particular form of deprivation of liberty is taken in accordance with the applicable law and procedure and that it is proportional to the aim sought, reasonable and necessary. “Arbitrariness” is not to be equated with “against the law” but must be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability and due process of law.

Over the past decades, the Working Group has recognised hundreds of detentions of human rights defenders as arbitrary, and called for their unconditional release.

Within the pandemic context on May 8, 2020, the UN Working Group on Arbitrary Detention urged governments worldwide “to prevent arbitrary deprivation of liberty in the context of the measures adopted for controlling the spread of the Covid-19 virus”, and to “urgently review the existing cases of deprivation of liberty across all detention settings to determine whether the detention is still justified as necessary and proportionate in the prevailing context of the Covid-19 pandemic”⁷⁶.

Moreover, in a report to the UN General Assembly, titled “*States in denial: the long-term detention of human rights defenders*”, the UN Special Rapporteur on the Situation of Human Rights Defenders addressed specific recommendations to States for ending imprisonment of human rights defenders⁷⁷.

⁷⁴ See UNOHCHR, “Urgent action needed to prevent COVID-19 ‘rampaging through places of detention’—Bachelet” March 25, 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25745&LangID=E>

⁷⁵ See *Preparedness, Prevention, and Control of COVID-19 in Prisons and Other Places of Detention, Interim Guidance*, World Health Organisation, February 8, 2021, <https://apps.who.int/iris/bitstream/handle/10665/339830/WHO-EURO-2021-1405-41155-57257-eng.pdf?sequence=1&isAllowed=y>

⁷⁶ See <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25876&LangID=E>

⁷⁷ See <https://undocs.org/A/76/143>

Despite international rules and repeated UN statements, scores of human rights defenders have remained detained in risky environments, sometimes with fatal consequences (a), while some States have used the health crisis as an excuse for postponing trials of detained defenders (b), and/or for keeping them in incommunicado detention (c).

a) Risky detention conditions

At the beginning of the pandemic, some States recognised that prison conditions could cause the rapid spread of the Covid-19, and consequently released a large number of prisoners. However, scores of human rights defenders have been kept in arbitrary detention, including pre-trial detention, in many countries. In addition, human rights defenders, newly arrested for alleged violations of Covid-19 measures, have been routinely refused the right to be released on bail, exposing them to the virus even more.



In **Cambodia** for instance, the arbitrary arrest and detention of human rights defenders, including land and environmental rights defenders, labour organisers, and journalists, has escalated throughout the Covid-19 pandemic. As of January 31, 2022, more than 60 people were imprisoned for their peaceful activism or for reporting or expressing dissenting opinions. The government has continued to routinely use pre-trial detention against peaceful critics and opponents despite extreme overcrowding, lengthy trial delays, and the risks presented by the Covid-19 virus⁷⁸.

i) Human rights defenders not among those released to decongest prisons

Despite the UN call to prevent the concerning impact of Covid-19 in places of detention, human rights defenders are still incarcerated, notably in **Bahrain, China, Iran, India** and **Turkey**, to name only a very few. In some critical cases, governments denied or minimised the health condition of imprisoned human rights defenders, even denied they be treated in proper medical facilities located outside the prison, as in the **Philippines, Mexico, Honduras, Azerbaijan, Cambodia, Peru, Cameroon, Venezuela, India, Kyrgyzstan, Thailand, Myanmar** or **Russia**.



In **Iran**, although around 100,000 prisoners (representing about 40% of the prison population) were released due to the pandemic, most human rights defenders have remained behind bars.

Prominent human rights lawyer **Nasrin Sotoudeh**, who has been arbitrarily detained since June 13, 2018 and faces a sentence of 38 and a half years of prison, has called for Iran to release all political activists whose lives were particularly threatened because of the appalling conditions in detention facilities, exacerbated by the risks posed by the Covid-19 pandemic. She started a hunger strike on August 11, 2020 to put pressure on the authorities, which she ended on September 25, due to a severe deterioration of her health. On October 13, 2020, her husband Reza Khandan relayed her “grave cardiac and pulmonary problems” caused by delays in medical treatment and her exposure to Covid-19 during a brief hospitalisation in October. On November 7, 2020, Nasrin was temporarily released to receive adequate medical treatment. After undergoing several examinations, she tested positive to Covid-19. She was sent back to Qarchak prison on December 2, 2020, a day



Nasrin Sotoudeh

⁷⁸ See FIDH, *Shadow report for the review of Cambodia's third periodic report to the United Nations Human Rights Committee*, January 31, 2022, available at: https://www.fidh.org/IMG/pdf/20220131_cambodia_ccpr134_fidh_en.pdf

before she was due to receive the Right Livelihood Award. She subsequently did not receive any adequate medical care in prison and the risks for her health remained high⁷⁹. On July 21, 2021, Nasrin Sotoudeh was again temporarily released for a five-day treatment leave from prison. She underwent various medical examinations. UN experts Dubravka Simonovic, Special Rapporteur on Violence Against Women, and Javaid Rehman, Special Rapporteur on the Situation of Human Rights in Iran, called on Tehran to release Nasrin Sotoudeh “as a matter of urgency” and qualified the Qarchak women’s prison as “overcrowded” with “serious” sanitary issues⁸⁰. As of June 2022, she remained in arbitrary detention.

Furthermore, the lack of transparency about the health status of detainees puts them at risk and represents a serious violation of their human rights. For instance, **Narges Mohammadi**, journalist and Vice-President of the Defenders of Human Rights Center (DHRC), may have contracted Covid-19 in July 2020 in Zanzan prison as she was experiencing symptoms. Following pressure from her family, the authorities agreed to perform a Covid-19 test, but authorities withheld the result⁸¹. Ms. Mohammadi was released from Zanzan prison on October 8, 2020, after the reduction of her prison sentence, yet only to be arrested again one year later, on November 16, 2021⁸². On January 15, 2022, Tehran’s Islamic Revolution Court sentenced Ms. Mohammadi to eight years and two months in prison and 74 lashes⁸³.



Image credits – Nasrin Sotoudeh: Hosseinronaghi via Wikicommons | Narges Mohamaadi: BEHROUZ MEHRI / AFP



In **Bahrain** 1,486 prisoners were released in March 2020, 901 of whom received royal pardons on “humanitarian grounds.” However, many defenders were not among those released.

Abdul-Hadi Al-Khawaja, co-founder of both the Gulf Centre for Human Rights (GCHR) and the Bahrain Center for Human Rights (BCHR), as well as former MENA Protection Coordinator for Front Line Defenders, from 2008 until early 2011, and 2022 Laureate of the Martin Ennals Award for Human Rights Defenders, has remained in arbitrary detention even though he suffers from underlying medical conditions⁸⁴. Another human rights defender, **Naji Fateel**, member of the Board of Directors of the Bahraini human rights NGO Bahrain Youth Society for Human Rights (BYSHR), also remains behind bars⁸⁵.

⁷⁹ See Observatory – LDDHI Joint Statement, “Iran: ‘Nasrin Sotoudeh back in prison despite poor health condition’” December 9, 2020, <https://www.fidh.org/en/region/asia/iran/iran-nasrin-sotoudeh-back-in-prison-despite-poor-health-condition>

⁸⁰ See OHCHR, “Iran: Jailed for defending women who opposed compulsory veiling, Nasrin Sotoudeh must be freed, say UN experts” June 21, 2021, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27179>

⁸¹ See Observatory Urgent Appeal IRN 005/0619/OBS 049.2, “Iran: Arbitrary detention and critical health condition of Ms. Narges Mohammadi” July 16, 2020, <https://www.fidh.org/en/issues/human-rights-defenders/iran-arbitrary-detention-and-critical-health-condition-of-ms-narges>

⁸² See Observatory – LDDHI Joint Statement, “Iran: Narges Mohammadi back in prison to serve her 30 months prison sentence” November 19, 2021.

⁸³ See Observatory – LDDHI Joint Statement, “Iran: Narges Mohammadi gets additional eight-year prison sentence” February 2, 2022, <https://www.fidh.org/en/region/asia/iran/iran-narges-mohammadi-gets-additional-eight-year-prison-sentence>

⁸⁴ See “Bahrain: Open letter to Danish Prime Minister to take immediate action to free Abdul-Hadi Al-Khawaja” January 22, 2021, <https://www.fidh.org/en/region/north-africa-middle-east/bahrain/bahrain-open-letter-to-danish-prime-minister-to-take-immediate-action>

⁸⁵ See Observatory Press Release, “Bahrain: Human rights defender Nabeel Rajab is finally free!”, June 9, 2020, <https://www.fidh.org/en/issues/human-rights-defenders/bahrain-human-rights-defender-nabeel-rajab-is-finally-free>



In **India**, although a Supreme Court order of March 23, 2020 urged the authorities to decongest the country's overcrowded prisons, many human rights defenders have remained in detention⁸⁶.

Since June 2018, 16 well-known human rights defenders have been jailed under the Unlawful Activities (Prevention) Act (UAPA) in the "Bhima Koregaon case"⁸⁷ and denied bail. The accused – **Sudhir Dhawale, Rona Wilson, Shoma Sen, Mahesh Raut, Surendra Gandling, Sudha Bhardwaj, Arun Ferreira, Vernon Gonsalves, Varavara Rao, the late Stan Swamy (see below), Anand Teltumbde, Gautam Navalakha, Hany Babu, Jyoti Raghoba Jagtap, Sagar Tatyaram Gorkhe, and Ramesh Murlidhar Gaichor** – are well-known for their commitment to the human rights of the most vulnerable and oppressed, particularly Dalit and Adivasi communities, and have been labelled by the authorities as terrorists, subjected to deliberate misinformation campaigns, and repeatedly denied bail despite their age and the risks posed by the Covid-19 pandemic⁸⁸. Reports by Arsenal Consulting, a digital forensics consulting company, revealed that Pegasus spyware was used to plant evidence on the computers of at least two of the accused in the case: Rona Wilson and Surendra Gandling⁸⁹. As of June 2022, with the exception of Varavara Rao and Sudha Bharadwaj⁹⁰, all those accused remained in pre-trial detention, in conditions posing serious risk to their health: They are detained in overcrowded jails in unsanitary conditions, where there is a lack of access to proper medical care, including Covid-19 testing and vaccination. On April 28, 2022, Arun Ferreira raised a complaint in National Investigation Agency (NIA) court about his barracks with 300 inmates being provided only one and a half buckets of water per inmate, with which each person has to manage washing, bathing and drinking. In October 2021, following a decision of the Inspector General of Prisons and Correctional Services of Maharashtra State to reinstate the prison visit system that was in force before the Covid-19 pandemic in India, the defenders were denied phone and video calls with their relatives, which had a negative impact on the defenders' psychological well-being⁹¹.

The case of **Varavara Rao**, a 79-year-old human rights defender, is particularly alarming, since he contracted Covid-19 while in arbitrary detention at Taloja jail in Mumbai, in the state of Maharashtra⁹². On February 22, 2021, he was temporarily released on a 50,000 rupees (around 567 EUR) bail and under several conditions, which was subsequently renewed several times⁹³. On March 21, 2022, the NIA subsequently urged the Bombay High Court to dismiss the permanent medical bail plea filed by Mr. Rao, after the Additional Solicitor General declared that he "does not suffer from any abnormal pathology", that his "state of health is due to his age", and that the "charges were too serious to leave him free". As of June 2022, Mr. Rao remained free on bail.

Image credit: Batthini Vinay Kumar Goud ©



⁸⁶ See Joint Statement, "India: Arbitrarily detained Kashmiri prisoners must be freed" April 6, 2020, <https://www.fidh.org/en/region/asia/india/india-arbitrarily-detained-kashmiri-prisoners-must-be-freed>

⁸⁷ The 2018 Bhima Koregaon violence refers to attacks on visitors during an annual celebratory gathering at Bhima Koregaon to mark the 200th year of the Battle of Bhima Koregaon victory. The gathering consisted largely of Mahars, and stone pelting by anti-social elements on the gathering resulted in death of 28-year-old Rahul Patangale. The aftermath consisted of various protests across India resulting in one death, 30 policemen being injured as well as over 300 people being detained.

⁸⁸ See Commonwealth Human Rights Initiative, State/UT Wise Prisons' Response to the Coronavirus Pandemic in India. <https://www.humanrightsinitiative.org/content/stateut-wise-prisons-response-to-covid-19-pandemic-in-india>

⁸⁹ See Internet Freedom Foundation, *The Arsenal Reports: The rise of targeted surveillance in India*, August 12, 2021. <https://internetfreedom.in/the-arsenal-reports-bhima-koregaon-arrests/>

⁹⁰ Sudha Bhardwaj was eventually released on bail on December 8, 2021.

⁹¹ See Observatory Urgent Appeal IND 002/1121/OBS 119, "India: Denial of phone calls to inmates detained in Maharashtra State" November 17, 2021, <https://www.omct.org/en/resources/urgent-interventions/india-denial-of-phone-calls-to-defenders-detained-in-maharashtra>

⁹² See Observatory Urgent Appeal IND 002/0320/OBS 019.1, "India: Akhil Gogoi tested positive for COVID-19 in jail" July 15, 2020, <https://www.omct.org/en/resources/urgent-interventions/akhil-gogoi-tested-positive-for-covid-19-in-jail>

⁹³ The conditions were: cannot leave Mumbai within the jurisdiction of the Special National Investigation Agency (NIA) Court; must attend court sessions whenever he is summoned; surrendered his passport to the NIA; must refrain from "hampering the investigation" and must not speak to the media about his case. See Observatory Urgent Appeal IND 005/0720/OBS 079.1, "India: Temporary release on bail of Mr. Varavara Rao" February 23, 2021, <https://www.omct.org/en/resources/urgent-interventions/india-temporary-release-on-bail-of-human-rights-defender-varavara-rao>

Akhil Gogoi, President of Krishak Mukti Sangram Samiti (KMSS), a peasants' rights organisation based in Assam State, also tested positive for Covid-19 on July 11, 2020, while in detention – since December 2019 – at Guwahati Central Jail, in the state of Assam. Ill for more than a week with Covid-19 symptoms before being tested, he was ultimately brought to Gauhati Medical College and Hospital (GMCH)⁹⁴. At the time, a total of 55 inmates had reportedly contracted Covid-19 in Guwahati Central Jail, including two other leaders of KMSS, **Bittu Sonowal** and **Dhairjya Konwar**, who both tested positive on July 8, 2020 and were also brought to GMCH for treatment. On July 15, 2020, Bittu Sonowal was granted bail by the NIA Special Court and was released from the hospital after his health improved. On May 21, 2021, Akhil Gogoi officially took oath as a member of Legislative Assembly of Assam state, after winning an election. He is the first person to win an election from jail in the state of Assam. On July 1, 2021 he was released from jail after 18 months of detention.

Image credit: Vikramjit Kakati ☺



Akhil Gogoi



In **Turkey**, while Parliament approved a law in April 2020 to release around 100,000 prisoners as a safety measure against the Covid-19 outbreak, journalists, lawyers and other defenders abusively charged under anti-terrorism laws were excluded from the scope of the legislation⁹⁵.

This included high profile journalist and novelist

Ahmet Altan as well as civil society figure **Osman Kavala**.

Both Messrs. Altan and Kavala are over 60 years old, therefore at increased risk of being contaminated with Covid-19. Ahmet Altan was ultimately released on April 14, 2021, after the European Court of Human Rights (ECHR) condemned Turkey for his detention. However, Mr. Kavala remained detained as of June 2022. Other defenders such as human rights lawyer **Sevda Özbingöl Çelik**, as well as **Aytaç Ünsal** from the Progressive Lawyers' Association (*Çağdaş Hukukçular Derneği* – ÇHD), also remained detained despite the ongoing Covid-19 pandemic. It was reported that Aytaç Ünsal's necessary medication was not provided to him by the prison administration, and that his health condition remains fragile. He benefited from a suspension of his prison sentence in September 2020, before being re-arrested in December 2021⁹⁶. In her case and after nine months of pre-trial detention, Sevda Özbingöl Çelik was released on judicial control on December 11, 2020, and a travel ban was imposed on her pending trial⁹⁷.

Image credit: Janbazian ☺



Osman Kavala

⁹⁴ See Observatory Urgent Appeal IND 002/0320/OBS 019.1, "India: Akhil Gogoi tested positive for COVID-19 in jail" July 15, 2020, <https://www.omct.org/en/resources/urgent-interventions/akhil-gogoi-tested-positive-for-covid-19-in-jail>

⁹⁵ See Amnesty International, "Turkey: Imprisoned journalists, human rights defenders and others, now at risk of Covid-19, must be urgently released" March 30, 2020.

⁹⁶ See Observatory Urgent Appeal TUR 006/0620/OBS 063.3, "Turkey: Re-arrest of human rights lawyer Aytaç Ünsal" January 8, 2021, <https://www.fidh.org/en/issues/human-rights-defenders/turkey-re-arrest-of-human-rights-lawyer-aytac-unsal>

⁹⁷ See Observatory Urgent Appeal TUR 003/0320/OBS 020.2, "Turkey: Sentencing and continued judicial harassment of human rights lawyer Sevda Özbingöl Çelik" June 15, 2021, <https://www.fidh.org/en/issues/human-rights-defenders/turkey-sentencing-and-continued-judicial-harassment-of-human-rights>



In **Mexico**, an indigenous peoples' rights defender was arbitrarily held in a prison where a large number of inmates presented potential Covid-19 symptoms.

In May 2020, detainees in Tanivet prison, Oaxaca, began to present symptoms that could be related to Covid-19. However, the prison had no medical staff and a doctor was present only twice a week to attend to the health needs of all prisoners. As a result, on May 31, 2020, 105 inmates submitted a request for medical attention to the prison director, in order to have their healthcare provided on a permanent basis and to be given information about the outbreak of Covid-19 in the prison.

Fredy García Ramírez, Spokesperson for the Committee for the Defence of Indigenous Peoples (*Comité de Defensa de los Pueblos Indígenas* – CODEDI), an organisation that defends the rights to autonomy and territory of indigenous peoples in the state of Oaxaca, has been arbitrarily detained since November 2019 and has been subjected to ill-treatment by prison staff several times, notably on July 10, 2020, when he was severely beaten and threatened by a group of prison guards⁹⁸. Using the pretext of the pandemic, his third and final hearing was delayed repeatedly, thus seriously violating the principle of procedural celerity. On June 24, 2022, Fredy García Ramírez was finally released after the Unitary Trial Court of Huatulco, of the Judicial Power of the state of Oaxaca, acquitted him on the grounds that there was no evidence to support the accusation against him.



Image credit: Consorcio Oaxaca



In **Honduras**, a judge refused to review a request for liberty filed by the lawyer of eight environmental rights defenders within the Covid-19 context.

Regardless of the high risks of Covid infection, in December 2020, the judge quashed the request to review the preventive detention measure filed by the lawyers of **Porfirio Sorto Cedillo, José Abelino Cedillo, Kelvin Alejandro Romero, Arnol Javier Alemán, Ever Alexander Cedillo, Orbin Nahún Hernández, Daniel Márquez** and **Jeremías Martínez**, defenders of water preservation in the sectors of Guapinol and San Pedro in Tocoa, department of Colón, in the area of the Montaña de Botaderos National Park, who had been in preventive detention since 2019⁹⁹. On February 9, 2022, Jeremías Martínez and Arnol Javier Alemán were ultimately released, and on February 24, 2022, José Abelino Cedillo, Kelvin Alejandro Romero, Ever Alexander Cedillo, Daniel Márquez, Porfirio Sorto Cedillo and Orbin Nahún Hernández were in turn released from the Olanchito Penal Centre. On this case, several CSOs alerted on the irregularities and the lack of transparency before the trial¹⁰⁰.

⁹⁸ See Observatory Urgent Appeal MEX 014/1119/OBS 090.3, "México: Malos tratos a defensor Fredy García, detenido arbitrariamente en Oaxaca" July 15, 2020, <https://www.omct.org/es/recursos/llamamientos-urgentes/malos-tratos-contra-el-defensor-fredy-garc%C3%ADa-ram%C3%ADrez-detenido-arbitrariamente-en-oaxaca>

⁹⁹ See Observatory Urgent Appeal HND 001/0219/OBS 020.5, "Honduras: Continuación de la detención arbitraria de los defensores de Guapinol" December 23, 2020, <https://www.omct.org/es/recursos/declaraciones/continuaci%C3%B3n-de-la-detenci%C3%B3n-arbitraria-de-los-defensores-de-guapinol>

¹⁰⁰ See Joint Letter, "Honduras: Organizaciones instan a transparencia en audiencia clave del caso Guapinol", October 26, 2021, <https://www.omct.org/es/recursos/declaraciones/honduras-organizaciones-istan-a-transparencia-en-audiencia-clave-del-caso-guapinol>



In **Azerbaijan**, a prominent human rights lawyer remains detained in an overcrowded prison, in spite of poor health and poor detention conditions.

Human rights lawyer **Elchin Mammad** was arrested on March 30, 2020. He has been arbitrarily detained ever since and has not been given a fair trial. His health condition has drastically deteriorated in prison, as a result of not receiving adequate medical care. On June 12, 2021, Elchin Mammad was transferred to the Main Medical Department of the Ministry of Justice (Central Penitentiary hospital), following an order from the Ministry of Justice of Azerbaijan. He had lost a significant amount of weight while in detention and has trouble walking because of his swollen legs. Being ill with Hepatitis C, his health condition is particularly concerning and puts him at high risk of contracting Covid-19¹⁰¹. On December 9, 2021, the Court of Appeal of Baku rejected the appeal filed by Elchin Mammad challenging the October 9, 2021 **decision** of the Surakhani District Court to deny Mr. Mammad the replacement of his remaining prison term with either a suspended prison sentence or non-custodial alternatives. On November 24, 2021, he was transferred to pre-trial detention centre No. 1 in Kurdakhani, but the reasons for this transfer were not revealed. Elchin Mammad's health has drastically deteriorated, and after his transfer he had no access to a bed for some days due to severe overcrowding in the facilities¹⁰².



In **Cambodia**, human rights defenders were arrested and kept in arbitrary detention in spite of health risks in overcrowded prisons.

In 2021, Cambodian authorities judicially harassed and arrested members of the environmental NGO Mother Nature. **Sun Ratha, Seth Chhiv Limeng, Ly Chandarvuth** and **Yim Leangh** were arrested on June 16, 2021. On the same day, **Long Kunthea, Phoun Keo Reaksmey**, and **Thun Ratha** were sentenced to prison sentences ranging from 18 to 20 months and to a fine of four million riel (approximately 825 EUR) each. The authorities accused the group of "incitement to societal chaos"¹⁰³. Other prominent human rights defenders were denied bail amid a Covid-19 outbreak in many Cambodian prisons. These include **Hun Vannak, Chhoeun Daravy, Tha Lavy, Koet Saray, Eng Malai, Muong Sopheak, Mean Prommony, Rong Chhun** and **Sar Kanika**¹⁰⁴. Fourteen of them were released in November 2021, after more than one year of arbitrary detention on trumped-up charges: Rong Chhun, Tha Lavy, Koet Saray, Mean Prommony, Eng Malai, Muong Sopheak, Hun Vannak, Choeun Daravy, Long Kunthea, Thun Ratha, Phoun Keo Reaksmey, Sun Ratha, Ly Chan Daravuth, and Yim Leanghy¹⁰⁵.

¹⁰¹ See Observatory Urgent Appeal AZE 001/0520/OBS 055.3 "Azerbaijan: Deteriorating health and ongoing arbitrary detention of Elchin Mammad" June 16, 2021, <https://www.omct.org/en/resources/urgent-interventions/azerbaijan-deteriorating-health-conditions-of-elchin-mammad>

¹⁰² See Observatory Urgent Appeal AZE 001/0520/OBS 055.5, "Azerbaijan: Denial of the commutation of sentence for Elchin Mammad" December 16, 2021, <https://www.omct.org/en/resources/urgent-interventions/azerbaijan-denial-of-the-commutation-of-sentence-for-elchin-mammad>

¹⁰³ See Observatory Urgent Appeal KHM 002/0621/OBS 074, "Cambodia: Mother Nature members targeted" June 22, 2021, <https://www.omct.org/en/resources/urgent-interventions/cambodia-mother-nature-members-targeted>

¹⁰⁴ See Observatory Urgent Appeal KHM 001/0820/OBS 089.1, "Cambodia: Denial of bail to human rights defenders Rong Chhun and Sar Kanika" June 9, 2021, <https://www.omct.org/en/resources/urgent-interventions/cambodia-denial-of-bail-to-human-rights-defenders-rong-chhun-and-sar-kanika>

¹⁰⁵ See Observatory Statement, "Cambodia: Release of fourteen human rights defenders" November 22, 2022, <https://www.omct.org/en/resources/urgent-interventions/cambodia-release-of-fourteen-human-rights-defenders>



In **Peru**, the request to release an indigenous people's and land rights defender suffering chronic diseases was refused, despite the lack of sanitary guarantees in prison.

Walter Aduviri Calisaya is an Aymara indigenous leader and a land rights defender who was arbitrarily detained from August 2019 to December 9, 2020 in Yanamayo prison, in Puno. Suffering from high blood pressure and type 1 obesity, he was a person at high risk while in detention. During the pandemic, Mr. Calisaya filed an habeas corpus petition requesting to be released so that he could spend the period of social isolation established as a preventive measure in the context of Covid-19 in his community, given the lack of sanitary guarantees in the Yanamayo prison¹⁰⁶. On May 8, 2020, his request was declared inadmissible by the Second Emergency Preparatory Investigation Court of Puno. On May 28, 2020, the Criminal Court of Appeals of Puno, citing technical reasons, suspended the hearing in which the habeas corpus petition was to be reviewed in a second instance. In addition, on May 30, 2020, the Criminal Court of Appeals of Puno rejected his request to leave the prison to attend a medical appointment at EsSalud, the Peruvian Social Health Insurance, regardless of the States' obligation to provide medical care to prisoners. Previously, a request submitted through administrative channels to the National Penitentiary Institute of Peru (INPE) had also been denied. Mr. Aduviri Calisaya was released following the suspension of his prison sentence by the Supreme Court of Justice of Peru on December 9, 2020¹⁰⁷.



Image credit : Jennifer de la Cruz - CNDDHH



In **Cameroon**, prison inmates, including human rights defenders, have been protesting against overcrowding, poor hygiene and lack of protection against the virus spreading in prison¹⁰⁸.

Overcrowding has endangered detainees, some of them already weakened by poor detention conditions, as in the case of **Mancho Bibixy Tse**, a local radio journalist and history teacher. Violently arrested in January 2017, Mancho Bibixy Tse was sentenced in May 2017 by the Yaoundé Military Court to 15 years in prison on trumped-up charges of "terrorism", "secession", "rebellion", "inciting civil war", and "spreading false information through social media". Two years later, after organizing a protest with four other detained human rights defenders against the abuse they were enduring, Mancho was temporarily taken to a military camp where he was again tortured. His sentence was extended for another three years. Since then, he has remained arbitrarily detained at the Kondengui central maximum-security prison in Yaounde, where he shares a small cell with 15 inmates, with no proper access to hygiene facilities. While in prison, his health has kept deteriorating¹⁰⁹.

¹⁰⁶ See Observatory - CNDDHH Joint Statement, "Peru: Impedir tratamiento médico al defensor Walter Aduviri pone en riesgo su vida ante posible contagio de Covid-19" June 4, 2020, <https://www.omct.org/es/recursos/llamamientos-urgentes/impedir-tratamiento-m%C3%A9dico-al-defensor-walter-aduviri-pone-en-riesgo-su-vida-ante-posible-contagio-de-covid-19>

¹⁰⁷ See OMCT, "Walter Aduviri Calisaya, paying the price for defying the mining sector" May 18, 2020 (updated), <https://www.omct.org/en/resources/statements/walter-aduviri-calisaya-paying-the-price-for-defying-the-mining-sector>

¹⁰⁸ See <https://www.voanews.com/covid-19-pandemic/cameroon-prisoners-blame-overcrowding-poor-hygiene-covid-spread>

¹⁰⁹ See OMCT, "Mancho Bibixy Tse, in prison for promoting Anglophone rights" May 16, 2020, <https://www.omct.org/en/resources/statements/mancho-bibixy-tse-in-prison-for-promoting-anglophone-rights>



In **Venezuela**, human rights defenders were released only after they had contracted Covid-19, while others are still detained despite having contracted Covid-19.

Six members of Azul Positivo, an NGO that works on behalf of communities in the state of Zulia through health and hygiene campaigns, disease prevention, human awareness workshops and material assistance to socio-economically vulnerable communities, were arbitrarily detained on January 19, 2021. While **Miguel Guerra Raydan** was released without charges shortly after the arrest, **Johan León Reyes**, **Yordy Bermúdez**, **Layners Gutiérrez Díaz**, **Alejandro Gómez Di Maggio** and **Luis Ferrebuz** were accused of “association to commit a crime” and other very serious crimes under the Organic Law against Organised Crime and Terrorist Financing, which carry heavy prison sentences¹¹⁰. On February 14, 2021, the five defenders were released under supervision, after having contracted Covid-19. However as of June 2022, charges remained pending and the defenders still have to appear before court every 30 days.

In October 2021, **Rafael Tarazona**, **Javier Tarazona** and **Omar García**, members of FundaREDES, were tested positive to Covid-19 at the Detention centre Cárcel Hombre Nuevo, formerly called La Planta, in Caracas, where they had been arbitrarily detained since July 2, 2021. Rafael Tarazona and Omar García were hospitalised, which their representatives and relatives only learned unofficially on October 14, 2021¹¹¹. On October 26, 2021, Rafael Tarazona and Omar García were conditionally released with the obligation to report to court every eight days. As of June 2022, José Javier Tarazona continued to be arbitrarily detained at the Helicoide preventive detention centre, in Caracas. His state of health is worsening, as he suffers from cardiovascular diseases and dyslipidemia, which worsened after he was infected with Covid-19. Moreover, the Helicoide prison authorities have not allowed family members and lawyers to visit Mr. Tarazona, even though they comply with the regulations governing such visits. This inability to visit prevents them from being able to verify his state of health and the conditions of his detention.

¹¹⁰ See Venezuela, “Ataques contra defensores de DDHH aumentaron 157% durante la pandemia” 02/02/2021, <https://www.omct.org/es/recursos/comunicados-de-prensa/venezuela-attacks-on-human-rights-defenders-surge-by-157-during-covid-19>

¹¹¹ See Observatory Joint Report, “Venezuela: Infección por COVID de los miembros de Fundaredes detenidos” October 26, 2021, <https://www.omct.org/es/recursos/llamamientos-urgentes/venezuela-infecci%C3%B3n-por-covid-19-de-los-miembros-de-fundaredes-detenido>. For further details about the lack of timely information about the health status and Covid-19 infections and evolution of the disease to families of detainees, see: OMCT, “Breaking the walls of silence: Access to information for detainees in a world with COVID-19” in COVID-19 and detention Series: Impacts, lessons and urgent actions, April 2022, https://www.omct.org/site-resources/legacy/Guidance-Note_1_English.pdf

ii) Death of human rights defenders maintained in arbitrary detention in spite of health risks

There have been multiple reports of defenders affected by Covid-19 in detention across the world, sometimes leading to their death, as for instance in **India, Kyrgyzstan** or in **Saudi Arabia**.



In **India**, a human rights defender suffering from several underlying diseases died after being kept in arbitrary detention without adequate treatment, and contracting Covid-19 in prison.

On July 5, 2021, 84-year-old Jesuit priest and human rights defender **Stan Swamy**, who was incarcerated for nine months in the Bhima Koregaon case¹¹², died in custody after contracting Covid-19 due to the lack of effective and timely treatment in jail and the routine denial of bail¹¹³.

On July 4, he suffered a heart stroke, and was moved to ventilator support. A bail hearing was brought forward to 2:30 pm on July 5, but Stan Swamy died an hour before his hearing, at 1:24 pm.. Stan Swamy, who was suffering from Parkinson's disease, which advanced while he was in jail, may have survived had he been given access to timely medical care and proper treatment. This terrible event shows both the lack of care in prisons and the refusal of the Indian authorities to release human rights defenders, despite the UN High Commissioner for Human Rights' call for States to release "all persons detained without sufficient legal justification [...]", and the Supreme Court of India's directives on the need to decongest prisons. The UN Working Group on Arbitrary Detention has publicly released its opinion on the case, stating that his death in custody will forever remain a stain on India's human rights record¹¹⁴

Image credit: ©



Stan Swamy

¹¹² See above, section 3, subsection a) i.

¹¹³ See Joint Statement, "India: International call for accountability over Stan Swamy's death in custody" July 5, 2021, <https://www.omct.org/en/resources/statements/india-international-call-for-accountability-over-stan-swamys-death-in-custody> and Observatory Statement, "India: Human rights defender Stan Swamy dies in custody" July 5, 2021, <https://www.omct.org/en/resources/statements/india-human-rights-defender-stan-swamy-dies-in-custody>

¹¹⁴ <https://www.ohchr.org/sites/default/files/2022-03/A-HRC-WGAD-2021-57-India-AEV.pdf>



In **Kyrgyzstan**, a 69-year-old human rights defender died from symptoms which resembled Covid-19, after a decade of arbitrary detention.

Azimjan Askarov, founder of the NGO “Vozduh”, was sentenced to life imprisonment on trumped-up charges in 2010 after mass disturbances in southern Kyrgyzstan. Prior to his arrest, he had been documenting police brutality and prison conditions. Mr. Askarov was 69 years old and had suffered for years from cardiac and respiratory problems. On July 22, 2020, Mr. Askarov’s lawyer reported that his client’s health had critically deteriorated. When he visited him the same day, Mr. Askarov presented Covid-19 symptoms, including cough and dizziness. On July 25, 2020, the human rights defender died in custody. In light of the systematic disregard by the Kyrgyz authorities to release him, including on humanitarian grounds due to the critical deterioration of his health and the lack of appropriate and adequate medical attention while in detention, his death amounted to extrajudicial killing¹¹⁵. The UN Special Rapporteur on the Situation of Human Rights Defenders added that the case of Azimjan Askarov should “act as a reminder to all States of the serious and grave threat that prisoners in at-risk categories face during the Covid-19 pandemic”¹¹⁶.

Image credit: ©Nezir Aliyev / Anadolu Agency



Azimjan Askarov



In **Saudi Arabia**, the poor conditions of detention in prisons may have resulted in the death of a writer and journalist working notably on corruption issues in the country.

Although **Saleh Al-Shehi** died in hospital on July 19, 2020, two months after his release from detention, it was reported that there could be a link between his detention conditions and his death from an illness that has not been formally identified but that some local media outlets said was Covid-19¹¹⁷. Saudi authorities released Mr. Al-Shehi from prison on May 19, 2020, without explanation, after he had served only half of his sentence on speech-related charges.

¹¹⁵ See Observatory Statement, “Kyrgyzstan: Azimjan Askarov’s Death in Detention Evokes Calls for Accountability” July 28, 2020, <https://www.fidh.org/en/region/europe-central-asia/kyrgyzstan/azimjan-askarov-s-death-in-detention-evokes-calls-for-accountability>

¹¹⁶ See UNOHCHR, “Kyrgyzstan: Death of human rights defender Azimjan Askarov a stain on country’s reputation, says UN expert” July 30, 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26138>

¹¹⁷ See Gulf Center for Human Rights (GCHR), “Saudi Arabia: Writer and journalist Saleh Al-Shehi dies following release from prison” July 20, 2020: <https://www.gc4hr.org/news/view/2430>

iii) Hearings postponed under the guise of Covid-19 exceptions to maintain human rights defenders in arbitrary detention

Like many sectors of activity, the judicial system has been impacted by the spread of Covid-19, which resulted in many trials of human rights defenders being postponed, as in **Algeria, Mexico, Honduras, Peru, or Sri Lanka**, or held in restricted session, in the absence of the defenders (**Egypt**), or their representatives or international observers (**Saudi Arabia**).



In **Algeria**, the authorities have prolonged arbitrary detentions and postponed trials amid the Covid-19 pandemic and regardless of the health conditions of the prisoners.

The Algerian authorities notably refused the requests to provisionally release and provide adequate medical care for the activist and human rights defender **Abdallah Benaoum**, imprisoned solely for his critical views of the authorities' crackdown on Hirak protests¹¹⁸. On December 20, 2021, several international organisations alerted on the critical health conditions of Mr. Benaoum¹¹⁹. He was finally released on February 3, 2022, but terrorism charges remain pending. Furthermore, many trials of human rights defenders, journalists and Hirak protesters were repeatedly postponed in 2020 due to the Covid-19 pandemic, putting them at risk of contracting the virus. Among them, members of the Youth Action Gathering (*Rassemblement Action Jeunesse – RAJ*) **Hakim Addad, Massinissa Aissous, Djatal Mokrani, Ahmed Bouider, Kamel Ouldouali, Khireddine Medjani, Karim Boutata, Ahcene Kadi, Wafi Tigrine**, had their trials postponed for several months, along with journalists **Saïd Boudour, Khaled Drareni** and **Fodil Boumala**¹²⁰. On the contrary, although courts suspended many proceedings during the pandemic, a few Hirak activists were brought to court without any notification. This discriminatory practice was illustrated through the case of **Karim Tabbou**, who was suddenly brought to trial on March 24, 2020, two days before his scheduled release. His lawyers were not notified that the trial was to take place and Mr. Tabbou was sentenced *in absentia*. He was finally released on bail on July 2, 2020, but as of June 2022 charges against him remained pending¹²¹.

Image credit: Zoheir Aberkane ©



Khaled Drareni

¹¹⁸ See Joint Statement, "Algeria: Critically-ill activist Abdallah Benaoum must be immediately released" October 16, 2020, <https://www.fidh.org/en/region/north-africa-middle-east/algeria/algeria-critically-ill-activist-abdallah-benaoum-must-be-immediately>

¹¹⁹ See FIDH, "Algeria: Critically-ill activist Abdallah Benaoum must be immediately released" October 16, 2020, <https://www.fidh.org/en/region/north-africa-middle-east/algeria/algeria-critically-ill-activist-abdallah-benaoum-must-be-immediately>

¹²⁰ See Observatory Statement, "Algérie: en pleine pandémie de Covid-19, la répression des défenseurs des droits humains continue sans relâche" August 14, 2020, <https://www.fidh.org/fr/regions/maghreb-moyen-orient/algerie/algerie-en-pleine-pandemie-de-covid-19-la-repression-des-defenseurs>

¹²¹ See Observatory, "Algérie, "Zoom sur le Hirak-Karim TABBOU" August 27, 2020, <https://www.fidh.org/fr/themes/defenseurs-des-droits-humains/algerie-zoom-sur-le-hirak#ancreTABBOU>



In **Mexico**, a human rights defender has been kept in arbitrary detention after his trial was postponed due to the pandemic.

Since his arrest on March 14, 2020 for supposed “aggravated homicide”, the trial of indigenous and land rights defender **Cristobal Santiz Jimenez**, has been postponed repeatedly due to the health crisis¹²². As of June 2022, Cristóbal Sántiz Jiménez remained in pre-trial detention, in worrying conditions.



In **Honduras**, the trial of eight water and environmental rights defenders of the Guapinol community, who were deprived of liberty for more than two years, finally started in December 2021. However, defence attorney Rodolfo Zamora, who was representing **Kelvin Alejandro Martínez**, was reportedly absent due to suspicions of Covid-19¹²³. In response, the defence requested a postponement of the trial pending the results of the Covid-19 test. Kelvin Alejandro Martínez was eventually released on February 24, 2022, along with the other Guapinol human rights defenders.



In **Sri Lanka**, a blogger was maintained in pre-trial detention for five months as his trial was repeatedly postponed as a result of curfews imposed in the pandemic context, despite his poor health conditions and the heightened risk posed by the pandemic in prisons¹²⁴.

On April 9, 2020, **Ramzy Razeek** was arrested under the International Covenant on Civil and Political Rights (ICCPR) Act and the Computer Crimes Act for criticising a government policy requiring cremation of those who died of Covid-19, contrary to Islamic tradition. He approached the Sri Lankan police for protection following online death threats linked to his social media posts condemning all forms of extremism. Instead of receiving protection, he was jailed and charged for advocating “national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence”. Mr Razeek, who suffers from arthritis, kidney failure, liver problems and vasculitic leg ulcers, was ultimately released on bail on September 18, 2020, after spending more than five months in detention.

¹²² See Observatory Statement, “México: Liberen al defensor de derechos humanos Cristobal Santiz Jimenez” March 14, 2022, <https://www.omct.org/es/recursos/declaraciones/m%C3%A9xico-liberen-al-defensor-de-derechos-humanos-crist%C3%B3bal-s%C3%A1ntiz-jim%C3%A9nez>

¹²³ See Joint Statement, “Honduras: Día 1 de observación del juicio a los ocho defensores de Guapinol” December 2, 2021, <https://www.omct.org/es/recursos/declaraciones/honduras-d%C3%ADa-1-del-juicio-contralos-defensores-de-guapinol>

¹²⁴ See Joint Statement, “Sri Lanka: Human Rights Under Attack (Ramzy Razeek’s case)” July 29, 2020 <https://www.fidh.org/en/issues/human-rights-defenders/sri-lanka-human-rights-under-attack>

b) Prolongation of incommunicado detention or obstacles to communication with detainees

Incommunicado detention is generally understood as a situation of detention in which an individual is denied access to family members, an attorney, or an independent physician. International standards require that communication of the detained or imprisoned person with the outside world, and in particular his family or counsel, shall not be denied for more than a matter of days¹²⁵. Yet, Covid-19-related restrictions on access to places of detention have been used as an excuse to prolong the incommunicado detention of human rights defenders in many countries. After initial periods of incommunicado detention, some prison authorities have put in place measures (such as online calls) as alternatives to visits, yet there have been many reported difficulties and frustrations with remote contact options, including the poor and uneven quality of video-conference systems, cell phones and/or internet connections. These obstacles to access to arbitrarily detained human rights defenders have created additional uncertainties regarding the health conditions of the latter. It is worth noting that the isolation from the outside world suffered by human rights defenders and other persons deprived of liberty during Covid-19 has had severe psychological effects on them and their loved ones, and may entail or lead to violations of the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment¹²⁶.



In **the Philippines**, the authorities kept a human rights lawyer in incommunicado detention, alleging a preventive measure against the virus.

Human rights lawyer and elected member of the Senate **Leila de Lima** was held incommunicado as part of the adoption by the Philippine government of preventive measures to fight against the virus. Ms. de Lima has been a staunch critic of President Duterte's approach to combating crimes and drug trafficking which made her a target for the president, who threatened to "destroy her in public" prior to her imprisonment in 2017. As part of measures to fight the spread of the pandemic in prison, she was denied visitors in April 2020, including her staff. Moreover, after having been prevented from participating in Senate sessions via teleconference on May 4, 2020, in breach of democratic principles and her own rights to freedom of expression and to participate in public affairs¹²⁷, she was also denied the right to communicate with the outside world between May 5 and 27, 2020.

Image credit: Communication Staff of Sen. Leila ©



Leila de Lima

¹²⁵ See "Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment" Adopted by General Assembly resolution 43/173 of 9 December 1988, Principle 15.

¹²⁶ For further details about the impact of limited contact with the outside world during the Covid-19 pandemic on the physical health and mental well-being of persons deprived of liberty, see: OMCT, "Breaking the walls of isolation: Restoring the contact with the families in a world with Covid-19" in Covid-19 and detention Series: Impacts, lessons and urgent actions, April 2022, https://www.omct.org/site-resources/legacy/Guidance-Note_2_English.pdf

¹²⁷ See Observatory Press Release, "Philippines: Arbitrarily imprisoned Senator de Lima prevented from participating in Senate sessions via teleconference" May 6, 2021, <https://www.fidh.org/en/issues/human-rights-defenders/arbitrarily-imprisoned-senator-de-lima-prevented-from-participating>



In **China**, after suppressing any effort to report on the spread of the virus, the authorities have used the crisis to increase blanket restrictions on civic space, including incommunicado detention of human rights defenders.

Throughout 2020, the government detained critics upon being their released from prison, under the pretext of “quarantining” them, which, in this context, involved detention without families’ knowledge, and without the ability to communicate with the outside world while they were held in secret locations. For instance, human rights lawyer **Wang Quanzhang** was released from arbitrary detention on April 5, 2020 after 1,200 days of incarceration – his full sentence -, but could not be reunited with his family for 14 days. Upon his release, the authorities sent him to Jinan, the location of his household registration, for fourteen days of “quarantine”, a *de facto* detention with his communication with the outside world unlawfully restricted. Prior to his release, prison officials cancelled a February 13, 2020 visit between Wang Quanzhang and Li Wenzu, Mr. Wang’s wife, and their son, on the grounds of the coronavirus pandemic. Li Wenzu reported the officials refused to allow the meeting to take place virtually through a WeChat video call, and said Wang Quanzhang was only allowed one phone communication per month, and he had already called his parents. The authorities’ actions to prevent Wang Quanzhang from interacting with the outside world have appeared in part to be motivated by the desire to suppress evidence of Wang’s inhuman treatment during his incarceration, as he showed signs of ill-treatment¹²⁸. On April 27, 2020, the police escorted him to Beijing. He was first taken to the police station before going home. After that, several premises officers, district and police staff, followed him and tried to enter his home. Li Wenzu, who reportedly had just returned from the hospital after suffering from acute appendicitis, managed to keep them out of their house.



In **Saudi Arabia**, the authorities have banned in-person visits with prisoners to limit the spread of the virus. In practice, they have also unduly denied numerous defenders regular communication with the outside world¹²⁹.

Loujain Al-Hathloul is one of Saudi Arabia’s most prominent women’s rights defenders, who has been detained several times, and was arrested again in May 2018 along with several other women’s rights defenders, on alleged charges of “suspicious contacts with foreign entities” and “financial support to enemies overseas”. After spending almost three months in incommunicado detention during the pandemic and after a six-day hunger strike, authorities finally allowed her parents to visit her on August 31, 2020. She was conditionally released after three years of incarceration on February 10, 2021. Yet as of June 2022 charges against her remained pending and she was still under a five-year travel ban¹³⁰.

Image credit: Unknown author ☺



¹²⁸ See Joint Statement, “China: Wang Quanzhang should be free to join his family!” April 17, 2020, <https://www.omct.org/en/resources/urgent-interventions/wang-quanzhang-should-be-free-to-join-his-family>

¹²⁹ See Human Rights Watch, “Saudi Arabia: Prominent Detainees Held Incommunicado” September 6, 2020.

¹³⁰ See *Arabie saoudite: Loujain al-Hathloul, défenseure emblématique des droits des femmes, relâchée de prison*, 12/03/2021, <https://www.fidh.org/fr/themes/droits-des-femmes/arabie-saoudite-loujain-al-hathloul-defenseure-emblematisque-des>



In **Morocco**, an arbitrarily detained journalist was barred from seeing his relatives, due to Covid-19 regulations.

Maâti Monjib is an example of the reinforcement of isolation for political prisoners in the context of Covid-19. On December 29, 2020, Maâti Monjib, historian, journalist, President of the “Freedom Now” association for freedom of expression in Morocco, founding member of the Moroccan Association for Investigative Journalism (*Association marocaine pour le journalisme d’investigation* – AMJI), was arrested by plainclothes police officers without an arrest warrant. During his detention, Maâti Monjib has had access to his lawyers but was not able to see his family because of the quarantine imposed on all new arrivals in prison in the context of the Covid-19 pandemic¹³¹. He was temporarily released on March 23, 2021 after 20 days of hunger strike to protest against his detention¹³², but as of June 2022 he was still facing charges of “threat to the internal security of the State”. On October 15, 2021, he started a new hunger strike to protest against his travel ban.

Image credit: STR / AFP



Maâti Monjib



In **Bahrain**, human rights defender and laureate of the 2022 Martin Ennals Award **Abdul-Hadi Al-Khawaja** has not been seen in person since January 2020, due to Covid-19 restrictions.

In late 2021, police authorities placed restrictions on phone calls with his family, confiscated hundreds of his books and reading materials. He also stated that prison authorities are arbitrarily denying him proper medical treatment and refusing to refer him to specialists for surgeries he requires. Abdul-Hadi Al-Khawaja was on hunger strike several times to protest his detention, and his health has significantly deteriorated during the last ten years. Abdul-Hadi’s family is increasingly concerned about his well-being while in prison, where the unsanitary conditions put him at risk¹³³. In November 2021, his family expressed its concern about his health condition in detention, as he began a new hunger strike in protest of having his right to make phone calls withheld¹³⁴.

¹³¹ See Observatory Urgent Appeal MAR 001/0121/OBS 005, “*Maroc: Détention arbitraire de Maâti Monjib*” January 8, 2021, <https://www.fidh.org/fr/themes/defenseurs-des-droits-humains/maroc-detention-arbitraire-de-maati-monjib>.

¹³² See Observatory Urgent Appeal MAR 001/0121/OBS 005.1, “*Libération provisoire de Maâti Monjib*” April 1, 2021, <https://www.fidh.org/fr/themes/defenseurs-des-droits-humains/maroc-liberation-provisoire-de-maati-monjib>.

¹³³ See Joint Open Letter, “*Bahrain: Urgent call to release Abdul al-Khawajaia on his 10th anniversary of detention*,” April 9, 2021, <https://www.fidh.org/en/region/north-africa-middle-east/bahrain/bahrain-urgent-call-to-release-abdul-hadi-al-khawaja-on-his-10th>.

¹³⁴ See Frontline Defenders, November 18, 2021, <https://www.frontlinedefenders.org/en/case/detained-human-rights-defender-abdulhadi-al-khawaja-begins-hunger-strike#case-update-id-14526>.



In **Egypt**, a six-month ban on prison visits issued on March 10, 2020 has effectively kept thousands of inmates in incommunicado detention, preventing them from any communication with lawyers and family members¹³⁵. The incommunicado detentions of human rights defenders in Egypt in this context have been particularly alarming.

Irregularities in court procedures have also led to abnormal extensions of sentences such as pre-trial renewals. For instance, the Coptic human rights defender **Ramy Kamel**, arrested on November 23, 2019, had his pre-trial renewal session delayed from March 18, 2020 to May 3, 2020. On May 3, 2020, Ramy Kamel's detention was renewed for an additional 45 days. Neither he nor his attorneys were present at this hearing. On June 4, 2020, Ramy Kamel's detention was again renewed for 45 days in absentia. His July 1, 2020 session was postponed to July 12, 2020, at which time he again received a 45-day extension of his detention¹³⁶. On September 6, 2021, the Cairo Criminal Court ordered the extension of Ramy Kamel's detention for an additional 45 days pending investigation. He was eventually released in January 2022¹³⁷.

Another preoccupying case is the one of **Alaa Abdel Fattah**, human rights activist, and blogger, arrested on September 27, 2019¹³⁸. His lawyer, **Mohamed El-Baqer**, was arrested on September 29, 2019, and both were accused under trumped-up charges of "belonging to a terrorist group", "funding a terrorist group", "spreading false news undermining national security" and "using social media to commit publishing offenses". They were then added to **Egypt's "terrorist list"**¹³⁹. Since the suspension of prison visits in March 2020 due to the Covid-19 pandemic, they have been denied access to their lawyers and families¹⁴⁰. Beyond the dangerous restrictions on communication with the outside world and difficulties for relatives to get in touch with the prisoners, the Egyptian authorities also harass and criminalise the family members of political prisoners protesting for their right to visit (see section 1 above). After more than two years in pre-trial detention, on December 20, 2021, the Misdemeanours Emergency State Security Court in Cairo sentenced Alaa Abdel Fattah to five years of imprisonment and Mohamed El-Baqer to four years in prison, on charges of "spreading false news undermining national security" in Criminal Case 1228 of 2021¹⁴¹.

¹³⁵ See <https://www.hrw.org/news/2020/07/20/egypt-apparent-covid-19-outbreaks-prisons>

¹³⁶ See Joint Statement, "Egypt: After one-year of unwarranted arrest and solitary confinement, Ramy Kamel must be freed" December 21, 2020, <https://www.fidh.org/en/region/north-africa-middle-east/egypt/egypt-after-one-year-of-unwarranted-arrest-and-solitary-confinement>

¹³⁷ See Front Line defenders, "Preventive Detention of Ramy Kamel Extended" <https://www.frontlinedefenders.org/en/case/preventive-detention-ramy-kamel-extended>

¹³⁸ See Joint Statement, "Egyptian activist Alaa Abdel Fattah on hunger strike protesting his continued illegal detention" April 30, 2020, <https://www.fidh.org/en/issues/human-rights-defenders/freelaa-egyptian-activist-alaa-abdel-fattah-on-hunger-strike>

¹³⁹ See Observatory Urgent Appeal EGY 004/0919/OBS 075.3, "Egypt: Messrs. Alaa Abdel Fattah and Mohamed El-Baqer arbitrarily added to a "terrorist list", November 27, 2020, <https://www.omct.org/en/resources/urgent-interventions/messrs-alaa-abdel-fattah-and-mohamed-el-baqer-arbitrarily-added-to-a-terrorist-list>

¹⁴⁰ See Observatory Statement, "Egypt: Mohamed El-Baqer must be immediately released" June 29, 2021, <https://www.omct.org/en/resources/statements/egypt-mohamed-el-baqer-must-be-immediately-released>

¹⁴¹ See Observatory Urgent Appeal EGY 004/0919/OBS 075.7, "Egypt: Sentencing of Mohamed El-Baqer, Alaa Abdel Fattah and Mohamed "Oxygen", January 7, 2022, <https://www.omct.org/en/resources/urgent-interventions/egypt-sentencing-of-mohamed-el-baqer-alaa-abdel-fattah-and-mohamed-oxygen>

4. Threats and killings of human rights defenders

While attention has been focused on the fight against the pandemic, numbers of human rights defenders have been killed or attacked by armed groups, at a time when protection systems have been seriously undermined. The situation has been particularly worrying in Latin America, where the introduction of curfews and restrictions on movement have led to an increase in the risks of attacks on defenders. In response, the Inter-American Commission on Human Rights issued a call to the States of the region to “protect and guarantee the work of human rights defenders in the face of the Covid-19 pandemic”. The Commission recalled that the States’ obligation to protect the life and personal integrity of human rights defenders “takes on particular relevance in the context of the spread of the Covid-19 pandemic, especially when defenders are in a situation of increased risk due to emergency measures that limit, *inter alia*, freedom of movement”¹⁴².

Nevertheless, lockdowns, curfews, and the Covid-19 context more generally have increased the vulnerability of human rights defenders already at risk, as in **Colombia, El Salvador, Venezuela, Mexico, Honduras, Chile, Guatemala, Nicaragua, Brazil**, but also, beyond Latin America, in the **Philippines** or **Zimbabwe** for instance.



In **Colombia**, restrictions on movement during the pandemic have intensified vulnerability and risks for human rights defenders who, for security purposes, generally need to be constantly on the move.

Indeed, through Presidential Decree 417 of March 17, 2020¹⁴³, a State of Economic, Social and Ecological Emergency was declared, and through Decree 457 of 2020, the Colombian government ordered a mandatory preventive isolation from March 25, measures that have been further extended, and which include the total limitation of the free movement of people and vehicles, except for some established exceptions.

The suspension of State-provided protection measures can also explain the increase in the presence and threats of illegal armed groups in certain – mainly rural – areas. Indeed, armed groups have taken advantage of the lockdown-related measures to attack rural activists, according to local NGOs, such as the José Alvear Restrepo Lawyers’ Collective (*Colectivo de Abogados José Alvear Restrepo – CAJAR*) and other human rights organisations¹⁴⁴. From the imposition of curfews in Colombia on March 19, 2020 to July 15, 2020, 82 human rights defenders, including indigenous peoples’ rights defenders and women human rights defenders, were reportedly killed in separate attacks¹⁴⁵. Among the activists killed is **Carlota Isabel Salinas Pérez**, a social leader and women’s rights defender, member of the Women’s Popular Organisation (*Organización Femenina Popular – OFP*), who was murdered on March 24, 2020 in front of her house by unidentified armed men. Hours before she was killed, Ms. Salinas Pérez had been collecting money to help the most vulnerable people in her neighbourhood, within the context of the Covid-19 pandemic¹⁴⁶.

¹⁴² See OEA, “La IDH llama a los Estados a proteger y garantizar la labor de personas defensoras de derechos humanos ante la pandemia del COVID-19” May 5, 2020, <http://www.oas.org/es/cidh/prensa/comunicados/2020/101.asp>.

¹⁴³ See <https://dapre.presidencia.gov.co/normativa/normativa/DECRETO%20457%20DEL%2022%20DE%20MARZO%20DE%202020.pdf>

¹⁴⁴ See Joint Open Letter “Carta de la Sociedad Civil” May 4, 2020, https://www.fidh.org/IMG/pdf/col_carta_de_sociedad_civil_a_la_unp_4_de_mayo_de_2020.pdf

¹⁴⁵ See Colectivo de abogados, “Registro de líderes y personas defensoras de DDHH asesinadas desde la firma del acuerdo de paz” July 27, 2020, <https://www.colectivodeabogados.org/?Registro-de-lideres-y-personas-defensoras-de-DDHH-asesinadas-desde-la-firma-del>. See the complete list of 2020 social leader murders, available at : <http://www.indepaz.org.co/lideres/>.

¹⁴⁶ See Observatory Urgent Appeal COL 005/0120/OBS 029, “Colombia: Asesinato de la Sra. Carlota Isabel Salinas Pérez de la OFP” March 31, 2020, www.fidh.org/es/temas/defensores-de-derechos-humanos/colombia-asesinato-de-la-sra-carlota-isabel-salinas-perez-de-la-ofp

During 2020, the Observatory monitored actions of forced displacement and killings of human rights defenders in the country, particularly in the department of Cauca¹⁴⁷, including the murders of Messrs. **Hugo de Jesús Giraldo Lopez** and **Mario Chilhueso Cruz**, members of the Association of Workers and Small Farmers and Livestock Producers (*Asociación de Trabajadores y Pequeños Productores Agropecuarios – ASTCAP*) of the municipality of Buenos Aires, who had been fighting for the recognition of peasant rights in the Alto Naya region; **Teodomiro Sotelo Anacaona**, **Andrés Cansimance Burbano**, **Jesús Albeiro Riascos** and **Sabino Angulo**, members of the Community Council AFRORENACER and the National Agrarian Coordinator (*Coordinador Nacional Agrario – CNA*); in the municipality of El Tambo, and the forced displacement of human rights defenders and their families from the municipalities of El Tambo and Argelia, including **Henry Agudelo**, leader of the Peasant Agro-environmental and Mining Association (*Asociación Campesina Agroambiental y Minera – ACAAMI*), in the municipality of El Tambo, and **Miguel Angel Buesaquillo**, peasant leader of the CNA in the municipality of Argelia. All these events occurred in the context of the compulsory social isolation measures adopted by the government, and the expansion of paramilitaries and other illegal armed groups military control and their actions in various regions, which implied the imposition of confinements in some regions of the country, such as Bajo Cauca, Sur de Córdoba and others¹⁴⁸.



In **El Salvador**, violence against women human rights defenders increased in the country – especially online – after the measures taken by the government in response to the global health crisis.

These assaults have created a violent and hostile environment for such defenders and have made their work more difficult, and in some cases, the threats have come from social network accounts¹⁴⁹. For example, on March 18, 2020, online death threats were published against human rights defender **Bessy Ríos**, through an anonymous *Twitter* account. This was not the first time that the defender received death threats through the online platform, but it was the first time that she was threatened to be intentionally contaminated with the Covid-19 virus in retaliation for her work. On September 25, 2020, the *Twitter* account of the Salvadoran Network of Women Human Rights Defenders was subject to several hacking attempts¹⁵⁰. These digital attacks, which are not isolated incidents, illustrate the worrying persecution of human rights defenders in the country.

¹⁴⁷ See Observatory Urgent Appeal COL 006/0420/OBS 041, “Colombia: Asesinatos, desplazamiento forzado y amenazas a defensores de DDHH en el Cauca” April 23, 2020, <https://www.omct.org/es/recursos/llamamientos-urgentes/assassination-and-threats-against-several-human-rights-defenders-in-cauca-department>

¹⁴⁸ See Coordination Colombia Europe United States Special bulletin n° 2 : Militarisation, paramilitarisation and denial under the state of economic and social emergency, <https://coeuropa.org.co/boletin-especial-no-2-militarizacion-paramilitarizacion-y-negacion-al-amparo-del-estado-de-emergencia-economica-y-social/>

¹⁴⁹ See Joint Statement, “El Salvador: Medidas de El Salvador ante COVID-19 propicia entorno hostil a labor de defensores de DDHH” June 22, 2020, <https://www.fidh.org/es/temas/defensores-de-derechos-humanos/las-medidas-del-gobierno-salvadoreno-ante-la-covid-19-han-propiciado>

¹⁵⁰ See Iniciativa mesoamericana de mujeres defensoras de derechos humanos, “EL SALVADOR / Intentan hackear la cuenta de *Twitter* de la Red Salvadoreña de Defensoras” September 27, 2020, <http://im-defensoras.org/2020/09/alerta-defensoras-el-salvador-intentan-hackear-la-cuenta-de-twitter-de-la-red-salvadorena-de-defensoras/>



In **Venezuela**, from March 13 to May 13, 2020, in the context of the pandemic, 58 attacks were recorded against defenders' homes who were marked with words and threats for being critical of the government's human rights record.

These attacks were perpetuated in the framework of the "Bolivarian fury" consisting of scratching the houses of people considered to be enemies of the government¹⁵¹. In 2020, there was a 157% increase in attacks on defenders and civil society organisations compared to the figures for 2019. Arbitrary arrests, acts of defamation and stigmatisation, and harassment have been the most repeated types of attacks in the Venezuelan context. There has also been an increase in attacks against media outlets and organisations defending the right to information, such as *Efecto Cocuyo*, *VPI TV*, *Panorama*, *Tal Cual*, *El Pitazo*, *radio Fe y Alegría* and the National Union of Press Workers (*Sindicato Nacional de Trabajadores de la Prensa*)¹⁵².



In **Mexico**, data from the Mechanism for the Protection of Human Rights Defenders and Journalists indicate that between March and June 2020, 141 attacks against human rights defenders and journalists were recorded¹⁵³. Overall, in 2020 a 67% increase in attacks against defenders was recorded in Mexico¹⁵⁴.

Land and environmental rights defenders were the most targeted ones. Four human rights defenders were killed as a reprisal for their human rights work in the few weeks following the beginning of the health crisis: **Isaac Medardo Herrera Avilés** (on March 23, 2020), **Benito Peralta Arias** (on March 30, 2020), **Juan Zamarron Torres** (on April 1, 2020), **Adan Vez Lira** (on April 8, 2020). A year later, the level of violence had not decreased. **Simón Pedro Pérez López**, defender of the rights of indigenous people and member of the civil society organisation *Las Abejas de Acteal*, of which he was president of the board of directors, was killed on July 5, 2021, in the early morning, with a direct shot to the head by an unknown individual on a motorbike, in the market of the municipal capital of Simojovel, in the state of Chiapas. As of June 2022, investigations had not progressed¹⁵⁵. Other acts of violence or intimidation were observed against land rights defenders. On February 11, 2021, the Indigenous Citizens' Council of Nahuatzen (*Consejo Ciudadano Indígena de Nahuatzen – CCIN*) reported, for the second time in one month, the burning of the rubbish dumps near the community, in the municipality of Nahuatzen, Michoacán as retaliation for their defence of the environment and the rights of indigenous people¹⁵⁶.

¹⁵¹ See FIDH/PROVEA, "La emergencia humanitaria compleja de Venezuela se agrava por efecto del Covid-19: Comunidad Internacional debe impulsar acuerdos humanitarios urgentes que promuevan soluciones a la crisis alimentaria y sanitaria" 06/2020, <https://www.fidh.org/IMG/pdf/venezuela755esp.pdf>, p. 10.

¹⁵² See Observatory Report, "Venezuela: Ataques contra defensores de DDHH aumentaron 157% durante la pandemia, February 2021, <http://www.omct.org/es/recursos/comunicados-de-prensa/venezuela-attacks-on-human-rights-defenders-surge-by-157-during-covid-19>

¹⁵³ See Espacio OSC, *Alertan a la Union Europea sobre graves crisis de derechos humanos*, June 2020, <https://espacio.osc.mx/alertan-a-la-union-europea-sobre-graves-crisis-de-derechos-humanos-en-mexico/>

¹⁵⁴ <https://www.eluniversal.com.mx/mundo/mexico-uno-de-los-paises-mas-peligrosos-para-defensores-ambientales>.

¹⁵⁵ See Observatory Urgent Appeal MEX 008/0721/OBS 078, "México: Asesinato de Simón Pedro Pérez López, miembro de Las Abejas de Acteal" July 7, 2021, <https://www.omct.org/es/recursos/llamamientos-urgentes/m%C3%A9xico-asesinato-sim%C3%B3n-pedro-p%C3%A9rez-l%C3%B3pez-miembro-de-las-abejas>

¹⁵⁶ See Observatory Urgent Appeal MEX 005/0221/OBS 025, "México: Amenazas e intimidación contra el Consejo Ciudadano Indígena de Nahuatzen" February 25, 2021, <https://www.omct.org/es/recursos/llamamientos-urgentes/m%C3%A9xico-intimidaci%C3%B3n-contra-el-consejo-ciudadano-ind%C3%ADgena-de-nahuatzen>



In **Guatemala**, attacks against journalists, social leaders and defenders of land and indigenous rights, including acts of intimidation, threats, arbitrary arrests, murder attempts and assassinations, have intensified coincidentally with the State's March 2020 decree of public calamity.

According to the Unit for the Protection of Human Rights Defenders in Guatemala (UDEFEQUA), the total number of registered attacks against human rights defenders between January and June 2020 amount to 677. On September 11, 2020, the Inter-American Commission on Human Rights expressed its concern about these acts of violence and called on the State to protect human rights defenders in the country¹⁵⁷.

In addition, Covid-19 related restriction measures in **Guatemala** and **Chile** made it difficult for human rights defenders facing threats to file complaints with police and access judicial remedies.



In **Guatemala**, four defenders of indigenous rights were threatened and physically attacked with knives by a group of unknown people in the forest of Alto de Tonicapán, located in western Guatemala, on September 22, 2020¹⁵⁸. The request for protection measures presented by the defenders – **Andrea Isabel Ixchú Hernández**, **Gabriela Ixchú Hernández** and **Carlos Ernesto Cano Ispaché** – to the police was not quickly processed, thereby exposing them to new threats and attacks in retaliation for their legitimate work.



In **Chile**, human rights defender **Camila Bustamante Álvarez**, who works to defend the rights of marginalised communities to access water, received misogynistic threats and death threats on March 18, 2020. Due to the health crisis-related restrictions, she was unable to file a formal complaint¹⁵⁹.



In **Honduras**, the lack of investigation on major acts of violence is preoccupying, and the structural violence against human rights defenders has worsened in context of the Covid-19 health crisis.

On January 9, 2022, unknown persons killed **Pablo Hernández** with firearms in the municipality of San Marcos de Caiquín, department of Lempira. Following his denunciation as a community journalist of human rights violations and acts of corruption by the administration of the municipality of San Marcos de Caiquín, which were allegedly linked to the Covid-19 pandemic, Mr. Hernández was the target of attacks and threats, which he publicly denounced¹⁶⁰. In February 2022, the body of Pablo Hernández was exhumed in the department of Lempira. In addition, a team from the Technical Agency for Criminal Investigation, in conjunction with the Special Prosecutor's Office for Ethnic Groups and Cultural Heritage, arrested two suspects in the murder of Pablo Hernández. The investigation was still ongoing at the time of publication of this report.

¹⁵⁷ See OEA, "La CIDH condena asesinatos y agresiones contra personas defensoras en Guatemala" 11/09/2020, <https://www.oas.org/es/cidh/prensa/comunicados/2020/215.asp>.

¹⁵⁸ See Observatory – UDEFEGUA Joint Statement, "Guatemala: Nuevas agresiones contra quienes defienden el territorio" September 25, 2020, <https://www.omct.org/es/recursos/llamamientos-urgentes/pronunciamiento-conjunto-nuevas-agresiones-contra-quienes-defienden-el-territorio>

¹⁵⁹ See Front Line Defenders, "Defending rights during a pandemic: Impact of COVID on the safety and work of human rights defenders" April 17, 2020.

¹⁶⁰ See Observatory Urgent Appeal HND 001/0122/OBS 003, "Honduras: Asesinato del líder indígena Lenca Pablo Hernández" January 19, 2022, <https://www.omct.org/es/recursos/llamamientos-urgentes/honduras-asesinato-del-l%C3%ADder-ind%C3%ADgena-lenca-pablo-hern%C3%A1ndez>



In **Nicaragua**, within the context of the Covid-19 health crisis, attacks on Mayangna communities in the Bosawas Reserve have increased.

Between 2020 and 2021, the land conflict and the **pattern of systematic and widespread violence** against those defending the rights of the Mayangna and Miskitu indigenous peoples escalated at an alarming rate, mostly due to the impunity and illegal land-trafficking permitted by State authorities¹⁶¹. Between January 2020 and January 2021, at least 13 murders, eight people injured in armed attacks, two kidnappings, the forced displacement of a community – most members of the Mayangna indigenous people – and two assaults on two underage Miskitu indigenous girls were reported¹⁶². Among these attacks, **Nacilio Macario**, Mayangna indigenous leader from the Musawas community of Sauni As, located in the Bosawás Biosphere Reserve, Autonomous Region of the Northern Caribbean Coast, was murdered on November 14, 2020 by a group of unknown persons near the Wiwina River, where he was protecting and guarding a plot of land to prevent its illegal occupation by non-indigenous people¹⁶³. **Antonio López Rufus** and **Leve Pedro Devis**, two other Mayangna defenders were attacked on March 3, 2021 by a group of unknown non-indigenous people. Leve Pedro Devis was kidnapped for two days, after which he returned to his community with bruises on his body, and visibly emotionally affected. During the attack, Antonio López Rufus was seriously wounded with five bullet wounds to his body¹⁶⁴.



In the **Philippines**, killings of human rights defenders have intensified over President Duterte's "shoot-to-kill" instructions against Covid-19 lockdown "troublemakers".

At the beginning of the pandemic, President Duterte threatened to issue "shoot-to-kill" instructions to deal with Covid-19 lockdown "troublemakers" and to declare a martial law-like virus crackdown, troubling and reminiscent of his disastrous rhetoric in his so-called "war on drugs"¹⁶⁵. Since then, killings of human rights defenders and government critics have arisen. On March 7, 2021 for instance, nine human rights defenders were killed during coordinated raids: **Emmanuel "Manny" Asuncion, Ana Marie "Chai" Lemita-Evangelista, Ariel Evangelista, Melvin Dasigao, Mark Lee "Makmak" Coros Bacasno, Esteban "Steve" Mendoza, Elizabeth "Mags" Camoral, Nimfa Lanzanas, and Eugene Eugenio**. Two days before, President Duterte ordered the Philippine National Police (PNP) and the Philippine Army (PA) to "ignore human rights" and "kill" and "finish off" communist rebels in any armed encounters with them¹⁶⁶.

¹⁶¹ See Joint Briefing, "Nicaragua: A year of violence against those defending the rights of the Mayangna and Miskitu indigenous peoples" January 29, 2021, <https://www.omct.org/en/resources/urgent-interventions/nicaragua-briefing-conjunto-un-a%C3%B1o-de-violencia-sistem%C3%A1tica-contra-quienes-defienden-los-derechos-ind%C3%ADgenas>

¹⁶² Ibid.

¹⁶³ See Observatory Urgent Appeal NIC 001/1120/OBS 128, "Nicaragua: Asesinato del Sr. Nacilio Macario, defensor de los derechos indígenas" November 19, 2020, <https://www.omct.org/es/recursos/llamamientos-urgentes/killing-of-mr-nacilio-macario-indigenous-rights-defender>

¹⁶⁴ See Observatory Urgent Appeal NIC 001/0321/OBS 035, "Nicaragua: Ataque armado contra los defensores indígenas Antonio López Rufus y Leve Pedro Devis" March 19, 2021, <https://www.omct.org/es/recursos/llamamientos-urgentes/nicaragua-ataque-armado-contra-los-defensores-ind%C3%ADgenas-antonio-l%C3%B3pez-rufus-y-leve-pedro-devis>

¹⁶⁵ See FIDH, "Oral Statement for the enhanced Interactive Dialogue on the human rights situation in the Philippines" 30/06/2020, <https://www.fidh.org/en/region/asia/philippines/enhanced-interactive-dialogue-on-the-human-rights-situation-in-the>

¹⁶⁶ See Observatory Statement, "Philippines: Impunity persists for "Bloody Sunday" killings" August 6, 2021, <https://www.omct.org/en/resources/statements/philippines-impunity-persists-for-bloody-sunday-killings>



In **Zimbabwe**, abductions, arbitrary arrests, and police brutality have been used by law enforcement officers against civil society representatives, to prevent dissenting voices from speaking out against the State's response to the health crisis.

Between March 30 and August 9, 2020, the NGO ZimRights documented 820 human rights violations, including arbitrary arrests, assaults by State agents, and attacks on journalists. Among them were several human rights defenders, such as Hopewell Chin'ono, mentioned above, his lawyer, Beatrice Mtetwa, three opposition members and leaders, **Tsitsi Dangarembga**, a figure of African feminism and award-winning novelist, and **Gamuchirai Mukura**, Executive Director of Community Tolerance Reconciliation and Development (COTRAD), a youth-oriented registered non-governmental organisation¹⁶⁷.

Image credit: ©



Tsitsi Dangarembga



Finally in **Brazil**, the mismanagement of the pandemic and the denial of its social and economic consequences have had an important impact on human rights defenders' safety.

On February 2021, a joint report published by Justiça Global and the Observatory entitled *The Impact of Covid-19 on the Defence of Human Rights in Brazil* denounced the lack of transparency regarding the management of the Covid-19 and the cut planned in the Ministry of Health's budget in 2021, estimated at R\$35 billion (approximately 5 billion EUR)¹⁶⁸. Moreover, the emergency relief fund established by the authorities in response to the pandemic has been insufficient, consisting only of a limited monthly check for informal workers, the unemployed and vulnerable family members. With President Jair Bolsonaro strongly minimising the consequences of the disease, precarious and indigenous populations have been the first victims. Indigenous populations lack immunity to many pathogens, rendering them more prone to Covid-19-related complications, and generally live in remote regions of the Amazon that lack hospital infrastructure and basic sanitation. As of January 2021, some 50,000 indigenous people of more than 160 ethnic groups had been infected with the disease, with over 1,000 having died from it, according to the Articulation of Indigenous Peoples of Brazil (*Articulação dos Povos Indígenas do Brasil - APIB*). Among them are human rights defenders and internationally recognised leaders, such as the chiefs **Aritana Yawalapiti** and **Paulinho Paikan**, the Guarani shaman **Gregório Venega**, the elders **WariniSurui**, **Acelino Dace**, **Artemínio Antônio Kaingãng**, **Elizer Tolentino Puruborá**, **Puraké Assuniri** and **João Sôzê Xerente**. The report includes a list of 92 human rights defenders who lost their lives due to Covid-19 between March and August 2020.

¹⁶⁷ See ZimRights, "Zimbabwe: FIDH and ZimRights Deplore Persecution of Dissenters" September 11, 2020, <https://www.fidh.org/en/region/Africa/zimbabwe/zimbabwe-fidh-and-zimrights-declare-persecution-of-dissidents>

¹⁶⁸ See *Brazil: Covid-19 deaths of human rights defenders due to dismantling of social policies and government neglect*, p.12

Conclusion

Human rights defenders have been highly impacted by State measures taken to cope with the health crisis, or by State failure to protect them in the context of the Covid-19 pandemic. First, many States have been more focused on fighting the spread of the virus, sometimes through disproportionate measures, than providing a conducive environment to an independent monitoring and reporting of the human rights situation in the context of the crisis. More alarming, some States have used this fight as a pretext to continue or even strengthen the persecution of critical voices, at a time when protection systems – both domestic and international – were paralysed due to the restrictions put in place. Yet, far from being limited in time, some measures passed under the guise of the pandemic could have long-term effects on the activity of human rights defenders. Besides, while State authorities have an obligation to effectively address threats, attacks, harassment and intimidation against defenders, including by thoroughly, promptly and independently investigating human rights violations against them and bringing the suspected perpetrators to justice in fair trials, the pandemic has provided additional contexts where the latter have been particularly targeted and/or silenced, in total impunity.

With the present report, the Observatory intends to contribute to the restoration of civic space and of a more enabling environment for human rights defenders whose rights have been dramatically affected since the beginning of the pandemic. It also aims to protect defenders from all human rights violations, and to avoid similar violations against human rights defenders from occurring in the event of future pandemics or global crises.

To that end, the Observatory formulates the following recommendations to governments, intergovernmental organisations as well as private actors:

Recommendations:

To governments:

- > guarantee human rights defenders protection and enforce/restore an enabling environment for human rights work, civic engagement and action;
- > publicly recognise the crucial role played by all human rights defenders in providing information and addressing the challenges posed by global crises such as the Covid-19 crisis;
- > recognise human rights defenders as key stakeholders in decision-making processes related to human rights issues, in the Covid-19 and post-Covid-19 contexts;
- > ensure that any measure restricting human rights defence in global crises such as Covid-19, including those imposing limitations on the rights to freedom of movement, expression, association and peaceful assembly, are strictly necessary, temporary, and proportionate to the protection of public health;
- > carry out immediate, thorough, transparent and independent investigations into the attacks and other violations against human rights defenders in the context of the Covid-19 pandemic, in order to identify all those responsible, bring them before an independent tribunal, and punish them as provided by the law;
- > follow-up on recommendations formulated by intergovernmental and treaty bodies at the UN level, as well as intergovernmental bodies at regional levels (ACHPR, IACHR, CoE, EU, OSCE) in relation to the protection of defenders within the Covid-19 context.

With regards to emergency powers:

- > emergency powers must only be used for legitimate public health goals, not used as a basis to quash dissent, silence the work of human rights defenders or journalists, deny other human rights, or take any other steps that are not strictly necessary to address the health situation.
- > inform the affected population of what the emergency measures are, where they apply and for how long they are intended to remain in effect, and update this information regularly and make it widely available.
- > ensure a return to life as normal and do not use emergency powers to indefinitely regulate day-to-day life, recognising that the response must match the needs of different phases of this crisis.

With regards to freedom of expression, information and participation:

- > enable and support human rights defenders to contribute to the efforts to protect public health and tackle the pandemic and its health and social repercussions;
- > ensure that the operation of media outlets, journalists and human rights defenders is not unduly restricted under the pretext of the pandemic and beyond, and allow them to continue their work despite the restrictions on movement in some countries without fear of harassment or censorship for being critical of the government' response to the crisis;
- > refrain from imposing blanket bans on the dissemination of information, including those based on vague and ambiguous concepts such as “fake news” or “spreading misinformation”, and repeal or amend legislation that impose criminal penalties simply for sharing or distributing information;
- > ensure that surveillance technology is only used in full compliance with international human rights law and legal frameworks guaranteeing privacy, along with the tools needed to ensure implementation, and investigate all cases of allegations of surveillance constituting unlawful and arbitrary interference in private life;
- > end any existing internet disruptions or shutdowns and keep the internet on, and ensure the broadest possible access to internet service by taking steps to bridge digital divides;

With regards to arbitrarily detained human rights defenders

- > adopt special measures to ensure access to information and equality in health protection and other healthcare for human rights defenders deprived of their liberty;
- > ensure that the Article 10 of the UDHR on the right to a fair trial is respected, even in times of health crisis.
- > immediately release human rights defenders, as their detention is arbitrary and as a further means to mitigate the risk of harm within places of detention.

With regards to the protection of women's and LGBTQI's rights defenders:

- > develop and adopt integrated and gender responsive prevention, protection, monitoring and response mechanisms for the online and offline safety of women's and LGBTQI's human rights defenders;
- > provide women human rights defenders and LGBTQI+ rights defenders with the specific protection they may need against gender-based violence they face due to their work, recognising the particular challenges and risks they face within contexts such as the Covid-19 pandemic;
- > incorporate the perspectives, voices and knowledge of women human rights defenders in outbreak preparedness and response, including by ensuring their representation, participation and leadership roles in global, regional and national spaces related to global crises such as Covid-19.

To United Nations and regional human rights bodies and mechanisms:

- > call on States not to use the pandemic as a pretext to further repress human rights defenders and denounce violations occurring in that context;
- > call on States to implement recommendations formulated in the present report.

To the United Nations Office of the High Commissioner for Human Rights:

- > include a “human rights defenders protection” perspective in all guidelines or statements related to the Covid-19 pandemic;
- > include a new tab on human rights defenders’ protection in the Covid-19 Guidance;
- > systematically refer to the conclusions of the present report in statements from the High Commissioner related to the Covid-19 pandemic;
- > condemn the trends outlined in the present report, and issue recommendations to put an end to the abusive use of Covid-19 related measures against human rights defenders;
- > rely on the information contained in the present report on the occasion of country or thematic resolutions at the Human Rights Council.

To the European Union and States with dedicated guidelines on human rights defenders protection:

- > use all bilateral channels, including but not limited to human rights dialogues, to call on authorities of partner countries to implement all the recommendations to governments outlined above;
- > use all bilateral channels, including but not limited to human rights dialogues, to raise individual cases of human rights defenders with counterparts in partner countries; issue public statements about their cases, including at high level;
- > ensure the implementation of the EU guidelines on human rights defenders, in particular through regularly monitoring of judicial proceedings against human rights defenders, systematically attending their trials and visiting them in prison when they are detained;
- > in cases where national authorities do not grant authorisation to attend trials or visit human rights defenders in prison, issue public statements denouncing this situation and calling on the national authorities to allow diplomatic representations to conduct monitoring and to visit imprisoned human rights defenders;
- > at EU delegation level, ensure the coordination of member States’ embassies on the situation of human rights defenders in the country, including on individual cases;

To businesses and international financial institutions:

- > respect the rights of human rights defenders to carry out their work in a safe environment, especially within the Covid-19 context, and call for the repeal of any unnecessary and disproportionate restriction on their rights;
- > assess how the different business measures or business decisions taken as a result of the Covid-19 context could result on negative impacts on human rights and environmental defenders, and address, prevent and mitigate those impacts;
- > analyse how the human rights due diligence processes have been impacted as a result of Covid-19 measures, specifically how consultation with human rights defenders might be

restricted, and adopt the necessary measures to address those impacts, respecting all the necessary health measures;

- > Bear in mind the potential misuse of technology created for the purpose of enabling governments to monitor and control the spread of the Covid-19 virus to monitor and crack down on the activities of human rights defenders and put in place safeguards to minimise this potential misuse

Establishing the facts

Investigative and trial observation missions – Through activities ranging from sending trial observers to organising international investigative missions, FIDH has developed rigorous and impartial procedures to establish facts and responsibility.

Experts sent to the field give their time to FIDH on a voluntary basis.

FIDH has conducted more than 1,500 missions in over 100 countries in the past 25 years. These activities reinforce FIDH's alert and advocacy campaigns.

Supporting civil society

Training and exchanges – FIDH organises numerous activities in partnership with its member organisations, in the countries in which they are based. The core aim is to strengthen the influence and capacity of human rights activists to boost changes at the local level.

Mobilising the international community

Permanent lobbying before intergovernmental bodies – FIDH supports its member organisations and local partners in their efforts before intergovernmental organisations. FIDH alerts international bodies to violations of human rights and refers individual cases to them.

FIDH also takes part in the development of international legal instruments.

Informing and reporting

Mobilising public opinion – FIDH informs and mobilises public opinion. Press releases, press conferences, open letters to authorities, mission reports, urgent appeals, petitions, campaigns, website... FIDH makes full use of all means of communication to raise awareness of human rights violations.

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Created in 1985, the World Organisation Against Torture (OMCT) works for, with and through an international coalition of over 200 non-governmental organisations - the SOS-Torture Network - fighting torture, summary executions, enforced disappearances, arbitrary detentions, and all other cruel, inhuman and degrading treatment or punishment in the world and fighting for the protection of human rights defenders.

Assisting and supporting victims

OMCT supports victims of torture to obtain justice and reparation, including rehabilitation. This support takes the form of legal, medical and social emergency assistance, submitting complaints to regional and international human rights mechanisms and urgent interventions. OMCT pays particular attention to certain categories of victims, such as women and children.

Preventing torture and fighting against impunity

Together with its local partners, OMCT advocates for the effective implementation, on the ground, of international standards against torture. OMCT is also working for the optimal use of international human rights mechanisms, in particular the United Nations Committee Against Torture, so that it can become more effective.

Protecting human rights defenders

Often those who defend human rights and fight against torture are threatened. That is why OMCT places their protection at the heart of its mission, through alerts, activities of prevention, advocacy and awareness-raising as well as direct support.

Accompanying and strengthening organisations in the field

OMCT provides its members with the tools and services that enable them to carry out their work and strengthen their capacity and effectiveness in the fight against torture. OMCT presence in Tunisia is part of its commitment to supporting civil society in the process of transition to the rule of law and respect for the absolute prohibition of torture.

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THE OBSERVATORY

Activities of the Observatory

The Observatory is an action programme based on the belief that strengthened co-operation and solidarity among human rights defenders and their organisations will contribute to break the isolation they are faced with. It is also based on the absolute necessity to establish a systematic response from NGOs and the international community to the repression of which defenders are victims.

With this aim, the Observatory seeks to establish:

- > A mechanism of systematic alert of the international community on cases of harassment and repression of defenders of human rights and fundamental freedoms, particularly when they require urgent intervention;
- > The observation of judicial proceedings, and whenever necessary, direct legal assistance;
- > International missions of investigation and solidarity;
- > A personalised assistance as concrete as possible, including material support, with the aim of ensuring the security of the defenders victims of serious violations;
- > The preparation, publication and world-wide dissemination of reports on violations of the rights and freedoms of individuals or organisations working for human rights around the world;
- > Sustained action with the United Nations and more particularly the Special Rapporteur on Human Rights Defenders, and when necessary with geographic and thematic Special Rapporteurs and Working Groups;
- > Sustained lobbying with various regional and international intergovernmental institutions, especially the Organisation of American States (OAS), the African Union (AU), the European Union (EU), the Organisation for Security and Co-operation in Europe (OSCE), the Council of Europe, the International Organisation of the Francophonie (OIF), the Commonwealth, the League of Arab States, the Association of Southeast Asian Nations (ASEAN) and the International Labour Organisation (ILO).

The Observatory's activities are based on consultation and co-operation with national, regional, and international non-governmental organisations.

With efficiency as its primary objective, the Observatory has adopted flexible criteria to examine the admissibility of cases that are communicated to it, based on the "operational definition" of human rights defenders adopted by FIDH and OMCT: "Each person victim or at risk of being the victim of reprisals, harassment or violations, due to his or her commitment, exercised individually or in association with others, in conformity with international instruments of protection of human rights, to the promotion and realisation of the rights recognised by the Universal Declaration of Human Rights and guaranteed by the different international instruments".

To ensure its activities of alert and mobilisation, the Observatory has established a system of communication devoted to defenders in danger.

This system, called Emergency Line, can be reached through:

E-MAIL: Appeals@fidh-omct.org

FIDH TEL: + 33 1 43 55 25 18 **FAX:** + 33 1 43 55 18 80

OMCT TEL: + 41 22 809 49 39 **FAX:** + 41 22 809 49 29



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