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**ANNUAL REPORT OF THE UNITED NATIONS HIGH COMMISSIONER  
FOR HUMAN RIGHTS AND REPORT OF THE OFFICE OF THE HIGH  
COMMISSIONER AND OF THE SECRETARY-GENERAL**

**Progress on reports and studies relevant to cooperation with  
representatives of United Nations human rights bodies**

**Report of the Secretary-General**

## Summary

The present report is submitted in accordance with Human Rights Council decision 2/102 in which the Council requested the Secretary-General of the United Nations and the United Nations High Commissioner for Human Rights to continue with the fulfilment of their activities, in accordance with all previous decisions adopted by the Commission on Human Rights and to update the relevant reports and studies, and in accordance with Commission resolution 2005/9. In the fulfilment of this mandate, the Secretary-General is invited to submit at the seventh session of the Council an update to his previous report,<sup>1</sup> containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals against private individuals or groups who have cooperated or sought to cooperate with United Nations human rights bodies or their representatives, as referred to in Commission resolution 2005/9.

Chapter I of the report refers to information gathered over the period under review and brought to the attention of the mechanisms of the Council and to the Office of the High Commissioner. The replies received from two Governments to two of these communications have also been included. This chapter lays out the methodological framework according to which action for the protection of victims of reprisals was taken by the United Nations human rights bodies. It also gives an account of situations in which persons have reportedly been intimidated or suffered reprisals for having cooperated with United Nations human rights bodies, for having availed themselves of international procedures, for having provided legal assistance for this purpose and/or as relatives of victims of human rights violations. It should be noted that, in many instances, it has not been possible to record in this report additional cases due to specific security concerns or because the individuals exposed to reprisals have explicitly requested that their cases should not be raised publicly.

Chapter II is devoted to concluding remarks. The report underlines the continued seriousness of such reprisals as victims suffer violations of the most fundamental human rights. The gravity of reported acts of reprisal reinforces the need for all representatives of United Nations human rights bodies in cooperation with States to continue to take urgent steps to help prevent the occurrence of such acts.

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<sup>1</sup> A/HRC/4/58.

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## **Introduction**

1. In its resolution 2005/9, the Commission on Human Rights reiterated its concern at the continued reports of intimidation and reprisals against private individuals and groups who seek to cooperate with the United Nations and representatives of its human rights bodies. The Commission also expressed deep concern at the continued seriousness of such reported reprisals and that victims suffer violations of the most fundamental human rights, including the right to life, liberty and security of person, as well as the right to freedom from torture and cruel, inhuman or degrading treatment. The Commission also expressed concern regarding reports of incidents where private individuals have been hampered in their efforts to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms.
2. Pursuant to Human Rights Council decision 2/102, the Secretary-General was invited to submit at the seventh session of the Council an update to relevant reports, including to his previous report.<sup>2</sup> In accordance with Commission on Human Rights resolution 2005/9, he was invited to include in his reports a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals against private individuals and groups who seek to cooperate with the United Nations and the representatives of its human rights bodies.

### **I. INFORMATION RECEIVED AND ACTION TAKEN BY REPRESENTATIVES OF HUMAN RIGHTS BODIES**

#### **A. Methodological framework**

3. In cases in which the victims of reprisals, whether individuals or organizations, have been in contact with one of the bodies or mechanisms of the Council, protective action was taken by the representative in charge of the relevant mandate. Urgent communications or letters of allegation were in some cases addressed to the Government concerned. The replies received from two Governments to two of these communications have been summarized in the present report. In this context, it is worth mentioning that the mandate of the Special Representative of the Secretary-General on the situation of human rights defenders, established by the Commission in its resolution 2000/61 requests the Special Representative, inter alia, “to seek, receive, examine and respond to information on the situation and the rights of anyone, acting individually or in association with others, to promote and protect human rights and fundamental freedoms”.
4. However, it should be noted that in many cases it has not been possible to record in this report additional cases due to specific security concerns or because the individuals exposed to reprisals have explicitly requested not to publicly raise their cases. It should also be noted that almost all the information contained in this report is also reflected in the reports of each individual mechanism presented to the General Assembly or to the Human Rights Council.
5. While this report only mentions a few number of States, it is in no way intended to be selective, this rather reflects the limited nature of the mandate on which this report is based.

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<sup>2</sup> A/HRC/4/58.

Indeed, it is important to note that this mandate limits reporting to cases in which individuals have faced reprisals for having cooperated with representatives of United Nations human rights bodies; this includes treaty bodies and special procedures. A substantial amount of information covering a larger number of States was collected concerning reprisals against individuals having cooperated with human rights components of the Department of Peacekeeping Operations, or with the Office of the High Commissioner field presences. However as these types of reprisals are not covered in the resolutions creating this mandate, these cases will not be reflected in the present report.

## **B. Summary of cases**

6. The following paragraphs cover a variety of situations in which persons have been intimidated or suffered reprisals for having cooperated with United Nations human rights bodies, for having availed themselves of international procedures, for having provided legal assistance for this purpose, and/or as relatives of victims of human rights violations.

### **1. Fiji**

7. Information was received that the Fiji Human Rights Commission was compiling a report on individuals who had made complaints to United Nations mechanisms following the military coup of December 2006. This information was publicly confirmed by the Ombudsman and Chairperson of the Fiji Human Rights Commission. Following the events of December 2006, several communications were sent to special procedures by the civil society in Fiji. Based on these communications and other information, several urgent appeals concerning the events of December 2006 were sent to the Government of Fiji by the Special Representative of the Secretary-General on the situation of human rights defenders, the Special Rapporteur on violence against women, its causes and consequences, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

### **2. Indonesia**

8. On 11 July 2007, the Special Representative of the Secretary-General on the situation of human rights defenders sent an urgent appeal to the Government of Indonesia in relation to the situation of Frederika Korain, Reverend Perinus Kogoya and Barthol Yomen, members of the Peace and Justice Commission for the Diocese of Jayapura (SKP Jayapura), Yan Christian Warinussy, Director of Institute of Research, Analysis and Development of Legal Aid (LP3BH) of Manokwari - West Irian Jaya, and Albert Rumbekwan, Head of the National Commission on Human Rights in West Papua province ("Komnas HAM"). According to the information received, on 8 June 2007, Ms. Korain, Reverend Kogoya, and Mr. Yomen flew back to Jayapura after attending a public hearing with the Special Representative in Jakarta on 7 June. After leaving the airport, their vehicle was followed and subsequently hit by a car with a police licence plate in Ifar. The driver of the police car introduced himself as a commander of intelligence in the Military Regional Command of Trikora. He apologized and said that it was an accident, before driving away. The police, who witnessed the entire incident, allowed him to leave the scene without being questioned. It was alleged that this incident was not accidental, but was perpetrated by an intelligence official who monitored the Special Representative's visit to West Papua, with the direct purpose of intimidating the occupants of the car.

9. On 9 June 2007, Mr. Warinussy returned to Manokwari after meeting with the Special Representative the day before in Jayapura. In the following days and weeks, Mr. Warinussy was the object of surveillance with instances of the same cars being parked either in front of his house or in front of the LP3BH office. Mr. Warinussy requested protection from the non-governmental organization Peace Brigade International (PBI) and asked them to accompany him from 15 June 2007 onwards. One of the cars was reportedly owned by the Manokwari Telkomsel telephone company. However, the car was often borrowed by a member of the Indonesian Navy, who was believed to be working as an intelligence officer for the Armed Forces Strategic Intelligence Agency (BAIS) in Manokwari. It was reported that this member of the Navy, introducing himself as a journalist, tried on several occasions to know from Mr. Warinussy whether he intended to meet with the Special Representative.

10. On 11 June 2007, Mr. Rumbekwan received a text message from a cell phone that said "You who are reporting about the human rights situation in Papua are trying to destroy the people. You want evidence of people being killed, I will kill your tribe, your family and your children will become only bones to show that there is only a zone of peace in Papua." On 12 June 2007, the Special Representative urged the Chief of National Police to grant police protection to Mr. Rumbekwan, and was informed later that day that such protection had been provided. On 14 June 2007, Mr. Rumbekwan reportedly received five more text messages from the same number, again containing death threats. On 14 and 17 June 2007 Mr. Rumbekwan was for several hours the object of surveillance by a number of individuals both at his office and house. The Special Representative expressed serious concern that these events were directly linked to the meetings Mr. Rumbekwan had with her during her visit to Indonesia.

11. The Government of Indonesia responded to the above communication on 16 August 2007. According to the Government, initial investigations into the car accident indicated that nothing harmful had resulted from this incident. In addition, the Government stated that it believed in an active and dynamic civil society, dedicated to the protection and promotion of human rights, and that the work of legitimate human rights activists was vital to make Indonesia a country which welcomes diversity and promotes tolerance. The Government also indicated that Indonesia considered and treated complaints of violations against human rights defenders with the seriousness it warranted and further did not shy away from investigating such allegations. The Government expressed its concern that there have been suggestions of deliberate attempts to impede or intimidate the efforts of human rights defenders in the country.

12. In an additional response, dated 27 September 2007, the Government of Indonesia provided more details on the circumstances of the event of 8 June 2007. According to the Government, the collision between the two cars was indeed an accident caused by a temporary engine failure of the car driven by the military officer, who had also just arrived at the airport from Jakarta (see paragraph 8 above). An examination of the cars by both drivers found no damage to either car and the Lieutenant driving the car expressed remorse for the accident. A discussion ensued, and the Lieutenant Colonel, passenger of the car, offered his apologies and phone number and accepted responsibility for all future repairs. The police present got both parties to agree by shaking hands. The Government also informed the Special Representative that the Bishop, who owned the car Ms. Korain, Reverend Kogoya and Mr. Yomen were travelling in, met the Lieutenant Colonel on 22 June 2007 and agreed with his explanations.

According to the Government, the allegations put forward by the Special Representative were erroneous and that those involved should have contacted the Lieutenant Colonel for damages or contacted and filed a report with the police and not with the Office of the High Commissioner.

13. On 28 August 2007, the Special Representative of the Secretary-General on the situation of human rights defenders sent an urgent appeal to the Government of Indonesia in relation to the situation of Mr. Yan Christian Warinussy, Director of Institute of Research, Analysis and Development of Legal Aid (LP3BH) of Manokwari - West Irian Jaya. Mr. Warinussy had been the subject of an urgent appeal by the Special Representative on 11 July 2007, as summarized above (see paragraph 8). According to the information received, since 29 July, Mr. Warinussy had received threatening text messages on his mobile phone linking his human rights work to the separatist movement in West Papua. On 15 August, a car reportedly followed Mr. Warinussy and parked outside the office of the Institute for Investigation, Research and Human Rights where Mr. Warinussy entered. It is believed that one of the occupants of the car was a detective with the Manokwari Regional Police. The Special Rapporteur reiterated her serious concern that the harassment of Mr. Warinussy may be solely related to the meeting he had with her.

### **3. Philippines**

14. On 28 March 2007, the Special Rapporteur on extrajudicial, summary or arbitrary executions condemned the killing of Siche B. Gandinao. On 10 March 2007, Ms. Gandinao was shot dead by a gunman in Salay, Misamis Oriental. Ms. Gandinao had been a witness to the killing of her father-in-law, Dalmacio Gandinao. Ms. Gandinao met the Special Rapporteur on extrajudicial, summary or arbitrary executions during his visit to the Philippines in February 2007, and a non-governmental organization, Karapatan, had submitted Ms. Gandinao's written testimony concerning the killing of her father-in-law to the Special Rapporteur. The Special Rapporteur denounced as cynical the response of the military regarding this case which stated that Ms. Gandinao was an asset of an armed opposition group and thus had been killed by her own supporters.

### **4. Russian Federation**

15. On 9 February 2007, the Special Representative of the Secretary-General on the situation of human rights defenders sent a letter of allegation to the Russian Government in relation to the situation of Karinna Moskalenko, a human rights lawyer and Commissioner of the International Commission of Jurists. Ms. Moskalenko had been the subject of a joint allegation letter by the Special Representative and the Special Rapporteur on the independence of judges and lawyers dated 6 December 2006. According to the information received, on the evening of 4 January 2007, whilst checking-in for a flight to Siberia at Domodedovo airport, Moscow, Ms. Moskalenko was instructed to proceed to a special police room. Ms. Moskalenko's passport was confiscated temporarily and she was subjected to a special security check. Personal items, including confidential legal documents, were examined in the presence of a significant number of police officers. The security check was reportedly conducted by the specialized department of the Ministry of the Interior at Domodedovo airport and was recorded on camera.

Ms. Moskalenko was later allowed to board the flight, which was delayed for a further 40 minutes without further explanation. Ms. Moskalenko was accompanied by defence lawyers Jury Shmidt, Yevgeny Baru, Leonid Saykin and Konstatin Riskin who were also subjected to a special security check. The lawyers were travelling to Chitta, Siberia to visit their client Mikhail Khodorkovsky. The Special Representative expressed her concern that this event may represent an attempt to prevent lawyers from carrying out their legitimate work in defence of human rights and may be linked with Ms. Moskalenko's interaction with the Human Rights Committee and the European Court of Human Rights.

16. The Russian Government responded to the above communication on 12 April 2007. According to the Government, passengers Shmidt, Baru, Saykina, Rivkin and Rivkina refused to present their personal items and carry-on luggage for inspection as provided for by Order No. 102 of 21 November 1995 on guidelines for inspecting passengers and crew members on civilian aircraft. In addition, they behaved inappropriately and defiantly, and began an altercation with officials who were carrying out their duties, thereby provoking a conflict situation. In the light of the foregoing, the decision was taken to bring them to the duty office of the sectoral internal affairs department in Domodedovo airport for closer examination, including a records check. Ms. Moskalenko was not taken to the duty office of the internal affairs department in Domodedovo. After a pre-flight inspection, which was conducted with their consent, all of the aforementioned citizens boarded their flight and travelled to their destination. The Government denies that the pre-flight inspection of Ms. Moskalenko was conducted because of her human rights activities. Finally, the internal affairs officers acted in accordance with Federal Act No. 1026-1 (Police Act) of 18 April 1991 and did not exceed their duties. There are no grounds for the procurator to take any action.

### **C. General issues of concern**

17. The reported acts of reprisal range from harassment, intimidation, attempts or threats to impose disciplinary sanctions or criminal charges meant to prevent lawful professional activities of human rights defenders. At best, the alleged victims have to endure harassment or intimidation or are subjected to judicial or other proceedings designed to put an end to their cooperation with United Nations human rights bodies, or intended as reprisals against such cooperation. Information received also includes accounts of human rights defenders who have been retaliated against for having provided information that was subsequently used by special procedure mandate holders in their communications with Governments. Other human rights defenders were reportedly intimidated after they met with United Nations representatives or participated in various United Nations human rights meetings to share information or provide testimony about alleged human rights violations. Victims also suffer violations of the most fundamental human rights, including the right to liberty and security of person.

18. The alleged victims of these abuses are private individuals, lawyers, human rights defenders or members of non-governmental organizations who were or have been sources of information about human rights violations for United Nations human rights bodies or who had met with their representatives. There are also disturbing allegations that family members of victims of human rights violations have also been the target of intimidation and reprisals.

19. The cases herein reported represent only a small proportion of reprisals faced by individuals or groups cooperating with the United Nations. As mentioned in paragraph 5 above, the report does not, however, include a far greater number of cases in which individuals have been victims of equal or more serious reprisals for having cooperated with United Nations human rights components other than special procedures and/or treaty bodies, such as the Office of the High Commissioner for Human Rights field presences, human rights components of the Department of Peacekeeping Operations and human rights advisers to United Nations country teams. In addition, the present report does not cover cases of reprisals for cooperation with United Nations specialized agencies. Another issue of concern not reflected in the present report are the unfortunately numerous cases of national staff members working for the United Nations in the area of human rights who face reprisals linked to their work for the Organization.

## II. CONCLUSION

20. **During the period under review, reports of intimidation and reprisals against private individuals and groups who seek to cooperate with the United Nations and representatives of its human rights bodies have continued to be received. Of particular concern is the continued seriousness of such reprisals as victims suffer violations of the most fundamental human rights, including the right to liberty and security of person. The gravity of reported acts of reprisal reinforces the need for all representatives of United Nations human rights bodies in cooperation with States to continue to take urgent steps to help prevent the occurrence of such acts.**

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