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**Promotion and protection of all human rights, civil,
political, economic, social and cultural,
including the right to development**

Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo

Addendum

Communications to and from Governments*

* The present report is circulated as received.

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I. Introduction

1. Through resolution 16/7 entitled “Elimination of violence against women”, the Human Rights Council mandated the Special Rapporteur on Violence against Women, its causes and consequences (hereinafter “the Special Rapporteur”) to respond effectively to information received on violence against women, its causes and consequences, from several stakeholders including intergovernmental and nongovernmental organizations, and women’s organizations. The resolution also requested all Governments to cooperate with and assist the Special Rapporteur in the performance of her mandated tasks and duties, to supply all information requested, including with regard to implementation of her recommendations, and to give serious consideration to her requests for visits and communications.

2. The present addendum to the Special Rapporteur’s annual report contains, on a country by country basis, summaries of allegations, as well as urgent appeals sent to Governments on individual cases and general situations of concern to her mandate. This report includes summaries of the communications sent from 21 March 2010 to 15 March 2011 (with respect to allegation letters), and from 16 April 2010 to 15 April 2011 (with respect to urgent appeals). The report also contains summaries of government replies received until 1 May 2011.

3. The Special Rapporteur recalls that in issuing urgent appeals and transmitting allegations, she does not make any judgment concerning the merits of the respective cases, nor does she necessarily support the opinions and activities of the persons on behalf of whom she intervenes. The names of individual victims and alleged perpetrators have been replaced by initials in order to protect the privacy and prevent further victimization of the former and to prevent undue judgement of the latter. In the original communications, the full names of victims and perpetrators have been provided to the Government concerned.

II. Overview of communications

A. Communications sent

4. During the reporting cycle, the Special Rapporteur sent 17 communications to the following 13 member states: Algeria, Angola, Bangladesh, China, Colombia, Democratic Republic of the Congo, Iran, Gambia, Honduras, México, Syrian Arab Republic, South Africa and the United Kingdom.

5. A total of 8 communications were letters pertaining to allegations of human rights violations that had already occurred or reflected longstanding concerns. The other 9 cases were urgent appeals arising from an ongoing or imminent human rights violation where there was a need to inform the government authorities about the allegations received without delay.

6. These communications were sent jointly with other mandate holders of the Human Rights Council, including the following:

- (i) Special Rapporteur on the situation of human rights defenders (9)
- (ii) Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (8)
- (iii) Special Rapporteur on extrajudicial, summary or arbitrary executions (4)
- (iv) Chair-Rapporteur of the Working Group on Arbitrary Detention (1)

- (v) Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (4)
- (vi) Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (1)
- (vii) Special Rapporteur on the human rights of migrants (2)
- (viii) Special Rapporteur on freedom of religion or belief (1)
- (ix) Special Rapporteur on the independence of judges and lawyers (1)
- (x) Special Rapporteur on contemporary forms of slavery (1)
- (xi) Representative of the Secretary-General on the human rights of internally displaced persons (1)

7. The largest number of joint communications were sent together with the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. Although these joint communications are not representative of the full range of human rights violations encountered by women, they illustrate how the diverse forms of violence experienced by women in different parts of the world, converge with more conventional forms of human rights violations.

B. Cooperation and replies of Governments to the Special Rapporteur

8. In each of the communications, the Special Rapporteur asked Governments to respond to a detailed set of questions in order to clarify the allegations submitted. The Special Rapporteur remains concerned that only 3 Governments out of the 13 concerned replied to communications sent to them. The Special Rapporteur expresses her appreciation for having received 3 responses during the period under review, and wishes to thank the Governments of Maldives, Mexico, Moldova and the United Arab Emirates for their responses to earlier communications sent between 2009 and 2010.

9. The following Member States did not respond to any of the communications that the Special Rapporteur sent during the period under review: Algeria, Bangladesh, China, Democratic Republic of the Congo, Gambia, Honduras, México, Syrian Arab Republic, South Africa and the United Kingdom.

10. In this regard, the Special Rapporteur would like to recall Human Rights Council resolution 16/7 which calls upon all Governments to continue to cooperate with and assist the Special Rapporteur in the discharge her mandate, including by supplying requested information and responding to communications without undue delay.

III. Communications sent and government replies received

11. The communications contained in this report are provided in the original language submitted or received, with the exception of government replies for which a translation was required. In some cases the Special Rapporteur provides suggestions on which additional information is required to respond effectively to the information received or draws the attention of Governments concerned to relevant findings and recommendations contained in her country mission reports and international human rights instruments.

Algérie

Appel urgent

12. Le **19 avril 2010**, la Rapporteuse Spéciale, conjointement avec le Rapporteur spécial sur la torture et autres peines ou traitements cruels, inhumains ou dégradants ont envoyé un appel urgent au Gouvernement concernant plusieurs cas d'agressions perpétrées à l'encontre de femmes vivant seules dans la ville de Hassi-Messaoud dans les semaines précédentes.

13. D'après les informations reçues, aux cours des semaines précédents l'envoi de la lettre, de nombreuses femmes vivant seules et travaillant dans les bases pétrolifères de Hassi-Messaoud auraient été l'objet d'agressions régulières perpétrées durant la nuit. Leurs maisons et appartements auraient été saccagés et pillés par des hommes armés de gourdins, de haches, de couteaux, leurs têtes encagoulées ou même, à visages découverts. Les informations reçues indiquaient que, dans plusieurs cas, des policiers auraient refusé d'enregistrer leurs plaintes et auraient eu une attitude teintée d'indifférence à leur égard. Des informations reçues indiquaient aussi qu'une femme aurait été brûlée vive et se trouvait alors dans le coma à l'hôpital de Ouargla.

14. Les informations reçues indiquaient également que ces actes étaient récurrents et similaires aux événements du 13 juillet 2001 quand plusieurs centaines d'hommes s'en sont pris violemment à un groupe de 39 femmes qui auraient choisi de vivre seules après que l'imam de la mosquée locale les eut qualifiées de prostituées. Ces hommes auraient soumis presque toutes ces femmes à des violences physiques et sexuelles et pillé leur logement. Seules 3 personnes parmi les accusés auraient réellement purgé leurs peines tandis que les autres auraient été condamnés par contumace ou innocentés. Aucun n'aurait été condamné pour viol.

15. En outre, la Rapporteuse Spéciale demanda certaines clarifications de la part du Gouvernement concernant les points suivants: l'exactitude des faits dans le résumé, les plaintes déposées, les enquêtes menées, les investigations judiciaires menées; les poursuites et procédures engagées contre les auteurs de tels actes; et l'état actuel de la procédure d'appel concernant le cas de Hassi Messaoud.

Observations

16. During her mission to the country in November 2010, the Special Rapporteur discussed these allegations with local authorities, police and social services officials in Hassi-Messaoud, who unanimously denied the allegations. This position was also supported by two women from Hassi-Messaoud who met with the Special Rapporteur and who were employed in the oil sector. The Special Rapporteur was unfortunately not able to speak to any victims related to the incidents in Hassi-Messaoud and in fact received contradictory information about their whereabouts and their willingness to share their testimonies.

17. The Special Rapporteur regrets that at the moment of finalizing the report, she had not received an official reply from the Government. She recalls that communications are an important part of the cooperation of Governments with her mandate and urges the Government to respond to the concerns raised.

Angola

Allegation letter

18. On **4 March 2011**, the Special Rapporteur, jointly with the Special Rapporteur on the human rights of migrants, the Special Rapporteur on torture and other cruel, inhuman or

degrading treatment or punishment sent an allegation letter to the Government concerning the alleged mass deportations of large numbers of nationals to the Democratic Republic of the Congo (DRC).

19. According to the information received, over the last decade, there had been mass expulsions by Angolan authorities of migrants. It was estimated that in 2010, 25 778 migrants had been expelled from Angola (Congolese nationals and other African migrants), including 823 unaccompanied children, 975 malnourished children, and 946 pregnant women. These expulsions seemed to be largely targeted at those involved in informal diamond mining (prohibited even for Angolan citizens) in Northern Angola, especially in the province of Lunda Norte but also in Malanje and Uije provinces. While some of the deportees did not have legal residence in Angola, others reportedly possessed residence permits. It was alleged that persons expelled from Angola had been victims of serious human rights violations committed by Angolan law enforcement and security officials in the expulsion process. These included sexual violence (in 2010, over 1357 cases of sexual violence had been reported), torture and other cruel, inhuman and degrading treatment.

20. It was further reported that most of the expelled persons from Angola were forcibly returned in the DRC. From 14 October to 5 November 2010, some 6,621 people reportedly arrived in two areas of the DRC's Western Kasai province, while 322 people arrived in the Tembo area of Bandundu province. According to reports received from 20 to 26 December 2010, at least 673 expulsions had been registered upon their arrival by the Congolese DGM (Direction Générale de Migration), of whom 316 men, 331 women and 26 children. It was also alleged that physical mistreatment and sexual violence, including rape, by the Angolan military and police had accompanied some of the expulsions.

21. It was further reported that Angolan migration officials in civil service uniforms (la police de Défense des Frontières Angolaise, DFA, or "chacals") allegedly raided towns in Malanje, Lunda Norte and Uije identifying foreign nationals (men, women and children) based on their inability to speak Portuguese and the visibility of a vaccination scar (BCG vaccine administered only to Congolese in the 1980s to prevent tuberculosis). These Congolese and other migrants were allegedly taken to military detention centers (women in vehicles, men on foot) for a variable period of between 4 days to a few weeks (exact lengths of detention unverified). Migrants were arrested regardless of whether they possessed legitimate documentation confirming they were in regular stay, and many were not given the opportunity to inform relations of their arrest, detention and expulsion. Detainees were searched, beaten and then placed in underground and windowless cells; men, women and children were not separated. During the day detainees were subjected to forced labour (e.g. cutting of trees and fetching of water) and to sexual violence, including rape, at night. After detention, the Congolese were escorted, unbeknownst to the Congolese border officials, on foot through the bush by the Angolan military in small groups of 20-50 people. After reaching a remote border area of the bush, the officers reportedly fired gun shots into the air to incite the Congolese to disperse. Two cases of death were reported: one from a stray bullet and another from cardiac arrest following the dispersal.

22. It was also alleged that in the detention centers of Corva and Musuku, the detainees were stripped of their clothing and subjected to invasive anal and vaginal searches for diamonds and other objects of value. It was reported that out of the 322 people expelled, 99 women – 14 of whom were pregnant – (out of 119), 15-17 men (out of 150), and 2 girls (out of 33 boys and 22 girls) suffered sexual violence, including rape. Four women became pregnant and an unknown number may have contracted HIV/AIDS. Some women reported being gang raped by 7-10 men in one night. Pregnant women reported having to lie down in holes dug in the sand for their bellies before being raped. One woman reported being raped with her baby in the room, and reported another case where a woman was raped in front of her adolescent child.

23. It was reported that more recently, in December 2010, the Angolan security forces intervened several times in the Kalonda mines. It was alleged that in these incidents, the Angolan forces fired live bullets resulting in deaths. Reportedly, other persons drowned while attempting to flee by jumping into the Tshikapa river. It was also alleged that 629 people (369 men, 140 women and 120 children) had been detained for one week in small cells then expelled to DRC on 21 and 22 December 2010 from the Kabungu, Kandjaji, Mayenda, Kamako, Kabwakala, Kavumbu and Tshisenge border gates.

24. It was finally reported that there were currently 5000 people being detained in Angola awaiting deportation without due regard to the risk they faced should they be returned to the Democratic Republic of Congo.

25. The Special Rapporteurs asked the Government about the accuracy of the alleged facts and requested some clarifications regarding any complaints that might have been lodged, including of sexual and gender violence: the existing legal framework and implementation procedures applied to migrants in detention and deportation; and the steps that have been taken with a view to halting further expulsions as well as the conditions in which these are conducted.

Response from the Government

26. In a letter dated **30 March 2011**, the Government responded to the communication sent on 4 March 2011 informing that an Inter-ministerial committee coordinated by the Ministry of Foreign Affairs and integrated by the Ministries of Home Affairs, Defense, Justice and the Office of the Attorney General of the Republic had been formed to look into the allegations of human rights violations by the National Army and police against citizens of the DRC. The Government informed that the results of the investigation will be communicated as soon as the Inter-ministerial committee completes its work.

27. By letter dated **12 April 2011** the Government of provided a non-official translation of a letter addressed on 22 March 2001 to the attention of the High Commissioner for Human Rights in which it informed that the President expressed concern about allegations of human rights violations in Angola during the process of repatriation of illegal immigrants to their countries of origin.

28. The Government further stated that repatriation of citizens in situations of illegal immigration in Angola is performed in accordance with laws in effect in the Republic of Angola, which application does not target specific groups of foreign citizens but rather only immigration control by Angolan authorities, within the context of preserving sovereignty and political/social stability.

29. Being attentive to the concern about the facts, the first step taken by the President was to establish a Multidisciplinary Commission assigned the task of on-site investigating of evidence regarding the allegations. The Multidisciplinary Commission visited the provinces of Luanda Norte, Cabinda and Zaire where, in conjunction with the pertinent local authorities, the actual situation was verified.

30. During the visit, the Multidisciplinary Commission held a meeting with the border authorities at the Kamaco Post of the Democratic Republic of the Congo (DRC), and determined that no facts exist that prove the allegations in your letter, but rather the condition of constant violations of the Angolan border by DRC citizens.

31. In other locations visited by the Commission, the authorities reported that they became aware of the allegations through official means and, with regards to cases of sexual abuse, they reported that they had only one isolated case of rape by a member of the armed forces against a female DRC citizens in Luand Norte, which was already addressed through the courts.

32. During the visit to the Province of Cabinda, the Commission also held a meeting with the border authorities at the Yema Post of the DRC, where likewise no evidence was detected. However, the authorities in Cabinda indicated that they were rather concerned about the high rate of illegal immigration from the Democratic Republic of Congo, which brings along with it criminal acts and consequences that are harmful to the Angolan economy. They also reported that there have been cases of pregnant Congolese immigrants who want to give birth in public Angolan hospitals, where they end up by abandoning a large number of newborns.

33. The Government finally stated that it considered the allegations unclear and inaccurate, and that President would continue with the formalities until completion of the verification process that is expected to be performed this time with the presence of the Resident United Nations Coordinator in Angola, UN Agency representatives operating on site and the appropriate DRC authorities.

Observations

34. The Special Rapporteur thanks the government for its reply and looks forward to receiving further information regarding the results of the verification process that will continue to be carried out with the support of the UN system, as well as the measures taken vis a vis the alleged perpetrators of the rape case in Luanda Norte.

Bangladesh

Allegation letter

35. On **30 November 2010**, the Special Rapporteur, jointly with the Special Rapporteur on freedom of religion or belief sent an allegation letter to the Government concerning MMB, a Hindu woman from Tala Upazila, Satkhira District.

36. According to the information received, MMB was the wife of PB and belonged to the Lower Caste of the Hindu minority in Tala Upazila of Satkhira District. On 20 April 2010, at about 9:00 a.m., MMB went to fetch water from a well near the Tala police station. Allegedly, MMB was then kidnapped by MZG with the help of KG, AZ and SG. On 21 April 2010, a criminal case under section 7/30 of the 2003 Women and Children Repression Act was opened against MZG and three unidentified perpetrators.

37. It was reported that MZG forcefully converted MMB to Islam on 9 June 2010, renamed her as FB and married her in contravention of section 494 of Bangladesh Penal Code. Subsequently, MZG reportedly put mental and physical pressure on MMB to withdraw the abduction case dated 21 April 2010, and also to get money from her parents as dowry. When MMB expressed her inability to procure dowry money from her destitute parents, Mr. MZG started beating her. As a result, MMB died at the house of MZG on 28 October 2010. MZG tried to portray this as a suicide, hanging her dead body in his room and then fled away.

38. On 28 October 2010, the same day, the police recovered the dead body and filed another case against four perpetrators responsible for abatement of murder, including MZG, under section 11(ka)/30 of the 2003 Women and Children Repression Act. However, the police had yet been unable to arrest the perpetrators. The body of MMB was subsequently buried as per Muslim custom.

39. The Special Rapporteur requested information from the Government regarding the accuracy of the alleged facts, as well as further clarification concerning any complaints that might have been lodged; the results of any judicial investigation; and any plans, policies or

legislation instituted to prevent violence against women, in particular forced marriages and dowry related violence.

Response from the Government

40. In a letter dated **30 November 2010**, the Government responded to the communication sent on 30 November 2010 indicating that the contents of the communication had been duly noted and forwarded to the concerned authorities in Bangladesh for necessary inquiry and actions.

Observations

41. The Special Rapporteur looks forward to receiving further information from the Government regarding the allegations above and takes this opportunity to recall that the right to marry, only with one's free and full consent, is recognized in the Universal Declaration of Human Rights (Article 16(2)) and that Article 16 of the Convention on the Elimination of All Forms of Discrimination Against Women refers to the right of women and men to freely chose a spouse, to enter marriage only with their free and full consent and with the same rights and responsibilities.

42. The Special Rapportuer also wishes to recall the obligation by States under international human rights law to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons.

China (People's Republic of)

Urgent appeal

43. On **17 August 2010**, the Special Rapporteur, jointly with the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment sent an urgent appeal to the Government regarding MH.

44. According to the information received, in March 2010, MH was sentenced to 18 months re-education through labour for "disturbing social order". On 27 April, she was transferred to the Anhui Provincial Women's Re-Education through Labour Facility. On 21 July, her appeal was heard behind closed doors. During the hearing, MH indicated that she had been beaten repeatedly since her transfer to the Anhui facility and showed the bruises to the authorities. According to her statement, she had been hit on the head with a chair, pulled by her arms and legs and thrown on the floor by other inmates, after they were instructed to do so by the officers. She was also kept in unsanitary conditions, where she was prohibited from using the toilets or showers. As a result, she suffered from a skin infection. MH's family had not been allowed to see her, but despite her appeal being heard behind closed doors, her husband was allowed to attend.

45. In light of the allegations of ill-treatment and unsanitary conditions in detention, concern was expressed for the physical and psychological integrity of MH.

46. The Special Rapporteur requested information from the Government regarding the accuracy of the alleged facts, as well as further clarification concerning any complaints that might have been lodged by or on behalf of the alleged victim; any investigation, medical examinations, and judicial or other inquiries carried out in relation to this case; and any prosecutions which might have been undertaken, including any penal, disciplinary or administrative sanctions on the alleged perpetrators.

Observations

47. The Special Rapporteur regrets that at the moment of finalizing the report, she had not received an official reply. She recalls that communications are an important part of the cooperation of Governments with her mandate and urges the Government to respond to the concerns raised.

48. The Special Rapporteur urges the Government to provide at the earliest possible date a detailed substantive answer to the above communication and to take all measures to guarantee that the rights and freedoms of MH are respected.

Colombia

Llamamiento urgente

49. Mediante carta fechada el **25 de junio 2010** la Relatora Especial, junto con la Relatora Especial sobre la situación de los defensores de los derechos humanos; y el Representante Especial del Secretario General sobre los derechos humanos de los desplazados internos enviaron un llamamiento urgente señalando la atención urgente del Gobierno la información recibida en relación con las amenazas recibidas por varias organizaciones defensoras de los derechos humanos de las mujeres desplazadas en Colombia, en particular amenazas en contra de la ONG y de algunas organizaciones pertenecientes a un observatorio de derechos de las mujeres en Colombia.

50. Según las informaciones recibidas, a través de diversos boletines enviados vía correo electrónico, el grupo paramilitar AN habría identificado a estas organizaciones como “objetivos militares”, las habrían amenazado de “muerte y seguimiento” advirtiendo que saben “donde viven, los recorridos que hacen con quienes andan y (...) que están cobrando las ayudas del gobierno”.

51. Dicho grupo militar habría amenazado a estas organizaciones en varias ocasiones, inicialmente el 2 de enero de 2010 y después el 2 y el 14 de mayo de 2010. Los mensajes fueron remitidos desde una dirección electrónica identificada, misma dirección desde la que ya se habían recibido amenazas en 2009. El grupo paramilitar habría destacado que continúa declarando a los destinatarios objetivo militar de un “plan de exterminio” por supuestamente “obstaculizar las políticas del gobierno colombiano”.

52. De acuerdo con la información recibida, las amenazas habrían sido suscritas por grupos paramilitares que continúan existiendo en Colombia y cuyos actos de hostigamiento y ataque tendrían un carácter selectivo en contra de mujeres que tienen un papel de liderazgo social y comunitario y en contra de defensoras de derechos humanos.

53. El 5 de febrero de 2010, la ONG habría interpuesto una denuncia penal en la Unidad de Derechos Humanos de la Fiscalía General de la Nación. Además, la ONG habría solicitado medidas cautelares a la Comisión Interamericana de Derechos Humanos (CIDH). En consecuencia, en el mes de abril de 2010, la CIDH solicitó al Estado colombiano adoptar medidas cautelares a favor de dos mujeres desplazadas que defendieron los derechos humanos y que participaron en el observatorio, lo mismo que de las personas que trabajan en la ONG.

54. Sin embargo, de acuerdo con la información recibida, las autoridades no habrían tomado medidas efectivas para la protección de la vida y la integridad personal de las mujeres que hicieron parte de las citadas organizaciones, ni de las mujeres desplazadas que ellas defendieron. Se destacó con preocupación que las amenazas por parte del grupo paramilitar fueron reiteradas en el mes de mayo, después de haber sido concedidas las medidas cautelares por parte de la CIDH en el mes de abril.

55. La Relatora especial sobre la violencia contra la mujer, con inclusión de sus causas y consecuencias expresó preocupación por la integridad física y psicológica de los integrantes de la ONG y de algunas organizaciones pertenecientes al observatorio, así como de las mujeres desplazadas que éstas defienden. Asimismo se expresó preocupación por las alegaciones de que estas amenazas pudieran estar relacionadas con sus actividades de promoción y protección de los derechos humanos, en particular de defensa de las mujeres desplazadas. Finalmente, se expresó preocupación por las alegaciones de que las autoridades colombianas no habrían tomado medidas efectivas para la protección de la vida y la integridad personal de las mujeres afectadas. Las alegaciones, de ser confirmadas, se enmarcarían en un contexto de creciente violencia e inseguridad para los defensores de los derechos humanos en Colombia.

56. La Relatora Especial solicitó al Gobierno que clarificara la exactitud de los hechos referidos, así como información relativa a cualquier queja que pudiera haber sido hecha por parte de las mujeres y/o de las organizaciones afectadas; las diligencias judiciales y administrativas practicadas; su posición con respecto a las alegaciones de que las autoridades no habrían tomado medidas efectivas para la protección de la vida y la integridad personal de las víctimas como lo solicitó la Comisión Interamericana de Derechos Humanos y, en su caso, las medidas adoptadas.

Respuesta del Gobierno

57. En una carta fechada **21 de julio de 2010** el gobierno respondió a la comunicación indicando que la exactitud de los hechos denunciados sería determinada mediante sentencia judicial.

58. Con respecto a si se habría presentado alguna queja por parte de las mujeres y/o de las organizaciones afectadas, el Estado colombiano informó que la ONG ha presentado denuncias penales a instancias de las autoridades judiciales competentes, con el propósito de esclarecer los hechos de amenazas en su contra, así como también para identificar e individualizar a los presuntos responsables. Como resultado de las mencionadas denuncias, el Estado colombiano informó que en la actualidad existen tres investigaciones penales.

59. En cuanto a la información detallada sobre las diligencias judiciales y administrativa practicadas, el Estado colombiano señaló que la Dirección Nacional de Fiscalías informó que actualmente se adelantan investigaciones por parte de la Fiscalía General de la Nación en donde se registran como víctimas del delito de Amenazas, integrantes de la ONG, incluyendo a la señora TJ y MEGP.

60. La primera investigación se encuentra en la actualidad en etapa de indagación, por la Fiscalía 330 Seccional de Bogotá por el delito de amenazas de ras cázales han sido víctimas las integrantes de la ONG. Esta investigación fue asignada el 12 de marzo de 2010 por los hechos denunciados por la directora de la ONG. La denuncia se encuentra sustentada en los mensajes que llegaron al correo electrónico institucional de la ONG, que contienen amenazas de muerte contra líderes en situación de desplazamiento y contra algunas de las organizaciones, en virtud de lo cual señalan un plan de aniquilación a varias organizaciones de derechos humanos.

61. Con respecto a las actuaciones sobresalientes realizadas en el marco de esta investigación, el Estado informó que el 16 de marzo se realizó el programa metodológico y se emitieron órdenes a Policía Judicial por parte de la Fiscalía 330 Seccional en el sentido de: entrevistar a la denunciante CMMD y escuchar en entrevista a las personas que tengan conocimiento de los hechos para establecer circunstancias de modo, tiempo y lugar y establecer la gravedad de las mismas; realizar estudio de seguridad a las personas ofendidas de la ONG, para establecer el nivel de riesgo de ellas y determinar si dichas amenazas son graves e inminentes contra su vida e integridad personal a fin de garantizarles sus derechos

constitucionales; solicitar al Centro de Atención Inmediata (CAI) más cercano a la residencia para que se brinde protección a la ONG, solicitar perito experto en informática para identificar mediante peritaje, los puertos de entrada y salida de los correos electrónicos enviados a la ONG, así como también para establecer el origen y procedencia de éstos mediante la dirección IP.

62. Por otra parte, el 16 de marzo de 2010 se libró oficio dirigido al señor Comandante de la Policía Metropolitana de Bogotá, solicitando de manera inmediata que se les brinde medidas de protección y seguridad a la ONG.

63. Finalmente, el Estado colombiano resaltó que la Fiscalía de conocimiento reportó que hasta la fecha no ha sido posible adelantar la diligencia de entrevista con la denunciante, lo cual ha incidido negativamente en el avance de la investigación. De igual forma, el Estado se permite señalar que las denunciadas aún no se han constituido en víctimas dentro del mencionado proceso penal.

64. Con respecto a la segunda investigación, por el delito de Amenazas contra la señora MEGP, fue asignada a la Fiscalía 36 de Libertad Individual Seccional mediante auto el 22 de diciembre de 2009, encontrándose en la actualidad en etapa de Indagación.

65. Los hechos que originaron la apertura de la presente investigación hacen referencia a los ocurridos el 3 de diciembre del año 2009 en los cuales la señora MEGP fue presuntamente abordada por un hombre quien le manifestó que se fuera de Cali con su familia o si no lo iba a lamentar. Luego de esos hechos, el día 12 de diciembre de 2009, el hijo de la señora MEGP fue víctima de un atentado a raíz de lo cual se produjo su muerte.

66. Por otra parte, la señora MEGP manifestó que el 11 de enero del presente año fue abordada nuevamente por un hombre *que* le manifestó que "lo que le habían hecho su hijo era como una advertencia y que ellos sabían que no se iba a asustar fácilmente". También esa persona le señaló que le quedaban 15 días, los cuales se cumplían el 25 de enero de 2010. Como consecuencia de los hechos antes señalados, el 1 de febrero del año 2010 se realizó el programa metodológico en el que se impartieron varias órdenes a Policía Judicial.

67. Con respecto a la tercera investigación, el Gobierno señaló que la Fiscalía 241 Seccional Bogotá, adscrita a la Unidad de Delitos contra la Libertad Individual y Otras Garantías y Otros, adelanta la presente investigación, la cual se encuentra en etapa de Indagación, con ocasión de la denuncia penal presentada por representantes de diversas Organizaciones No Gubernamentales, por el presunto delito de Amenazas proferidas en contra de líderes sociales e integrantes de organizaciones defensoras de Derechos Humanos, incluyendo la ONG. Los hechos investigados, hacen referencia a la presunta amenaza recibida en el correo electrónico de la ONG, al parecer por parte de la banda criminal emergente AN.

68. En el marco de la mencionada investigación penal, mediante resolución del 2 de junio de 2010, la Fiscalía de conocimiento impartió órdenes a la Policía Judicial con el fin de ordenar entrevistas a la Representante Legal de la ONG. Lo anterior, con el propósito de concretar los hechos denunciados, así como también, para que especifique los nombres de las personas que están siendo amenazadas, y en general recopilar la mayor cantidad de evidencias disponibles.

69. En cuanto a las alegaciones de que las autoridades colombianas no habrían tomado medidas efectivas para la protección de la vida y la integridad personal de las mujeres afectadas tal y como solicitó la Comisión Interamericana de Derechos Humanos, el Estado colombiano precisó que el día 8 de abril de 2010, la Honorable Comisión Interamericana de Derechos Humanos solicitó medidas cautelares al Estado de Colombia, con el fin de: primero, adoptar las medidas necesarias para garantizar la vida y la integridad física de las señoras MEGP, sus hijas menores, TG, y las integrantes de la ONG. Segundo, concierte las

medidas a adoptarse con los beneficiarios y sus representantes, y tercero informe sobre las acciones adoptadas a fin de investigar los hechos que dieron lugar a la adopción de medidas cautelares.

70. Visto lo anterior, y en atención a la solicitud de medidas por parte de la Honorable Comisión, el Estado colombiano ha llevado a cabo tres (3) reuniones de concertación y seguimiento de las mencionadas medidas cautelares.

71. Como resultado de lo anterior, el Estado colombiano informó que en la actualidad se están llevando a cabo el correspondiente Estudio Técnico de Nivel de Riego de las beneficiarias.

72. No obstante, en atención a la situación en la que se encuentran las mujeres de la ONG, fue necesario realizar una consulta extraordinaria a los miembros del Comité de Reglamentación y Evaluación de Riesgos (ORER) del Ministerio del Interior y de Justicia, para la adopción de medidas de protección a favor de TJ, MEGP y miembros de la ONG. Lo anterior en virtud del trámite de emergencia, consagrado en el artículo 24 del decreto 2816 de 2006.

73. En el marco de dicha consulta extraordinaria, los miembros delegados del CRER recomendaron lo siguiente a favor de las beneficiarias que a continuación se señalan:

74. MEGP: Primero, aprobar la medida de protección consistente en un (1) apoyo de transporte terrestre por 192 horas mensuales con una temporalidad de tres (3) meses contados a partir del 12 de mayo de 2010 o posterior, teniendo en cuenta su implementación efectiva. Segundo, aprobar la medida de protección consistente en un (1) apoyo de trasteo. Y tercero aprobar la medida de protección consistente en tres (3) medios de comunicación celular en cabeza de la beneficiaria.

75. TJ: Primero, aprobar la medida de protección consistente en un (1) apoyo de reubicación con una temporalidad de tres (3) meses contados a partir del 12 de mayo de 2010 o posterior, teniendo en cuenta su implementación efectiva. Y segundo, aprobar la medida de protección consistente en tres (3) medios de comunicación celular en cabeza de la beneficiaria.

76. ONG: Primero, aprobar la medida de protección consistente en un (1) apoyo de transporte terrestre por ciento cincuenta (150) horas mensuales con una temporalidad de tres (3) meses contados a partir del 12 de mayo o posterior, teniendo en cuenta su implementación efectiva. Segundo, aprobar la medida de protección consistente en cinco (5) medios de comunicación Avantel para las cinco seccionales en las que tiene trabajo permanente la ONG. Un medio de comunicación a razón de cada seccional. Tercero, aprobar la medida de protección consistente en cinco (5) medios de comunicación Avantel para las cinco áreas de trabajo que componen la seccional de Bogotá, asignados a las personas que tienen mayor visibilidad y riesgo derivado del trabajo de la Organización y cuarto un medio de comunicación para cada uno de los coordinadores de las áreas temáticas de la oficina de Bogotá.

Conclusiones Generales

77. El Estado lamenta las amenazas proferidas en contra de líderes sociales y miembros de Organizaciones No Gubernamentales defensoras de Derechos Humanos, e informa que el Gobierno Nacional está presto a brindar la colaboración necesaria a las autoridades judiciales encargadas de esclarecer los hechos y de identificar e individualizar a los responsables.

78. La Fiscalía General de la Nación informó acerca de tres (3) investigaciones penales activas por presuntas amenazas en contra de las integrantes de la ONG, las cuales se encuentran en etapa de Indagación

79. Sobre el particular, el Estado colombiano se permite informar que las Fiscalías de conocimiento han emitido órdenes de Policía Judicial con el fin de recopilar la evidencia disponible.

80. El Estado desea resaltar que no es cierta la afirmación de la ONG en el sentido de que el Estado no ha brindado las medidas de protección necesarias, dado que, tal como se señaló anteriormente, las beneficiarias han recibido apoyos de transporte terrestre, apoyos de transporte, medias de comunicación celular, apoyos de reubicación.

81. Existe un trámite de emergencia, el cual es activado en aquellas situaciones de riesgo inminente. Bajo este supuesto, el Ministerio del interior y de Justicia adopta e implementa medidas provisionales de protección, las cuales son aprobadas posteriormente por el Comité de Reglamentación y Evaluación de Riesgos (CRER).

82. El Estado desea poner de presente que se ha llevado a cabo un proceso de concertación con las beneficiarias, por medio del cual se ha generado un espacio en el que pueden presentar sus inquietudes, inconvenientes, los hechos de los cuales han sido víctimas y las medidas de protección que consideran necesarias para proteger su vida e integridad personal.

Observations

83. The Special Rapporteur thanks the Government for its detailed reply and looks forward to receiving further information on the results of the investigations currently underway. She takes this opportunity to call upon the Government to enhance efforts towards ensuring the right of women, on equal terms with men, to participate in non-governmental organizations and associations concerned with the public and political life of the country.

84. She would also like to recall the obligation by States under international human rights law to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons.

Gambia

Allegation letter

85. On **2 November 2010**, the Special Rapporteur, jointly with the Special Rapporteur on the situation of human rights defenders sent an allegation letter to the Government concerning IT and ABS, human rights defenders. IT was the executive director of NGO, and ABS was the programme coordinator of NGO.

86. According to the information received, on 11 October 2010, IT and ABS, were allegedly arrested and held in custody for a day before being transferred to Mile Two Central Prison, after attending a meeting with the public relations officer of the National Drug Enforcement Agency.

87. The following day, IT and ABS were remanded to prison custody by the Banjul Magistrates Court. They faced charges of theft in relation to some €30,000 embezzled from NGO.

88. Released on bail on 20 October 2010, IT and ABS were due to appear before the Court on 3 November 2010.

89. According to the information received, in May 2010, a commission was established to investigate the use of NGO funding and had concluded that the allegation of misappropriation of funds were unfounded. Shortly after the publication of the commission`

s findings, its members were allegedly dismissed and a second commission, yet to present its conclusions, was set up.

90. According to the information received, in 1999, the President of the Gambia publicly stated that the safety of activists who campaigned against female genital mutilation (FGM) could not be guaranteed. Furthermore, a Presidential directive had been issued allegedly prohibiting the dissemination of personal messages that oppose FGM or referring to the medical risks it entails.

91. Concern was expressed that the convictions against IT and ABS may have been related to their human rights work in support of sexual and reproductive health and rights of women and children.

92. The Special Rapporteur requested information from the Government regarding the accuracy of the alleged facts, as well as further clarifications concerning the legal basis of the measures undertaken against IT and ABS; any complaint that might have been lodged by or on behalf of the alleged victim; and any measures that might have been undertaken with a view to eradicate practices harmful to women, particularly any actions aimed both at supporting women's organizations working for the elimination of such practices, and at encouraging politicians, professionals, religious and community leaders to co-operate in influencing attitudes towards the eradication of such practices.

Observations

93. The Special Rapporteur regrets that at the moment of finalizing the report, she had not received an official reply. She recalls that communications are an important part of the cooperation of Governments with her mandate and urges the Government to respond to the concerns raised.

94. She urges the Government to adopt all the necessary measures to protect the rights and freedoms of IT and ABS. She further wishes to remind the Government its obligation to take all appropriate measures to ensure the right of women, on equal terms with men, to participate in non-governmental organizations and associations concerned with the public and political life of the country.

Honduras

Carta de alegación

95. Mediante carta fechada el **9 de febrero 2011** la Relatora Especial, junto con el Relator Especial sobre las ejecuciones extrajudiciales, sumarias o arbitrarias enviaron una carta de alegación señalando la atención del Gobierno la información recibida en relación con asesinato de 31 personas lesbianas, gays, bisexuales, transgénero y travestís durante los 18 últimos meses.

96. Una de estas personas, WOT, un prominente defensor de los derechos humanos de la comunidad lesbiana, gay, bisexual y transgénero e integrante ONG fue el objeto de una comunicación conjunta por parte del Relator Especial sobre las ejecuciones extrajudiciales, sumarias o arbitrarias, el Relator Especial sobre la promoción y la protección del derecho a la libertad de opinión y de expresión y de la Relatora Especial sobre la situación de los defensores de los derechos humanos enviada el 19 de enero 2010. Lamentablemente, hasta la fecha, no se ha recibido respuesta por parte del Gobierno de su Excelencia.

97. Tres de las personas mencionadas habrían sido recientemente asesinadas. Hemos recibido información más detallada sobre los casos siguientes:

98. El 22 de diciembre de 2010, un travesti de 23 años, llamada LAH habría sido encontrada muerta en una zanja en Comayagüela. Según las informaciones recibidas, su cuerpo habría sido golpeado e incinerado. La información recibida indica también que los golpes en su rostro causados por lapidación habrían sido tan graves que sus restos habrían quedado prácticamente irreconocibles. Además se expresó preocupación por las alegaciones recibidas indicando que LAH habría sido violada.

99. Ese mismo día, otra travesti de 45 años, llamada LOMS, habría sido encontrada en su casa del Barrio El Rincón en Tegucigalpa. Según las informaciones recibidas, su cuerpo habría sido incinerado y mostraba numerosas puñaladas. Vecinos reportaron que observaron a dos individuos sospechosos salir corriendo de su casa cuando inició el fuego.

100. El 2 de enero de 2011, otra joven travesti conocida como C habría sido encontrada asesinada en la calle principal de Colonia Almeda en Tegucigalpa. Según informaciones recibidas, su cuerpo habría mostrado heridas de puñal en el pecho.

101. Los asesinatos de personas transgénero en Honduras, así como los asesinatos de defensores de sus derechos, fueron ya el objeto de una comunicación enviada al Gobierno de Honduras el 23 de enero del 2009 por parte del Relator Especial sobre la promoción del derecho a la libertad de opinión y de expresión, el Relator Especial sobre las ejecuciones extrajudiciales, sumarias o arbitrarias, la Relatora Especial sobre la situación de los defensores de los derechos humanos y la Relatora Especial sobre la violencia contra la mujer, con inclusión de sus causas y consecuencias. El Gobierno de Honduras no ha respondido a dicha comunicación hasta la fecha.

102. Se expresó grave preocupación por el asesinato de estas 31 personas y por las alegaciones de que estos hechos pudieran estar relacionados con la orientación sexual de las víctimas. Las alegaciones, de ser confirmadas, se enmarcarían en un contexto de creciente violencia e inseguridad para las personas lesbianas, gays, bisexuales, transgénero y travestís en Honduras.

103. La Relatora Especial solicitó al Gobierno que clarificara la exactitud de las alegaciones presentadas, así como información detallada con respecto a cualquier investigación, examen forense y judicial u otro tipo de pesquisa que se hubiera llevado a cabo; las diligencias judiciales que se hubieran iniciado; las medidas que hubieran sido adoptadas para garantizar la protección de las personas lesbianas, gays, bisexuales, transgénero y travestís en el país; y la posible compensación a las familias de las víctimas.

Observations

104. The Special Rapporteur regrets that at the moment of finalizing the report, she had not received an official reply. She recalls that communications are an important part of the cooperation of Governments with her mandate and urges the Government to respond to the concerns raised.

105. The Special Rapporteur takes this opportunity to make reference to Commission on Human Rights Resolution 2005/41 on the Elimination on Violence against women, which provides that women should be empowered to protect themselves against violence and, in this regard, stresses that women have the right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence.

106. She further wishes to recall Article 4 (j) of the Declaration on the Elimination of Violence against Women, which calls upon States to adopt all appropriate measures to eliminate prejudices, customary practices and all other practices based on the idea of the inferiority or superiority of either of the sexes and on stereotyped roles for men and women.

Iran (Islamic Republic of)

Urgent appeal

107. On **24 June 2010**, the Special Rapporteur on violence against women, its causes and consequences, jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment sent an urgent appeal to the Government regarding the imminent execution of SMA who had been sentenced to death by stoning for committing adultery with two men after having been convicted for the same offence on the charge of illicit relations.

108. According to information received, SMA had been in jail in Tabriz for the past five years. She was initially sentenced on 15 May 2006 by a court in the city of Osku in the North West Iranian province of East Azerbaijan for the crime of having “illicit relations” with the two men, in other words engaging in conduct that did not constitute sexual intercourse. She was sentenced to 99 lashes for the offence of having illicit relations.

109. On 10 September 2006, a second charge relating to the same offence was brought against SMA and she was charged with the offence of adultery before the Sixth Branch of the Penal Court of East Azerbaijan Province. SMA denied the charge and according to information received, no relevant evidence was admitted against her and she was convicted solely on the basis of the judge’s opinion that she had committed adultery. She was subsequently sentenced to death by stoning. According to the information received, the court recently issued a final verdict in the matter and that her execution was imminent. SMA had appealed for clemency from the Head of the Judiciary in the Islamic Republic of Iran, Head of the Ministry of Justice in East Azerbaijan Province and from the Pardons Commission.

110. The imposition of the death penalty for the offence of adultery had been the subject of a previous communication. In a communication dated 27 January 2010, the case of SE, aged 30, and BAJ, aged 32, who had been sentenced to death by stoning for adultery had been reported to the Government.

111. The Special Rapporteur requested information from the Government regarding the accuracy of the alleged facts, as well as statistics regarding the number of women sentenced to death and executed in the past three years for the offence of adultery, and information on the measures currently in place to ensure compliance with article 6 (2) of the International Covenant on Civil and Political Rights provision that “sentence of death may be imposed only for the most serious crimes”.

Response from the Government

112. By letter dated 28 March 2011, the Government responded to informing that the High Council of Human Rights of the Judiciary had approached all judicial authorities and courts.

113. The Government indicated that, on 14 September 2005, the police 110 hotline received reports of a suspicious death in the city of Osco. A police team was dispatched to investigate the reports. Upon arriving on the scene the team found the body of a man who was later identified as EG 44. According to the Government, sometime later, SMA, wife of the deceased, confessed at a police station to having had an extramarital affair with IT, adding that on numerous occasions IT, a distant relative, had encouraged her to divorce her husband and marry him. Following a recent argument with her husband, SMA was persuaded by IT to help murder EG.

114. The Government additionally indicated that, to further investigate the murder, branch 12 of Eastern Azerbaijan courts directed the provincial forensics office to perform an autopsy on the deceased. The autopsy, however, proved inconclusive and could not establish the cause of the death. The court ordered the forensics office to perform another autopsy. On 3 December 2005 forensics reported that upon closer examination, signs of stress (electric burn marks) had been found on the face, neck, chest, fingers and toes of the deceased. In its final report, the forensics office stated that “since there are no signs of beatings or injury – besides the burn marks – as well as the absence of toxins in the toxicology report, we have concluded that EG was first injected with a tranquilizer and then electrocuted”.

115. The Government further indicated that under additional interrogation, on 26 November 2005, SMA accepted charges of adultery and extramarital relations with IT. She went on to say “IT deceived me. We injected my husband and later electrocuted him. I had relations with him two months before the incident. We had kept in touch by telephone, and met a few times.” She was asked by her interrogator whether she had relations with other men; to which she said “I had relations with AN and his cousin whose name I do not know. MD acted as the go between. The two men once came to my house and I had intercourse with both of them and they paid me twenty thousands Tomans. I have had intercourse with other men from Tabriz for money”. In a separate statement AN stated “I confirm what SMA has said about having extramarital relations with me and my cousins.”

116. The Government additionally indicated that subsequently SMA was charged with being an accessory to murder. Since here other crime – extramarital relations – was outside the competence of the first prosecutors’ office, the matter was referred to Eastern Azerbaijan penal courts. As a result, branch 6 of the court was tasked with dealing with the case. Initially SMA chose AZ as her defense attorney. However on the day of the hearing, SS replaced AZ. Later in the course of the hearing, SMA denied having had relations with married men.

117. After the completion of the trial in which police reports – including reports about SMA’s notoriety and moral laxity as a repeat adulteress, results of 30 November 2005, 6 December 2005 and 25 December 2005 interrogation sessions, as well as previous admissions of the accused – including admittance to having murdered her husband with the aid of IT (for which a separate case is still pending in another branch) – were presented, the court issued verdict number 38 dated 10 September 2006. The verdict which was based on articles 63, 83 and 105 of the penal code sentenced SMA to death for repeated adultery.

118. The sentence was appealed by SMA and her attorneys. As a result branch 39 of the Supreme Court reexamined the verdict. However, by issuing verdict number 39/206 dated 27 May 2007; the court upheld the initial verdict. Subsequently, the verdict was handed down to the sentence implementation department. Nonetheless – despite the existence of a definite verdict – it has not been carried out. Sometime later, HK, along with MM and HS produced a power of attorney letter naming them as SMA’s council.

119. On charges of being an accessory to the murder of EG, SMA was brought before branch 12 of Eastern Azerbaijan Penal Court. The accused was defended by AZ and HA. After the presentation of confessions, witness given by SG, phone records – showing 37 calls, including an unusual number of calls between the defendants on 12 September 2005 (two days before the murder) – forensic reports stating electric shock as the cause of death, and numerous other pieces of evidence, by issuing verdict number 39 dated 6 November 2006 – as based on articles 42, 203, 206, 212, 231 and 612 of the penal code – the court sentenced SMA to ten years of imprisonment for the private aspect of the crime committed and for disturbing and offending public order and sensibilities. Her coconspirator was given a heftier sentence. The decision of the court was later appealed by SMA’s attorneys. As a result, branch 31 of the Supreme Court reviewed the lower court’s verdict. After hearing

the argument of SMA's defense team and the reexamination of the dossier, the court found the team's argument unconvincing and upheld the original verdict.

120. The Government finally indicated that throughout her trials, due process was observed and SMA was provided access to attorneys.

Observations

121. The Special Rapporteur thanks the Government of Iran for its response and looks forward to receiving a response to further question made in her communication regarding the number of women who have been sentenced to death and executed in recent years for the offence of adultery.

Urgent appeal

122. On **22 March 2011**, the Special Rapporteur, jointly with the Chair-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders sent an urgent appeal to the Government regarding the detention of FM and MB, members of the "One Million Signatures Campaign" which purpose is to collect signatures in support of amendments of laws that discriminate against women.

123. According to information received, FM and MB were arrested on 7 May 2009, for peacefully gathering signatures in the framework of the campaign. Reportedly, they were released on bail after two weeks in detention. However, following a court hearing on 4 August 2010, FM and MB were found guilty of "spreading propaganda against the system in favour of a feminist group and for publication of materials in support of a feminist group opposed to the system", and sentenced to one year's imprisonment. On 7 December 2010, this sentence was reduced to six months following a ruling by a court of appeal in Qom province.

124. On 29 December 2010, both FM and MB were summoned to report within 3 days to prison officials in Qom to begin serving the six-month prison sentence, but reportedly they remained free after further appealing their convictions and sentences.

125. On 28 January 2011, FM was once again arrested for peacefully collecting signatures in support of the campaign, and was currently in an unknown place of detention. MB was currently free but was fearful that she might have been detained at any time.

126. Concern was expressed that the arrest and detention of FM and MB may have been directly related to their work in defense of human rights. More generally, further concern was also expressed about the consideration of the "One Million Signatures Campaign" as a "group opposed to the system", which places all members of the campaign in danger.

127. The Special Rapporteur requested information from the Government regarding the accuracy of the alleged facts, as well as further clarifications concerning any complaints that might have been lodged by any member of the One Million Signatures Campaign; the legal grounds for the arrest and detention of FM; and the results, of any investigation and judicial or other inquiries carried out in relation to the acts of intimidation against members of the One Million Signatures Campaign.

Observations

128. The Special Rapporteur regrets that at the moment of finalizing the report, she had not received an official reply. She recalls that communications are an important part of the cooperation of Governments with her mandate and urges the Government to respond to the concerns raised.

129. She urges the Government to adopt all the necessary measures to protect the rights and freedoms of the mentioned individuals. She further wishes to remind the Government of its obligation to take all appropriate measures to ensure the right of women, on equal terms with men, to participate in non-governmental organizations and associations concerned with the public and political life of the country.

Maldives

Response to a communication sent in 2006

130. In a letter dated **1 September 2010**, the Government responded to a previous communication sent by the mandate on 10 April 2006 (A/HRC/4/34/Add.1) regarding the case of FS, a member of the then main opposition party, the Maldivian Democratic Party.

131. The Government informed that since the inception of a democratic system of government in the Maldives on 11 November 2008, following the first ever multi-party elections in the country, the Maldives has made tremendous progress towards guaranteeing human rights for all in its territory and has become a champion of human rights in the international arena. Therefore, the Government informed that incidences such as those referred to in the letter were taken with utmost seriousness and the Government was undertaking substantial measures to eliminate the deep-rooted culture of torture and Police impunity that has prevailed in the country for several decades.

132. The Government further informed that the person referred to in the letter had long been released. The Government indicated that the new Constitution of the Maldives ratified in August 2008 encompasses a comprehensive set of fundamental rights and freedoms, covering a wide range of civil, political, economic, social and cultural rights. Under the 2008 Constitution and relevant implementing legislation, an arrestee must be informed of the reasons of his/her arrest in writing within an explicit period of twenty four hours and has the right to legal counsel, to remain silent and to be brought before a judge within twenty four hours of arrest. The Judge may then order immediate release with or without condition, continued detention or validate the detention. The Government informed that the Maldives was currently in the process of improving legal protections against torture, and in this regard, the Attorney General's Office had made representations to the relevant parliamentary committee to amend the country's Penal Code to make torture a separate offence.

133. The Government additionally informed that it was undertaking measures to prevent violence against women. A Domestic Violence Bill was in its final drafting stages and in February 2008, the Maldives amended its Sentencing Guidelines in order to provide more appropriate punishments for the perpetrators of sexual abuse, including gender-based sexual violence. Gender mainstreaming was given a special focus in the formulation of government policy. The Government indicated that under the new gender mainstreaming strategy, a coordination unit within the President's Office monitor all governmental activities and liaise with assigned Gender Focal Points in each ministry to ensure that all policies and programmes promote gender equality. Further, all Cabinet Papers presented by Ministers must now include a gender impact perspective.

134. The Government indicated that it will continue to implement all necessary steps to eliminate all factors that may hinder or prevent the full enjoyment of human rights. The Government finally informed that it was sincerely committed to maintaining its international human rights obligations, as well as guaranteeing in practice all the rights and freedoms prescribed in the Constitution of the Maldives.

Observations

135. The Special Rapporteur thanks the Government for its detailed response and takes this opportunity to encourage the Government to continue strengthening the necessary legal and institutional mechanisms aimed to eliminate all forms of violence against women in the country.

México

Carta de alegación

136. El **28 de diciembre de 2010** la Relatora Especial, junto con el Relator Especial sobre la promoción y la protección del derecho a la libertad de opinión y de expresión; el Relator Especial sobre las ejecuciones extrajudiciales, sumarias o arbitrarias; y la Relatora Especial sobre la situación de los defensores de los derechos humanos enviaron una carta de alegación señalando la atención del gobierno la información recibida en relación con asesinato de la MEO, defensora de los derechos de las mujeres de Ciudad Juárez, Estado de Chihuahua. MEO habría llevado a cabo desde hace meses movilizaciones de distinto tipo para obtener justicia por el asesinato de su hija.

137. Según las informaciones recibidas el día 8 de diciembre de 2010, MEO se manifestaba pacíficamente frente al Palacio de Gobierno de Estado de Chihuahua como protesta y exigiendo justicia por la muerte de su hija, RMFE, la cual habría sido asesinada a los 16 años de edad en Ciudad Juárez por su pareja sentimental, el SRB.

138. Según los informes recibidos, el 16 de diciembre de 2010, un grupo de hombres habría llegado a la plaza principal de la ciudad de Chihuahua y se habría acercado a MEO. Ella habría corrido buscando refugio en el Palacio de Gobierno y, a sus puertas, uno de los hombres le habría disparado en la cabeza causándole la muerte. Según se informaron, las cámaras de seguridad del área habrían grabado este homicidio. Días antes de este suceso, MEO habría recibido amenazas, por parte de la pareja sentimental de su hija y de la familia de ésta, conminándola a desistir de su reclamo de justicia.

139. El 28 de agosto de 2008, tras el asesinato de su hija, MEO habría exigido justicia de manera pacífica y utilizado sus propios recursos para investigar los hechos y dar con el asesino de su hija. También habría comenzado los trámites correspondientes a la denuncia de la pareja sentimental de su hija, quien según las informaciones recibidas, habría ejercido violencia desde el inicio de la relación.

140. RB, personalmente y ante MEO, habría ubicado el lugar exacto donde había depositado a su víctima, confesado su crimen y pedido perdón en la audiencia de juicio oral que se realizó. Sin embargo, el 29 de abril de 2010 fue absuelto.

141. Tras la absolución de SRB, se habría realizado un juicio de casación y logrado que en dicha sentencia se condenara al asesino. Sin embargo, como no se dictó arraigo él habría vuelto a huir y desde su fuga comenzado a amenazar a la MEO. De acuerdo a la información recibida, en una entrevista realizada un día antes de su asesinato, MEO habría reiterado que recibía amenazas del SRB y de su familia, indicando que éste formaba parte de un grupo del crimen organizado y que las pruebas correspondientes estaban ya en manos de las autoridades.

142. La Relatora especial sobre la violencia contra la mujer, con inclusión de sus causas y consecuencias expresó grave preocupación por el asesinato de MEO y por las alegaciones de que este hecho pudiera estar relacionado con su movilización para aprehender al asesino de su hija. Asimismo, se expresó preocupación por la integridad física y mental de los miembros de la familia de la MEO. Las alegaciones, de ser confirmadas, se enmarcarían en

un contexto de creciente violencia e inseguridad para los defensores de los derechos humanos en México, en especial para las mujeres en Ciudad Juárez.

143. La Relatora Especial solicitó al Gobierno que clarificara la exactitud de los hechos referidos, así como información relativa a cualquier investigación, examen médico o judicial que se hubiera llevado a cabo respecto de este caso; las diligencias judiciales y administrativas practicadas; las medidas adoptadas para garantizar la protección de los miembros de la familia de la MEO; la posible compensación otorgada a la familia de la víctima; y las acciones realizadas para erradicar el problema de violencia contra las mujeres en el Estado de Chihuahua, en particular aquellas encaminadas a dar cumplimiento a la sentencia de la Corte Interamericana de Derechos Humanos en el caso de femicidio conocido como “Campo Algodonero”, dictada el 10 de diciembre de 2009.

Carta de alegación

144. Mediante carta fechada el **18 de marzo 2011** la Relatora Especial, junto con la Relatora Especial sobre la situación de los defensores de los derechos humanos, enviaron una carta de alegación señalando la atención del Gobierno la información recibida en relación con la situación de MOR y MLGA. MOR es fundadora de la ONG y la MLGA directora de asuntos jurídicos de la misma organización. ONG es una organización que lucha contra la impunidad de los secuestros y homicidios de mujeres por razones de género (femicidios) cometidos en Ciudad Juárez, Estado de Chihuahua.

145. Según las informaciones recibidas el 10 de marzo de 2011, MLGA, MOR y uno de sus hijos, habrían sido amenazados mediante dos mensajes depositados en lugares públicos. De acuerdo con la información recibida, el 10 de marzo 2011 a las 05:00 horas aproximadamente, varios sujetos a bordo de tres vehículos habrían dejado una amenaza inscrita en una manta de dos metros de largo por metro y medio de ancho delante de la escuela de enseñanza secundaria donde trabaja la MOR. La manta habría sido retirada por la Policía Federal horas después de haber sido colocada. Ese mismo día en la madrugada, otra manta habría sido colocada en la escuela secundaria donde está inscrita la hija de MLGA. Esta manta habría sido retirada por las autoridades de la escuela esa misma mañana.

146. De acuerdo con la información recibida, el contenido de la amenaza colocada en la escuela donde enseña MOR habría hecho referencia al supuesto apoyo de ésta hacía a MLGA, así como a uno de los hijos de la primera, y habría tenido como objetivo intimidar a ambas defensoras. La segunda manta, colocada en la escuela de la hija de la MLGA amenazaba a ésta con matar a su familia si no se silenciaba y hacía referencia al hecho de que sabían que ya no estaba en Ciudad Juárez. Ambas mantas estaban firmadas por un conocido grupo del crimen organizado. Según se informó, ambas defensoras estarían trabajando sobre casos de desapariciones supuestamente conectados a las redes de este grupo.

147. Según la información recibida, la MOR realizaba su labor como profesora en la escuela donde habría sido dejada la amenaza y, como consecuencia de eso, varios padres no habrían permitido a sus hijos ir a clase ese día.

148. Tanto MOR y MLGA contaron con medidas cautelares de la Comisión Interamericana de Derechos Humanos y con protección de la Secretaría de Seguridad Pública federal. Sin embargo, según se informó, las amenazas de las que han sido objeto en los últimos años no habrían cesado. Tras los hechos referidos, la MOR habría dejado Ciudad Juárez con sus tres hijos por motivos de seguridad. MLGA (junto con sus dos hijos) habría dejado Ciudad Juárez después de un intento de incendio a su domicilio en dicha ciudad el 16 de febrero. Según la información recibida, desde el 2007, ambas defensoras habrían presentado más de 17 denuncias ante autoridades locales y federales por actos de hostigamiento. Estos incluirían correos electrónicos y mensajes de texto amenazantes,

robos en las oficinas de la organización y allanamientos, seguimientos por hombres armados, intentos de incendios y, recientemente, “narcomantas”.

149. La Relatora especial sobre la violencia contra la mujer, con inclusión de sus causas y consecuencias expresó preocupación por la integridad física y psicológica de las MOR y MLGA, así como de sus familiares, teniendo en cuenta el contenido de la última amenaza de la que han sido objeto. Asimismo, se expresó preocupación que las alegaciones de que dicha amenaza pudiera estar relacionada con sus actividades de promoción y protección de los derechos humanos, en particular con su labor luchando en contra de la impunidad de los secuestros y homicidios de mujeres por razones de género (femicidios) cometidos en Ciudad Juárez. Las alegaciones, de ser confirmadas, se enmarcarían en un contexto de creciente violencia e inseguridad para las mujeres defensoras de derechos humanos y aquéllos que trabajan por los derechos de las mujeres y los temas de género en el Estado de Chihuahua.

150. La Relatora Especial solicitó al Gobierno que clarificara la exactitud de los hechos referidos, así como información relativa a cualquier investigación, examen médico o judicial que se hubiera llevado a cabo respecto de este caso; las diligencias judiciales y administrativas practicadas; las medidas tomadas para asegurar la integridad física y psicológica tanto de MOR y MLGA como de los miembros de sus familias, particularmente la continuidad de dicha protección una vez MOR ha abandonado Ciudad Juárez; y las acciones realizadas para erradicar el problema de violencia contra las mujeres en el Estado de Chihuahua, en particular aquellas encaminadas a dar cumplimiento a la sentencia de la Corte Interamericana de Derechos Humanos en el caso de femicidio conocido como “Campo Algodonero”, dictada el 10 de diciembre de 2009.

Observations

151. The Special Rapporteur regrets that at the moment of finalizing the report, she had not received an official reply. She recalls that communications are an important part of the cooperation of Governments with her mandate and urges the Government to respond to the concerns raised.

152. She urges the government to provide at the earliest possible date a detailed substantive answer to the above communications and to take all measures to guarantee that the rights and freedoms of the abovementioned people are respected. She also takes this opportunity to remind the Government of its obligation to take all appropriate measures to ensure the right of women, on equal terms with men, to participate in non-governmental organizations and associations concerned with the public and political life of the country.

153. The Special Rapporteur wishes to recall the obligation by States under international human rights law to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons. In this regard, the Special Rapporteur would like to urge the government to comply with the decision made by the Inter-American Court of Human Rights on 10 December 2009, regarding the general situation of violence against women in the country.

Response to a communication sent in 2007

154. En respuesta al llamamiento urgente sobre el caso de FPS, IFO y su familia, que fue planteado por la Relatora Especial, junto con el Relator Especial sobre la tortura, el Relator Especial sobre la situación de los derechos humanos y las libertades fundamentales de los indígenas y la Representante Especial del Secretario General para los defensores de los derechos humanos de las Naciones Unidas, el 7 de septiembre de 2007 (A/HRC/7/6/Add.1),

el Estado mexicano informó lo siguiente mediante un carta fechada 17 de septiembre de 2010:

155. A lo que concierne la exactitud de los hechos a los que se refieren las alegaciones el Estado mexicano quisiera señalar que la Procuraduría General de Justicia del estado de Guerrero (PGJ Gro) inició una averiguación previa ALLE/SC/03/173/2007, por los delitos de lesiones, amenazas y portación de armas prohibida, con motivo de una denuncia presentada por FPS, quien refirió haber sido objeto de agresiones y amenazas por parte de AMS, HMS y EMP, el 30 de junio y el 27 de julio de 2007 fuera de la oficina de la Comisaría Municipal de Barranca Tecoani, Guerrero.

156. Refiere FS que el motivo de las agresiones sufridas en su contra tienen relación con las denuncias presentadas en contra de personal del ejército mexicano, quienes el 22 de marzo de 2002 entraron en su domicilio y abusaron sexualmente de su esposa, la IFO.

157. Con lo que concierne si habría sido presentada alguna queja por las víctimas o sus representantes el Gobierno se permite señalar que la PGJ Gro inició una averiguación previa en la que se han practicado diversas diligencias para acreditar el cuerpo de los delitos y la probable responsabilidad penal de los inculpados.

158. En su respuesta el Gobierno informó que las medidas tomadas para proteger la integridad física y mental de FPS, su esposa y el resto de su familia fueron las siguientes:

159. El 24 de septiembre de 2007, la Comisión Interamericana de Derechos Humanos (CIDH) otorgó medidas cautelares en favor de FPS, IFO y familia, debido a que los peticionarios señalaron haber sido víctimas de actos de hostigamiento y amenazas.

160. A fin de implementar las medidas cautelares decretadas por la CIDH, la Secretaría de Gobernación autoridad encargada de coordinarlas convocó una reunión de trabajo con los representantes de los beneficiarios para determinar las acciones para garantizar la vida e integridad física de los beneficiarios dentro del término señalado por el órgano internacional.

161. Mediante escrito de 10 de septiembre de 2007, el representante de los beneficiarios señaló que a causa de las constantes lluvias sobre la región de la Costa Montaña de Guerrero, municipio de Ayutla de los Libres, Guerrero, lugar de residencia de los peticionarios, estos se encontraban incomunicados, lo que imposibilitaba llevar a cabo una reunión de trabajo y agregó que en los siguientes días, señalaría lugar y fecha para llevar a cabo una reunión de trabajo para acordar, conjuntamente con las autoridades involucradas, la forma de garantizar la vida e integridad física del señor FPS, su esposa y su familia, de acuerdo a sus necesidades reales de protección.

162. El 4 de octubre del 2007, se llevó una primera reunión en las oficinas de la PGJ Gro, en la que participaron representantes de las autoridades involucradas, FPS y sus representantes. FPS acordó con las autoridades las siguientes medidas y mecanismos para su implementación: agilización de las investigaciones, comunicar a autoridades del gobierno del estado de Guerrero, las medidas cautelares otorgadas en favor de los beneficiarios, la disposición de números telefónicos para comunicarse con las autoridades ante una situación de emergencia, dotación de teléfonos celulares.

163. El 9 de abril de 2009, la Corte Interamericana de Derechos Humanos CIDH dictó medidas provisionales a favor de FPS, IFO y su familia, con base en la petición presentada por tres organizaciones no gubernamentales.

164. En su resolución, la Corte requirió al Estado Mexicano que mantuviera las medidas que hasta ese momento estaba implementado, y que adoptara, de forma inmediata, las medidas complementarias que fueren necesarias para proteger la vida e integridad de las siguientes personas: OEM y familia, FPS, IFO y familia, 41 integrantes de la ONG1, entre

los que se encuentran RHA, MCV, OML, NOG y RSE, los 29 miembros de la ONG2, y los familiares de RLL y MPR.

165. Derivado de dicha resolución, el Estado mexicano ha convocado a diversas reuniones con los beneficiarios de las medidas de mérito, levantando minutas en las que constan los acuerdos del Estado con los peticionarios en relación a la implementación de las medidas que nos ocupan, como un mecanismo para mantener informada a la CoIDH.

166. En cuanto a las diligencias judiciales o de otro tipo realizadas en relación a la agresión en contra del señor FPS, el Estado mexicano se permite informar que dentro de la indagatoria ALLE/SC/03/173/2007 a cargo de la PGJ Gro, se han desahogado las siguientes diligencias: se recibió escrito de denuncia del señor Prisciliano, el cual fue ratificado, informe de investigación rendido por la Policía Ministerial, declaración del Comisario Municipal del poblado de Barranca Tecoani, Municipio de Ayutla de los Libres, Guerrero, declaraciones de RMZ, BPS y MRS, testigos de los hechos.

167. Por la relevancia del asunto, la averiguación previa fue remitida el 8 de octubre de 2007 a la Dirección General de Control de Averiguaciones previas para que el Ministerio Público de la agencia especializada la continúe, perfeccione y la brevedad posible, resuelva conforme a derecho.

168. Después de que el Ministerio Público integró la averiguación previa y haber encontrado elementos para fincar responsabilidad penal, ejercitó acción penal en contra de los señores AMS e HMS por los delitos de lesiones y amenazas en agravio del señor FPS.

169. El Juzgado Mixto de Primera Instancia del Distrito Judicial de Allende radicó la causa penal 52II/2008, y se giraron órdenes de aprehensión. Fueron ejecutadas las órdenes de aprehensión el 29 de octubre de 2009.

170. El 30 de octubre de 2009 se les tomó su declaración preparatoria, habiéndose dictado el correspondiente auto de formal prisión, asimismo se proporcionó copia de todo lo anterior a los representantes de los beneficiarios. El 21 de abril de 2010 se celebró careo procesal entre el señor FPS y el inculpado ante la presencia del juez penal, siendo ésta la última diligencia realizada en ese proceso penal.

171. En cuanto a las medidas tomadas por la Secretaría de la Defensa Nacional para investigar, penalizar y prevenir en el futuro casos de violaciones a derechos humanos, el Estado mexicano se permite informar que La Secretaría de la Defensa Nacional cuenta con un "Programa Nacional de Promoción y Fortalecimiento de los Derechos Humanos y Derecho Internacional Humanitario". Este programa, establece acciones específicas para la Secretaría de la Defensa Nacional: primero, implementar una cultura de respeto a los derechos humanos y difundir el conocimiento del Derecho Internacional Humanitario, a través de los sistemas de educación y adiestramiento militares, en todos sus niveles. Segundo adoptar como premisa fundamental durante las operaciones, el respeto irrestricto a los derechos humanos y conducirse con estricto apego al estado de derecho. Tercero, atender las quejas presentadas ante la Comisión Nacional de Derechos Humanos en contra de personal militar, por presuntas violaciones a los derechos humanos.

172. Por su parte, la Comisión Nacional de los Derechos Humanos señaló que ha seguido la participación de las fuerzas armadas en tareas y acciones de seguridad pública, con el interés primordial y permanente de proteger y preservar el cumplimiento de los derechos fundamentales de los ciudadanos y para contribuir al fortalecimiento de la institución.

Observations

173. The Special Rapporteur thanks the Government for its detailed response and looks forward to receiving information of the final outcome of the judicial process against the aggressors of FPS. With respect to the human rights violations committed by the military

against IFO, the Special Rapporteur urges the Government to comply without delay with decision made in this regard, by the Inter-American Court of Human Rights on 30 August 2010.

Republic of Moldova

Response to a communication sent in 2009

174. In a letter dated **18 April 2011**, the Government responded to a previous communication sent on 23 April 2009 concerning the case of LS (A/HRC/14/22/Add.1).

175. The Government informed that, in accordance with the information received from the competent authorities, the General Prosecutor office had reviewed the arguments invoked in the complaints of the convicted person and the independent organisation *Institute for the Human Rights in Moldova*. As a result of such review, the basis for a request for annulment was not established, neither the circumstances justifying the pardon of the convicted person.

176. The Government further informed that LS and her advocates exhausted all the ordinary means of appeal.

177. The Government finally indicated that in accordance with the Decision of the Plenum of the Supreme Court of Justice from 11 November 2010, in the admissibility procedure, the appeal of the advocate of the convicted LS was rejected as groundless and maintained the previous judicial decisions.

Observations

178. The Special Rapporteur thanks the Government for its response.

République démocratique du Congo

Lettre d'allégation

179. Le **13 septembre 2010**, la Rapporteuse Spéciale, conjointement avec le Rapporteur spécial sur la torture et autres peines ou traitements cruels, inhumains ou dégradants a envoyé une lettre d'allégation au Gouvernement concernant le viol d'au moins cinquante quatre femmes, enfants et hommes par une coalition de combattants des Forces Démocratiques de Libération du Rwanda (FDLR) et des Maï-Maï Cheka dans plusieurs villages sur la route Kibua-Mpofi, territoire de Walikale, province du Nord-Kivu, entre le 30 juillet et le 2 août 2010 ; ainsi que le viol de dix femmes par des soldats de la 431^{ème} Brigade des Forces armées de la République démocratique du Congo (FARDC) à Katalukulu, territoire de Fizi, province du Sud-Kivu, le 6 août 2010.

180. Selon les informations reçues, du 30 juillet au 2 août 2010, une coalition de combattants des Maï-Maï-Cheka et des FDLR, dont le nombre total aurait été estimé à trois cents personnes par des témoins, aurait systématiquement pillé quinze villages situés sur un tronçon de 21 km de l'axe Kibua-Mpofi : Bunangiri (27 km de Kibua), Kembe, Kweno, Luvungi, Bunyampuri, Chobu, Bitumbi, Rubonga, Kasuka, Ndorumo, Brazza, Kitika et Nsindo (6 km de Kibua). Dans certains de ces villages, les assaillants auraient également systématiquement violé des civils, principalement des femmes adultes, mais également quelques hommes et des mineurs.

181. Selon les chiffres fournis, au moins cent cinquante quatre victimes de violences sexuelles auraient été identifiées au moment où les allégations ont été reçues. Les villages de Luvungi et de Rubonga auraient été les plus touchés.

182. D'après les informations reçues, le groupe des combattants aurait normalement été commandé par le Col. Mayele, natif du village de Kembe, et chef d'état-major du groupe Mai-Mai-Cheka. Ils auraient initialement bloqué l'axe Kibua-Mpofi au niveau de Kembe, empêchant les populations locales d'accéder au seul point de réseau téléphonique de la zone, de telle sorte que l'information relative aux attaques ne serait parvenue que tardivement à Kibua (COB) et Walikale, où se trouvent des services médicaux.

183. En outre, dix femmes auraient été violées par des soldats de la 431^{ème} Brigade des FARDC à Katalukuku, dans la province du Sud-Kivu, à une centaine de kilomètres d'Uvira, le 6 août 2010.

184. En outre, la Rapporteuse Spéciale demanda certaines clarifications de la part du Gouvernement concernant les points suivants: l'exactitude des faits dans le résumé, les plaintes déposées, les enquêtes menées, les investigations judiciaires menées, les réparations offerts par l'Etat congolais sous la forme de compensation financière ou service de réhabilitation ; ainsi que toute information additionnelle sur la création d'un fonds d'indemnisation des victimes de violences sexuelles, tel qu'envisagé par le Ministre de la justice en octobre 2009.

Appel urgent

185. Le **2 novembre 2010**, la Rapporteuse Spéciale, conjointement avec la Rapporteuse spéciale sur la situation des défenseurs des droits de l'homme a envoyé un appel urgent au Gouvernement concernant la situation de CB, coordinatrice de la ONG. LA ONG fournit une assistance juridique aux victimes de violences sexuelles et a notamment obtenu la condamnation de civils et de membres des Forces armées de la République démocratique du Congo (FARDC) pour de telles violences.

186. Selon les informations reçues, dans la nuit du 4 octobre 2010, six hommes armés, en tenue militaire, auraient pénétré par effraction au domicile de CB. Ils lui auraient ordonné d'ouvrir la porte de sa chambre et de leur donner l'argent reçu d'une organisation non-gouvernementale internationale aux fins de financer les activités de la ONG. Devant son refus, ils auraient tenté de faire sauter la serrure de la porte en tirant dessus à deux reprises, en vain. Ils auraient alors ouvert le feu une troisième fois, avant de prendre la fuite. Les enfants de CB auraient été présents dans la maison au moment des faits.

187. De sérieuses craintes avaient été exprimées quant au fait que l'agression dont CB aurait été victime soit en relation avec ses activités légitimes de protection des droits de l'homme, à savoir ses activités au sein de la ONG d'accompagnement judiciaire en faveur des victimes des violences sexuelles. Des craintes similaires avaient été exprimées quant à l'intégrité physique et mentale de CB et de sa famille, ainsi que des membres de la ONG.

188. Ce nouvel incident s'inscrivait dans un contexte persistant d'extrême vulnérabilité des défenseurs des droits de l'homme en République démocratique du Congo, comme en attestait, entre autres, l'arrestation et la détention de NBM, AM et MM en septembre 2010 ; l'enlèvement de BK en août 2010, précédé de menaces de mort ; les menaces de mort à l'encontre de MT et sa famille ; et l'assassinat le 2 juin 2010 de FCB, directeur exécutif de VSV et membre de l'Assemblée générale de l'Organisation Mondiale contre la Torture et la disparition de FBE, membre et chauffeur de la VSV.

189. En outre, la Rapporteuse Spéciale demanda certaines clarifications de la part du Gouvernement concernant les points suivants: l'exactitude des faits dans le résumé, les plaintes déposées, les enquêtes menées, les investigations judiciaires menées, et les poursuites et procédures engagées contre les auteurs de la violence, et les mesures de protection prises pour garantir l'intégrité physique et mentale de CB et de sa famille, ainsi que des membres de la ONG.

Appel urgent

190. Le **15 avril 2011**, la Rapporteuse Spéciale, conjointement avec le Rapporteur spécial sur la promotion et la protection du droit à la liberté d'opinion et d'expression et la Rapporteuse spéciale sur la situation des défenseurs des droits de l'homme a envoyé un appel urgent au Gouvernement concernant des menaces et des actes d'intimidation contre JMB, Coordinatrice de l'ONG à Goma. L'ONG est une plateforme de 35 organisations de la société civile qui travaille dans le Nord-Kivu pour les femmes et les jeunes filles victimes de viols et d'agressions sexuelles, en particulier ceux commis par des membres de groupes armés et de forces de sécurité.

191. Selon les informations reçues, le 10 mars 2011, lors d'une conférence de presse organisée par la Fédération des Entreprises du Congo (FEC) à Goma, les organisateurs auraient publiquement menacé JMB. La FEC est à la fois chambre de commerce et d'industrie et principale organisation patronale de la République Démocratique du Congo (RDC).

192. Le même jour, deux inconnus auraient attendu sa fille devant son domicile et, en la prenant pour JMB, ils lui auraient volé son passeport ainsi que son appareil photo numérique avant de s'enfuir.

193. Le 14 mars 2011, un sénateur de la province du nord Kivu aurait publiquement intimidé JMB et l'ONG en ces termes : « les organisations de la société civile ne savent pas ce qu'elles sont en train de faire; l'histoire de minerais ne les concerne pas ».

194. Selon les informations reçues, ces menaces auraient fait suite à un courrier de l'ONG du 7 mars 2011 adressé à Mme Hillary Clinton, secrétaire d'Etat des Etats-Unis, demandant au Département d'Etat américain de soutenir la mise en œuvre effective de la Section 1502 du Dodd-Frank Wall Street Reform and Consumer Protection Act voté en juillet 2010 par le Sénat américain. En vertu de cette loi, les compagnies pétrolières, gazières et minières enregistrées auprès de la "Securities and Exchange Commission" (SEC) et dont les produits contiennent de la cassitérite (minerai d'étain), du coltan, du wolframite et de l'or, sont tenues d'informer la SEC si elles se procurent ces minerais dans la République Démocratique du Congo ou dans un pays voisin. Ces compagnies sont également tenues d'informer la SEC des mesures prises afin d'éviter de se procurer ces minerais auprès de groupes armés congolais.

195. Ce courrier aurait fait suite à la levée d'un arrêté de suspension d'exploitation des minerais dans la province du Maniema, nord-Kivu et sud-Kivu, qui avait été promulgué par le Ministre des mines congolais sur décision du Président de la République en septembre 2010 suite aux atrocités perpétrées sur la population par des chefs rebelles, devenus exploitants des minerais dans la région.

196. Selon les rapports reçus, le 27 décembre 2010, un magistrat de l'auditorat militaire de Goma aurait appelé JMB afin de la prévenir de sa possible arrestation si elle continuait à dénoncer les violations des droits de l'Homme commises à l'Est de la RDC. Il lui aurait indiqué qu'il avait reçu l'ordre de l'arrêter suite à son intervention le 28 novembre 2010 au cours de l'émission de la chaîne télévisée *TV5* intitulée « Et si vous me disiez toute la vérité ». Dans cette émission, JMB avait parlé de la situation générale des droits de l'Homme au nord Kivu, de l'impunité, des cas des violences sexuelles ainsi que des violations des droits de l'Homme qui auraient été perpétrées par le Général Bosco Ntaganda, sous mandat d'arrêt international de la Cour pénale internationale pour crimes de guerre.

197. De sérieuses craintes avaient été exprimées pour l'intégrité physique et mentale de JMB ainsi que de sa famille. Des craintes avaient été exprimées quant au fait que ces menaces et actes d'intimidation étaient liés aux activités non-violentes de promotion et protection des droits de l'homme menées par JMB.

198. En outre, la Rapporteuse Spéciale demanda certaines clarifications de la part du Gouvernement concernant les points suivants: l'exactitude des faits dans le résumé, les plaintes déposées, les enquêtes menées, les investigations judiciaires menées, et les poursuites et procédures engagées contre les auteurs de ces menaces et actes d'intimidation.

Observations

199. The Special Rapporteur regrets that at the moment of finalizing the report, she had not received a reply from the Government concerning the communications sent on 15 April, 13 September and 2 November 2010. She recalls that communications are an important part of the cooperation of Governments with her mandate and urges the Government to respond to the concerns raised.

200. The Special Rapporteur wishes to refer to the third joint report of seven United Nations experts on the situation in the Democratic Republic of Congo (A/HRC/16/68), which reiterates the need for a fruitful and sustainable cooperation with the government of the DRC, through regular and flexible exchanges and dialogue.

201. While noting with satisfaction that a number of cases of sexual violence attributed to members of the national armed forces have been investigated and that perpetrators have been prosecuted by military courts, the aforementioned report highlights that sexual violence remains a cause of major concern, particularly in the eastern part of the country and that limited progress has been made in implementing the recommendations of the previous joint reports with regard to the protection of women's human rights and the promotion of gender equality.

202. The report also refers to the worrisome trend of certain officials trying to delegitimize and harass human rights defenders, which fuels an increase in violence, intimidation and threats against defenders. Women human rights defenders, particularly women working in rural communities on cases of sexual violence and as peace mediators, often fall victim to reprisal attacks – including sexual assaults – against them and their families, and are forced to move to safer locations.

203. The Special Rapporteur takes this opportunity to remind the Government of its obligation to recognize the legitimacy of the work of human rights defenders, including women human rights defenders, and removing all obstacles that impede their work, protect them from reprisals, and take proactive measures to support their work.

South Africa

Allegation letter

204. On **14 January 2011**, the Special Rapporteur on violence against women, jointly with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment sent an allegation letter to the Government concerning the situation of MG, a woman who was allegedly beaten and raped by a man who intended to "cure" her from her sexual orientation, and NF, a local community activist supporting victims of "corrective" rape.

205. According to the information received, MG, a lesbian woman, and her friends were walking home when AN, a man she had known for a number of years and who had never objected to her sexuality before, asked her for a cigarette. She stayed to smoke with him, and followed him into his room when he refused to pass the cigarette to her. The man then

locked the door and started hitting her while she tried to fight back. MG was strangled with a wire, tortured and raped for five hours by AN who intended to "turn her straight".

206. Since this incident took place, the court-case addressing it had reportedly been postponed numerous times, last time to February 2011, and AN was currently out on bail, roaming the same streets where MG lived. This had forced MG to go into hiding for fear of her safety.

207. Ms. NF, a local community activist reached out to MG through a small local charity she set up in the Cape Town township of Gugulethu to rescue and support survivors of "corrective" rape. She was currently covering and supporting the criminal proceedings of MG. Although AN was forbidden to enter Gugulethu as part of his bail conditions, he had reportedly broken those conditions constantly and threatened NF various times.

208. Since his release he had allegedly asked family and friends to attack NF, constantly harassed her and made threats against her life and against her partner. This had forced NF to go into hiding as well, which had prevented her from carrying out the assistance work she provided to other women victims of violence.

209. Serious concern was expressed about the physical and psychological integrity of MG and NF. Further concern was expressed that these attacks did not constitute isolated incidents and that lesbian women in South Africa faced an increasing risk of becoming victims of violence, especially rape, because of widely held prejudices and myths that maintained they would change their sexual orientation if they were raped by a man. Furthermore, concern was expressed over increasing reports that hate crimes against lesbians were not being recognized or punished by the South African legal system.

210. The Special Rapporteur requested information from the Government regarding the accuracy of the alleged facts, as well as further clarifications concerning any investigation, medical examinations, and judicial or other inquiries that may have been carried out in relation to this case; the details regarding the current status of the judicial proceeding against AN; the protective measures that might have been put in place to ensure the safety and integrity of MG and NF; and the measures that might have been undertaken with a view to eradicate sexual violence against women generally, and particularly regarding the prevalence of "corrective" rape.

Observations

211. The Special Rapporteur regrets that at the moment of finalizing the report, she had not received an official reply. She recalls that communications are an important part of the cooperation of Governments with her mandate and urges the Government to respond to the concerns raised.

212. The Special Rapporteur takes this opportunity to make reference to Commission on Human Rights Resolution 2005/41 on the Elimination on Violence against women, which provides that women should be empowered to protect themselves against violence and, in this regard, stresses that women have the right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence.

213. The Special Rapporteur also wishes to recall the obligation by States under international human rights law to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons.

Syrian Arab Republic

Urgent appeal

214. On **12 November 2010**, the Special Rapporteur, jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment sent an urgent appeal to the Government regarding the situation of ES, a mother of three teenagers, who was sentenced to death on 29 September 2009, by the Military Criminal Court in Homs for acting as an accomplice in the murder of her husband, FN, on 26 July 2007. The sentence was confirmed by the Court of Cassation on 2 March 2010. Information currently made available indicated that she had been moved from her cell to prepare for her execution.

215. According to the information received, ES was the victim of several years of spousal, physical and sexual abuse by her husband, FN. It was reported that, on at least one occasion, FN had forced ES to sleep with his debtor in order to defray a debt he owed them. It was also alleged that FN would have humiliated her by stripping her naked and ordering her to get things for him by carrying them in her mouth. On another occasion FN brought another woman home and, when ES disapproved of this, he slapped her and ordered her to crawl around the house in front of the other woman. It was also reported that FN raped and frequently beat her, with various items including a knife, which resulted in a tear in her mouth, a broken rib and broken shoulder.

216. During interrogation it was alleged that she confessed to the charge that she had acted as an accomplice to her husband's killing even though she subsequently denied the charge during trial. In any case, the court did not examine the circumstances of the offense, including the possible mitigating circumstances.

217. The Special Rapporteur requested information from the Government regarding the accuracy of the alleged facts, as well as further clarifications concerning the specific conduct that ES was found guilty of and the legal basis of the death sentence imposed against her; the reasons for which ES was tried by the Military Criminal Court and the type of offences in which the military courts have jurisdiction to try civilians; the measures that may be in place to ensure that due process guarantees are respected in military; how ES's history of physical and sexual abuse by her husband was taken into account during the proceeding that led to her sentencing; and any complaints that might have been made regarding the physical and sexual abuse ES was subjected to by her husband and the measures taken by the authorities to investigate such claims.

Observations

218. The Special Rapporteur regrets that at the moment of finalizing the report, she had not received an official reply. She recalls that communications are an important part of the cooperation of Governments with her mandate and urges the Government to respond to the concerns raised.

United Arab Emirates

Response to a communication sent in 2008

219. In a letter dated **26 January 2009**, the Government responded to a previous communication sent by the mandate on 20 October 2008 (A/HRC/11/6/Add.1) regarding the allegations made, stating that M was dilatory in filing her complaint about assault and failed to follow up on the matter.

1. *Untruthfulness of the allegations in the letter*

220. The Government reminded that the letter stated that the public prosecutor released the accused after interrogating them but without interrogating the victim or the witnesses.

221. However, the Government informed that the case file clearly showed that the victim reported the incident on 13 November 2007 and the Office of the Public Prosecutor opened an investigation on 15 November 2007 – the date on which the accused were referred to the Office by the police after the victim had been seen by a medical examiner on 14 November 2007. The investigating officer at the Office of the Public Prosecutor questioned the accused and charged the first with forcibly raping the victim and the second and third with threatening her with a serious offence; they all denied the charges. The investigating officer had them remanded in custody for seven days pending further investigations. On 19 November 2007, the accused were again questioned, this time by a deputy prosecutor; they insisted that they had not committed any offence. The first man argued that the victim had made the allegation, because he had refused her offer of marriage after she had threatened to have him deported from the United Arab Emirates. On 20 November 2007, the investigating officer issued the victim and her witness with a summons to appear for a hearing to be held on 16 December 2007. He also issued an order extending the period of remand for the accused by a further 14 days. On 5 December 2007, the Office of the Public Prosecutor presented the accused to a criminal court judge, requesting an extension of the period of remand beyond that which the Office is allowed to apply under the law. The judge ordered a 30-day extension, ending on 4 January 2008. The Government indicated that it seemed that neither the victim nor the witness presented themselves for the hearing on 16 December 2007. The authority responsible for serving the summons reported that it had not been able to trace the victim, as she had left her employment and switched off her telephone. The witness had refused to appear, claiming that he knew nothing about the incident. The investigating officer therefore decided to have the police issue the pair with a second summons, setting a new date of 27 December 2007 for the hearing. As neither of them appeared on that date, the investigating officer, acting in accordance with the Code of Criminal Procedures, issued a warrant to have them picked up and brought in to give their testimony. On 30 December 2007, the medical examiner's report was received. The report stated that no signs of a recent sexual assault or any injuries had been found on the victim's body. On 3 January 2008, the court decided to extend the remand period for a further 30 days. On 6 January 2008, the witness for the victim telephoned the investigating officer and informed him that he knew nothing about the incident and that he was unable to attend because of his work. The police furthermore reported that they had been unable to trace the victim. On 13 January 2008, the chief of the prosecutor's office involved duly issued an order terminating the proceedings. The accused were released on 13 January 2008, i.e., after spending three months on remand pending investigations. Even though the complainant failed to follow up on her allegations, the Office of the Public Prosecutor did not release the accused with undue haste, but took its decision only after it had ascertained that there was insufficient evidence to prosecute.

2. *Legal grounds for dismissing the case, and the medical examination*

222. At the outset, the Government wanted to draw the attention to a number of principles in the Constitution of the United Arab Emirates that govern the work of all State authorities, including the judiciary.

223. Article 25: everyone is equal before the law.

224. Article 26: individual liberty is guaranteed. No person may be arrested except in accordance with the law, and no person may be subjected to torture or degrading treatment.

225. Article 28: an accused person must be presumed innocent until proven guilty in a fair, legal trial.

226. Article 40: foreign nationals must be afforded rights and freedoms.

227. Article 41: any person may submit a complaint to the authorities, including the judiciary, concerning any infringement of the rights and freedoms set forth in the Constitution.

228. Reference is furthermore made to article 354 of the Criminal Code of the United Arab Emirates (No. 3 of 1994), which states: “Any person who forces a female to have sexual intercourse with him or a male to engage in sodomy with him is liable to capital punishment.” The State courts have established that the key point here is lack of consent on the part of the victim. The question of whether or not the victim is a virgin is irrelevant. Indeed, protection is provided to all victims of crime without discrimination, even a victim known to be a habitual prostitute. The proviso is that the sexual intercourse must have taken place without the victim’s consent. That being so, it cannot be argued that the complainant’s case was dropped because she was not a virgin at the time of the incident, as this would be incompatible with all the legal and judicial principles which underpin the work of prosecutor’s offices and State courts. Indeed, several convictions have been handed down in similar cases where there was ample evidence against the accused.

229. According to articles 120 and 121 of the Code of Criminal Procedures of the United Arab Emirates (No. 25 of 1992), in order to bring a criminal case to court, there must be sufficient evidence against the accused. If the Office of the Public Prosecutor considers the evidence to be insufficient, it has the legal power to decide that the case should not be sent for adjudication and to issue an order for termination of proceedings. For a serious crime, the order must be issued by the chief of the relevant prosecutor’s office and will only take effect once endorsed by the Public Prosecutor. In the complainant’s case, The Government informed that the Office of the Public Prosecutor took the view that there was not enough evidence against the accused, since the medical examiner’s report found no injuries or signs of the victim having been sexually assaulted, the complainant reported the matter rather late — after a period of some four months — and no evidence was proffered to persuade the court that the incident had occurred as described by the victim in her police statements. Moreover, no trace was found of the complainant, and she did nothing to follow up on the investigations. After she complained about the case being dismissed, the matter was reviewed three times – on 10 April 2008, 5 May 2008 and 11 June 2008. The matter was referred to the Prosecutor-General, and it was decided that there was no point in re-opening the investigation, owing to the insufficiency of the technical evidence of rape and of the hearsay evidence of a witness who had not seen the incident. Moreover, the accused denied the charges in full.

3. *Compensation for victims of ill-treatment*

230. The Government further informed that the Office of the Public Prosecutor did not consider the victim to have been ill-treated by any State authority. She failed to report the assault by her co-nationals and the threats that she had received, and she left the country. She then returned to report the matter some months later. As soon as she filed a report, the authorities took appropriate action. They arrested the suspects and remanded them in custody for three months pending investigations. The Office of the Public Prosecutor compiled a large file on the case, but the complainant disappeared once again. The Office of the Public Prosecutor used its legal powers as the authority responsible for initiating criminal proceedings and representing society in prosecution cases and issued a decision to terminate the proceedings on the grounds of lack of evidence. The case was reviewed three times, at the complainant’s request. Hence, the Office of the Public Prosecutor did not consider that there was any ill-treatment in this case to justify granting compensation.

Observations

231. The Special Rapporteur thanks the Government for its response.

United Kingdom of Great Britain and Northern Ireland

Urgent appeal

232. On 4 May 2010, the Special Rapporteur, jointly with the Special Rapporteur on contemporary forms of slavery, the Special Rapporteur on the human rights of migrants, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment sent an urgent appeal to the Government regarding BG, a rejected asylum-seeker who is a national of Iran. BG had exhausted most of the legal remedies available and allegedly received a deportation order to leave the United Kingdom of Great Britain and Northern Ireland on 20 April 2010. The deadline had been postponed due to flight disturbances. Her deportation had been rescheduled to take place on 5 May 2010 at 19.00 hrs by flight BD931. In the meantime an additional fresh claim for review of her case was submitted by her solicitor on 20 April 2010. The judicial review of the fresh claim submitted was scheduled to take place on 21 July 2010.

233. According to information received, BG was a national of Iran born on 10 September 1974. She allegedly fled Iran escaping from a forced marriage. She allegedly arrived in the United Kingdom on 2 October 2006. Upon her arrival in the United Kingdom, she claimed asylum on grounds of forced marriage in Iran. She had reportedly been forced into the marriage by her father in 2004 and remained in the forced marriage for approximately 2 years until she fled Iran. In addition, she allegedly faced physical and psychological maltreatment by her father, brother and uncle because she was having an extramarital affair with HS. After filing her asylum claim, BG was reportedly taken to Holloway prison for 45 days after which she was released for the consideration of her asylum claim. The reason for her detention was never clarified.

234. In November 2006, BG reportedly met MZ, a British national with whom she began an informal domestic partnership in October 2008. As a result of her relationship with MZ, in 2007, Ms. Ghaedi became involved in political activities and began working as a political activist with Anglo-Iranian women in the United Kingdom. She also became a supporter of the British Peoples Mojehadin Organization of Iran (PMOI) and the National Council for the Resistance of Iran (NCRI). BG campaigned on behalf of the PMOI in the United Kingdom of Great Britain and Northern Ireland to draw attention to the situation of political prisoners and the execution of victims in Iran during a recent unrest.

235. On 16 August 2007, BG's asylum claim was rejected by the Home Office and by the Court on 16 October 2007. As a consequence, on 4 December 2007, she attempted to commit suicide by taking an overdose, and was hospitalized. She was allegedly unconscious for three days and was discharged from the hospital on 2 January 2008. Her solicitor requested a revision of the case.

236. On 29 April 2009, she was allegedly detained and removal directions were set for 4 May on the grounds of her immigration status. On 3 May, BG's solicitor submitted an application for a leave to remain and she was released on 17 June 2009 as her case was accepted for judicial review. She was allegedly detained again on 11 November 2009 and removal directions were set for 16 November. On the same date she reportedly began a hunger strike. On 16 November 2009 she was taken to Heathrow airport for deportation, but the deportation was canceled by judicial order allegedly on the grounds of the need for further time to review the case. On 2 December 2009 she was allegedly released on bail,

conditional upon her presentation twice a week before the United Kingdom Border Agency (UKBA).

237. In January 2010, the UKBA authorities allegedly fixed 16 April 2010 as the date for the review of the conditions of her release. On 27 January 2010, she allegedly commenced another hunger strike after she was informed by Home Office solicitors that her claim has been rejected.

238. Given the health troubles associated with her hunger strikes, she was allegedly unable to comply with the condition of her release. MZ periodically provided medical certificates to the UKBA to justify that it was impossible for BG to comply with the condition of her release. The most recent medical certificate was dated 23 March 2010 and justifies one month of sick leave. Her physical and mental health was weakened considerably to the point that she was unable to walk. Following friends' and medical practitioners' advice, she allegedly ended her hunger strike on 20 March 2010.

239. On 25 March 2010 BG's solicitor submitted a fresh claim, as the United Kingdom asylum procedure permits rejected asylum applicants to lodge a fresh claim and give the Government the prerogative of deciding whether or not the fresh submission is to be considered.

240. On 12 April 2010, MZ brought BG to UKBA authorities in a wheelchair, in order to bring her health condition to their attention, and presented a request for the renewal of her release on bail, which was to be reviewed by 16 April 2010. UKBA authorities requested MZ and BG to return in the afternoon of 16 April 2010.

241. On 16 April 2010 around 6:30 a.m., Home Office authorities allegedly arrived at BG's place of residence with an ambulance, arrested her and detained her at Yarl's Wood. MZ reported that her health remained a concern while she was in detention.

242. Additional documentation was submitted to the Home Office by BG's solicitor on 20 April 2010, who according to MZ will submit an application for urgent injunction to request to suspend BG's removal from the United Kingdom scheduled on 5 May 2010 pending the consideration of the judicial review of the fresh claim, which was scheduled to take place on 21 July 2010.

243. Her forcible removal from the United Kingdom was initially planned for 20 April 2010, but was postponed due to flight cancellations. Her deportation had been rescheduled to take place on 5 May 2010 at 19.00 hrs by flight BD931.

244. Information received indicated, if returned to Iran, BG might have been subjected to cruel, inhuman or degrading treatment as a result of having abandoned a forced marriage and because of the resulting implications on family honour. Information received also suggested, if returned to Iran, BG might have encountered harassment, arrest or detention because of her political involvement with the PMOI while in the United Kingdom. Furthermore, her health might have been at risk as her physical and psychological condition had considerably deteriorated, at least partly due to the possibility of being deported to Iran. Additionally, she considered that her rights to family and private life with her partner MZ, who was a British national, might also have been infringed.

245. The Special Rapporteur requested information from the Government regarding the accuracy of the alleged facts, as well as further clarifications concerning the complaints that might have been lodged by or on behalf of BG to challenge the deportation order; how the deportation of BG complied with all relevant provisions; and the measures taken in this particular case so as to ensure that BG will be free from cruel, inhuman or degrading treatment at her arrival to Iran.

Observations

246. The Special Rapporteur regrets that at the moment of finalizing the report, she had not received an official reply. She recalls that communications are an important part of the cooperation of Governments with her mandate and urges the Government to respond to the concerns raised.
