

The Assembly and Association Briefing

Newsletter of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association

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Student protesters at Egypt's Cairo University on March 12, 2014. On March 24, 529 individuals were sentenced to death in Egypt on charges related to the events leading to the ousting of the Government of President Mohammed Morsi in 2013 (Photo: [Bora S. Kamel](#)/Creative Commons License-Flickr)

UN experts condemn mass death sentences in Egypt

A group of eight United Nations human rights experts, including Maina Kiai, [urged the Egyptian authorities](#) on 31 March 2014, to quash the 529 death sentences [announced in Egypt](#) in March and give the defendants new and fair trials, so as to ensure respect of international human rights law.

"The right to life is a fundamental right, not a toy to be played with. If the death penalty is to be used at all in countries which have not abolished it, international law requires the most stringent respect of a number of fundamental standards," the experts said.

On 24 March 2014, 529 individuals were sentenced to death in Egypt on charges related to the events leading to the ousting of the Government of President Mohammed Morsi in 2013. At least 600 more individuals are currently under trial for similar charges.

"We are appalled by the lack of clarity of the charges under which each individual was sentenced to death. Reports that some of them received capital punishment for charges of unlawful gathering, or any other offence not involving murder, indicate a clear violation of international law," the experts stressed, recalling the "most serious crimes" provision under international law, according to which only crimes of intentional killing may be punishable by death.

The experts also expressed deep concern about numerous procedural irregularities reported during the recent proceedings, such as limited access to lawyers, trials in absentia, or the mass imposition of the death sentences. "The conduct of trials in such conditions is in breach of the International Covenant on Civil and Political Rights, to which Egypt is a party," they said.

"International law also requires that, in cases of capital punishment, trials must meet the highest standards of fairness and due process," they noted.

"The imposition of the sentence of death on 529 defendants, after a two-day trial that was rife of procedural irregularities, and on unclear or sometimes insignificant charges makes a mockery of justice," added the experts. "There is a clear need for a serious and comprehensive reform in any legal system that allows for such developments to occur."

1%

Estimated [percentage](#) of the population in Mattay, Egypt, sentenced to death in a trial held on March 24 (see story at left)

3,143

Estimated number of Egyptians [killed](#) in various acts of political violence between July 3, 2013, and January 31, 2014.

18,977

Estimated number of Egyptians [arrested](#) in the aftermath of ex-President Mohamed Morsi's removal

Freedom of association and assembly: By the numbers

2 Number of weeks the social media site Twitter was blocked in Turkey over March and April 2014

159 Days that Chinese HRD Cao Shunli spent in detention before being transferred to a hospital in critical condition (see story at right)

39 Estimated number of people killed in protests that have rocked Venezuela since February 2014

10 Number of years since Thai human rights defender Somchai Neelapaijit was last seen (see story on next page)

0 Number of consultations planned between civil society and the Cambodian government on the latest draft on the latest draft law on NGOs and associations

2 Number of people killed following a political rally attended by Malawi's President Joyce Banda

13 Number of years (and counting) that all demonstrations have been banned in the Algerian capital of Algiers

88 Number of NGOs that Human Rights Watch alleges have been affected by Russia's "foreign agent" registration law since 2013

46 Number of opposition party members allegedly facing life sentences in Burundi, after they were arrested following protests on March 8, 2014

14 Number of UN and NGO properties allegedly destroyed in Sittwe, Myanmar, by Buddhist mobs who accuse foreign organizations of favoring the Muslim Rohingya population while delivering aid in the region

Sources available via hyperlinks

Police line up to block the entrance off Taksim Square during the Gezi Park protests in Istanbul, Turkey, on June 16, 2013. (Photo: [Gregg Carlstrom](#)/Creative Commons License-Flickr)

UN rights experts express serious concern as Turkey bans Twitter and YouTube ahead of elections

A group of United Nations independent experts [expressed serious concern](#) over the Turkish Government's measures, taken in the context of forthcoming elections, to prevent access to YouTube a week after Twitter was shut down.

The ban was finally [lifted](#) on April 3, after Turkey's high court ruled it illegal.

"The right to freedom of opinion and expression is a central pillar of modern democratic societies", the Special Rapporteur on the right to freedom of opinion and expression, Frank La Rue, said. "Blocking access to YouTube and Twitter entirely unduly restricts this fundamental right. This is all the more surprising following the recent temporary court injunction against the blocking of Twitter", he added.

"Concerns about national security can be legitimate, but limitations to the freedom to seek, receive and impart information must conform to the strict test of necessity and proportionality to the aim pursued", Mr. La Rue said.

"International standards are clear: the free communication of information and ideas about public and political issues among people, candidates and elected representatives is essential," he noted. "This requires a free press and other media to facilitate debate on public issues without censorship or restraint, in particular in the context of elections. The public also has a corresponding right to access information freely."

The Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, highlighted the key role of social media and access to information for those who defend and promote human rights, including by monitoring elections and public debate, and by raising issues of public interest.

"Blocking access to Twitter and YouTube is also a severe blow to the right to freedom of peaceful assembly, since social media is increasingly used by people to mobilize and organize peaceful protests, especially in the context of elections," the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, pointed out.

"Such restrictions could undermine the legitimacy of the electoral process and call into question the guarantees of free and fair exercise of people's civil and political rights," they said.

China: UN experts deplore events leading to death of HRD Cao Shunli, ask for full investigation

Maina Kiai and a group of other UN experts [expressed their dismay](#) concerning the [death](#) of Cao Sun Ly Shunli in hospital on 14 March, and extended their sincere condolences to her family and friends.

Ms. Cao was a prominent human rights lawyer in China who had tirelessly campaigned since 2008 for transparency and greater participation of civil society in the second universal periodic review (UPR) of China's human rights record by the UN Human Rights Council.

On 14 September 2013, Ms. Cao was prevented by Chinese authorities from boarding a flight from Beijing to Geneva where she was to participate in a human rights seminar and observe China's UPR. Ms. Cao's whereabouts were unknown until she was charged with the crime of provocation. Her health deteriorated while she was in detention and she was transferred to hospital in a critical condition on 19 February 2014.

Ms. Cao's enforced disappearance, arbitrary detention, failing health and the fact that she was denied medical care were brought to the attention of the UN experts who transmitted urgent appeals to China.

A group of UN human rights experts issued public statement ("UN experts alarmed by reprisals against activists linked to China's international human rights review") on 16 October 2013. A formal response from the Chinese authorities indicating that she had no serious health problems and had access to medical care was questioned by the experts.

The full story is [available here](#).





Scene from a protest in the Las Mercedes district of Caracas, Venezuela, on February 27, 2014; (Photo: [Andrés E. Azpúrua](#)/Creative Commons License-Flickr)

UN experts: Venezuela must account for arbitrary detentions and violence against protesters

A group of United Nations independent experts, including Maina Kiai, [have asked](#) the Government of Venezuela for prompt clarification of allegations of arbitrary detention and excessive use of force and violence against protesters, journalists and media workers during the recent wave of protests in the country.

“The recent violence amid protests in Venezuela need to be urgently and thoroughly investigated, and perpetrators must be held accountable,” the experts stressed. They also expressed their shock at the reported deaths of at least 17 persons during the demonstrations. (Note: as of the date of this newsletter, [media reports](#) indicate up to 39 killed)

“We are deeply disturbed by the allegations of multiple cases of arbitrary detention of protesters. Some were reportedly beaten -and in some cases severely tortured- by security forces, taken to military facilities, kept in incommunicado detention, and denied access to legal assistance,” they said. “These reports need to be urgently clarified and anyone who remains arbitrarily detained should be released without condition.”

The independent experts also drew attention to reports of violence against journalists and media workers monitoring and reporting on demonstrations in Venezuela: “Ensuring full protection to journalists and media workers covering the difficult period experienced by the country today is crucial.”

“The reports of the arbitrary detention of various journalists and the suspension of the broadcasting activities of TV channel NTN24 covering the protests are very worrying,” they said. “The country needs more, not less information on the ongoing protests.”

The full story is [available here](#).

“We are deeply disturbed by the allegations of multiple cases of arbitrary detention of protesters. Some were reportedly beaten - and in some cases severely tortured - by security forces ... and denied access to legal assistance.”

Thailand: 10 years after Somchai’s disappearance, family still awaiting truth and justice

A group of United Nations independent experts today called on the Government of Thailand to establish the truth and hold criminally responsible the perpetrators of the disappearance of human rights defender Somchai Neelaphajit. On the 10th anniversary of his disappearance, the experts said the investigations on the case remain inconclusive and warned that the authorities may close the legal proceedings.

“Ten years after the disappearance of Somchai Neelaphajit, his fate and whereabouts remain unknown,” the UN Working Group on enforced or involuntary disappearances said. “We appeal to the Thai Government to continue the investigations on the case, establish his fate and whereabouts, guarantee impartiality during the process, publish the results, and ensure that all perpetrators are held criminally responsible.”

Mr. Somchai Neelaphajit, a human rights defender and senior member of two

lawyers’ associations, was allegedly disappeared on 12 March 2004. It is believed that his disappearance is related to his work as a lawyer defending Muslim minorities in southern Thailand. The initial criminal prosecution against five police officers for robbery and coercion, in relation to his abduction, has resulted in their acquittal, though the final outcome is still pending at the Supreme Court.

“While the State has provided some financial compensation to the family of Somchai Neelaphajit, this by no means exonerates Thailand from its obligation to establish the circumstances of the enforced disappearance and bring justice to the victims of this serious crime,” the experts pointed out. “We call on Thailand to make more efforts to fight impunity for all acts of enforced disappearances.”

The full story is [available here](#).

Myanmar: UN expert raises alarm on Rakhine State

The United Nations Special Rapporteur on the human rights situation in Myanmar, Tomás Ojea Quintana, today [pressed the alarm bell](#) on the further deterioration of the human rights situation in Rakhine State.

Mr. Ojea Quintana's views were endorsed by the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, and a number of other UN experts.

"Recent developments in Rakhine State are the latest in a long history of discrimination and persecution against the Rohingya community which could amount to crimes against humanity." He warned that the evacuation of aid workers, following the recent attacks on UN and NGO premises in Sittwe, "will only increase the vulnerability of this community".

"These workers were in Rakhine State providing essential life-saving support, including health services, water and food to internally displaced persons, isolated villages, and other affected communities," he explained. "The withdrawal of these workers will have severe consequences on the enjoyment of fundamental human rights, including the right to life."

Water availability could reach critical levels within a week in some displacement camps, particularly in Pauktaw. The impact on healthcare will be particularly severe for the 140,000 people still in such camps in Rakhine State and the 700,000 vulnerable people outside the camps.

Mr. Ojea Quintana noted the Government's commitment last week to ensure the safety and protection of UN and other international agencies' personnel, and underlined the need for the prompt return of all humanitarian staff so that their life-saving work can resume with all communities.



Rohingya refugees in Bangladesh's Nayapara camp in 2008 (photo: [Ruben Flamarique/Austcare](#))

Prior to these latest developments, in his latest report to the UN Human Rights Council in March the Special Rapporteur reported that, taking into consideration the information and allegations he had received throughout his six years on the mandate, crimes against humanity may have been committed in Rakhine State.

The full story is [available here](#).

Special rapporteur news in brief: March and April 2014

UNSR online

The Special Rapporteur's [website](#) now hosts more than 65 dedicated country pages, featuring news and reports (including urgent appeals and allegation letters) for specific UN Member States. Specific country information can be accessed via the site's [Browse by Country](#) page.

The Special Rapporteur's [Twitter](#) account recently passed the 2,200 follower mark. Thanks for following the mandate, and please continue spreading the word about our [Twitter](#) and [Facebook](#) accounts. We're pleased to see so much interest in freedom of assembly and association issues.

Reports

The Special Rapporteur is nearing completion of his next thematic report, which [focuses on](#) how laws and practices may discriminate against and exclude certain groups when exercising or seeking to exercise their rights to freedom of peaceful assembly and of association. The report is expected to be released sometime in mid-May. It will be officially presented at the 26th session of the Human Rights Council in June.

The Special Rapporteur's report on [Rwanda](#) is also nearing completion; keep an eye on our [Twitter](#) and [Facebook](#) pages for a release date.

Travel and events

• Human Rights Council, 25th Session (mid-March, 2014). The Special Rapporteur was on hand for a number of side events and meetings, including seminars organized by International Center for Not-for-Profit Law (on protecting civic space) and the International Service for Human Rights (on protecting human rights defenders).

• Strategy Session for Enhanced Rapid Response Support Mechanisms for HRDs in West, East and Southern Africa, Pretoria, South Africa (March 27-28, 2014), organized by the International Commission of Jurists, the Open Society Foundation and the European Union. The Special Rapporteur gave a dinner lecture on the subject of "freedom of association and assembly for human rights defenders in Africa: the concept of safe spaces."

• Human Rights Defenders' Days 2014, Stockholm, Sweden (April 1-4, 2014). The Special Rapporteur took part in a panel discussion on "Repressive trends for Human Rights Defenders Worldwide." He was joined on the panel by Maryam al-Khawaja (The Bahrain Centre for Human Rights), Robert Hårdh (Executive Director of Civil Rights Defenders) and Mary Lawlor (Executive Director, Frontline Defenders).

Upcoming

Human Rights Council, 26th Session, Geneva, Switzerland (presentation of the Special Rapporteur's thematic report on groups most at risk - date to be announced)

World briefing: Freedom of assembly and association in the news

March 8, 2014

[Crackdown in Burundi](#): Opposition party demonstrators in Burundi - who were protesting restrictions on political freedoms - were met by riot police, who fired tear gas to break up the gathering. Over a dozen protesters were injured, and policemen were briefly held hostage, according to media reports. The political party, the Movement for Solidarity and Democracy, has been suspended and 46 members face charges of insurrection, violence against police and rebellion, which carry the possibility of life imprisonment.

March 12, 2014

[Fresh protests in Turkey over boy's death](#): Protests erupted in Istanbul after a 15-year-old boy struck in the head by a tear gas canister died after months in a coma. The boy, Berkin Elvan, was injured last summer during wave of anti-government protests that engulfed Turkey.

March 2014

[British journalist declared "subversive" by Kenyan government](#): Lucy Hannan, a British journalist and HRD who runs the NGO [InformAction](#) with UNSR Maina Kiai - continued her court battle against a deportation order from the Kenyan government. In March, the government filed a document showing that her visa had been denied because she engaged in "subversive" activities against the Kenyan government. Hannan's NGO screens human rights films in rural areas and holds community discussions on justice.

March 27, 2014

[Mobs attack UN & NGO offices in Myanmar](#): Buddhist mobs in Myanmar's Rakhine attacked the offices of international aid groups, accusing them of giving preferential treatment to the Muslim Rohingyas. The area was been racked by ethnic violence in 2012, and tensions continue ahead of the official census, which [does not allow](#) Rohingya to identify themselves as Rohingya.

March 31, 2014

[NGO leader arrested in Azerbaijan](#): Hasan Huseynli, head of the "Intelligent Citizen" Awareness Center, was arrested on charges of hooliganism for allegedly stabbing another person. Azerbaijani civil society groups denounced the charges as trumped up and part of a crackdown on civil society, and called for Huseynli's release.

March 31, 2014

[Ban on assemblies continues in Cambodia](#): Authorities dispersed about 100 people demanding a television license for an independent broadcaster; eight people were reportedly injured and two were arrested.

March 31, 2014

[Russia considers restrictive amendments to assembly law](#): Proposed amendments to the nation's assembly law were submitted by the lower chamber of parliament; they would increase already significant fines for violating rules on holding public events. The rules would also allow extensive use of so-called "administrative arrest" and impose imprisonment on repeat offenders.

April 5, 2014

[Venezuela charges opposition leader over protests](#): Venezuela's attorney general charged jailed opposition leader Leopoldo Lopez with responsibility for anti-government demonstrations that have shaken the country since February. At least 39 people have died in the unrest.

A 2012 demonstration in Phnom Penh, Cambodia, calling for the release from prison of independent radio broadcaster Mam Sonando. Sonando - who was released in 2013 - staged a protest on March 31, 2014, demanding a license to set up an independent TV station. The protest was violently [disrupted by authorities](#) (photo: Jeff Vize/[LICADHO](#))