

20 April 2021

Rue de Trèves 49/51
Brussels, B-1040,
Belgium

United Nations Reprisals Secretariat
Office of High Commissioner for Human Rights
Palais Wilson, Rue des Pâquis 52,
1202 Geneva, Switzerland

VIA ELECTRONIC MAIL

Dear UN Reprisals Secretariat,

Re: Input for the Secretary General's reports on reprisals for cooperation with the UN.

The Unrepresented Nations & Peoples Organization (UNPO) is a member-owned movement of minorities and indigenous communities that focuses on ensuring adequate representation for these communities at the international level. For over thirty years we have worked to increase participation of unrepresented people at the UN level. In that regard, we consider the present situation to be a particularly challenging one, and would ask that the General Secretary's report reflect the following major considerations:

1. THEMATIC DEVELOPMENT IN THE PAST YEAR

1.1. Cooperation with the UN has become increasingly challenging.

In November 2020, we published a report with the University of Oxford highlighting the challenges for UN cooperation posed by the COVID-19 pandemic. That report can be accessed at <https://unpo.org/article/22123>. A launch event discussing individual case issues, including reprisals against an Iranian Kurdish activist, can be accessed at: <https://unpo.org/article/22117>. This report highlights that the COVID-19 pandemic has exacerbated previously identified challenges with bullying and blocking at the UN human rights mechanisms (see <https://unpo.org/article/21583>). The overall picture is of a system that is become less accessible and more threatening to minorities and indigenous communities.

1.2. Human rights defenders are increasingly being criminalized.

In March 2021, we made a submission to the UN Expert Mechanism for the Rights of Indigenous Peoples highlighting an increase in the criminalization of freedom of expression occurring

around the world and targeting minority and indigenous communities seeking to advance their rights to self-determination. This report is available at: <https://unpo.org/article/22130>. The report highlights the links between this domestic criminalization and its impact on participation of minority and indigenous communities at the United Nations, and it urges the UN to identify new ways and approaches to more safely encourage participation of minority and indigenous communities, building off of, for instance, the process undertaken to encourage indigenous participation in the Paris Agreement on climate change.

1.3. Not enough is being done to protect against reprisals in UN host countries

We have just released a new report, *Compromised Space: Foreign State Reprisals against Unrepresented Diplomats in Europe* (available at <https://unpo.org/article/22134>), which documents long-standing efforts by authoritarian regimes (principally Iran, China and Russia) to target human rights defenders from minority and indigenous communities based in Europe or working at the various host sites of UN offices. This report, which is the beginning on a long-term research effort by the UNPO, highlights significant concerns that the European countries that host the various United Nations offices (e.g. in United Kingdom, France, Switzerland, Italy, Netherlands, Denmark, Austria) do not do nearly enough to respond to these threats. The report asks, among others, the United Nations to conduct its own assessment of the role that national authorities in UN host countries are playing to respond to reprisals and to increase efforts to coordinate and cooperate with them.

1.4. Reprisals are working.

In the research for our latest report and for making this submission to you, it has become clear to us that reprisals are ultimately working. There is a pervasive feeling of fear among human rights defenders from minority and indigenous communities as they work to cooperate with the United Nations. Numerous instances of reprisals, particularly among European-based diaspora communities, have been highlighted to us, under strict requests not to share the information with the United Nations. Furthermore, with participation being increasingly pushed online, a fact accelerated during the COVID-19 pandemic, and in light of the sophistication of digital surveillance tools being used by authoritarian states, there is an increased reluctance to openly engage with the United Nations or to highlight cases of reprisals.

2. INDICATIVE CASES RELATED TO THE ABOVE INFORMATION.

Despite reluctance to share information, the following four cases that we have been authorized to share having been sufficiently anonymized, occurred in the last year and highlight how reprisals are working, giving context to the information provided above and in our reports. They represent only a fraction of the information related to this phenomenon that we have been made aware of.

2.1. Vietnam: Case of Khmer Krom before UN Working Group on Arbitrary Detention

In June 2020, the UNPO and the Khmer Kampuchea-Krom Federation submitted a case to the UN Working Group on Arbitrary Detention of a Khmer Krom activist who had been detained in connection with land rights campaigning. This submission was made with the consent of the family. Subsequent to the submission being made, the individual was appointed a lawyer, who then began

urging the family to withdraw it. The lawyer argued that the submission would be detrimental to the activist's case because the government, in line with his experience, would increase the severity of the crimes alleged against the activist as a result of the UN case. The individual's case is currently on appeal and his lawyer still believes that there is significant danger in pursuing the case further with the United Nations.

2.2. Laos: Case of Hmong before the UN Working Group on Enforced Disappearances

In March 2020, the UNPO and the Congress of World Hmong People submitted a case to the UN Working Group on Enforced Disappearances related to the disappearance of an elderly man (80), his granddaughter (18), and two minors (17 and 15 respectively), who were attempting to flee military attacks and other repressive actions taking place in the Xaisombun Province of Laos.

Alongside this case, the UNPO and Congress of World Hmong People also submitted information on the general situation of the Hmong in Xaisombun Province to the UN Special Procedures. These actions have resulted in the government of Laos receiving close scrutiny from the United Nations related to its actions in the Xaisombun Province, including a letter of allegation from 10 UN Special Procedures sent in October 2020 (see <https://unpo.org/article/22110>).

Subsequent to this, relatives of the disappeared individuals received visits from local authorities, during which they were told that if they continued their cooperation with the United Nations "they would face consequences." In light of the history of the government's actions in the province, including its recent spate of military attacks (see <https://unpo.org/article/22131>), the relatives understood that those consequences could include arrest, detention, disappearance, or other severe punishment.

2.3. Iran: Case of a Baluch activist before the UN High Commissioner for Refugees

UNPO works with a Baluch human rights defender who was forced to flee Iran and is currently living in Turkey, where he is accepted as a refugee by the UNHCR. Since his application for refugee status and asylum, his family, including his father, brother-in-law, and uncle have been repeatedly summoned and interrogated by the ministry of intelligence of Sistan and Baluchestan Province. During interrogations, security forces have repeatedly pressured his family to persuade him to abandon his human rights activities, abandon his quest for asylum and return to Iran.

This has been ongoing since at least November 2014, when he initially requested protection. After his latest contact with the UNHCR, on 3 December 2020, his uncle, who regularly traveled to Turkey in the past, was banned from leaving the country. Moreover, as far as we are aware, little to no effort is being made by local authorities to protect the Baluch human rights defender from interference with and monitoring of his activities in Turkey or with the UN.

2.4. Vietnam: Case of Khmer Krom working on UN Declaration on Indigenous Rights

The UNPO is working on the case of a Khmer Krom person who has been arrested and unlawfully detained in Vietnam in connection with his dissemination of the UN Declaration on the

Rights of Indigenous Peoples. Information on the case is available here: <https://unpo.org/article/22135>. While the case does not relate to any direct interaction between a human rights defender and a UN agency, the case is emblematic of a general trend towards suppression of criminalization and reprisals against minority and indigenous rights defenders seeking to use the United Nations and international law to further their human rights causes.

Together with our substantive research and reports, we believe that these individual cases are indicative of the broader trend towards the stifling of cooperation between minority and indigenous rights defenders and the United Nations being undertaken by authoritarian states. We further believe that the manner in which the international community is responding to these developments does not adequately address the problem, with significant deficits in terms of the action of and coordination between countries which host United Nations offices and/or diaspora communities engaged in international human rights advocacy.

As we have outlined in our submission to the UN Expert Mechanism on Indigenous People and our public statements and resolutions, the threats to participation at and cooperation with the United Nations that minority and indigenous communities are presently facing, represent not only matters of individual concern, but also raise concern about whether the United Nations itself will be able to achieve its responsibilities under Article 1 of the UN Charter to “respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace.” (see e.g. UNPO Statement on Sustainable and Peaceful Societies, available at <https://unpo.org/article/22129>; UNPO Resolution on the Implementation of UN Sustainable Development Goal 16, available at <https://unpo.org/article/22011>). Accordingly, we respectfully request that the information provided above, in particular related to the thematic developments in the past year, are reflected in the Secretary General’s report.

Thank you for your kind consideration of the information provided to you in this letter. Please do not hesitate to contact us for any further information.

Yours sincerely,



General Secretary
Unrepresented Nations and Peoples Organization

