

DARING TO STAND UP FOR HUMAN RIGHTS IN A PANDEMIC



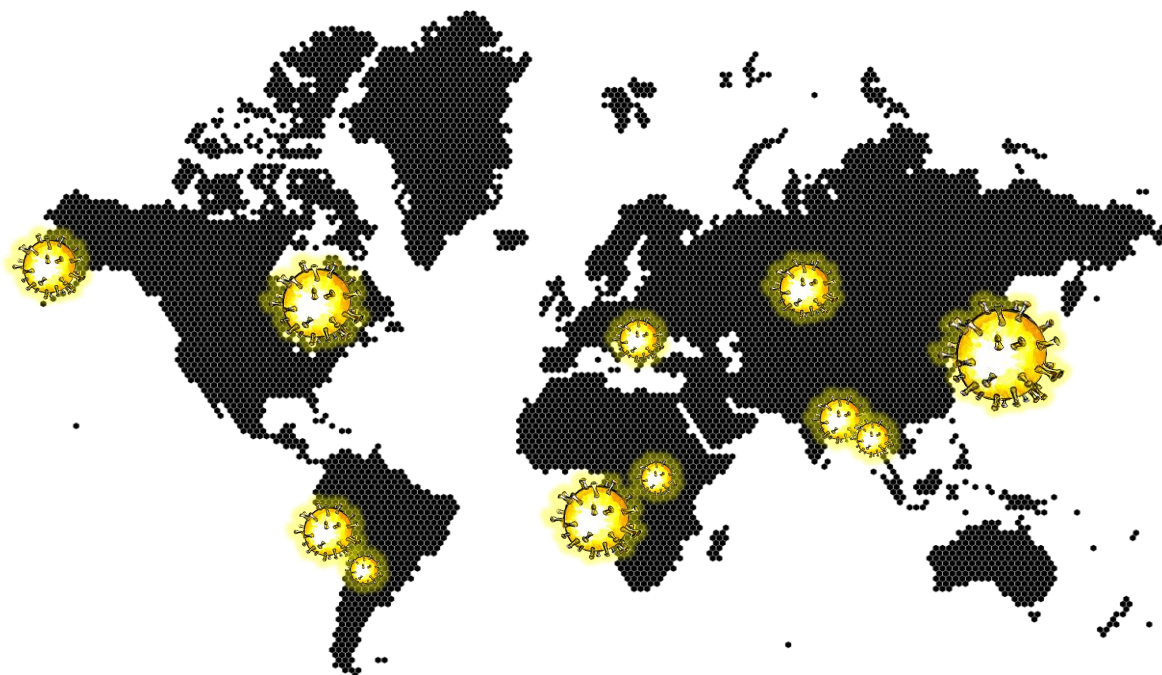
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CONTENTS



EXECUTIVE SUMMARY	3
1. THE SIGNIFICANCE OF DEFENDING HUMAN RIGHTS DURING A PANDEMIC	5
2. ATTACKS DURING THE COVID-19 CRISIS	7
2.1 COVID-19, A PRETEXT TO FURTHER ATTACK DEFENDERS AND REDUCE CIVIC SPACE	8
2.2 THE DANGERS OF SPEAKING OUT ON THE RESPONSE TO THE PANDEMIC	10
2.3 DEFENDERS EXCLUDED FROM RELEASE DESPITE COVID-19 – AN ADDED PUNISHMENT	14
2.4 DEFENDERS AT RISK LEFT EXPOSED AND UNPROTECTED	16
2.5 SPECIFIC RISKS ASSOCIATED WITH THE IDENTITY OF DEFENDERS	17
3. RECOMMENDATIONS	20
4. FURTHER DOCUMENTATION	22



EXECUTIVE SUMMARY

The COVID-19 pandemic and states' response to it have presented an array of new challenges and threats for those who defend human rights. In April 2020, Amnesty International urged states to ensure that human rights defenders are included in their responses to address the pandemic, as they are key actors to guarantee that any measures implemented respect human rights and do not leave anyone behind. The organization also called on all states not to use pandemic-related restrictions as a pretext to further shrink civic space and crackdown on dissent and those who defend human rights, or to suppress relevant information deemed uncomfortable to the government.¹

Despite these warnings, and notwithstanding the commitments from the international community over two decades ago to protect and recognise the right to defend human rights,² Amnesty International has documented with alarm the continued threats and attacks against human rights defenders in the context of the pandemic.

In these unprecedented times, human rights defenders around the world have stepped up and have played different roles in their own communities, including by providing information on how to protect ourselves from COVID-19, particularly when information is lacking or contradictory; by denouncing the lack of adequate prevention measures and health services, or deficient testing and protective equipment; by providing humanitarian aid for groups that are marginalized and discriminated against; by denouncing the pushback on human rights under the cover of emergency legislation; and by continuing with their long standing human rights work, showing resilience, adaptability and determination.

Despite the important and necessary work human rights defenders do all over the world, Amnesty International has documented scores of different attacks on those who defend human rights since the outbreak of COVID-19 in early 2020. Many states around the world, including those who have long advocated for the protection of human rights, have targeted human rights defenders and other critical voices who have spoken up against their handling of the public health crisis. As a result, in many parts of the world authorities have lashed out against those who have dared to expose and criticise inadequate government responses to the pandemic, or used COVID-19 related measures and other existing legislation to silence those who defend human rights.

Where states were already pushing back on human rights long before the pandemic, this crisis has provided a new pretext to continue violating human rights, shrinking civic space, and attacking human rights defenders and perceived opponents. In the case of those human rights defenders unjustly imprisoned before the pandemic, the political nature of their detention has been further exposed. Indeed, while thousands of prisoners worldwide have been granted early, conditional or temporary release due to the risks posed by COVID-19 in overcrowded prisons, numerous human rights defenders were excluded from these programmes and unjustly remain in prison facing an additional punishment for their activism.

Human rights defenders who live in countries where physical attacks and killings are frequent have been left unprotected and exposed. Despite states' obligations to provide protection to human rights defenders at risk, lockdowns and other human rights restrictions appear to have led to reduced protection measures and increased opportunities for those who want to silence human rights defenders.

At the same time, those defenders who are marginalized and highly discriminated against have often been excluded and forgotten in the responses to the pandemic. Hard-won rights are being lost in the process as marginalized groups lose their livelihoods, Indigenous lands are further encroached, and women lose their bodily autonomy and face increased gender-based violence.

This briefing brings together examples of these attacks, documented by Amnesty International, on those who have defended human rights since the beginning of the COVID-19 pandemic. In addition, the briefing includes an annex with a list of other cases documented by the organization in the past few months which are not included in the body of the briefing but which equally represent the breadth of attacks that human rights defenders have been facing in the context of the global pandemic.

¹ Amnesty International, *Human Rights Defenders: We need them more than ever! States worldwide must protect human rights defenders in the current Covid-19 crisis*, 7 April 2020, www.amnesty.org/en/documents/act30/2102/2020/en/

² Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, Resolution adopted by the UN General Assembly, 9 December 1998, UN Doc. A/RES/53/144, www.ohchr.org/en/issues/srhdefenders/pages/declaration.aspx

The briefing ends with a series of recommendations to states worldwide, including calls on states to immediately and unconditionally release all those who remain in detention solely for the peaceful defence of human rights; stop discriminating against, criminalizing, intimidating and endangering human rights defenders who speak up and contribute to the efforts to protect public health and tackle the pandemic; and ensure that any measure restricting the right to defend human rights is strictly necessary and proportionate for the protection of the public health or other relevant legitimate purpose under international human rights law.

COVID-19 has presented an array of new challenges which cannot be solely addressed with top-down approaches. States need to learn quickly from mistakes, adapt, innovate, and provide flexible and differentiated responses to the vast problems arising from the pandemic. This can only be achieved when criticism, scrutiny and debate are allowed, and different sectors of society are consulted, listened to and encouraged to participate. This is why human rights defenders are important actors in the fight against the pandemic and they should be seen as allies, not as enemies. States must recognize that without all the individuals and collectives who defend human rights worldwide, it will be almost impossible to tackle COVID-19 and save as many lives and livelihoods as possible. It is therefore not just states' obligation, but it is in the interest of states and society at large to recognise, protect and enable human rights defenders to carry out their crucial work so that the harshest impact of the crisis can be mitigated and those most at risk are not left out in the process.

1. THE SIGNIFICANCE OF DEFENDING HUMAN RIGHTS DURING A PANDEMIC



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If those human rights defenders who were warning against the spread of COVID-19 had been listened to months ago and not silenced, the world would be a much healthier place now, with far fewer lives and livelihoods lost. The world cannot afford to ignore journalists, scientists and health professional human rights defenders [...].

Mary Lawlor, United Nations Special Rapporteur on the situation of human rights defenders³

Since the beginning of the global COVID-19 crisis, many states have shown different degrees of preparedness and often given inadequate public health responses to address the spread of the virus. Far too many have failed to effectively protect their population from the worst impacts of the disease, with front line workers and those most susceptible to the disease paying the highest price. Often, botched policies and measures have led to a cascade of other problems, such as loss of livelihoods, increasing levels of poverty and unemployment, having a particular dire impact on the most marginalized sectors of society. In other cases, states have used emergency powers to enact repressive measures that do not comply with the principles of legality, necessity and proportionality, rather, such measures have been passed with the intention of suppressing criticism and minimizing dissent.

In this context, human rights defenders have played a key role in the struggle to uphold all human rights for everyone, including the rights to health, housing, water and sanitation, food, work, social security, education, healthy environment and adequate standard of living, and to equality and non-discrimination. For example, many defenders working in the field of public health, research, healthcare and journalism, have stepped into the public debate to raise the alarm and inform the public about the challenges posed by COVID-19 at all stages of the crisis. Their work has been essential in demanding states to provide accessible and reliable information in an objective and transparent manner and have raised the alarm when measures were damaging or inadequate.

We have also seen women and LGBTI human rights defenders, anti-racism campaigners, workers and trade unionists, environmental and land activists, refugees and migrants' rights defenders, and Indigenous rights defenders, speak out when COVID-19 related responses were having a disproportionate and discriminatory impact on certain sectors of society, and took action to protect their communities and provide emergency support to the most marginalized and at risk.

Human rights defenders worldwide have done this despite the many obstacles they have faced, such as physical and verbal attacks, criminalization, discrimination, and restrictions on the rights to freedom of expression and peaceful assembly, to association, and to access to justice. Some of these obstacles were pre-existing, and some were introduced or became more acute following the pandemic. To resist and continue with their necessary work despite these challenges, human rights defenders have had to draw on their experience of working in complex environments and used their reserves of adaptability, self-care, and solidarity support from their communities and networks. This, however, does not absolve states from their obligation to protect and recognise human rights defenders. If states fail to provide defenders with a safe and enabling environment so they can contribute in crafting a response that respects human rights, the pandemic and its fallout will be much harder on all of us.

³ Al Jazeera, *Amid the coronavirus, human rights defenders need more protection*, by Mary Lawlor, 29 May 2020, www.aljazeera.com/indepth/opinion/coronavirus-human-rights-defenders-protection-200528114906737.html

2. ATTACKS DURING THE COVID-19 CRISIS



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“In the whole of 2019, we recorded 494 attacks on human rights defenders in Guatemala. From January to May 2020 there were 405 incidents. They really took off in March.”

Jorge Santos of Udefegua, an organization working to protect human rights defenders in Guatemala, June 2020.⁴

Since early 2020, the COVID-19 pandemic and states' response to it have presented an array of new challenges and risks for those who defend human rights, on top of existing and long documented threats to human rights defenders worldwide.⁵

As states proceeded to implement measures to contain the spread of the virus, some of these measures impacted on a range of human rights, including the rights to freedom of expression, association and peaceful assembly, at times in ways that went way beyond what was strictly necessary and proportionate for the protection of public health.

⁴ Jorge Santos provided this data in June 2020, in his contribution to a webinar organized by the Inter-American Commission on Human Rights on the situation of human rights defenders in the Americas.

⁵ See Amnesty International's recent series of global reports on human rights defenders: *Human rights defenders under threat – A shrinking space for civil society*, ACT 30/6011/2017; *Deadly but preventable attacks: killings and enforced disappearances of those who defend human rights*, ACT 30/7270/2017; *Laws designed to silence: the global crackdown on civil society organizations*, ACT 30/9647/2019; *Challenging power, fighting discrimination: A call to action to recognize and protect women human rights defenders*, ACT 30/1139/2019.

Some countries have used pandemic-related restrictions as a pretext to continue with long standing attempts to shrink civic space and crack down on critics and human rights defenders, or simply to silence those who have raised concerns about the way the authorities have dealt with the pandemic. A common measure has been the adoption of laws criminalizing the spread of “fake news”, in clear violation of the right to freedom of expression, which has led to the prosecution of many journalists and bloggers, and has translated into a chilling effect on the general population and the media leading to self-censorship out of fear of reprisals.⁶

Other countries have kept human rights defenders in arbitrary detention despite programmes that granted thousands of prisoners early, conditional or temporary release. This has further revealed the political nature of their detention and has become an additional punishment for their activism.

In other cases, the pandemic has provided new opportunities for physical attacks against human rights defenders, as lockdowns have forced many defenders at risk to stay put and unable to hide and protect themselves, while attention and resources from the state have been diverted away from the protection they are entitled to.

Finally, the blanket measures used to deal with the pandemic have often had deleterious effects on those human rights defenders who belong to marginalized groups, as their needs and the entrenched inequality and discrimination they face have not been taken into account when planning COVID-19 measures.

2.1 COVID-19, A PRETEXT TO FURTHER ATTACK DEFENDERS AND REDUCE CIVIC SPACE

A global trend of attacks on defenders and a reduction of the civic space in which they operate has been documented by Amnesty International and many other human rights groups for several years now. This includes measures that affect the rights to freedom of expression, association, peaceful assembly, and other pre-conditions for a safe and enabling environment.⁷ As a result of the pandemic, this process has accelerated, with many countries taking steps that go well beyond measures that are necessary and proportionate for the protection of public health or other relevant legitimate purpose under international human rights law. This is particularly the case in those countries which the space for civil society had already been restricted, and which have been hostile to those daring to speak out and stand up for human rights.

In the **Philippines**, the pandemic has offered further opportunities for the government to harass and intimidate critics and human rights defenders. Indeed, emergency legislation introduced in March 2020 granting the government special powers to address the pandemic, included a provision that punishes “creating, perpetuating or spreading false information” with up to two months in prison and large fines, which has resulted in the National Bureau of Investigation summoning individuals who have criticised the government’s response to the pandemic for allegedly spreading “fake news” related to COVID-19.⁸ In April, President Duterte openly incited the police, military and local officials to shoot dead those who protest or question government measures if they cause “trouble” in the context of the pandemic, and encouraged reprisals against human rights defenders, critics and independent media.⁹ Days later, a Senator and advisor to the President told the media he had body bags “for drug addicts and peddlers of fake news”.¹⁰ In June, prominent journalist Maria Ressa and former journalist Reynaldo Santos Jr were convicted on charges of “cyber libel”,¹¹ which followed the closure of ABS-CBN, a major independent TV network in the country, in May.¹² In July, as the country grappled with the impacts of COVID-19, anti-terror legislation with a broad and vague definition of terrorism was adopted, under which even the mildest form of criticism risks being labelled as “terrorist”.¹³

⁶ Amnesty International, *Global: Crackdown on journalists weakens efforts to tackle COVID-19* (News, 1 May 2020) www.amnesty.org/en/latest/news/2020/05/global-crackdown-on-journalists-weakens-efforts-to-tackle-covid19/; *Bangladesh: World Press Freedom Day: COVID-19 must not be a pathogen of repression* (News, 3 May 2020) www.amnesty.org/en/latest/news/2020/05/covid-19-must-not-be-a-pathogen-of-repression/; *Egypt: End relentless attacks on journalists and other media workers* (News, 3 May 2020) www.amnesty.org/en/latest/news/2020/05/egypt-end-relentless-attacks-on-journalists-and-other-media-workers/

⁷ The Special Rapporteur on the situation of human rights defenders elaborated the basic conditions for a safe and enabling environment in her 2013 report, *Report of the Special Rapporteur on the situation of human rights defenders*, Margaret Sekaggya, UN Doc. A/HRC/25/55, https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/25/55

⁸ Amnesty International Philippines, *Drop probe, threats of deportation against Taiwan OFW over peaceful criticism*, 20 April 2020, www.amnesty.org.ph/news/otw-taiwan-drop-probe-deportation/

⁹ Amnesty International, *Philippines: President Duterte gives “shoot to kill” order amid pandemic response* (News, 2 April 2020) www.amnesty.org/en/latest/news/2020/04/philippines-president-duterte-shoot-to-kill-order-pandemic/

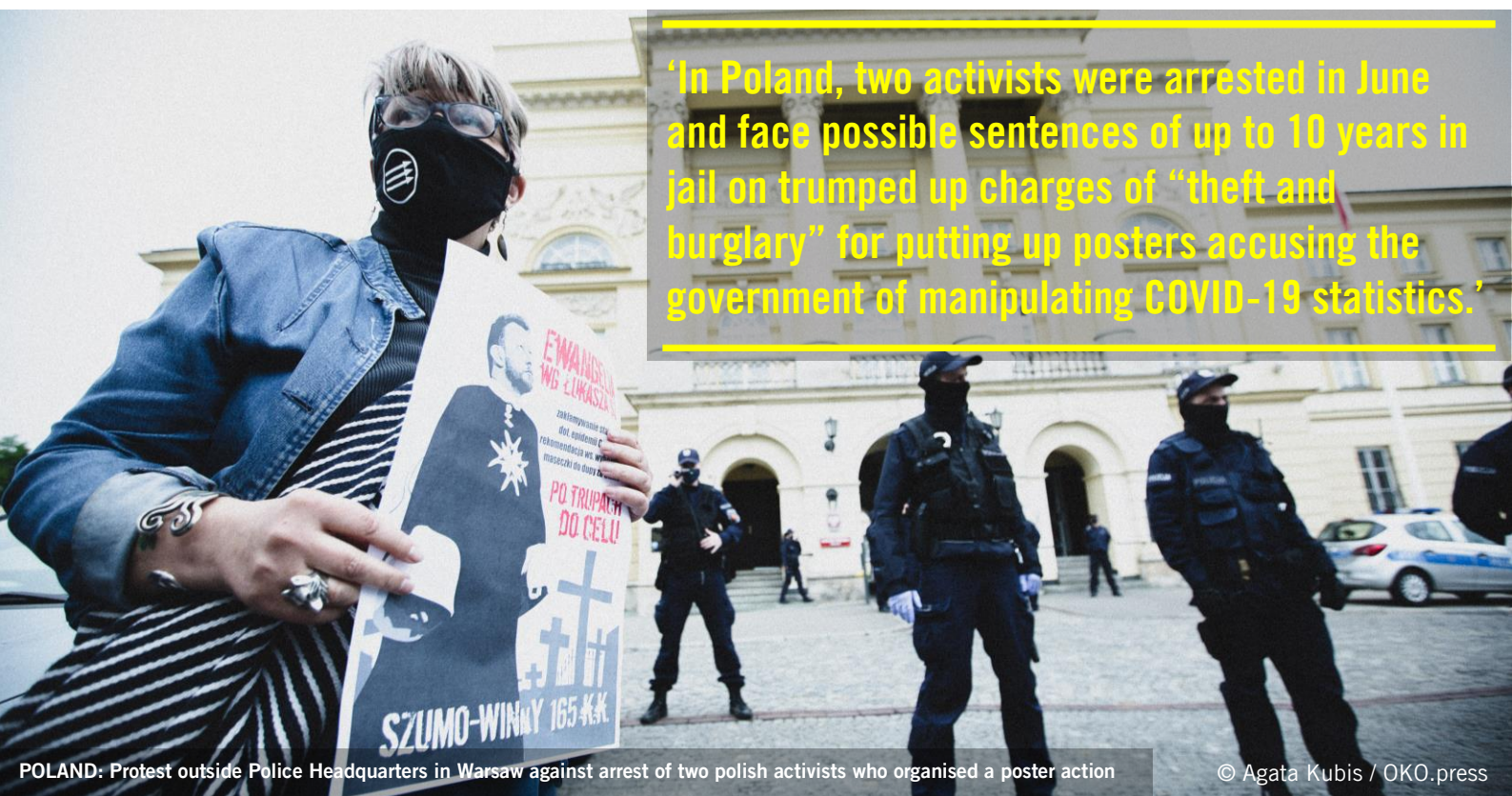
¹⁰ Amnesty International, *Philippines: Duterte advisor’s threat of “body bags” shows authorities’ dangerous COVID-19 response* (News, 13 April 2020) www.amnesty.org/en/latest/news/2020/04/philippines-duterte-advisor-threat-body-bags-dangerous-covid19-response/

¹¹ Amnesty International, *Philippines: Quash conviction of Rappler journalists Maria Ressa and Rey Santos* (News, 15 June 2020) www.amnesty.org/en/latest/news/2020/06/philippines-quash-conviction-of-rappler-ressa-santos/

¹² Amnesty International, *Philippines: Major TV network threatened by authorities must be allowed to air* (News, 5 May 2020) www.amnesty.org/en/latest/news/2020/05/philippines-major-tv-network-threatened-allowed-to-air/

¹³ Amnesty International, *Philippines: Dangerous anti-terror law yet another setback for human rights* (News, 3 July 2020)

In **Azerbaijan**, politically motivated prosecution is a longstanding issue affecting human rights defenders and other critics of the government. For years, the justice system has been used by the government as an instrument of repression to silence dissent and imprison government critics. In the current COVID-19 context, the government has mounted a new wave of arrests and prosecutions of political activists, journalists and human rights defenders, often in response to their criticism and scrutiny of the government's handling of the pandemic.¹⁴ During an address to the nation in March, President Ilham Aliyev announced “new rules” for the duration of the pandemic, and promised to “clean up” the country's political opposition, whom he called traitors.¹⁵ This was followed by several high-profile arrests on bogus charges, including that of opposition activist Tofiq Yagublu on charges of hooliganism,¹⁶ and of human rights defender Elchin Mammad, arrested on theft charges at the end of March, days after he published a report on the human rights situation in the country.¹⁷ Others, such as journalists who published reports critical of the government's response to the pandemic, were also arrested for allegedly breaking lockdown rules, while human rights defender and former prisoner of conscience Ilkin Rustamzade and his family have faced threats and harassment since he launched a petition in March asking the government to provide social security to those affected by COVID-19.¹⁸



POLAND: Protest outside Police Headquarters in Warsaw against arrest of two Polish activists who organised a poster action

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www.amnesty.org/en/latest/news/2020/07/philippines-dangerous-antiterror-law-yet-another-setback-for-human-rights/; Communication to the government of the Philippines by the mandate of several special procedures, 29 June 2020, ref. no. PHL 4/2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25384>

¹⁴ Amnesty International, *Azerbaijani authorities must halt crackdown on dissent and incarceration of activists in conditions prone to the spread of COVID-19*, 27 May 2020, www.amnesty.org/download/Documents/EUR5524122020ENGLISH.pdf

¹⁵ President of the Republic of Azerbaijan, *Message of congratulation of President Ilham Aliyev to the people of Azerbaijan on the occasion of Novruz holiday*, 19 March 2020, <https://en.president.az/articles/36212>

¹⁶ Amnesty International, *Opposition activist detained, health at risk: Tofiq Yagublu*, 25 March 2020, www.amnesty.org/en/documents/eur55/2029/2020/en/

¹⁷ Amnesty International, *Azerbaijan: Human rights defender must be freed: Elchin Mammad*, 1 April 2020, <https://www.amnesty.org/en/documents/eur55/2069/2020/en/>

¹⁸ Amnesty International, *Harassment of activist and family must stop: Ilkin Rustamzade*, 9 April 2020, www.amnesty.org/en/documents/eur55/2122/2020/en/

INDEX: ACT 30/2765/2020

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The **Hungarian** government has a track record of unduly restricting human rights.¹⁹ Over the past few years, the government has extended its control over the media, the judiciary and other independent bodies, and has continued to silence dissent and intimidate individuals and organizations attempting to hold the government to account.²⁰ In March, in response to the pandemic, Hungary adopted new legislation which increased the government's power to rule by decree, side-lining any form of parliamentary scrutiny. The legislation also gave the executive an open-ended mandate to govern by decree, extending the validity of this mandate and the effect of the decrees indefinitely. The extraordinary powers introduced with the emergency measures enables the government to further roll back human rights under the pretext of containing the spread of COVID-19 and protecting public health.²¹ The new law also amended the Criminal Code concerning the crime of 'scaremongering' in a way that contravenes the right to freedom of expression. According to the provision, in a time of 'special legal order',²² anyone who spreads false information to a large audience or who distorts or spreads facts in a way that could impede or thwart 'successful protection', could be punished by up to five years in prison. This provision puts journalists and human rights defenders at risk if the government deems 'false' what they are reporting. Since the passing of the law, online threats against journalists by members of the public and smear campaigns carried out in mainstream media aiming to discredit independent media outlets have intensified. The amended provision has also had a chilling effect on journalists' sources and among the general public. Health care workers and members of the public have become less willing to talk to the media due to fear of retaliation.²³ On 18 June, the 'state of danger'²⁴ ended, leaving the amendment of the Criminal Code without effect.

In **Zimbabwe**, where restrictions of movement have been extended indefinitely, protests against rising levels of hunger and the political use of government sourced food aid have taken place. In May, three women political leaders with the opposition party, Movement for Democratic Change – Alliance, Cecilia Revai Chimbiri, Netsai Marova and Joana Ruvimbo Mamombe, were abducted and tortured, including sexually, after having participated in these protests. The three were charged with "participating in a gathering with intent to promote public violence and breaches of the peace or bigotry".²⁵ Member of Parliament, Regai Tsunga, and other opposition officials were also arrested and fined for providing food relief to the poor and hungry.²⁶ In addition, a freelance journalist, James Jemwa, was temporarily detained in April by security forces and forced to delete the footage he had recorded at a shopping centre in Harare for a documentary he was preparing.²⁷ The Zimbabwe Police Commissioner went on to say that journalists should stay at home and be bound by national lockdown regulations, arguing that they are not providers of an essential service and claiming that only journalists from "broadcasting services" (usually government controlled) are exempted.²⁸

In **Niger**, gatherings of over 1,000 people were banned among other measures to combat the pandemic in March. One protest against corruption, planned before the ban on public gatherings, still went ahead. It was dispersed by law enforcement officials using tear gas, leading to the death of at least three people and the detention of 15 individuals.²⁹ Several of these were activists who had already been arrested in 2018 for protesting. Most have since been released but three of them, Moudi Moussa, Mounkaila Halidou, and Maïkoul Zodi are still in detention awaiting trial. In March, journalist Mamane Kaka Touda, was also arrested reportedly for "disseminating data tending to disturb public order" after he published a Facebook post alerting about a potential case of COVID-19 in Niamey's Reference Hospital, and was convicted to a three-month suspended sentence and released after three weeks.³⁰ The charges against him are based on Niger's 2019 Cybercriminality Law, which has been used to clamp down on the right to freedom of expression during the COVID-19 crisis. For example, human rights defender Mahaman Lawali Mahaman Nassourou, the vice-president of the *Comité de réflexion et d'orientation indépendante pour la sauvegarde des acquis démocratiques* (CROISADE) and a member of the *Réseau des*

¹⁹ For example, in 2017, the introduction of the *Law on the transparency of organizations funded from abroad* forced NGOs receiving more than 24,000 EUR direct or indirect funding from abroad to re-register as "civic organization funded from abroad" and to put this pejorative label on every publication, see Amnesty International, *Hungary: NGO law a vicious and calculated assault on civil society*, (News 13 June 2017) <https://www.amnesty.org/en/latest/news/2017/06/hungary-ngo-law-a-vicious-and-calculated-assault-on-civil-society/>. The following year, the introduction of the Stop-Soros package of laws targeted human rights defenders working to protect migrants and refugee rights, and human rights organizations were censored in the government controlled news agency, see Amnesty International, *Hungary: New laws that violate human rights, threaten civil society and undermine the rule of law should be shelved*, 20 June 2018, www.amnesty.org/en/documents/eur27/8633/2018/en/

²⁰ Amnesty International, *Hungary: State media censors Amnesty and HRW* (News, 29 November 2019) www.amnesty.org/en/latest/news/2019/11/hungary-state-media-censors-amnesty-and-hrw/

²¹ Amnesty International, *Hungary: Hungary: government must not use extraordinary power to roll back human rights amid COVID-19 emergency*, 31 March 2020, www.amnesty.org/en/documents/eur27/2046/2020/en/

²² A so-called 'special legal order' is defined in the Fundamental Law of Hungary, which allows the government to introduce extraordinary measures by decree and order the suspension of the application of certain laws or the aversion from legal provisions in order to solve the emergency.

²³ The Guardian, "Hungarian journalists fear coronavirus law may be used to jail them", 3 April 2020, www.theguardian.com/world/2020/apr/03/hungarian-journalists-fear-coronavirus-law-may-be-used-to-jail-them and Committee to Protect Journalists, "Hungarian journalist Csaba Lukács on covering COVID-19 amid attacks on independent media", 22 April 2020, <https://cpj.org/blog/2020/04/hungarian-journalist-csaba-lukacs-on-covering-covi.php>, and also Amnesty International interviews with journalists, April 2020.

²⁴ The 'state of danger' is a form of state of emergency in the Hungarian legal system.

²⁵ Amnesty International, *Zimbabwe: Drop bogus charges against opposition leaders who suffered sexual assault* (News, 27 May 2020) www.amnesty.org/en/latest/news/2020/05/zimbabwe-drop-bogus-charges-against-opposition-leaders-who-suffered-sexual-assault/

²⁶ Amnesty International et al, *Southern Africa: Open letter to SADC: Restrictive covid-19 regulations presenting concerning ramifications for enjoyment of human rights, including livelihoods*, 25 May 2020, www.amnesty.org/en/documents/afr03/2392/2020/en/

²⁷ MISA Zimbabwe, "Journalist forced to delete footage by soldiers", 13 April 2020, <https://zimbabwe.misa.org/2020/04/13/journalist-forced-to-delete-footage-by-soldiers/>

²⁸ Amnesty International et al, *Southern Africa: Open letter to SADC: Restrictive covid-19 regulations presenting concerning ramifications for enjoyment of human rights, including livelihoods*, 25 May 2020, www.amnesty.org/en/documents/afr03/2392/2020/en/

²⁹ Amnesty International, *Niger: Civil society organisations call on authorities to end harassment of human rights defenders* (News, 24 March 2020) www.amnesty.org/en/latest/news/2020/03/niger-societe-civile-demandant-un-terme/

³⁰ Amnesty International, *Niger: Civil society organisations call on authorities to end harassment of human rights defenders* (News, 24 March 2020) www.amnesty.org/en/latest/news/2020/03/niger-societe-civile-demandant-un-terme/

organisations pour la transparence et l'analyse budgétaire (ROTAB) was arrested and detained for a month at the end of April, after he shared via WhatsApp a public document critical of measures implemented by the government to contain the spread of the virus.³¹

Thailand has a history of using emergency laws to censor and undermine the right to freedom of expression during periods of political unrest.³² The COVID-19 related emergency powers in place since March 2020 have also been misused against political activists and human rights defenders to undermine their right to freedom of peaceful assembly and expression, and to initiate criminal proceedings against them even when protestors have taken precautions and complied with public health restrictions by putting in place measures such as physical distancing and wearing masks during gatherings. Between March and July, authorities have arrested, summoned or charged at least two dozen people under the Emergency Decree for participating in a range of peaceful protests including on political anniversaries and calling for investigations into alleged human rights abuses. This includes activists who had taken part in a demonstration outside the Cambodian Embassy in Bangkok to call for an investigation into the disappearance of a Thai activist in exile in Phnom Penh.³³ Police have also threatened to charge other peaceful protesters under the Decree, and authorities have referred to the Emergency Decree when denying permission to organizers planning peaceful assemblies, including to commemorate the anniversary of killings in Tiananmen Square. Groups such as the Democracy Restoration Group, Student Union of Thailand, Popular Student Network for Democracy, Khon Kaen Por Gun Tee (Khon Kaen Enough) and students at Walailak University who took part in marking the anniversary of the 2014 coup were closely monitored by police who took photos of their IDs and attempted to block their activities, and then threatened them with charges under the Emergency Decree and other legislation. Similarly, community-based human rights groups, such as Khon Rak Baan Kerd, also reported that authorities have harassed and threatened them with charges for planning or taking part in peaceful protests during this period. In April, about 20 members of the group gathered to read out a statement requesting the government to delay its decision on a mining concession. Police later arrested and interrogated one of the group's leaders for allegedly violating the Emergency Decree Regulations and the Communicable Diseases Act.³⁴



'Former prisoner of conscience Ilkin Rustamzade and his family have faced threats and harassment since he launched a petition in March asking the government to provide social security to those affected by COVID-19'

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³¹ Amnesty International, *Niger. La loi sur la cybercriminalité est un instrument de répression des voix dissidentes* (News 8 May 2020)

www.amnesty.org/fr/latest/news/2020/05/niger-la-loi-sur-la-cybercriminalite-est-un-instrument-de-repression/

³² See for example Amnesty International, *"They are always watching": restricting freedom of expression online in Thailand*, 23 April 2020,

www.amnesty.org/en/documents/asa39/2157/2020/en/

³³ See several articles published by Prachatai: *"Protestors summoned on Emergency Decree charges after calling for justice for missing activist"*, 16 June 2020,

<https://prachatai.com/english/node/8590>; *"Students arrested over white ribbon campaign for disappeared activist"*, 10 June 2020,

<https://prachatai.com/english/node/8577>; *"Rayong student faces Emergency Decree charge over rally for missing activist"*, 18 June 2020,

<https://prachatai.com/english/node/8597>; and Thai Enquirer, *"University activist charged with violating emergency decree for protesting about Wanchalerm"*, 16 June 2020,

www.thaienquirer.com/14472/university-activist-charged-with-violating-emergency-decree-for-protesting-about-wanchalerm/

³⁴ Amnesty International, *Thailand: COVID-19 measures must not be used to violate individuals' human rights*, 27 May 2020,

www.amnesty.org/en/documents/asa39/2403/2020/en/; Prachatai, *"Chaiyaphum police summons villager over anti-mining campaign"*, 29 April 2020,

<https://prachatai.com/english/node/8490>

2.2 THE DANGERS OF SPEAKING OUT ON THE RESPONSE TO THE PANDEMIC

A specific subset of the trend described above are those who have been targeted specifically for speaking out against the inadequate handling of the pandemic.

Since the outbreak of the pandemic in **China**, there have been many reports of independent journalists and activists having been harassed by the authorities for sharing information about the virus on social media and criticizing the government's handling of the crisis. These include outspoken lawyer and citizen journalist Chen Qiushi, who reported being harassed by the authorities after posting footage from hospitals in Wuhan,³⁵ and Li Wenliang, the Chinese doctor who was reprimanded by Wuhan police after he tried to issue the first warnings about the novel coronavirus and then died himself as a result of the virus in February.³⁶ In April, human rights defender Chen Mei and two other individuals were taken away by police for their involvement in a project to retroactively archive and publish censored articles relating to COVID-19.³⁷ The family of Chen Mei did not hear about his fate or whereabouts for two months, until they were told in June that he had been placed under criminal detention on charges of "picking quarrels and provoking trouble". He remains at risk of torture and other ill-treatment, as he is being denied access to his family and a lawyer of his choice.³⁸ Since the early stages of the pandemic, it has been widely speculated that, had these whistle-blowers been listened to, the world might have been better able to control the spread of the infection.³⁹

In **Poland**, two activists were arrested in June and face possible sentences of up to 10 years in jail on trumped up charges of "theft and burglary" for putting up posters accusing the government of manipulating COVID-19 statistics. The charges against the activists appear to be a message to those who dare to criticize the authorities. The "theft and burglary" charge was used because the activists removed the glass covering of advertisements on bus shelters to replace them with their own posters, despite not having taken anything with them.⁴⁰

In **Nicaragua**, the government initially encouraged social gatherings and downplayed the seriousness of the pandemic.⁴¹ Local civil groups and health workers who tried to gather and disseminate information on the scale of the COVID-19 pandemic in the country have put themselves at risk, in a country that has spent the last two years in a severe human rights crisis under a wave of repressive crackdowns. Healthcare workers who raised the alarm on the lack of personal protective equipment have faced multiple reprisals, dismissals and harassment.⁴² In June, at least 16 people working in the public health sector were dismissed by the Ministry of Health. All of them had signed a public letter in May, urging the Nicaraguan government to take more serious steps to address the COVID-19 pandemic in the country, and calling on the Nicaraguan population to stay home and take precautionary and preventive health measures.⁴³

In the **USA** there have been several cases of employers who stopped health workers from speaking out about workplace conditions with a range of reprisals, including harassment, disciplinary procedures, and unfair dismissal. For example, certified nursing assistant Tainika Somerville was fired in April from her role in a Bridgeview Healthcare Centre in Cook County, Illinois, after having filmed a Facebook live video stream two days earlier that shows her reading out a petition at her workplace from her and other workers about the lack of personal protective equipment in the facility.⁴⁴

Similarly, in **Russia**, there have been ongoing reports of reprisals faced by healthcare workers and human rights defenders for speaking out about the handling of the pandemic. Some activists and whistle-blowers have been targeted for raising concerns about shortage of necessary equipment, lack of training, low pay or unsafe working conditions. Medical doctor Tatyana Revva is facing disciplinary proceedings that may result in her dismissal, following her complaints of the shortage of personal protective equipment and other

³⁵ Amnesty International, *Explainer: Seven ways the coronavirus affects human rights* (News, 5 February 2020), www.amnesty.org/en/latest/news/2020/02/explainer-seven-ways-the-coronavirus-affects-human-rights/

³⁶ Amnesty International, *China: Doctor's death highlights human rights failings in coronavirus outbreak*, (News, 7 February 2020) www.amnesty.org/en/latest/news/2020/02/china-doctor-death-highlights-human-rights-failings-in-coronavirus-outbreak/

³⁷ Amnesty International, *China: COVID-19 Activist held incommunicado: Chen Mei*, 7 May 2020, www.amnesty.org/en/documents/ASA17/2289/2020/en/

³⁸ Amnesty International, *China: COVID-19 Activist held incommunicado for months*, 15 July 2020, www.amnesty.org/en/documents/ASA17/2735/2020/en/

³⁹ BBC News, "Li Wenliang: Coronavirus kills Chinese whistleblower doctor", 7 February 2020, www.bbc.co.uk/news/world-asia-china-51403795

⁴⁰ Amnesty International, *Poland: Activists at risk of 10-year jail term for COVID-19 poster campaign challenging government statistics*, (News, 11 June 2020) www.amnesty.org/en/latest/news/2020/06/poland-activists-at-risk-of-10-year-jail-term-for-covid-19-poster-campaign-challenging-government-statistics/

⁴¹ See also Amnesty's Open letter to OAS' Permanent Council Working Group on Nicaragua to use all the diplomatic measures at its disposal and demand that the Nicaraguan State adhere to the Permanent Council Resolution "OAS Response to the COVID-19 Pandemic," especially regarding respect for human rights in its response to the pandemic <https://www.amnesty.org/en/documents/amr01/2564/2020/en/>

⁴² Amnesty International, *The Cost of curing: Health workers' rights in the Americas during COVID-19 and beyond*, 19 May 2020, www.amnesty.org/en/documents/amr01/2311/2020/en/

⁴³ Amnesty International et al., *Open Letter to Daniel Ortega, President of Nicaragua*, 17 June 2020, www.amnesty.org/en/documents/amr43/2535/2020/en/

⁴⁴ Amnesty International, *The Cost of curing: Health workers' rights in the Americas during COVID-19 and beyond*, 19 May 2020, www.amnesty.org/en/documents/amr01/2311/2020/en/

problems in the hospital where she works.⁴⁵ Others are being targeted simply for trying to help. Anastasia Vasileva, leader of the independent trade union Doctors' Alliance, was detained by the police together with her colleagues in April when trying to deliver personal protective equipment to a local hospital. She was kept in detention overnight, charged with "disobeying police orders" and issued a fine.⁴⁶

CRIMINALIZATION OF "FAKE NEWS" USED TO SILENCE CRITICS

In many countries, blanket prohibitions on the dissemination of information introduced in the last few years, often based on vague and ambiguous concepts such as "false news" or "spreading misinformation", has been used to criminalize legitimate criticism of the authorities. This legislation is now also being misused against anyone who raises their voice in relation to the handling of the pandemic, often directly targeting human rights defenders and journalists. For example, in Republika Srpska in **Bosnia**, a doctor was criminally charged with "spreading misinformation" and creating "fear and panic" and could be fined up to €1500 after she posted on social media about the lack of ventilators and other equipment in a local hospital.⁴⁷

In April, a **Moroccan** court ordered the arrest and prosecution of Omar Naji, a human rights defender with AMDH (Moroccan Association for Human Rights), citing a penal code article which threatens anyone who spreads "false allegations or lies" with the aim of "harming privacy or defamation" for posting a comment on Facebook about police officers seizing merchandise from street vendors to redistribute to non-profit organizations.⁴⁸ He risks a prison sentence of up to three years and a fine of around US\$2,000 if convicted during his next trial session on 15 September.

In **Kazakhstan**, human rights activist Alnur Ilyashev was sentenced in June to restricted freedom (a form of non-custodial sentence) for three years and was banned from "political and social activism" for five years for "dissemination of knowingly false information that threatens public order during the state of emergency", which has been in place for the pandemic. In April, he had criticised the authorities on social media and alleged they were corrupt and incompetent in their handling of COVID-19.⁴⁹

In April, authorities in **Tanzania** suspended Talib Ussi Hamad, a journalist with the *Daima* daily newspaper, for six months simply for reporting on COVID-19. Talib Hamad's suspension came just days after the *Mwananchi* daily newspaper had its online license suspended after it posted a photo of President Magufuli out shopping surrounded by a crowd of people, eliciting online discussion on the country's approach to addressing COVID-19.⁵⁰ Three other media organizations - Star Media Tanzania Ltd, Multichoice Tanzania Ltd and Azam Digital Broadcast Ltd - were fined that same month and ordered to apologize for "transmission of false and misleading information" on the country's approach to managing the pandemic.

Tunisia has seen a growing trend of prosecutions of bloggers, journalists and activists using legislation penalizing free expression, notably when it is deemed to be offensive or defamatory towards individuals and state institutions, and when it is deemed liable to disturb the public order or morality. In the context of the pandemic, this has intensified. Blogger Anis Mabrouki posted in April a video on social media showing a crowd of people standing in front of the building of the closed mayor's office in a town near Tunis, demanding financial aid which had been promised by the government amid the COVID-19 lockdown. Subsequently, the Mayor pressed charges against him and he was remanded in prison pending trial. Also in April, blogger and political activist Hajer Awadi posted a video on social media about government corruption and poor distribution of food in her region, and denouncing the local police for assaulting and threatening to arrest her and her uncle when they complained about corruption. Shortly after the video was posted, Hajer Awadi and her uncle were arrested. They face up to a year in prison and a fine.⁵¹

⁴⁵ Amnesty International, *Russian Federation: Whistleblower doctor facing reprisals*, 11 May 2020, www.amnesty.org/en/documents/eur46/2301/2020/en/

⁴⁶ Amnesty International, *Russia: Authorities detain doctor who exposed flaws in COVID-19 response* (News, 3 April 2020), www.amnesty.org/en/latest/news/2020/04/russia-authorities-detain-doctor-who-exposed-flaws-in-covid19-response/

⁴⁷ Žurnal, "Coronavirus as an alibi for police repression," 24 March 2020, <https://zurnal.info/novost/22882/korona-virus-kao-alibi-za-policijsku-represiju->

⁴⁸ Amnesty International, *In a post-COVID-19 world, "fake news" laws, a new blow to freedom of expression in Algeria and Morocco/Western Sahara?* (News, 29 May 2020) www.amnesty.org/en/latest/news/2020/05/in-a-post-covid19-world-fake-news-laws-a-new-blow-to-freedom-of-expression-in-algeria-and-morocco-western-sahara/

⁴⁹ Amnesty International, *Kazakhstan: Political activist sentenced to "restricted freedom" for criticizing government's COVID-19 response* (News, 22 June 2020) www.amnesty.org/en/latest/news/2020/06/kazakhstan-political-activist-sentenced-to-restricted-freedom-for-criticizing-governments-covid19-response/

⁵⁰ Amnesty International, *Tanzania: Authorities must end crackdown on journalists reporting on COVID-19* (News, 21 April 2020)

www.amnesty.org/en/latest/news/2020/04/tanzania-authorities-must-end-crackdown-on-journalists-reporting-on-covid19/

⁵¹ Amnesty International, *Tunisia: End prosecution of bloggers for criticizing government's response to COVID-19*, (News, 21 April 2020) www.amnesty.org/en/latest/news/2020/04/tunisia-end-prosecution-of-bloggers-for-criticizing-governments-response-to-covid19/

2.3 DEFENDERS EXCLUDED FROM RELEASE DESPITE COVID-19 – AN ADDED PUNISHMENT

As the novel coronavirus started to spread around the world, states including Iran, Italy, Argentina, Nigeria, Indonesia and many others, announced measures to decongest prisons through programmes of early, conditional or temporary release, as well as pardons or furloughs of certain groups of prisoners such as older people, those with underlying health conditions or those convicted of certain minor crimes.⁵² These announcements offered hope that many of those who should never have been imprisoned in the first place may be released, including human rights defenders and anyone who has been detained solely for exercising their human rights and expressing views that are critical of the authorities. However, many human rights defenders were excluded from these measures and continue to remain in detention. Their exclusion from these measures appears to be an additional punishment for their activism or their views and increased the risks they face in prison as they continued to be held in unsanitary and overcrowded prisons.



After India's Supreme Court issued a directive to decongest prisons to contain the spread of COVID-19, thousands of prisoners were released.⁵³ However, many human rights defenders, who should never have been detained in the first place, continue to remain in prison. Safoora Zargar, a pregnant activist who protested against legislation that discriminates against Muslims, was kept in pre-trial detention for two months under the Unlawful Activities (Prevention) Act (UAPA), a draconian piece of legislation which has been misused to detain government critics and human rights defenders. She was finally released in June after intense campaigning on her behalf,⁵⁴ but several other students and activists continue to be unjustly held in custody, including Shifa-ur-Rehman, Gulfisha Fatema, Meeran-Haider, Devangana Kalita, Natasha Narwal, Asif Iqbal Tanha, and Kafeel Khan.⁵⁵ In addition, the 11 activists who were arrested

⁵² The Institute for Crime and Justice Policy Research has been compiling daily news articles and other resources from around the world on the situation of prisons in relation to the pandemic. The list is updated regularly and is available here: www.prisonstudies.org/news/international-news-and-guidance-covid-19-and-prisons.

⁵³ The Times of India, "Covid-19: Maharashtra releases 7,200 prisoners to curb overcrowding", 17 May 2020, <https://timesofindia.indiatimes.com/city/mumbai/covid-19-maharashtra-releases-7200-prisoners-to-curb-overcrowding/articleshow/75785553.cms>

⁵⁴ Amnesty International, *India: protestors arrested for opposing bigoted law*, 5 May 2020, <https://www.amnesty.org/en/documents/asa20/2269/2020/en/>; BBC News, "Safoora Zargar: Bail for pregnant India student blamed for Delhi riots", 23 June 2020, www.bbc.co.uk/news/world-asia-india-53149967 and <https://twitter.com/AllIndia/status/1275374012118347776>

⁵⁵ BBC News, "India Coronavirus: Pregnant student Safoora Zargar at risk in jail", 12 May 2020, <https://www.bbc.com/news/world-asia-india-52608589>. Others who challenged the legislation have also been harassed and threatened. In the state of Uttar Pradesh, the police continues to intimidate those who participated in peaceful protests

for their alleged involvement in the 2018 Bhima Koregaon violence and were remanded in pre-trial detention, have been repeatedly denied bail despite rising health concerns.⁵⁶ Dalit and Adivasi rights activists and human rights defenders Gautam Navlakha and Anand Teltumbde, poet Varavara Rao, Professor Shoma Sen and activist Vernon Gonsalves,⁵⁷ who continue in pre-trial detention under the UAPA, are at particular risk due to their age and underlying health conditions.

In **Turkey**, measures to release prisoners explicitly excluded those who are held in pre-trial detention and those have been accused of terrorism-related offences.⁵⁸ The ongoing crackdown on press freedom and independent civil society has meant that new legislation introduced to reduce overcrowding in unsanitary prisons has de facto discriminated against many journalists, human rights defenders and others imprisoned simply for exercising their human rights. Many of these defenders are held in pre-trial detention or falsely convicted on terrorism-related charges, which are often used to target those who dare to speak out others perceived to be opponents of the government. This includes high profile journalist and novelist Ahmet Altan, Kurdish politicians Selahattin Demirtaş and Gültan Kışanak, and businessman and civil society activist Osman Kavala, in addition to many more academics, human rights defenders and journalists who have been detained since the wave of repression started in 2015. Selahattin Demirtaş has previously reported heart-related health problems in prison, and both Ahmet Altan and Osman Kavala are over 60 years old, placing them at increased risk from COVID-19.⁵⁹

Similarly, amid rising fears over the spread of COVID-19 in **Egypt's** overcrowded prisons, the government has failed to release human rights defenders detained solely for expressing their views, as well as thousands of other pre-trial detainees, including those with pre-existing health conditions. On the contrary, the pre-trial detention of 1,600 detainees was extended by a Cairo court in May, without due process guarantees. Many of those held in pre-trial detention are prisoners of conscience, and Egyptian authorities have been routinely using prolonged and indefinite pre-trial detention to punish those perceived as political opponents, activists or human rights defenders. Specific health concerns have been raised in the cases of activist Alaa Abdel Fattah – who went on hunger strike during April and May, human rights lawyer Mohamed al-Baqer, who has underlying health conditions,⁶⁰ researcher Ibrahim Ezz El-Din whose health has deteriorated in prison,⁶¹ lawyer and activist Mahienour el-Masry,⁶² and human rights researcher Patrick Zaky George, who suffers from asthma.⁶³ Others who have dared to challenge the continued detention of prisoners of conscience have also been targeted. When women human rights defenders Laila Soueif, Ahdaf Soueif, Mona Seif and Rabab el-Mahdi staged a peaceful protest in March calling for the release of people arbitrarily detained, as well as detainees who are especially at risk due to the disease, they were arrested by security forces in Cairo, accused of “inciting a protest”, “disseminating false information” and “possession of material disseminating false information” and were later released on bail.⁶⁴ In June, Sanaa Seif, her mother and sister were waiting outside the Tora Prison Complex to receive a letter from her brother Alaa Abdel Fattah, who has been arbitrarily detained since September 2019, when a group of women armed with sticks beat and robbed them, in full view of security forces. The following day, Egyptian authorities arrested Sanaa from outside the Public Prosecutor's office where she was waiting to file a complaint about the assault. Supreme State Security prosecutors ordered her 15 days pre-trial detention on charges of “disseminating false news”, “inciting terrorist crimes” and “misuse of social media”.⁶⁵

In **Iran**, where COVID-19 cases started to rise steeply in February, the authorities announced that they had pardoned up to 10,000 prisoners⁶⁶ and temporarily released 85,000 in March and April, in order to reduce overcrowding and prevent rising infection rates in prisons. However, many human rights defenders and others whose detention is politically motivated were excluded from the furlough and pardon scheme, and continued to be held in overcrowded and unsanitary conditions without access to adequate medical care. As a result, UN experts raised concern about several individuals who applied to be released but were rejected, such as human rights defenders Nasrin Sotoudeh, Narges Mohammadi, and Arash Sadeghi.⁶⁷ In June, anti-death penalty campaigner and woman human rights defender Atena Daemi, was sentenced to two additional years of imprisonment and 74 lashes in connection with her human rights activism from inside prison, which means she was no longer eligible for release in July when she would have completed her previous 7-year sentence. Her family believes the charges are bogus and designed to keep her in detention.⁶⁸ In July, Narges

against the Citizenship Amendment Act in December 2019. This includes former Indian Police Service Officer, SR Darapuri and actor-activist, Sadaf Jafar, see Scroll, “CAA protests: Families of SR Darapuri, activist Sadaf Jafar allege Lucknow officials threatened them”, 6 July 2020, <https://scroll.in/latest/966600/caa-protests-families-of-sr-darapuri-activist-sadaf-jafar-allege-lucknow-officials-threatened-them>

⁵⁶ Amnesty International India, *India Must Put An End To The Unjust Cruel And Continued Incarceration Of Bhima Koregaon Activists* (News, 6 June 2020) <https://amnesty.org.in/news-update/india-must-put-an-end-to-the-unjust-cruel-and-continued-incarceration-of-bhima-koregaon-activists/>

⁵⁷ Amnesty International, *India: Crackdown on dissent continues during COVID-19*, 20 April 2020, www.amnesty.org/en/documents/asa20/2174/2020/en/

⁵⁸ Amnesty International, *Turkey: Prison release law leaves innocent and vulnerable prisoners at risk of COVID-19*, (News, 13 April 2020), www.amnesty.org/en/latest/news/2020/04/prison-release-law-leaves-prisoners-at-risk-of-covid/

⁵⁹ Amnesty International, *Turkey: Release those unfairly imprisoned and most at risk*, 17 April 2020, www.amnesty.org/en/documents/eur44/2153/2020/en/

⁶⁰ Amnesty International, *Egypt: Health concerns for activist and lawyer*, 21 April 2020, www.amnesty.org/en/documents/mde12/2152/2020/en/

⁶¹ Amnesty International, *Egypt: Detained researcher in critical condition: Ibrahim Ezz el-Din*, 9 April 2020, www.amnesty.org/en/documents/mde12/1966/2020/en/

⁶² Amnesty International, *Egypt: Detained lawyer at risk amid COVID-19 outbreak: Mahienour el-Masry*, 5 May 2020, www.amnesty.org/en/documents/mde12/2270/2020/en/

⁶³ Amnesty International, *Egypt: Human rights defender detained and tortured: Patrick Zaki George*, 11 May 2020, www.amnesty.org/en/documents/mde12/2188/2020/en/

⁶⁴ Amnesty International, *Egypt: Release prisoners of conscience and other prisoners at risk amid coronavirus outbreak* (News, 20 March 2020)

www.amnesty.org/en/latest/news/2020/03/egypt-release-prisoners-of-conscience-and-other-prisoners-at-risk-amid-coronavirus-outbreak/

⁶⁵ Amnesty International, *Egypt: Human rights activist arrested outside Public Prosecutor's office* (News, 23 June 2020)

www.amnesty.org/en/latest/news/2020/06/egypt-human-rights-activist-arrested-outside-public-prosecutors-office/

⁶⁶ Amnesty International, *Iran: Prisoner pardons welcome, but hundreds more who should be free remain jailed*, 18 March 2020,

www.amnesty.org/en/latest/news/2020/03/iran-prisoner-pardons-welcome-but-hundreds-more-who-should-be-free-remain-jailed/

⁶⁷ OHCHR, *Iran urged to immediately release prisoners of conscience and dual and foreign nationals at risk of COVID-19*, 17 June 2020,

www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25803&LangID=E

⁶⁸ Gulf Centre for Human Rights, *Iran: Shocking charges against jailed women's rights activists, who must be released amid second COVID-19 peak*, 22 June 2020,

<https://www.gc4hr.org/news/view/2416>

INDEX: ACT 30/2765/2020

AUGUST 2020

LANGUAGE: ENGLISH

amnesty.org

Mohammadi, who suffers from a pre-existing lung disease, showed symptoms of COVID-19 but the authorities denied her access to medical care, including diagnostic tests. Amid the crisis, the authorities have also continued to arbitrarily arrest human rights defenders and summon those convicted to prison to begin serving their sentences.⁶⁹

2.4 DEFENDERS AT RISK LEFT EXPOSED AND UNPROTECTED

In countries where killings of human rights defenders and wider crackdowns on human rights have been ongoing before the pandemic, the current crisis has provided new opportunities for those who want to silence human rights defenders. This situation is in part linked to the restrictions imposed on freedom of movement, with strict lockdowns and curfews that weaken the ability of communities and individuals to protect themselves (for example by hiding or seeking sanctuary), and in some cases due to a reduction in state protection, with police resources diverted to other tasks related to the pandemic. In countries where protection mechanisms are in place to protect human rights defenders at risk, such as Colombia, Mexico, and Honduras, the mechanism's poor implementation continues to be inadequate and unable to respond flexibly and comprehensively to the needs of endangered defenders.

‘In April, environmental defender Jani Silva reported several security incidents, including gunshots, as she was observing the night curfew at home.’



COLOMBIA: Jani Silva, environmental defender working to defend campesinos in the Putumayo region of Colombia.

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In **Mexico**, woman human rights defender Clemencia Adelaida Salas Salazar was part of a protection scheme ordered by the National Human Rights Commission since 2017 due to the imminent risk she faced. Among the measures, she was accompanied by two police escorts, but the scheme was replaced by the authorities in the state of Yucatan at the end of March 2020 by only being accompanied by just one officer with limited protection functions. The authorities argued that they could not provide the same amount of police protection since more officers were needed for tasks related to the pandemic response.⁷⁰ In May, the national protection mechanism for the protection of human rights defenders stepped in to order additional protection measures.⁷¹

In **Colombia**, the number of human rights defenders killed has soared in recent months, with one organization reporting the names of 166 human rights defenders murdered during the first 6 months of 2020, including social leaders, Indigenous and Afro-descendant activists. The situation has worsened since the beginning of the COVID-19 outbreak, when the authorities imposed different restriction measures, including night-time curfews, which meant that human rights defenders can become sitting targets. As noted by the Office of the High Commissioner for Human Rights, the “pandemic and the restrictions imposed by the [Colombian] Government and by

⁶⁹ Amnesty International, *Iran: human rights defender's life at risk of covid-19: Narges Mohammadi*, 13 July 2020, www.amnesty.org/en/documents/mde13/2710/2020/en/

⁷⁰ Amnesty International, *Mexico: Defender at higher risk: Clemencia Adelaida Salas Salazar*, 20 April 2020, www.amnesty.org/en/documents/amr41/2173/2020/en/

⁷¹ Amnesty International, *Mexico: Defender receives additional protection: Clemencia Adelaida Salas Salazar*, 11 June 2020; www.amnesty.org/en/documents/amr41/2493/2020/en/

communities themselves to avoid the spread of the virus seem to have aggravated an already violent and volatile situation”, and in this context “armed groups [and] criminal groups appear to be taking advantage of the fact that most of the people are in lockdown to expand their presence and control over the territory”.⁷² Afro-Colombian leader, Erlendy Cuero, also stated that “killings, threats, and persecution have increased because some social leaders have been receiving reduced protection, and those with no protection orders, are simply left exposed”.⁷³ In March, the Regional Indigenous Organization of Valle del Cauca (ORIVAC) reported that two Embera Indigenous leaders, Omar and Ernesto Guasiruma, were killed, and two of their relatives were injured, while complying with the quarantine at their home.⁷⁴ In April, environmental defender Jani Silva reported several security incidents, including gunshots, as she was observing the night curfew at home.⁷⁵

In **Honduras**, several human rights defenders at risk have reported that the police no longer carry out protective patrols, and some of them were informed that this is due to the reduction of police capacity under the state of emergency introduced in response to the pandemic.⁷⁶ On the other hand, the Honduran government has continued to impose further restrictions to the work of human rights defenders.⁷⁷ Because the state of emergency decree does not consider human rights defenders to be doing essential work, the vast majority of accreditations requested in order to be allowed to break the lockdowns to provide support and humanitarian aid to their communities have been refused. Human rights organizations have reported attacks by the security forces against human rights defenders despite the fact that they were accredited.⁷⁸

2.5 SPECIFIC RISKS ASSOCIATED WITH THE IDENTITY OF DEFENDERS

On top of being attacked for the work they do, some defenders are also at risk because of who they are. The threats and attacks they face come not only from state officials, but also from non-state actors sometimes even from within their own communities. The risks and challenges many defenders face stem from structural inequality and discrimination because they are women, Indigenous or Afro-descendent people, migrants, refugees or LGBTI people or belong to other groups that are systemically discriminated and marginalized.

Feminist organizations have started to map out the impact of the crisis on women and women human rights defenders in particular, including those defending sex workers rights, those working against domestic violence and other gender-based violence. For example, SISMA Mujer of **Colombia** published an in-depth analysis of how the pandemic has led to increased levels of violence against women, including against women human rights defenders.⁷⁹ The organization reports concerns about the levels of domestic violence, as well as numerous threats, physical attacks and killings of women human rights defenders. In March, Carlota Isabel Salinas Pérez, a leading member of NGO Organización Femenina Popular, was shot dead.⁸⁰ At the time, she was involved in collecting food for her community who needed it as a result of the pandemic. The Mesoamerican Initiative of Women human rights defenders have also published an analysis of the situation in **Mexico and Central America**, citing numerous threats to women human rights defenders, including gender-based attacks and lack of protection as well as loss of livelihoods and lack of access to health services. The report also documents attempts to exclude women human rights defenders from participating in the response to the pandemic, in particular those who were already marginalised, harassed and intimidated before the pandemic such as those defending the rights of sex workers.⁸¹ In **El Salvador**, women human rights defenders have noticed an increase in online threats, harassment and use of derogatory, misogynist, and stigmatizing language on social media, including by state officials and those supporting the government. This has been particularly the case for women human rights defenders and women journalists who have publicly criticised the government handling of the crisis in the past few months.⁸²

⁷² OHCHR, *Press briefing note on Colombia / right defenders killing*, 24 April 2020, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25825&LangID=E

⁷³ Dejusticia, *El Estado colombiano debe acoger las recomendaciones de la CIDH en materia de líderes sociales incluso durante la pandemia COVID-19*, 8 July 2020, www.dejusticia.org/estado-debe-acoger-recomendaciones-lideres-sociales-cidh-covid-19/

⁷⁴ Amnesty International, *Colombia: Measures against COVID-19 must not be an excuse for neglecting the protection of human rights defenders* (News, 26 March 2020), www.amnesty.org/en/latest/news/2020/03/colombia-medidas-contracovid19-desatender-proteccion-personas-defensoras/

⁷⁵ Amnesty International, *Colombia: Defender at risk in COVID-19 quarantine*, 30 April 2020, www.amnesty.org/en/documents/amr23/2251/2020/en/

⁷⁶ Since Honduras began to take measures to contain the spread of COVID-19, Amnesty International has learned of situations that put the work of human rights defenders in the country at risk, including the withdrawal of protection schemes, Amnesty International, *Honduras, Land defenders threatened*, COPINH, 24 June 2020, www.amnesty.org/en/documents/amr37/2598/2020/en/

⁷⁷ See for example incidents described in this letter to embassies by Iniciativa Mesoamericana de Mujeres Defensoras et al, July 2020, <http://im-defensoras.org/wp-content/uploads/2020/07/Carta-a-las-Embajadas-Campa%C3%B1a-SusVidasSonNuestrasVidas-2-1.pdf>

⁷⁸ Amnesty International, *Honduras, Land defenders threatened*, COPINH, 24 June 2020, www.amnesty.org/en/documents/amr37/2598/2020/en/

⁷⁹ Sisma Mujer, *Boletín especial no. 20, Los derechos humanos de las mujeres no están en cuarentena*, 23 April 2020, www.sismamujer.org/2019/02/11/la-experiencia-de-colombia-en-materia-de-politica-de-drogas-en-la-ultima-decada-informe-sombra-de-la-coalicion-acciones-por-el-cambio-62-periodo-de-sesiones-de-la-comision-de-estufacientes-de-nacion/

⁸⁰ See also: Amnesty International, *Colombia: Measures against COVID-19 must not be an excuse for neglecting the protection of human rights defenders* (News, 26 March 2020), www.amnesty.org/en/latest/news/2020/03/colombia-medidas-contracovid19-desatender-proteccion-personas-defensoras/

⁸¹ Iniciativa Mesoamericana de Mujeres Defensoras, *La crisis ya estaba aquí: Defensoras mesoamericanas ante COVID-19*, 16 June 2020, <https://im-defensoras.org/2020/06/la-crisis-ya-estaba-aqui-defensoras-mesoamericanas-ante-covid-19/>

⁸² Amnesty International, *El Salvador: Las medidas del gobierno ante la COVID-19 han propiciado un entorno violento y hostil para las defensoras de derechos humanos*, 19 June 2020, www.amnesty.org/en/documents/amr29/2560/2020/es/

Other groups of defenders have also been severely affected by discriminatory responses to the pandemic, particularly LGBTI defenders, defenders of the rights of migrants and refugees, and Indigenous rights defenders.

For example, countries, such as **Panama**, **Peru**, and **Colombia**, established gender-based quarantine schedules, requiring men and women to stay at home on alternate days. This binary system has inevitably led to trans and gender non-conforming people, including those who are human rights defenders, to be discriminated against, harassed and even detained.⁸³ The Interamerican Commission on Human Rights received information that one woman human rights defender was arrested in Panama by police while distributing food to destitute people, simply because she was circulating on a day reserved for women, but her ID marked her as a man. She was released and fined 50 dollars, despite having explained her identity and gender expression.⁸⁴ Following criticism of the measure, it was discontinued in all three countries, however, Panama later reintroduced it.⁸⁵

In May, **Malaysian** authorities launched a crackdown and smear campaign against Rohingya communities and migrants human rights defenders in the context of COVID-19 pandemic.⁸⁶ For example, the authorities carried out raids and mass arrests of migrant workers,⁸⁷ and refused to allow boats of Rohingya people to land after justifying the measure on the need to contain the spread of COVID-19.⁸⁸ At the same time, several Rohingya leaders and activists reported having been threatened with death and being harassed.⁸⁹ Malaysian human rights defenders were also targeted, such as Tengku Emma Zuriana Tengku Azmi, who was the target of rape threats and other serious gender based attacks online after she published a letter criticising Malaysia's pushback of people fleeing Myanmar on boats.⁹⁰

In **Angola**, local activists and NGOs have taken the initiative to support Indigenous San people and traditional communities by distributing information and essential hygiene products. The work of these activists has been essential in ensuring that the communities have access to information about methods of preventing and controlling the spread of COVID-19 because they do not receive the government public health broadcasts on TV and radio as they have no access to electricity. However, instead of being recognised for their work, these activists are being attacked and hindered by the authorities. In early April, nine activists from NGO MBATIKA were assaulted with batons and threatened with guns by the police and then arrested. They have since been released, but MBATIKA have still not been given permission by the authorities to continue the awareness campaign within marginalized communities.⁹¹

In **Honduras**, COPINH and OFRANEH, two organizations that work for the protection of Indigenous Lenca people and the Afro-descendant Garifuna people, have stepped up their work to address the health and nutritional needs of their communities in the context of the pandemic. However, both organizations reported that their efforts have been hindered by the state. For example, they reported that COPINH leader José Trochez was arrested in May while he was doing humanitarian work for his community. Both community organizations have also reported that the mechanism for the protection of human rights defenders is failing to guarantee effective protection, especially during this lockdown period, with an increase in attacks from organized criminal groups and other non-state actors, which led to the killing in May of OFRANEH member Edwin Fernández.⁹²

⁸³ Open Democracy, "The danger of being transgender in Latin America in times of quarantine", by Manuella Libardi, 21 April 2020, www.opendemocracy.net/es/el-peligro-de-ser-transgenero-en-america-latina-en-tiempos-de-cuarentena/

⁸⁴ OAS, *The IACHR calls on States to guarantee the rights of LGBTI people in the response to the COVID-19 pandemic*, 20 April 2020, <http://oas.org/es/cidh/prensa/Comunicados/2020/081.asp>

⁸⁵ France 24, "Panamá vuelve a la cuarentena por género tras explosión de casos por covid-19", 7 June 2020, www.france24.com/es/20200607-panam%C3%A1-vuelve-a-la-cuarentena-por-g%C3%A9nero-tras-explosi%C3%B3n-de-casos-por-covid-19

⁸⁶ OHCHR, *Malaysia / COVID-19: "Stop crackdown on migrants, journalists and civil society" – UN rights experts*, 21 May 2020, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25900&LangID=E

⁸⁷ Amnesty International Malaysia, *End mass arrests of migrant workers*, 20 May 2020, www.amnesty.my/2020/05/20/end-mass-arrests-of-migrant-workers/

⁸⁸ Amnesty International, *Rohingya refugees stranded at sea show urgent need for regional response* (News 22 April 2020)

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⁸⁹ Human Rights Watch et al, *Joint letter Re: End Violent Threats and Anti-Rohingya Campaign*, 11 May 2020, www.hrw.org/news/2020/05/11/joint-letter-re-end-violent-threats-and-anti-rohingya-campaign#_ftn2

⁹⁰ Center for Independent Journalism et al, *Joint Statement: CSOs condemn online gender-based attacks on women human rights defender Tengku Emma Zuriana*, 28 April 2020, <https://cijmalaysia.net/csos-condemn-online-gender-based-attacks-on-women-human-rights-defender-tengku-emma-zuriana/>

⁹¹ Amnesty International, *Angola: Activists prevented from distributing COVID-19 essentials*, 15 April 2020, www.amnesty.org/en/documents/afr12/2146/2020/en/

⁹² Amnesty International, *Honduras, Land defenders threatened*, COPINH, 24 June 2020, www.amnesty.org/en/documents/amr37/2598/2020/en/

In **Brazil**, a country with one of the worst infection rates in the world, human rights defenders who belong to the most marginalized groups are also the most at risk of contracting the virus and facing complications. These include black and brown people, people living in favelas, women and girls, Indigenous and Quilombola communities, LGBTI people, people who are homeless or in inadequate housing, people deprived of their liberty, older people in care homes, and informal and self-employed workers.⁹³ Specific concerns have been raised about Indigenous communities and their leaders, many of which are also involved in the defense of the rights of their communities: they not only have limited access to adequate healthcare, they are also facing increasing violence and encroachment on their territories by wildcat miners, illegal loggers and those who try to steal land. For example, defender Zezico Guajajara was killed in March, the fifth leader from the same community since November 2019.⁹⁴ Similarly, in April, Ari Uru Eu Wau Wau was murdered following several threats against his family member and Indigenous leader, Awapu Uru Eu Wau Wau.⁹⁵ Instead of receiving more protection from the state, authorities tasked with protecting the rights and territories of Indigenous peoples have reduced their operations due to the pandemic.⁹⁶



‘Several Rohingya leaders and activists reported having been threatened with death and being harassed.’

BANGLADESH: Rohingya children in Cox’s Bazar refugee camp are more vulnerable to the COVID-19 pandemic.

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⁹³ For example, data from the municipality of Sao Paulo shows that black people are 62% more likely to die from COVID-19 than white people, see Amnesty International, *Brazil: In response to COVID-19, authorities must ensure adequate access to healthcare for marginalized groups* (News, 14 May 2020) www.amnesty.org/en/latest/news/2020/05/brazil-covid19-authorities-must-ensure-access-healthcare/. See also The Guardian, “‘We are facing extermination’: Brazil losing a generation of indigenous leaders to Covid-19”, 21 June 2020, <https://www.theguardian.com/global-development/2020/jun/21/brazil-losing-generation-indigenous-leaders-covid-19>. As of 18 June, Indigenous organizations reported 332 Indigenous people had died and 7208 were infected across the country: <http://quarentenaindigena.info/casos-indigenas/>

⁹⁴ BBC News, Brazil: Amazon land defender Zezico Guajajara shot dead, 2 April 2020, <https://www.bbc.co.uk/news/world-latin-america-52135362>

⁹⁵ Amnesty International Brazil, *Anistia Internacional pede que Polícia Federal investigue causa da morte do indígena Ari Uru Eu Wau Wau*, 18 April 2020, <https://anistia.org.br/noticias/anistia-internacional-pede-para-que-policia-federal-investigue-causa-da-morte-indigena-ari-uru-eu-wau-wau/>

⁹⁶ Amnesty International, *Brazil: In response to COVID-19, authorities must ensure adequate access to healthcare for marginalized groups* (News, 14 May 2020) www.amnesty.org/en/latest/news/2020/05/brazil-covid19-authorities-must-ensure-access-healthcare/

3. RECOMMENDATIONS



Artwork by Jaskiran K Marway @J.Kiran90

At all times, including in the context of severe crises like the current COVID-19 pandemic, those defending human rights should be regarded as allies, recognized and enabled to carry on with their activities in safety without undue restrictions. As the UN High Commissioner for Human Rights said in April: “In every stage of this epidemic – including the recovery – efforts should be made to involve National Human Rights Institutions, civil society activists and human rights defenders. Those with long-standing involvement in economic and social rights, urban communities and specific vulnerable groups, such as Indigenous peoples, have gained many valuable lessons that can benefit all policy-makers today”.⁹⁷

However, the cases highlighted in this briefing and in the appendix below, show that human rights defenders continue to be attacked, disregarded and marginalized, and the civic space they need to operate is being increasingly reduced.

Even though certain restrictive measures, such as quarantines and lockdowns, may be necessary to preserve life and protect public health during this period, authorities should take all possible steps to ensure the right to defend human rights is still upheld and that any restrictions imposed are provided by law, necessary and proportionate to a legitimate aim, and non-discriminatory.

In addition, states must recognize the specific and much needed role that human rights defenders have to play during the pandemic, including very pressing issues which must not be suspended or blocked: they may be taking action to prevent or document ongoing human rights violations (including protecting themselves from attack), providing humanitarian aid, distributing crucial public health information, or contributing to efforts to protect public health and tackle the pandemic.

Without all the individuals and collectives who defend our human rights worldwide, it would be almost impossible to tackle COVID-19 and save as many lives and livelihoods as possible. It is therefore not just states’ obligation, but it is in the interest of states and society at large to recognize, protect and enable human rights defenders to carry out their crucial work so that the harshest impact of the crisis can be mitigated and ensure that no one is left behind.

⁹⁷ OHCHR, “COVID is “a colossal test of leadership” requiring coordinated action, High Commissioner tells Human Rights Council”, COVID-19 pandemic - Informal briefing to the Human Rights Council, Statement by Michelle Bachelet, UN High Commissioner for Human Rights, 9 April 2020, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25785&LangID=E

AMNESTY INTERNATIONAL URGES STATES WORLDWIDE TO:

Enable and support human rights defenders and civil society organizations to contribute to the efforts to protect public health and tackle the pandemic, and to continue with their human rights work more generally.

Publicly recognize the crucial role played by all human rights defenders, including journalists, health care and essential workers, in providing information and addressing the challenges posed by the pandemic and its multiple and differentiated impacts, particularly on the most marginalized.

Provide human rights defenders on the frontline of the pandemic with the necessary information, tools and protective equipment they need to carry out their human rights activities in safety.

Ensure that any measure restricting the right to defend human rights, including those imposing limitations on the rights to freedom of movement, expression, association and peaceful assembly, are strictly necessary and proportionate for the protection of public health or in the pursuance of another legitimate purpose under international human rights law.

Ensure that any measures taken in the context of COVID-19 do not discriminate against, penalize or endanger human rights defenders, in particular those from marginalized communities.

Ensure that the operation of media outlets, journalists and human rights defenders is not unduly restricted and allow them to continue their work despite the restrictions on movement. Journalists and human rights defenders must not be penalized or otherwise sanctioned for carrying out their legitimate activities, or face measures that unduly limit the right to freedom of expression in the name of countering COVID-19.

Refrain from imposing blanket bans on the dissemination of information, including those based on vague and ambiguous concepts such as “false news” or “spreading misinformation”, and repeal or amend legislation that impose criminal penalties simply for sharing or distributing information.

Ensure that human rights defenders can conduct their work free from reprisals, intimidation or threats, and provide effective measures of protection to guarantee that those seeking to hinder their work do not take advantage of the crisis.

Provide women human rights defenders with the specific protection they may need against gender-based violence they face due to their work, recognizing the particular challenges and risks they face.

Effectively address threats, attacks, harassment and intimidation of human rights defenders, including by, where applicable, launching prompt, thorough, independent and impartial investigations and bring the suspected perpetrators to justice in fair trials.

Immediately and unconditionally release all those who remain in detention solely for their human rights work and ensure that they are not excluded from prison release programmes.

4. FURTHER DOCUMENTATION

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