

Mandates of the Working Group on the issue of discrimination against women in law and in practice; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers; and the Special Rapporteur on violence against women, its causes and consequences

REFERENCE: AL
EGY 4/2015:

13 April 2015

Excellency,

We have the honor to address you in our capacities as Chairperson-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the independence of judges and lawyers; and Special Rapporteur on violence against women, its causes and consequences, pursuant to Human Rights Council resolutions 23/7, 24/5, 25/18, 26/7, and 23/25.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the charges brought against Ms. **Azza Soliman** for "illegal gathering" and "participating in an unauthorized protest that harmed public security" under Law 107 of 2013 on the Right to Public Meetings, Processions and Peaceful Demonstration in relation to her testimony concerning the death of Ms. **Shaimaa al-Sabbagh**.

Ms. Soliman is a woman human rights defender and a lawyer before the Cassation Court. She is also the President of the Board of Trustees of the Centre for Egyptian Women's Legal Assistance (CEWLA).

We would like to recall that Law 107 of 2013 was the subject of communications sent to your Excellency's Government on 12 February 2013 (see A/HRC/23/51, EGY 4/2013) and on 20 March 2013 (see A/HRC/24/21, EGY 5/2013). We acknowledge the response to EGY 5/2013 but regret that no response was received to EGY 4/2013 to this date from your Excellency's Government. The death of Ms. Al-Sabbagh, to which the present case is indirectly linked, was the subject of a previous communication dated 30 January 2015 (see EGY 2/2015). We also regret that to this date we did not receive a response from your Excellency's Government in relation to this communication.

According to the information received:

On 24 January 2015, at around 3.30 p.m. Ms. Soliman was having lunch with her family and friends at the Café Riche in downtown Cairo when she saw a peaceful march of about 25-30 people, organized by a political party, the Socialist People's Alliance Party, to commemorate the events of January 2011. From the restaurant she could recognize some of her friends and decided to come out and greet them. While chatting outside, she noticed that masked police officers surrounded the protesters, setting up a "security cordon" around them. Ms. Soliman decided to go back into the restaurant. Once inside, she heard shooting and saw that tear gas was fired at protesters. In the chaos that ensued, Ms. Soliman witnessed a woman being shot on the opposite sidewalk and security forces arresting some of the protesters. She was forced to stay inside the restaurant for a long time.

On her way home after the incident, Ms. Soliman learned that the woman she saw being shot, Ms. Al-Sabbagh, a well-known activist, had died from her injuries. She was also informed that some of her friends, who had participated in the protest, were allegedly arrested and held at Qasr El Nile police station along with other protesters. She then published a first testimony about what she had witnessed on her Facebook page.

On the same day in the evening, Ms. Soliman voluntarily went to the Public Prosecution's office to testify regarding the dispersal of the protest and the shooting of Ms. Al-Sabbagh. After waiting for more than five hours (from 7 p.m. to 1 a.m.), she was able to give her testimony as well as to file a complaint accusing the security forces of having violently dispersed the peaceful protest with tear gas and gunshots, resulting in the killing of Ms. Al-Sabbagh. She also formally made accusations against the Ministry of Interior of having deliberately killed Ms. Al-Sabbagh.

Upon completion of her testimony, the Prosecutor informed her that the Ministry of Interior had presented a report accusing her of breaching Law 107 of 2013 on the Right to Public Meetings, Processions and Peaceful Demonstration, as well as attacking police officers, blocking traffic and resisting security forces. Around 6 a.m. on 25 January 2015, she signed her testimony paper and was let go. She then published a second message on her Facebook page containing her testimony and experience at the Prosecution's Office.

On 23 March 2015, Ms. Soliman was informed that the Qasr El Nile Prosecution Office in Cairo decided to press charges against her for "illegal gathering" and "participating in an unauthorized protest that harmed public security" under Law 107, along with 16 other co-defendants. The testimony she had willingly provided on the circumstances surrounding the death of Ms. Al-Sabbagh was used against her. As a result, she became a defendant, accused of protesting illegally and breaching public order and security, in [REDACTED]

On 28 March 2015, a group of human rights lawyers representing Ms. Soliman demanded that she be removed from the list of defendants and considered as a witness. On 31 March 2015, the Prosecutor General rejected their demand. To this date, Ms. Soliman remains a defendant in the case.

It is alleged that until 4 April 2015, Ms. Soliman's lawyers were denied access to the official case documents. At the first court session, scheduled on 4 April 2015 at the Abdeen Misdemeanor Court, the judge granted her lawyers' request to access all the documents and information regarding the case. As a result, the court hearing of 4 April 2015 was postponed to 9 May 2015.

While we do not wish to prejudge the accuracy of these allegations, we wish to express serious concern regarding the treatment of Ms. Soliman, as it appears that her status was arbitrarily changed from "witness" to "defendant" and that she is now prosecuted for having reported events that happened in a peaceful protest, which she observed as a bystander.

In connection with the above alleged facts and concerns, please refer to the **international law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

It is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. We would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information concerning the legal grounds for the charges pressed against Ms. Soliman, and explain in particular how these are compatible with international norms and standards as stated in the Annex.
3. Please provide information on the measures taken to ensure Ms. Soliman's protection as a witness.
4. Please indicate what measures have been taken to ensure that human rights defenders, including civil society and activists, can operate in an enabling environment in Egypt without fear of harassment, restrictions or criminalization of any kind.

We would appreciate receiving a response within 60 days.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the

investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Emna Aouij
Chairperson-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Michel Forst
Special Rapporteur on the situation of human rights defenders

Gabriela Knaut
Special Rapporteur on the independence of judges and lawyers

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

Annex
Reference to international human rights law

In connection with the above alleged facts and concerns, we wish to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, articles 1 and 2 of the Declaration state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. Furthermore, article 12, paragraphs 2 and 3 of the Declaration provide that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

In the case that the status of "defendant" of Ms. Soliman is maintained, we would like to recall that in the determination of any criminal charges against him/her, everyone is entitled to a set of due process guarantees, including not to be compelled to testify against him/herself and to have adequate time and facilities for the preparation of his/her defence, as enshrined, inter alia, in article 14 of the International Covenant on Civil and Political Rights.

Finally, we would like to draw the attention of your Excellency's Government to General Assembly resolution 68/181 which urges States to acknowledge publicly the important and legitimate role of women's rights defenders in the promotion and protection of human rights, democracy, the rule of law and development as an essential component of ensuring their protection, including by publicly condemning violence and discrimination against them (OP7).

