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**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on extrajudicial, summary or arbitrary executions; and the Special Rapporteur on trafficking in persons, especially women and children**

REFERENCE: UA G/SO 214 (67-17) G/SO 214 (107-9) G/SO 214 (33-27) Trafficking (2004-5)  
EGY 9/2012

6 July 2012

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on extrajudicial, summary or arbitrary executions; and Special Rapporteur on trafficking in persons, especially women and children pursuant to Human Rights Council resolutions 16/4, 16/5, 17/5, and 17/1.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding death threats against the Egyptian activist **Hamdy al-Azazy**, aged 50, from Arish, North Sinai Governorate in Egypt in relation to his human rights activities. Mr. al-Azazy is the president of the non-governmental organization (NGO) New Generation Foundation for Human Rights, registered in Egypt. He is also the main collaborator of the NGO EveryOne Group regarding human and organ trafficking in the Sinai. In 2011, he won the Makwan Prize for Human Rights.

Specific activities carried out by Mr. al-Azazy consist of assisting African refugees in the Sinai by providing food, clothing, and medicine to inmates who were captured after having escaped from extortionists or en route to Israel in various prisons; raising awareness about extortion and other abuses of refugees through human rights organisations and major media such as CNN International and Channel 4/UK; and providing assistance for the burial of refugees from Eritrea, Sudan, and Ethiopia found dead in the Sinai desert.

According to the information received:

In 2011, Mr. al-Azazy cooperated with EveryOne Group and the television channel CNN to produce the documentary "Death in the Desert", which was broadcast on CNN on 5 November 2011. The documentary showed the plight of

African refugees in the Sinai who were subjected to trafficking, slavery and ill-treatment if they were unable to provide large sums of money to Bedouin tribes to smuggle them across the border into Israel.

After the documentary was shown, a task force to combat human trafficking was created. Hundreds of refugees were released and several traffickers arrested, but were reportedly later released.

Mr. al-Azazy has documented and reported, to the Egyptian authorities, the names and locations of meeting places of alleged traffickers in persons.

From 20 to 22 June 2012, he produced photos of the hideouts of traffickers for an interview with the Egyptian newspaper Al Aharam. On 24 June, an article was published in Al Aharam based on the information provided by Mr. al-Azazy. The same day, the cars of alleged traffickers were stationed in front of his house. Since then, he has received repeated threats from individuals allegedly involved in human trafficking and extortion of African refugees in the Sinai. He immediately reported this to the police in Arish, but was told that this "was his fight and that he had to rely on his good Bedouin friends to protect him."

On 26 June 2012, the death threats were also directed against Mr. al-Azazy's family and traffickers reportedly put a price on his life. Four days later, armed individuals surrounded his house. On 1 July 2012, Mr. al-Azazy and his family received death threats from the alleged traffickers of the gang of di Abu Saniah.

We are now informed that Mr. al-Azazy has been transferred to Cairo. Yet, he has continuously received threatening phone calls and has repeatedly been told that he will be tortured and killed.

In light of the information received, we are gravely concerned about the physical and mental integrity of Mr. Al-Azazy and that of his family. Given the serious and repeated nature of the threats against them for which there are serious reasons to believe that they are related to Mr. Al-Azazy human rights activities, we fear that their life is in danger.

Following her country visit to Egypt in April 2010, the Special Rapporteur on trafficking in persons, especially in women and children, raised related issues in her mission report and notably observed that trafficking in persons for the purpose of the removal of organs was growing in scale (A/HRC/17/35/Add.2, para 10). Furthermore, the Special Rapporteur, together with the Special Rapporteur on the human rights of migrants and the Special Rapporteur on extrajudicial, summary or arbitrary executions, sent an urgent appeal to the Egyptian authorities concerning the allegations of abuse and trafficking of African migrants in the Sinai in December 2010.

In this regard, Mr. Hamdy al-Azazy's work is very important to raise awareness on the issues related to human trafficking in the Sinai. Like any human rights defender, he should be able to report about human rights violations through his organisation and the media without the fear of being threatened or killed. In this respect, without prejudging the accuracy of the information received, we wish to seek clarification of the present case

and draw the attention of your Excellency's Government to the relevant international principles and norms applicable to the present case.

With regard to the alleged death threats against Mr. al-Azazy and his family, we wish to underline that the right to life is a fundamental right every individual is entitled to. No individual shall be arbitrarily deprived of his or her life in accordance with article 6(1) of the International Covenant on Civil and Political Rights (ICCPR), which Egypt ratified on 14 January 1982. In protecting the right to life, States shall also exercise due diligence in preventing and responding to violations committed by private persons or entities as stated by the Human Rights Committee in its General Comment No. 31 (CCPR/C/21/Rev.1/Add.13, para. 8). A failure to do so may in itself give rise to a separate breach of the Covenant. Therefore, it is incumbent upon States to provide "effective protection through judicial or other means to individuals and groups who are in danger of extra-legal, arbitrary or summary executions, including those who receive death threats" as required by principle 4 of the Basic Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (Economic and Social Council resolution 1989/65).

In this connection, we would like 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, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, 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, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice".

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the Declaration:

- article 6 point a) which provides that everyone has the right, individually and in association with others to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems.
- article 12 paragraphs 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, 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 this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission,

attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

We would also like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the ICCPR, which provides that "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

We would also like to draw the attention of your Excellency's Government to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime ("Palermo Protocol"), ratified by your Excellency's Government on 5 March 2004. Article 9, paragraph 3 of the Palermo Protocol effectively calls for cooperation with "non-governmental organizations, other relevant organizations and other elements of civil society" in policies, programmes and other measures aimed to prevent and combat trafficking in persons.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person in compliance with the above international instruments.

Moreover, 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. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the summary of the case accurate?
2. Has a complaint been lodged by or on behalf of the alleged victim?
3. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
5. Have any protection measures been adopted to ensure the safety of the aforementioned individual and that of his family?

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Mr. Hamdy al-Azazy are respected and in particular his security and that of his family. In the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

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

Frank La Rue  
Special Rapporteur on the promotion and protection of the right to freedom of  
opinion and expression

Margaret Sekaggya  
Special Rapporteur on the situation of human rights defenders

Christof Heyns  
Special Rapporteur on extrajudicial, summary or arbitrary executions

Joy Ezeilo  
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