

Mandate of the Special Rapporteur on the situation of human rights defenders

REFERENCE:
UA EGY 13/2016

18 November 2016

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolution 25/18.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning allegations of travel ban against a woman human rights defender, Ms. **Mozn Hassan**.

Ms. Mozn Hassan is one of the founders and the Executive Director of **Nazra for Feminist Studies**, an organisation that aims to build an Egyptian feminist movement and to provide women human rights defenders with legal, medical and psychological support. Ms. Hassan has worked extensively on violence against women in the public space, provision of psychological, medical and legal support for survivors from crimes of sexual violence, and political parliamentary participation of women and inclusion in decision-making positions in Egypt and the Middle East. She was awarded the Charlotte Bunch Women Human Rights Defenders Award in 2013.

Ms. Mozn Hassan's organisation, Nazra for Feminist Studies, was recently accused of receiving foreign funding without authorization in connection with Case No. 173 and, in this context, Ms. Hassan was summoned before an investigating judge in March 2016. The organization, Nazra for Feminist Studies was the subject of two previous communications sent by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights defenders, (communication no. EGY 4/2016 sent on 24 March 2016 and communication no. EGY 6/2016 sent on 4 May 2016).

Ms. Mozn Hassan, herself, was the subject a previous communication sent by the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on violence against women, its causes and consequences; and the Working Group on the issue of discrimination against women in law and in practice (communication no. EGY 8/2016 sent on 8 July 2016). I acknowledge a response from your Government received on 10 August 2016, however remain deeply concerned about

Ms. Hassan's situation due to new information, which I encourage your Excellency's Government to consider at the earliest convenience.

According to the information received:

Since Ms. Mozn Hassan was prevented from traveling to Beirut on 27 June 2016 to participate in the executive committee meeting for the Women Human Rights Defenders (WHRD) Regional Coalition for the Middle East and North Africa, Ms. Hassan has made official requests to the investigative judge in the Case No. 173 of 2011 under which she is being investigated, as well as to the General Prosecutor, seeking formal confirmation if a travel ban had been issued against her, which may have served as basis for the incident on 27 June 2016. To date, Ms. Hassan has not received a response to those queries and could not take further legal action to challenge the travel ban.

Ms. Hassan is scheduled to travel to Stockholm on 22 November to receive the distinguished Right Livelihood Award on 25 November 2016, and plans to return to Egypt on 2 December. However, the woman human rights defender is not in a position to initiate the travel without having an official confirmation from the General Prosecutor if she would be prevented from leaving Egypt again.

In the response dated 10 August 2016, your Excellency's Government affirms: "The person concerned [Ms. Mozn Hassan] is one of the accused in Case No. 173 of 2011 concerning foreign funding of civil society organizations. The investigative judge decided to impose a travel ban on her and others in light of that case." It further continues that "the travel ban issued by the competent judicial authority, namely Public Prosecutor, in connection with his investigation of the receipt of unlawful funding meets the restrictive grounds set forth in article 12 of the Covenant [International Covenant on Civil and Political Rights]. It follows that any person who complains against the travel ban decision should take legal steps to have it lifted and file an appeal under Egyptian law".

Serious concern is expressed that the travel ban imposed against Ms. Hassan has not been communicated to her, which would allow her to file an appeal under Egyptian law, as your Excellency's Government underlines. Furthermore, despite the fact that Ms. Hassan was initially questioned on 22 March 2016, she has not yet received an indictment or trial date confirmation. Such unduly prolonged investigation, which appears to be in breach of article 14 (c) of the ICCPR on the right to be tried without undue delay, would also lead to a prolonged restriction of Ms. Hassan's freedom of movement due to the travel ban. And it also seems to be in contradiction to the presumption of innocence provided for in article 14 of the ICCPR.

I am also concerned that the investigation and the travel ban may be related to her work as woman human rights defender and may have detrimental impact on her human

rights activities, including those that require travelling abroad. The use of travel bans against defenders was already documented to your Excellency's Government in communication no. EGY 4/2016 when at least ten human rights defenders in Egypt were allegedly subject to arbitrary and unlawful travel bans in February and March 2016.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

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

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information concerning the prolonged investigation and the justification by the investigative judge for the imposition of the travel ban issued against Ms. Hassan, and how this measure is compatible with Egypt's international human rights obligations, in particular with articles 12, 14, 19 and 22 of the ICCPR.
3. Please provide information on the date when the confirmation on the travel ban has been communicated to Ms. Hassan, providing reasons for it and information on how to file an appeal under the Egyptian legislation.

While awaiting a reply, I 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 of the alleged violations.

I intend to publicly express my concerns in the near future as, in my view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. I also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release

will indicate that I have been in contact with your Excellency's Government's to clarify the issue/s in question.

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 my highest consideration.

Michel Forst
Special Rapporteur on the situation of human rights defenders