

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

REFERENCE: AL
EGY 15/2016:

22 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 two human rights defenders, Ms. **Azza Soliman** and Mr. **Ahmed Ragheb**, which are alleged to be linked to their legitimate work in defence of human rights, and an act of reprisal for engagement with the United Nations, in the latter case.

Ms. **Azza Soliman** is a prominent women human rights defender. She is one of the founders and the Chair of the board of trustees for the Center for Egyptian Women's Legal Assistance (CEWLA) in Cairo. CEWLA provides free legal, social, and psychological services to women and marginalized groups, and advocates for improved protections of their rights.

Ms. Soliman was the subject of a communication dated 13 April 2015, case no. EGY 4/2015. I acknowledge a response from your Excellency's Government received on 28 July 2015. However, I remain concerned about Ms. Soliman's situation due to new information received.

Mr. **Ahmed Ragheb** is a human rights lawyer and founder of the National Community for Human Rights and Law, an organization that works to protect human rights concerning popular movements in Egypt for human rights and social justice.

According to the information received:

Ms. Azza Soliman:

On 19 November 2016, Ms. Azza Soliman was prevented by passport control authorities at the Cairo International Airport from travelling to Jordan in order to participate in a training dedicated to issues of gender equality and women's rights. Ms. Soliman was informed that she is banned from traveling due to a judicial order issued on 17 November 2016. Ms. Soliman was not formally informed of that order or of the basis for the travel ban.

Mr. Ahmed Ragheb:

On 15 November 2016, Mr. Ahmed Ragheb was prevented by passport control officials at Cairo International Airport from travelling to Morocco in order to attend the twenty-second session of the Conference of the Parties (COP 22) of the United Nations Climate Change Conference. He was informed that the travel restriction is based on a judicial order issued against him in May 2016 by an investigative judge.

Serious concern is expressed at the travel bans issued against Ms. Azza Soliman and Mr. Ahmed Ragheb, which appear to be linked to their legitimate work in defence of human rights, and constitute an act of reprisal for cooperation with the United Nations in the case of Mr. Ragheb. Further concern is expressed at the increased and arbitrary application of travel restrictions against human rights defenders as a means of preventing the exercise by those individuals of their fundamental rights.

While I do not wish to prejudge the accuracy of these allegations, I 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.

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

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

1. Please provide any additional information and/or any comment(s) you may have on the above-mentioned allegations.
2. Please provide information concerning the legal grounds for the travel bans issued against Ms. Azza Soliman and Mr. Ahmed Ragheb and how this measure is compatible with Egypt's international human rights obligations, in particular, article 12 of the ICCPR.
3. Please provide information on the date when the confirmation of the travel ban was communicated to Ms. Soliman and Mr. Ragheb, providing reasons for it and information on how to file an appeal under the Egyptian legislation.
4. Please provide clarifications on the alleged increased use of travel bans to prevent human rights defenders from participating in conferences or events of the United Nations and its human rights mechanisms.
5. Please indicate what measures have been taken to ensure that human rights defenders **in Egypt** are able to carry out their legitimate work in a safe and

enabling environment without fear of threats or acts of intimidation and harassment of any sort.

I would appreciate receiving a response within 60 days.

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 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 note that a copy of this letter has been shared with the Assistant Secretary-General for Human Rights, Andrew Gilmour, for further possible action in his capacity as United Nations' focal point to promote the prevention of, protection against and accountability for reprisals and intimidation related to cooperation with the United Nations, its representatives and mechanisms.

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.

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

Michel Forst
Special Rapporteur on the situation of human rights defenders

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, I would like to draw your attention to the following human rights standards:

The above mentioned allegations appear to be in contravention with Article 12 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Egypt on 14 January 1982, which provides that everyone has the rights to liberty of movement. I would like to emphasize that any restriction to the right to liberty of movement and the freedom to leave any country, including his/her own must be compatible with paragraph 3 of Article 12 of ICCPR, which establishes that restrictions are only acceptable if they are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the ICCPR. The imposition of travel ban as a means to limit the exercise of freedom of expression and of association is also not compatible with articles 19(3) and 22(2) of the ICCPR.

Furthermore, I wish to stress that the arbitrary imposition of travel bans against human rights defenders to prevent them from participating in activities outside their country of residence is contrary to the spirit of Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognize Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders.

In particular, the allegations appear to be in contradiction to articles 1 and 2 of the UN Declaration on Human Rights Defenders, which 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, I also refer to article 5, which provides for the right to form, join and participate in non-governmental organizations, associations or groups; and article 6, which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, as well as the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance on these rights.

Furthermore, I wish to refer to Human Rights Council resolution 24/24 which calls on States to ensure adequate protection from intimidation or reprisals for cooperation with the United Nations, its mechanism and representatives in the field of human rights; and Human Rights Council resolution 22/6, which provides for the right to “unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights,

including the Human Rights Council, its special procedures, the universal periodic review mechanism and the treaty bodies, as well as regional human rights mechanisms”.

I would also like to refer to Human Rights Council resolution 12/2 which inter alia, “condemns all acts of intimidation or reprisal by Governments and non-State actors against individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights” (OP 2), and “calls upon all States to ensure adequate protection from intimidation or reprisals for individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights” (OP 3).

Moreover, the 2015 report of the Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights (A/HRC/30/29) reiterates the Secretary-General’s firm position that any act of intimidation or reprisal against individuals or groups for their engagement with the United Nations, its mechanisms and representatives in the field of human rights is completely unacceptable and must be halted, immediately and unconditionally (para. 47).