



TÉLÉCOPIE • FACSIMILE TRANSMISSION

DATE: 9 December 2016

A/TO: His Excellency
Mr. Amr Ramadan
Ambassador
Permanent Representative
Permanent Mission of the Arab Republic of Egypt
to the United Nations Office and other international organizations in Geneva

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REF: UA EGY 16/2016

PAGES: 7, (Y COMPRIS CETTE PAGE/INCLUDING THIS PAGE)

OBJET/SUBJECT: **JOINT URGENT APPEAL FROM SPECIAL PROCEDURES**

Please find attached a joint urgent appeal 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; the Special Rapporteur on the situation of human rights defenders; 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.

We would be grateful if this letter could be transmitted at your earliest convenience to His Excellency Mr. Sameh Hassan Shokry Selim, Minister for Foreign Affairs.



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Mandates of 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 the situation of human rights defenders; 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

REFERENCE:
UA EGY 16/2016

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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 rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on violence against women, its causes and consequences; and Working Group on the issue of discrimination against women in law and in practice, pursuant to Human Rights Council resolutions 25/2, 24/5, 25/18, 32/19 and 15/23.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the recent arrest and continuous harassment of a woman human rights defender, Ms. **Azza Soliman**, which appears to be related to her human rights advocacy.

Ms. Azza Soliman is a prominent women's 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. The CEWLA works to raise legal awareness and campaigns on the equality of women in various domains with an emphasis on achieving legal or formal equality and the repeal of discriminative laws. It also provides free legal, social, and psychological services to women and marginalized groups.

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Ms. Soliman has already been the subject of two communications dated 13 April 2015 (see A/HRC/30/27; case no. EGY 4/2015), and dated 22 November 2016 (case no. EGY 15/2016). While acknowledging a response from your Excellency's Government for the communication EGY 4/2015 received on 28 July 2015 (see A/HRC/30/27), we strongly encourage the Government to reply to the communication EGY 15/2016 within the period indicated. We remain deeply concerned about Ms. Soliman's situation due to new information received.

The case 173/2011, so-called "foreign funding case" has already been the subject of previous joint communications sent on 12 June 2015 (see A/HRC/31/79; case no. EGY 10/2015), on 24 March 2016 (see A/HRC/33/32; case no. EGY 4/2016), and on 5 October 2016 (case no. EGY 11/2016). We acknowledge receipt of the replies of your Excellency's Government dated 18 August 2015, but in light of the new information received we remain greatly concerned about the deterioration of the situation.

According to the new information received:

Following the travel ban imposed on her (subject of communication EGY 15/2016, on 17 November 2016, Ms. Soliman discovered that her personal assets and her law firm's assets had been frozen, on the request of a judge investigating case no.173/2011, regarding the foreign funding of non-governmental organizations in Egypt. Over the past six months, several Egyptian human rights NGOs and human rights defenders have been affected by specific repressive measures (including travel bans, asset freeze orders, summoning of staff or directors for interrogation, and closure orders).

Ms. Soliman was never formally informed of any charges against her or summoned for interrogation. She was only "verbally" informed by relevant authorities about the travel ban imposed on her and the freeze of her assets, as well as her law firm's assets, due to the failure to provide a written document. Ms. Soliman, along with other lawyers, submitted a police report about the refusal of employees from the Al Ahli United Bank to provide them with an official document explaining the freeze of assets.

On 7 December 2016 in the afternoon, Ms. Soliman was arrested by police forces at her home in Cairo. Her arrest warrant was submitted by the judge in charge of the case no.173/2011. After her arrest, Ms. Soliman was first brought to Masr El Gdida police station before being conducted to the Fifth Settlement Cairo Court for investigation. The preliminary charges brought against her are reportedly the following: receiving foreign funding that may harm the State interest, establishment of an entity that conducts activities similar to that of associations' activities and tax evasion. Ms. Soliman is the first woman human rights defender to be arrested in the context of case no.173/2011.

After being interrogated by the investigative judge, Ms. Soliman was released on bail during the night of 7 December, and after paying EGP 20,000 (about \$1,000). She remains on the defendants' list of case no.173/2011.

On 12 December 2016, a court session is scheduled to look into the request to freeze Ms. Soliman and her law firm's assets. If the charges are maintained, Ms. Soliman, and the other defenders on this list, might face life imprisonment or death penalty sentences, according to articles 78 and 86 bis of the Penal Code.

We wish to express serious concern at the arrest, the investigation and continuous harassment of Ms. Azza Soliman, which appear be motivated by her work as a women human rights defender and her legitimate human rights activities. We express concern at the continuous persecution and irregular legal proceedings against Ms. Soliman, including the travel ban imposed on her, the freeze of her assets and her law firm's assets, as well as her arrest, which seem to be aimed at silencing and intimidating women human right defenders. We express concern that the criminal provisions upon which the charges against Ms. Soliman are based are not compatible with Egypt's obligations under international human rights law. We also express concerns about the broader negative implications of these actions on the independent Egyptian women's rights movement.

We reiterate our deep concern at the increasing and continuing harassment and targeting of human rights defenders, including women human rights defenders, and human rights NGOs in Egypt, through repressive measures such as travel restrictions, freeze of financial means and arrests.

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 investigation against Ms. Soliman, which appears to be in breach of article 14 (c) of the International Covenant on Civil and Political Rights (ICCPR) on the right to be tried without undue delay, would also lead to violations of Ms. Soliman's rights to freedoms of opinion, expression, peaceful assembly, association and movement, as well as her right to freely participate without discrimination based on sex, in the public and political life in her country. These alleged violations are due to the arrest, the freeze of Ms. Soliman's assets and those from her law firm, as well as the travel ban imposed on her. The investigation against Ms. Soliman also seems to be in contradiction with the presumption of innocence provided in article 14 of the ICCPR.

Therefore, we would like to refer your Excellency's Government to the fundamental principles as set forth in articles 19, 21 and 22 of the ICCPR, which state that all State Parties shall take all necessary steps to secure the rights to freedom of opinion, expression, peaceful assembly and association. In this connection we would like

to remind your Excellency's Government that the application of national security provisions to target speech that is deemed critical represents a criminalization of the right to freedom of expression which is incompatible with article 19 of the ICCPR. While national security is a legitimate basis for restricting the right to freedom of expression under article 19(3), it is not enough to simply claim it as a justification to pursue illegitimate purposes such as silencing critical voices. The state has to demonstrate that it is necessary to do so to achieve a legitimate objective. We reiterate the statement by the Human Rights Committee in General Comment 34 that article 19(3) may never be invoked as a justification for the muzzling of any advocacy of human rights (CCPR/C/G/34).

We would like to recall that article 7 of the Convention on the Elimination of all Forms of Discrimination against Women, ratified by Egypt on 18 September 1981, stipulates that States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and shall ensure women's equal right to participate in non-governmental organization and associations concerned with the public and political life of the country.

We would also 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, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration 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. We would like also to refer your Excellency's Government to article 12, paragraphs 2 and 3, which provides 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.

We would like to draw your attention to General Assembly resolution 68/181 as well as Human Rights Council resolution 31/32, in which States expressed particular concern about systemic and structural discrimination and violence faced by women human rights defenders (OP5, 19 and 20).

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, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of Ms. Soliman in compliance with international human rights instruments.

As 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 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 detailed information on the investigation and legal proceedings against Ms. Soliman, including the preliminary charges brought against her and the legal grounds for her arrest, and explain why she has not formally notified of her travel ban and the freeze of her assets and her law firm's assets.
3. Please provide information on how the measures taken against Ms. Soliman comply with international human rights law, especially with articles 14, 19, 21 and 22 of the ICCPR, as well as article 7 of the Convention on the Elimination of all Forms of Discrimination against Women.
4. Please explain how her human rights activities and the exercise of her profession would amount to "harm the State interest". Please provide information about the evidence supporting this preliminary charge brought against Ms. Soliman.
5. Please provide information on measures taken to bring the above-mentioned criminal provisions in this case into line with Egypt's obligations under international human rights law.
6. Please indicate what measures have been taken to ensure that human rights defenders in Egypt, including women human rights defenders, 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.

While waiting for your response, we urge your Excellency's Government to halt the alleged violations and take all necessary measures to guarantee the rights and freedoms Ms. Soliman. In the event that your investigations support or suggest the above allegations to be correct, we request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

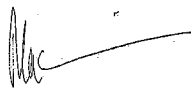
We would like to inform your Excellency's Government that we might want to publicly express our concerns regarding Ms. Soliman's situation in the near future, as we believe the wider public opinion should be alerted. The press release will indicate that we have been in contact with your Excellency's Government to clarify the issues 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 our highest consideration.



David Kaye
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression



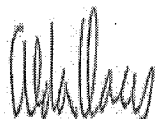
Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and of association



Michel Forst
Special Rapporteur on the situation of human rights defenders



Dubravka Šimonović
Special Rapporteur on violence against women, its causes and consequences



Alda Facio
Chair-Rapporteur of the Working Group on the issue of discrimination against women in
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