

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 and the Special Rapporteur on the situation of human rights defenders

REFERENCE:
AL EGY 8/2019

2 September 2019

Excellency,

We have the honour to address you in our capacities 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 and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 34/18, 41/12 and 34/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged harassment and intimidation of human rights defenders Ms. **Salma Ashraf Abdel Halim Abdelghaffar**, Mr. **Mohamed Zarea**, and Mr. **Amr Magdi**, including acts of reprisal against Ms. Ashraf and Mr. Zarea for their cooperation with the United Nations in the field of human rights.

Ms. Ashraf is the Executive Director of Human Rights Monitor, a non-governmental organization campaigning against human rights violations in the Arab world, including those related to women's rights, with particular emphasis on Egypt. As part of her work, Ms. Ashraf has engaged with several United Nations human rights mechanisms, including the Human Rights Council and its Special Procedures.

Mr. Mohamed Zarea is a lawyer and the Executive Director of Arab Penal Reform Organization, an NGO that monitors and documents human rights violations in the Arab world. As part of his work, Mr. Zarea has engaged with United Nations human rights mechanisms.

Mr. Amr Magdi is a researcher on the Middle East and North Africa at the NGO Human Rights Watch.

Special Procedures mandate holders have previously expressed their concerns with the Government of Egypt regarding the shrinking of civic space and the use of smear campaigns to target and stigmatise human rights defenders in a joint communication sent on 28 May 2019, case no. EGY 6/2019. We regret that no response has yet been received to this communication and look forward to receiving the Government's replies to both the aforementioned communication and the present one soon.

According to the information received:

Concerning Ms. Salma Ashraf Abdel Halim Abdelghaffar and Mr. Mohamed Zarea

On 1 March 2019, Ms. Ashraf participated in a side-event on the margins of the 40th regular session of the United Nations Human Rights Council to discuss the human rights situation in Egypt, organised by the NGO Arab Penal Reform Organization. Speaking at the side-event's panel, Ms. Ashraf focused on human rights violations faced by women in the country. During the event, representatives from the [REDACTED] photographed and filmed Ms. Ashraf and other panel participants without their permission.

At the closing of the side-event, the director of [REDACTED], Mr. [REDACTED], accused the panellists of belonging to the Muslim Brotherhood, an organisation declared a "terrorist entity" and dissolved by Egypt in December 2013, in an attempt to discredit their work. Mr. [REDACTED] also questioned the work and authenticity of Human Rights Monitor as an organisation, accusing it of distorting the truth and politicizing human rights, and condemning Ms. Ashraf for speaking out about sexual harassment of women and girls and the Government's alleged lack of serious action to stop it. Mr. [REDACTED] also posed several questions and accusations tarnishing the reputation of Mr. Zarea and the Arab Penal Reform Organization, who had organised the side-event.

On the evening of the side-event and on the following day, 2 March 2019, multiple Egyptian newspaper articles and television segments were published and broadcast covering the Human Rights Council side-event, including Ms. Ashraf's and Mr. Zarea's participation. In this coverage, produced by media outlets allegedly aligned with the Egyptian authorities, Ms. Ashraf and a member of her family, along with other participants of the side-event and its organisers, were accused of belonging to the outlawed Muslim Brotherhood and of being "terrorists".

In some of the aforementioned Egyptian media reports, Mr. [REDACTED] was quoted and the message was spread that a "terrorist organization" had organized the Human Rights Council side-event with the aim of defaming Egypt's human rights record.

Concerning Mr. Amr Magdi

On 28 May 2019, Human Rights Watch released a report entitled "If You Are Afraid for Your Lives, Leave Sinai!" detailing alleged human rights violations committed by Egyptian Security Forces and ISIS-affiliates in North Sinai (henceforth: "the HRW report").

On the same day, a statement by the spokesperson of the Egyptian military denied the authenticity and allegations of the HRW report. Moreover, some members of the Egyptian Parliament publicly claimed the HRW report provided political cover to “terrorist organizations” and that there should be a firm position against it.

On 3 June 2019, the Egyptian Government issued a statement through the State Information Service (SIS), denying the findings of the HRW report and discrediting Mr. Magdi, as the report’s lead researcher.

In the aftermath of the HRW report and the State’s reaction to it, a series of Egyptian newspaper articles and television segments emerged from pro-Government journalists and media allegedly owned by or aligned with the Egyptian intelligence agencies attacking Human Rights Watch and its staff, including Mr. Magdi.

Within these reports, Human Rights Watch was accused of being a “terrorist organization” and an arm of the Muslim Brotherhood. Mr. Magdi was accused of being a “terrorist” and a member of the Muslim Brotherhood, with one prominent TV presenter calling for his execution.

On 8 June 2019, a member of the Egyptian National Council for Human Rights spoke to an internet-based news website, commenting on the HRW report and accusing Mr. Magdi of being a member of the Muslim Brotherhood and of holding entrenched animosity to the Egyptian State.

We are deeply concerned by the above-detailed allegations, which appear to form part of a smear campaign targeting Ms. Ashraf, Mr. Zarea, and Mr. Magdi in direct response to their human rights work concerning Egypt and an attempt to stigmatise them and delegitimise their work. The allegations of terrorism published against the human rights defenders risk broadly conflating the peaceful defence of human rights and freedom of expression with terrorist activity, denigrating their important work in the eyes of the public and putting their safety and liberty at risk.

Furthermore, high-level public statements, especially combined with widespread public smear campaigns, can create a chilling effect on civil society as a whole, leading human rights defenders and other members of civil society to abandon their work and self-censor.

In reference to the cases of Ms. Ashraf and Mr. Zarea, we raise further concern that the media campaign against them appears directly connected to their attendance and participation at the same United Nations Human Rights Council side-event on 1 March 2019, and thus may be considered as an act of reprisal for engagement with United Nations, its representatives and mechanisms in the field of Human Rights.

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

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/or comment(s) you may have on the above-mentioned allegations.
2. Please provide detailed information as to the specific measures that have been put in place to ensure the safety of Ms. Ashraf, Mr. Zarea and Mr. Magdi, as well as their ability to carry out their legitimate work in a safe and enabling environment without fear of harassment and intimidation from the authorities and other stakeholders.
3. Please provide information on what steps have been taken to ensure that defamatory statements made in the media against human rights defenders and civil society organisations are remedied immediately.
4. Please provide detailed information on the steps taken to ensure that human rights defenders and other members of civil society are protected from any and all intimidation, threats, violence or other form of harassment, including judicial, in reprisal for their engagement and cooperation with United Nations, its representatives and mechanisms in the field of human rights.

We would appreciate receiving a response within 60 days. Passed this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting website. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations against Ms. Ashraf, Mr. Zarea, and Mr. Magdi 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.

In light of the allegations of reprisals for cooperation with the United Nations on human rights in relation to the situations of Ms. Ashraf and Mr. Zarea, we reserve the right to share this communication – and any response received from Your Excellency's Government – with other UN bodies or representatives addressing intimidation and reprisals for cooperation with the UN in the field of human rights, in particular the senior United Nations official appointed by the Secretary general to lead the efforts within the United Nations system to address this issue.

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

Clement Nyaletsossi Voule
Special Rapporteur on the rights to freedom of peaceful assembly and of association

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, we would like to refer your Excellency's Government to articles 19 and 22 of the International Covenant on Civil and Political Rights (ICCPR), which Egypt ratified on 14 January 1982, which guarantee the right to freedom of opinion and expression and the right to association, respectively. In particular, we wish to remind your Excellency's Government must respect and ensure these rights, and that any restrictions to the exercise of these rights must be provided by law, pursue a legitimate aim and be necessary and proportionate to the aim pursued.

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, 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.

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- Article 5 (b), which provides for the right to form, join and participate in non-governmental organizations, associations or groups;
- Article 6 (b) and c) which provide that everyone has the right, individually and in association with others to freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and to draw public attention to those matters;
- Article 9(4), which underscores, in accordance with applicable international instruments and procedures, everyone has the right, individually and in association with others, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms;
- 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.

Regarding allegations indicating that some of the reported violations could be an act of intimidation and reprisals against those who cooperate with the UN in the field of human rights, we would like to refer to Human Rights Council Resolutions 12/2, 24/24 and 36/21.

These resolutions reaffirm the right of everyone, individually or in association with other, to unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights. The Human Rights Council calls on States to prevent and refrain from all acts of intimidation or reprisals, to take all appropriate measures to prevent the occurrence of such acts. This includes the adoption and implementation of specific legislation and policies in order to effectively protect those who seek to cooperate, cooperate or have cooperated with the United Nations.

The Human Rights Council also urges States to ensure accountability for any act of intimidation or reprisal by ensuring impartial, prompt and thorough investigations of any alleged act of intimidation or reprisal in order to bring the perpetrators to justice; to provide access to effective remedies for victims in accordance with their international human rights obligations and commitments; and to prevent any recurrence.