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

Ref.: AL EGY 16/2021
(Please use this reference in your reply)

29 November 2021

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the rights to freedom of peaceful assembly and of association, pursuant to Human Rights Council resolutions 43/16, 43/4 and 41/12.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **alleged intimidation and reprisals against Mr. Ahmed Mefreh**, in relation to his work and his cooperation with the UN in the field of human rights as the Executive Director of a Geneva-based human rights association.

Mr. **Ahmed Mefreh** is a human rights defender and the Executive Director of the Committee for Justice (CFJ). Mr. Mefreh was also the country representative in Egypt for Alkarama, an independent human rights organization established in 2004 and based in Switzerland, to assist those in the MENA region subjected to, or at risk of, extra-judicial executions, disappearances, torture and arbitrary detention. In this capacity, he gathered information about alleged human rights violations for submission to UN human rights mechanisms and worked for the promotion of human rights standards in Egypt.

Special Procedures' mandate holders sent a communication to your Excellency's Government on 16 September 2013, regarding allegations of the issuance of an arrest warrant against Mr. Mefreh (EGY 14/2013). The arrest warrant was allegedly issued so that the SSI may interrogate Mr. Mefreh. Mr. Mefreh was allegedly accused of being a member of an armed organization, as well as having been involved in the alleged burning of an official building in Damanhur on 3 July 2013. We regret that at the time of writing, no response has been received from your Excellency's Government in relation to the allegations raised in this communication.

The case of Mr. Mefreh was also included in the 2020 report of the Secretary-General on cooperation with the UN in the field of human rights on allegations of reprisals following his engagement with several UN bodies and mechanisms (A/HRC/45/36, Annex II, para. 47). The situation of Mr. Mefreh was also included in the 2014 report of the Secretary-General (A/HRC/27/38, para. 24) on allegations of intimidation, arrest and charges, following information he submitted to the UN when he was country representative in Egypt for Alkarama (EGY 14/2013). The CFJ and Mr. Mefreh engaged in the 2019 UPR of Egypt by contributing to six joint submissions, made publicly available.[1] On 13 November 2019, the CFJ organized an NGO side event on the margins of the UPR and a press conference at the UN Palais des Nations. On 14 November 2019, a representative of the Egyptian National

[1] https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPREGStakeholdersInfoS34.aspx

Council for Human Rights, who participated in the UPR of Egypt, accused Mr. Mefreh on the news website 'Cairo24', of being present at the UN as part of the "Muslim Brotherhood's delegation aimed to disrupt the UPR of Egypt." On 15 November 2019, identical content was published by at least eight online news outlets.

According to the information received:

While Mr. Mefreh is based in Geneva, security officers in Egypt have reportedly been intimidating his family, as an attempt to dissuade and obstruct his work and his cooperation with the UN and its human rights mechanisms.

On 4 October 2021, two state security officers reportedly went to Mr. Mefreh's family home in Damanhour, where his mother lives. They allegedly asked her to go with them to the State Security office at the Security Directorate of Damanhour for an informal interrogation. Mr. Mefreh's mother refused to leave with them, citing her poor heart condition. Upon the officers' insistence, Mr. Mefreh's mother called his brother who informed the officers that he was willing to attend the interrogation instead of his mother. The officers allegedly agreed to this, and left.

On 9 October 2021, Mr. Mefreh's brother went to the National Security office located in Damanhour Security Directorate, where he was interrogated by a national security officer for approximately three hours. The officer allegedly asked several personal questions about Mr. Mefreh, and then took the brother's phone and asked him to show him how he communicates with Mr. Mefreh. The officer reportedly asked Mr. Mefreh's brother to open an application on his phone and to show him his call logs with Mr. Mefreh.

The security officer also reportedly asked to see Mr. Mefreh's social media, including his Facebook and Instagram accounts. The officer allegedly also asked about Mr. Mefreh's wife and children, where they lived, and if they communicated with anyone inside Egypt.

Afterwards, the officer reportedly continued checking the phone and intimidated Mr Mefreh's brother with statements such as "your brother is not a murderer but he works against the national security," "of course you know that we can bring your brother if we want, and that we can stop him if we wish to," and "it would be a shame on us if we punish you because of your brother." The security officer then returned the phone to Ms. Mefreh's brother and told him that he could leave, and that they would call him later if they needed him again.

This is allegedly not the first time that one of Mr. Mefreh's family members have been summoned to the National Security Office in relation to his work. However, this time they asked more personal details about Mr. Mefreh, while explicitly mentioning the possibility of using Mr. Mefreh's family as a means of retaliation in the future.

For example, following the UPR of Egypt in 2019, Mr. Mefreh's brother was reportedly summoned to the State Security Office in Damanhour, and was subjected to interrogation for approximately four hours, where he was asked about Mr. Mefreh and his family, where they live and how they communicated

with them.

In 2020, two security officers reportedly went to the home of Mr. Mefreh's father-in-law (where Mr. Mefreh used to live before leaving Egypt in 2013). Mr. Mefreh's father-in-law was also asked personal questions about him and his family, including where they were staying, and how his wife communicated with her family.

Without prejudging the accuracy of these allegations, we express our deep concern at the intimidation and actions that constitute acts of reprisal against human rights defender Mr. Mefreh, including the intimidation and interrogation of members of his family, which appear to be directly linked to his legitimate work as a human rights defender and to his cooperation with the UN and its human rights mechanisms. Furthermore, we express our concerns regarding the targeting of Mr. Mefreh and his family for the legitimate exercise of his right to freedom of opinion and expression, as well as of association, provided by articles 19and 22 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by Egypt on 14 January 1982.

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, in particular on what legal grounds family members of Mr. Mefreh have been summoned and interrogated by the security officers.

2. Please explain how the alleged acts conducted as a reprisal in connection to the human rights work of Mr. Mefreh and his cooperation with the UN human rights mechanisms, are compatible with your Government's obligations under the ICCPR to protect and respect the right to freedom of association and freedom of expression.

3. Please indicate what measures have been taken to ensure that human rights defenders, civil society and activists, such as Mr. Mefreh, can operate in an enabling environment and can carry out their legitimate activities without fear of harassment, stigmatization or criminalization of any kind, or reprisal for their cooperation with the UN.

4. Please provide detailed information concerning the number of complaints of human rights violations allegedly carried out by members of the security forces against journalists, human rights defenders and lawyers, as well as against their families, in Egypt in 2021. If available, please also provide detailed information up until the present of the steps taken to investigate such complaints, and the number of persons who are currently involved in criminal proceedings or who have been sentenced for having perpetrated these acts.

5. Regarding reported acts of intimidation and reprisals for cooperation with the UN in the field of human rights, please indicate what measures have been taken to ensure that human rights defenders are able to safely carry out their legitimate work, including documenting and reporting to the UN human rights without fear of intimidation or reprisals of any kind.

We would appreciate receiving a response within 60 days. Past 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.

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

While awaiting a reply, we 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.

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

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Irene Khan
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

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the principles and international standards applicable to this communication. The above-mentioned allegations appear to be in violation of articles 19 and 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Egypt acceded to on 14 January 1982.

Article 19 of the ICCPR guarantees that everyone shall have the right to hold opinions without interference, and the right to freedom of expression, which includes 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 one's choice. As interpreted by the Human Rights Committee in General Comment No. 34 (CCPR/C/GC/34), such information and ideas include, inter alia, political discourse, commentary on one's own and on public affairs, cultural and artistic expression, and discussion of human rights (paragraph 11) as well as expression of criticism or dissent. Restrictions to freedom of expression can only be imposed if adhering to the strict criteria of legality, necessity and proportionality established in article 19 (3) of the Covenant. As interpreted by the Human Rights Committee, article 19 (3) may never be invoked to justify the muzzling of any advocacy of human rights (idem, paragraph 23).

Article 22 of the ICCPR guarantees the right of everyone to freedom of association with others. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

We would like to recall that the Special Rapporteur on the situation of human rights defenders noted in a report to the Human Rights Council (A/64/226) that the only legal grounds upon which an interference with the freedom of association that is prescribed by law can be justified is if it meets the test as outlined by article 22, paragraph 2 of the ICCPR.

Moreover, we would like to draw the attention of your Excellency's Government to the principles enunciated by Human Rights Council resolution 24/5, and in particular operative paragraph 2, which "reminds States of their obligation to respect and fully protect the [right] of all individuals to… associate freely, online as well as offline… including human rights defenders… seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the [right] to freedom of… association are in accordance with their obligations under international human rights law".

Regarding allegations indicating that the 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, 36/21, 42/28 and 48/17 reaffirming 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. In these resolutions, the Human Rights Council urges States to 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, as well as the issuance of appropriate guidance to national authorities, in order to promote a safe and enabling environment for engagement with the United Nations on human rights, and to effectively protect those who cooperate with the United Nations. The Council also urges States to ensure accountability for reprisals by providing access to remedies for victims, and preventing any recurrence. It calls on States to combat impunity by conducting prompt, impartial and independent investigations, pursuing accountability, and publicly condemning all such acts.

Furthermore, we wish to refer to 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".

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).

In paragraph 23 of its General Comment No. 34, the Human Rights Committee has recognized that those "persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports", are "frequently subjected to threats, intimidation and attacks because of their activities." The Committee has urged States parties to protect against attacks aimed at silencing those exercising their right to freedom of expression.

We also refer to Human Rights Council resolution 13/13, which urges States to put an end to and take concrete steps to prevent threats, harassment, violence and attacks by States and non-State actors against all those engaged in the promotion and protection of human rights and fundamental freedoms. We would like to draw the attention of your Excellency's Government to article 19 of the Universal Declaration of Human Rights (UDHR), which provides for the right to freedom of expression, as well as to the Human Rights Council resolution 12/16, calling on States to recognise the exercise of the right to freedom of opinion and expression as one of the essential foundations of a democratic society. This right applies online as well as offline. Any limitation to the right to freedom of expression must meet the criteria established by international human rights standards, such as article 29 of the UDHR. Under these standards, limitations must be determined by law and must conform to the strict test of necessity and proportionality, must be applied only for those purposes for which they were prescribed and must be directly related to the specific need on which they are predicated.

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 (c), which provides for the right to communicate with non-governmental or intergovernmental organizations;

- article 6 point a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms;

- article 6 points b) and c), which provides for 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 of these rights;

- article 9, paragraph 4, point a), which provides for the right to unhindered access to and communication with international bodies;

- 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.