

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

Ref.: AL JOR 1/2022
(Please use this reference in your reply)

6 October 2022

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders and Special Rapporteur on the rights to freedom of peaceful assembly and of association, pursuant to Human Rights Council resolutions 43/16 and 50/17.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the investigation and charges of economic crimes against human rights defender, Ms. **Nisreen Zureikat**.

Ms. Nisreen Zureikat is a human rights lawyer and was Acting Commissioner for Human Rights Promotion with the National Centre for Human Rights (NCHR), the national human rights institution of Jordan which she joined in 2003. She has held the roles of Acting Commissioner for human rights protection with the NCHR; head of legal services; and head of Reform and Rehabilitation Centre. She also led the NCHR monitoring team, responsible for documenting prison conditions, reporting on torture and ill treatment, advocating for detainee rights and liaising with government and security departments.

Ms. Zureikat has participated in the drafting of a number of NCHR annual reports, as well as the shadow report presented to the UN Committee on Torture in 2010, the report to the 2009 UPR Jordan review, and to the Office of the High Commissioner for Human Rights in 2013.

Ms. Zureikat was awarded the title of "Exceptional human rights defender from the Middle East," by the Office of the High Commissioner for Human Rights on the occasion of the 70th anniversary of the UN HR Declaration at a ceremony held in Beirut, Lebanon.¹ She was also a member of Jordan's legislative team that reviewed the Penal Code and the Criminal Procedure Law in 2014-2015.

According to information received:

On 13 April 2022, a legal committee set up by the NCHR board of trustees informed Ms. Zureikat that she was under investigation for receiving funds from a foreign donor in her capacity as the head of a project on access to justice while being a member of the NCHR. The 2018 – 2023 project was funded by the Spanish Agency for Cooperation and Development (AECID) within the framework of a European Union project. Ms. Zureikat's honorarium, worth the equivalent of around € 120/month, was equal to 35 percent of the monthly stipend, the rest of which went to the NCHR in an

¹ Arabic: <https://alghad.com/%D8%A7%D9%84%D8%A3%D9%85%D9%85-%D8%A7%D9%84%D9%85%D8%AA%D8%AD%D8%AF%D8%A9-%D9%84%D8%AD%D9%82%D9%88%D9%82-%D8%A7%D9%84%D8%A5%D9%86%D8%B3%D8%A7%D9%86-%D8%AA%D9%83%D8%B1%D9%85-%D8%A3%D8%AD%D9%85%D8%AF/>

arrangement approved by the NCHR General Commissioner, as per the institute's internal bylaws. The project implementation, and payment of honorarium, began in June 2022, and has been suspended since the legal procedures began.

On 24 May 2022, the NCHR board of trustees informed Ms. Zureikat that she was suspended from her position and that her salary was to be stopped. A few days later, Ms. Zureikat's case was transferred to the public prosecutor, while the NCHR investigative committee had not yet come to a conclusion and had not heard Ms. Zureikat's defence.

On 18 July 2022, Ms. Zureikat was arrested and appeared before the public prosecution, in the presence of her lawyers, for questioning on the funds she had received. Ms. Zureikat was not detained, and she was subsequently referred to the Attorney General on charges of "dereliction of duty and waste of public funds," in Case No. 3785/2022.

On 3 August 2022, Ms. Zureikat's lawyers wrote to the Attorney General claiming that the acts attributed to their client did not amount to a crime and should normally be settled internally by the NCHR, according to its internal bylaws.

Ms. Zureikat appeared on 15 September 2022 before the Amman Criminal Court of First Instance in accordance with the law on economic crimes, transparency and anti-corruption. The charges she faces carry a fine and /or a prison sentence of up to five years. The trial proceedings continued throughout September 2022.

Meanwhile, Ms. Zureikat's former position in the NCHR has reportedly been filled.

Without wishing to prejudge the accuracy of the allegations, we wish to express concern at the referral to court of Ms. Zureikat while she was still under investigation by an internal committee at the NCHR. We are concerned that the criminalization of Ms. Zureikat in her role as a human rights defender could contribute to limiting the monitoring and defence of human rights in Jordan and may have a chilling effect on human rights defenders and civil society organizations, especially those advancing the rights of marginalized groups, including women and LGBTI persons, which are often highly dependent on foreign funds to support their activities. We are also concerned that the criminalization of Ms Zureikat will limit the institution's independence, its right to seek, receive or utilize funding, including domestic and foreign funds and its function in protecting and promoting human rights at the national level.

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.

We are issuing this appeal in order to safeguard the rights of abovementioned individual from irreparable harm and without prejudicing any eventual legal determination.

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 information on the reasons for referral to trial of this case while an internal investigation had not been completed.
3. Please provide the details, and where available, the results of the investigation carried out in relation to this case.
4. Please explain what measures have been taken to ensure that all human rights defenders in Jordan can carry out their peaceful and legitimate activities without fear of judicial harassment or other restrictions.
5. Please explain what measures have been taken to ensure that members of associations in Jordan can carry out their peaceful and legitimate activities without fear of criminalization or harassment of any sort.
6. Please provide the full details of the aforementioned proceedings and explain how they are compatible with Jordan's obligations under international human rights law and standards, particularly with regard to the right of associations to receive and use funding.

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.

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

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

Annex

Reference to international human rights law

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.

We would also like to refer to Human Rights Council Resolution 22/6, which is provides that domestic law and administrative provisions and their application should facilitate the work of human rights defenders, including by avoiding any criminalization, stigmatization, impediments, obstructions or restrictions thereof contrary to international human rights law.

Furthermore, we refer to Human Rights Council resolution 24/5, in which the Council “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, 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 rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law” (OP2).

Regarding to the limitations to the funding of their association and the origins of those funds, we wish to recall Human Rights Council resolution 22/6 further calls upon 11 States to ensure that “that no law should criminalize or delegitimize activities in defence of human rights on account of the origin of funding thereto.”

The Special Rapporteur on the rights to freedom of peaceful assembly and of association indicated, in his report A/HRC/20/27, that “[m]embers of associations should be free to determine their statutes, structure and activities and make decisions without State interference” (para. 64).

In his report A/HRC/50/23, the Special Rapporteur on the rights to freedom of peaceful assembly and of association also called upon States “to ensure that associations – registered and unregistered – can seek, receive and use funding and other resources from natural and legal persons, whether domestic, foreign or international, without prior authorization or other undue impediments, including from individuals; associations, foundations or other civil society organizations; foreign Governments and aid agencies; the private sector; the United Nations and other entities” (para 64 (a)).