

Mandates of the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on violence against women and girls, its causes and consequences and the Working Group on discrimination against women and girls

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(Please use this reference in your reply)

25 August 2023

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on violence against women and girls, its causes and consequences and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 44/8, 52/9, 52/4, 50/7 and 50/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning Ms. **Hala Ahed Deeb**, a prominent lawyer and woman human rights defender who has represented and defended prisoners of conscience, human rights defenders, protesters, rights' movements, civil society organisations and trade unions. Her focus has been on the rights of women, freedom of opinion and expression, labour rights, and trade union freedoms.

On 26 May 2023, Ms. Hala Ahed Deeb won the Front-Line Defenders Award 2023 for Human Rights Defenders at Risk. In her speech, she dedicated the award to her colleagues in the Jordanian Women's Union, the National Forum for Defending Freedoms and the Jordanian Teachers Syndicate (JTS).

According to information we have received:

In the past several years, civil society in Jordan has reportedly experienced closing space for action, with new laws, policies, and practices concerning funding being imposed in a way that has impinged significantly on human rights work. Human rights defenders have reportedly experienced travel bans, website restrictions, and arrests based on ambiguous laws. Many have reportedly experienced surveillance and online harassment.

Prominent lawyer and human rights defender Ms. Hala Ahed Deeb has been subjected to harassment by officials who summoned her multiple times to the Jordanian General Intelligence Directorate (GID), and even delivered threats through her son. Recently, she has been the victim of a fierce campaign targeting her through surveillance software and social media. She has experienced death threats, as well as defamation and an online smear campaign. These campaigns of harassment and threats were in response to her work defending human rights, especially women's rights, as well as union rights.

On March 16, 2021, Ms. Ahed's phone was attacked with Pegasus surveillance software. The infection of her phone was evidenced by the use of process names that have been linked to Pegasus by human rights and technology organizations. These organizations found that phones belonging to four other Jordanian human rights defenders, lawyers and journalists were also hacked with Pegasus spyware between August 2019 and December 2021. By July 2023, a total of 40 Pegasus cases had been documented since 2019, all targeting civil society in Jordan. Pegasus software is a powerful surveillance tool, created and sold by the Israel-based company NSO Group, which has asserted that Pegasus is only sold to governments. After purchasing the software, government officials can deploy the tool on individual phones. Once infected, a phone becomes a remote-controlled surveillance device, with operators able to use the phone's microphone, camera, and other features to spy on the user. The attack on Ms. Ahed's phone came in the context of her work defending the Jordanian Teachers Syndicate, which represents 14,000 teachers, and was dissolved by the government in 2020. In June 2022, the Amman Court of First Instance (acting as an appeals court) issued a final [decision](#) to reopen the JTS.

In mid-June, Ms. Ahed became the target of a hate campaign that involved thousands of social media users whose actions appeared to be coordinated and linked to the government. This campaign, which included statements labeling Ms. Ahed a non-believer who was attacking Islam, followed the publication of an announcement on 13 June 2023 about the organisation of a training course that Ms. Ahed was facilitating on the concept of feminism, which included sessions concerning authoritarianism and justice.

In that context, on 14 June 2023, Ms. Ahed posted the following tweet on her Twitter account: "Within two days, what we have been witnessing as women for years intensified; attempts to exclude and impose a single model of values and morals. To everyone who attacked me... Yes, you are right, I do not look like you, and I work and will continue to work to combat oppression and injustice, whether it is practiced by political or social authority. I am not subject to financing, agendas, threats or intimidation."

Taken together, the information suggests that Ms. Ahed is being targeted for her work as woman human rights defender and as a human rights lawyer who has defended prisoners of conscience and supported unions including the JTS. Those attacking her have repeatedly made clear that they do not support the rights of women. The information further suggests that the online campaign has translated into offline harm and verbal harassment in public. It is feared that the harassment will escalate and lead to physical harm if left without an

official response. The attacks appear to be aimed at pressuring Ms. Ahed to abandon her human rights defense and legal work.

It was also reported that this is not an isolated event and that many human rights lawyers, and specifically those representing prisoners of conscience and unions together with other human rights defenders, have been the target of several forms of attacks, including surveillance, harassment, and threats linked to their legitimate activities as lawyers and human rights defenders.

While we do not want to prejudge the accuracy of these allegations, we express serious concerns reported acts of intimidation and harassment against Ms. Ahed.

In this regard, we note that there appears to have been no investigation or statement from the authorities condemning the violence and hatred described in this letter and we remind your Excellency's Government of the obligation to protect life, to investigate abuses against individuals and, if appropriate, to prosecute and punish those responsible. We are concerned that these threats and intimidation appear to have occurred as a result of the legitimate exercise of Ms. Ahed's professional functions as a lawyer and human rights defender, which include training on concepts of feminism and justice.

If confirmed, the reported allegations would be in contravention of the rights of every individual to life, and physical integrity, as laid down, inter alia, in article 3 of the Universal Declaration of Human Rights (UDHR), of article 6 of the International Covenant on Civil and Political Rights (ICCPR); and of the general principle of equality and non-discrimination, a fundamental element of international human rights law.

As it relates to non-discrimination, we would like to highlight that all international human rights instruments, complemented by various protocols, provide for the prohibition of discrimination based on any status, including sex. For example, the right not to be discriminated against is stated in article 2 of the UDHR and in all human rights treaties. Other provisions, for example, in particular article 7 of the UDHR and article 26 of the ICCPR, reaffirm the right to equality before the law and equal protection of the law without discrimination.

We share our deep concerns about the misogynistic and sexist register of the attacks against Ms. Hala Ahed Deeb is receiving online, as well as the increased risk to her life and integrity offline. The insulting and degrading remarks to which she has allegedly been subjected underline the gender dimension of the discrimination of which women who are active and visible in the public sphere, such as lawyers, women judges and women politicians, are disproportionately victims.

We are also concerned about the reported interference that the events and context described may have with the work of lawyers and human rights defenders. If these allegations prove to be accurate, they would be in contravention of human rights standards related to fair trial, and the protection against all forms of discrimination.

The legal profession and its free exercise are an essential element of the rule of law, the protection of human rights and the functioning of an independent judicial system. The free exercise of the legal profession contributes to ensuring access to

justice, oversight of state power, protection of due process and judicial guarantees. According to international standards, States must guarantee that those who practice law can do so free from intimidation, obstacles, harassment or interference.

States must put in place all appropriate measures to ensure that lawyers are not subject to, or threatened with, prosecution or any administrative, economic or other sanctions for any action taken in accordance with recognised professional duties, standards and ethics. International and regional standards also expressly prohibit the identification of lawyers with their clients or their clients' causes in the discharge of their professional duties.

Finally, we are concerned about the alleged use of surveillance software to hack the phones of human rights lawyers and defenders. Article 19(1) of the ICCPR protects the right to "hold opinions without interference." Article 19(2), which protects the right to freedom of expression, states that this right shall include the "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 his [or her] choice." The former Special Rapporteur on the rights to freedom of opinion and expression submitted a report on surveillance and human rights in which he highlighted the rights affected and threats posed by targeted surveillance on the work of human rights defenders and journalists, and called upon States to "impose an immediate moratorium on the export, sale, transfer, use or servicing of privately developed surveillance tools until a human rights-compliant safeguards regime is in place" (A/HRC/41/35 para. 66). Concerning the allegations that a large number of human rights defenders have been victim of surveillance as a result of their legitimate work reporting on human rights related issues, we would like to refer your Excellency's Government to articles 21 and 22 of the ICCPR which protect the rights to freedom of peaceful assembly and of association. In order to be effective, these rights must be exercised free from any forms of intimidation or harassment of any sort.

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 us with any additional information or comments in relation to the above allegations.
2. Please provide detailed information on the measures taken to investigate accusations of gender-based violence and harassment, including death threats, sexual harassment, to try and punish their perpetrators.
3. Please provide all the details of the measures put in place to ensure the physical and psychological integrity as well as the safety and integrity of Ms. Ahd, her relatives and women involved in political life in general.

4. Please provide information on measures taken to protect the ability of Ms. Ahed to exercise her legal profession in Jordan in safety.
5. Please provide detailed information on the legislative and other measures adopted by Jordan to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference (principle 16 (a) of the Basic Principles on the Role of Lawyers).
6. Please provide information on steps taken by your Excellency's Government to ensure that human rights lawyers, defenders, and other civil society actors are able to carry out their work, including online, without fear of surveillance or any other intimidation, threats or reprisals in a safe and enabling environment.

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.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we 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.

Margaret Satterthwaite
Special Rapporteur on the independence of judges and lawyers

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Reem Alsalem
Special Rapporteur on violence against women and girls, its causes and consequences

Dorothy Estrada-Tanck
Chair-Rapporteur of the Working Group on discrimination against women and girls

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 the International Covenant on Civil and Political Rights (ICCPR), ratified by Jordan on 28 May 1975, and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by Jordan on 1 July 1992.

We wish to recall Article 14 (1) of the ICCPR, which sets out a general guarantee of equality before courts and tribunals and the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law. In addition, article 14 of the ICCPR provides a set of contain procedural guarantees that must be made available to persons charged with a criminal offence, including the right of accused persons to have access to, and communicate with, a counsel of their own choosing.

In its General Comment No. 32 (2007), the Human Rights Committee explained that the right to communicate with counsel enshrined in article 14 (3) (b) requires that the accused is granted prompt access to counsel. Counsel should be able to meet their clients in private and to communicate with the accused in conditions that fully respect the confidentiality of their communications. Counsel should also be able "to advise and to represent persons charged with a criminal offence in accordance with generally recognised professional ethics without restrictions, influence, pressure or undue interference from any quarter" (CCPR/C/GC/32, para. 34).

Article 17 states that "No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honor and reputation". Article 25 states that "Every citizen has the right and the possibility, without any of the discrimination referred to in art. 2 and without unreasonable restrictions:

- (a) to take part in the conduct of public affairs, either directly or through freely chosen representatives;
- (b) to vote and to be elected, during genuine periodic elections, by universal and equal suffrage and by secret ballot, ensuring the free expression of the will of the electors;
- c) to have access, under general conditions of equality, to public service in his country.

Finally, article 26 states that "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law must prohibit any discrimination and guarantee to all persons equal and effective protection against any discrimination, in particular of race, colour, sex, language, religion, political opinion and of any other opinion, of national or social origin, of fortune, of birth or of any other status".

We would like to intervene with Your Excellency's government to ask you to take all necessary measures to guarantee the respect of the right to be free from all forms of violence, discrimination and abuse against women. To this end, we would

like to remind Your Excellency of the Declaration on the Elimination of Violence against Women, which establishes that the exercise and protection of all human rights and fundamental freedoms must be guaranteed to women, on an equal basis with men, in the political, economic, social, cultural, civil and other fields. These rights include: (a) The right to life; b) The right to equality; (c) The right to liberty and security of person; d) The right to equal protection of the law; e) The right to be free from discrimination in any form. The Special Rapporteur on violence against women and girls, its causes and consequences would also like to remind Your Excellency's Government of article 4 (b) of the Declaration on the Elimination of Violence against Women which specifies that States should implement without delay, by all appropriate means, a policy aimed at eliminating violence against women and, to this end, refrain from all acts of violence against women.

In this context, we would like to remind States of Resolution 2005/41 on the Elimination of Violence against Women, which emphasizes that all forms of violence against women take place in the context of de jure discrimination and facto against women and the inferior status reserved for women in society, and that they are exacerbated by the obstacles that women often face when trying to obtain redress from the State.

With reference to the allegations against the above-mentioned person on the difficulties she encounters in exercising her full functions, we would like to recall article 7 (c) of the Convention on the Elimination of All Forms of Discrimination regard to women, which specifies that States parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, ensure to them, on equal terms with men, the right to participate in non-governmental organizations and associations concerned with the public and political life of the country. In this context reference is also made to Resolution 2005/38 of the Commission on Human Rights, according to which, States should facilitate the real participation of women, without restriction and under conditions of equality - with the possibility of communicating freely – at all levels of decision-making in society and in national, regional and international institutions, including conflict prevention, management and resolution mechanisms.

We further would like to draw your attention to 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. States should take all necessary measures to ensure the protection of women human rights defenders and to integrate a gender perspective into their efforts to create a safe and enabling environment for the defense of human rights. This should include the establishment of comprehensive, sustainable and gender-sensitive public policies and programmes that support and protect women defenders. Such policies and should be developed with the participation of women defenders themselves.

We would also like to recall to your Excellency's Government that the Working Group on Discrimination against Women and Girls, in its report on participation in public life (A/HRC/23/50) stated that women human rights defenders are often the target of gender-specific violence such as intimidation, attacks, and death threats which are sometimes condoned or perpetrated by State actors. The Working Group has further called upon States to eliminate all forms of violence against women in order to fulfil women's human rights and to improve the enabling condition for women's participation in political and public life. In addition to these provisions, we

would like to remind your Excellency's Government of the General Assembly resolution 68/181, on the protection of women human rights defenders. Specifically, we would like to refer to articles 7, 9 and 10, whereby States are called upon to, respectively, publicly acknowledge the important role played by women human rights defenders, take practical steps to prevent threats, harassment and violence against them and to combat impunity for such violations and abuses, and ensure that all legal provisions, administrative measures and policies affecting women human rights defenders are compatible with relevant provisions of international human rights law.

We would like to further recall your Excellency's Government that the Working Group on Discrimination against Women and Girls, in its report on girls' activism (A/HRC/50/25) expressed that young women are mobilizing worldwide to demand and catalyse change on critical global issues. They are at the forefront of initiatives aimed at transforming societies towards social justice, gender equality and sustainability. The realization of girls' and young women's human right to participate in public and political life, including organizing and engaging actively with a variety of State and non-State actors, is essential for the protection of their human rights. The Working Group has called on States to ensure that mechanisms are in place to solicit the views of girls in all matters of public interest affecting them directly or indirectly and to give due weight to those views.

We would also like to bring to Your Excellency's attention on article 1 of the United Nations Declaration on the Elimination of Violence against Women, which your Excellency's Government ratified in 1993. It provides that the term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. In this context, we wish to recall that the Committee on the Elimination of Discrimination against Women (CEDAW) in its general recommendation No. 19 (1992), defines gender-based violence against women as impairing or nullifying the enjoyment by women of human rights and fundamental freedoms, and constitutes discrimination within the meaning of article 1 of the Convention on the Elimination of All forms of Discrimination Against Women, whether perpetrated by a State official or a private citizen, in public or private life.

In her report on online violence against women and girls, the Special Rapporteur on violence against women states that despite the benefits and empowering potential of the Internet and ICT, women and girls across the world have increasingly voiced their concern at harmful, sexist, misogynistic and violent content and behaviour online. Emerging forms of ICT have facilitated new types of gender-based violence, which hinder women's and girls' full enjoyment of their human rights and their ability to achieve gender equality. It is therefore important that States acknowledge that the Internet is being used in a broader environment of widespread and systemic structural discrimination and gender-based violence against women and girls (A/HRC/38/47).

Moreover, in the report of the Special Rapporteur on violence against women (A/73/301) the Rapporteur pointed out that "some women in politics may be more exposed to the risks of gender-based violence than others, including human rights defenders and those voicing minority, dissenting or controversial views. While the report acknowledges that men and women can both experience violence in politics, women are targeted to prevent them from being politically active and exercising their

human rights. It also aims to restrict or prevent the political participation of individual women and women as a group.

We would also like to refer to Resolution 2005/41 on the Elimination of Violence against Women, which reminds governments to take all necessary measures to empower women and strengthen their economic independence and to protect and promote the full exercise of all fundamental rights and freedoms so that women and girls are better able to protect themselves against violence, and in this regard to promote and prioritize the full and equal participation of women to public and political life and to ensure unrestricted and equal access to education and training, as well as to economic advancement and progress.

We would also like to refer your Excellency's Government to the Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Havana (Cuba), 27 August-7 September 1990).

Principle 16 of the Basic Principles requires governments to take all appropriate measures to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference, and to prevent that lawyers be threatened with prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

In addition, Principle 23 provides that lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession.

Article 19(1) of the ICCPR protects the right to "hold opinions without interference." Article 19(2), which protects the right to freedom of expression, states that this right shall include the "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 his [or her] choice." Under article 19(3), any restrictions on freedom of expression must be "provided by law", proportionate, and necessary for "respect of the rights and reputations of others", "for the protection of national security or of public order, or of public health and morals". The General Assembly, the Human Rights Council and the Human Rights Committee have concluded that permissible restrictions on the Internet are the same as those offline.

In this connection, we also want to draw your attention to General Comment No. 34 (2011), in which the Human Rights Committee expressed concern about lawyers being the target of threats, intimidation and attacks because of their professional activities, and that an attack on a person because of the exercise of his or her freedom of opinion or expression, including arbitrary arrest, can never be compatible with Article 19 of the ICCPR.

The ensuing interference with third parties' rights must also be limited and justified in the interest supported by the intrusion. Finally, the restriction must be "the least intrusive instrument among those which might achieve the desired result. The former Special Rapporteur on the rights to freedom of opinion and expression submitted a report on surveillance and human rights in which he highlighted the rights affected and threats posed by targeted surveillance on the work of human rights defenders and journalists, and called upon States to "impose an immediate moratorium on the export, sale, transfer, use or servicing of privately developed surveillance tools until a human rights-compliant safeguards regime is in place" (A/HRC/41/35 para. 66).

Concerning the allegations that a large number of human rights defenders have been victim of surveillance as a result of their legitimate work reporting on human rights related issues, we would like to refer your Excellency's Government to articles 21 and 22 of the ICCPR which protect the rights to freedom of peaceful assembly and of association. In order to be effective, these rights must be exercised free from any forms of intimidation or harassment of any sort. The rights to freedom of peaceful assembly and of association are further enshrined 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. The Declaration provides that everyone has the right, individually or in community with others, to assemble peacefully, to form governmental or non-governmental organizations (article 5). It also states that everyone has the right to engage in peaceful activities to counter violations of human rights and fundamental freedoms (article 12).

Finally, given that the victim in question is a human rights defender, we deem it appropriate to remind you of the important and legitimate role that human rights defenders play and the protection they are entitled to by international law. We wish to highlight in particular the Declaration on the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms also known as the Declaration on Human Rights Defenders, and which states 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 the primary responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

Specifically, on account of the victim's status as a woman human rights defender, we would like to draw your attention to the General Assembly Resolution 68/181, which urges States to acknowledge publicly the important and legitimate role of women human rights defenders in the promotion and protection of human rights, democracy, the rule of law and development as an essential component of ensuring their protection, including by publicly condemning violence and discrimination against them (OP7). We invite you to refer to the Human Rights Council resolution 31/32 as well, in which States expressed particular concern about systemic and structural discrimination and violence faced by women human rights defenders. States should take all necessary measures to ensure the protection of women human rights defenders and to integrate a gender perspective into their efforts to create a safe and enabling environment for the defence of human rights. This should include the establishment of comprehensive, sustainable and gender-sensitive public policies and programmes that support and protect women defenders. Such policies and programmes should be developed with the participation of women defenders themselves (OP5, 19 and 20).

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) and (c), which provides for the right of all persons to form, join and participate in non-governmental organizations, associations and groups; and 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 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 additionally like to 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.