

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders and the Working Group on discrimination against women and girls

Ref.: AL EGY 6/2024

(Please use this reference in your reply)

23 December 2024

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; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 52/9, 54/14, 50/17, 52/4 and 50/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning allegations of **continued harassment and transnational repression suffered by the exiled Egyptian investigative journalist and human rights defender Ms. Basma Mostafa in Germany, Switzerland and other countries by alleged Egyptian State agents or agents apparently acting on behalf or with the acquiescence of Egyptian State authorities.**

Ms. Basma Mostafa is an Egyptian investigative journalist and a co-founder and Programme Manager at the Law and Democracy Support Foundation (LDSF), a Berlin-based civil society organization dedicated to promoting the rule of law, democracy, and human rights in Egypt as well as protecting and promoting freedom of opinion and expression for Egyptian human rights activists in exile. She is also a fellow with Reporters without Borders (RSF).

Due to her work as an investigative journalist for over a decade, Ms. Mostafa was arrested three times in Egypt and was ultimately forced to leave Egypt in 2020. She is now living in exile in Berlin, Germany.

Similar concerns in relation to harassment, threats or criminal charges brought against Egyptian journalists or human rights defenders abroad by the Egyptian authorities or agents reportedly acting with their acquiescence have been previously conveyed in [AL EGY 1/2024](#), [AL EGY 5/2023](#) and [AL EGY 7/2022](#). We regret not having received responses to these letters and encourage your Excellency's Government to provide a reply.

Furthermore, we are also concerned at the scope and distinct patterns in the targeting of women human rights defenders in Egypt ([EGY 14/2019](#), [EGY 4/2019](#), [EGY 9/2018](#), [EGY 1/2013](#), [EGY 16/2016](#), [EGY 13/2016](#), [EGY 8/2016](#)). We thank your Excellency's Government for the replies provided to some of the last three of these letters, while we invite you to respond to the remaining ones.

According to the information received:

Exile from Egypt

Ms. Mostafa's involvement in several high-profile cases involving State security authorities in wrongdoings and human rights abuses reportedly attracted the attention of security agencies. In 2016, following her investigation into the murder of a foreign student, she was arrested and interrogated by National Security agents. In March 2020, Ms. Mostafa was arrested again while conducting field investigative work in the context of the COVID-19 pandemic. At this occasion, she was reportedly blindfolded and taken to the National Security headquarters.

In October 2020, while reporting in Luxor on the death of a man shot by a police officer, she was arrested and subjected to acts that may amount to an enforced disappearance for one day. After several hours, she was re-surfaced and brought before the Supreme State Security Prosecution (SSSP), being accused of "spreading false news" and "joining a terrorist group." Ms. Mostafa remained in detention for three days before being released on bail, following substantial media and international pressure.

In November 2020, Ms. Mostafa fled to Lebanon fearing for her security and those associated with her.

Harassment in Lebanon and Kenya

As Ms. Mostafa was leaving Beirut before her visa expired, she was questioned at Beirut's Airport by officers of the General Directorate of General Security. She was reportedly asked about her journalistic work and the purpose of her stay in Lebanon.

In February 2021, Ms. Mostafa and her family travelled to Kenya, seeking safety. Soon after their arrival, Ms. Mostafa found a man sitting on a chair in front of her room at the hotel. As she arrived, the man made a phone call, speaking in Arabic and deliberately loud enough for her to hear, he reportedly said "yes, sir, they have arrived." After that incident, Ms. Mostafa saw a vehicle parked in front of the window of her room, which was on the ground floor. A human rights organization in Nairobi reportedly informed Ms. Mostafa that, considering that the vehicle lacked the logo of the Ministry of Health or any hospital name, the vehicle was not likely an ambulance, as initially believed, but a surveillance vehicle. Because of this, Ms. Mostafa and her family moved to a different location.

In April 2021, Ms. Mostafa decided to return to Lebanon in order to obtain a visa for Germany from there. At the Nairobi Airport, Ms. Mostafa was stopped by security officers, who reportedly told her she could not return to Lebanon as she lacked a visa, despite Egyptian citizens being able to obtain a visa upon arrival to Lebanon. Ms. Mostafa was told she had to return to Egypt instead and the officers confiscated her phone, documents, and other personal

belongings. She was then taken to meet the airport security director, who reportedly questioned her about the reasons for her stay in Kenya and her unwillingness to return to Egypt, as well as about the sources of her money allowing her to travel between several countries since her departure from Egypt. Finally, she was allowed to board the plane.

In Beirut, in June 2021, Ms. Mostafa obtained a visa for Germany for herself and her family and moved there soon after. In December 2021, she applied for asylum on the basis of political opinion, which was granted in February 2022.

Harassment in Berlin since July 2022

In Berlin, since 18 July 2022, Ms. Mostafa has reportedly been subjected to attacks allegedly by, or at the instigation, of Egyptian authorities against her physical integrity, harassment, insults, accusations of being a traitor, ongoing surveillance, and reported hacking of her Facebook account. This harassment was also accompanied by smear and hate campaigns against her on Facebook in 2022, which included calls to rape Ms. Mostafa in reprisal for her demonstrations against the Egyptian Government.

On 18 July 2022, dozens of Egyptian human rights defenders in Berlin organised three protest demonstrations in connection with the visit of President Abdel Fattah Al-Sisi to Berlin. During the first demonstration in front of Schloss Bellevue, Ms. Mostafa was reportedly verbally abused, photographed, threatened, subjected to derogatory remarks, and surveilled by some individuals. Later, as the peaceful protestors gathered in front of the Bundeskanzleramt, Ms. Mostafa reportedly said out loud: “Sisi is a criminal; you should release them all”. Immediately after, two individuals, reportedly named Mr. [REDACTED] and Mr. Ahmed Mohamed Ahmed Abdelkader shouted at her, threatening and harassing Ms. Mostafa and verbally abused her, while saying “Long Live Sisi, Long Live Egypt”. Mr. Abdelkader reportedly twisted Ms. Mostafa’s arm, hit her in the shoulder, and then slapped her in the face. There has reportedly been an ongoing legal investigation on this incident by the German authorities in Berlin since 2022. Mr. Abdelkader reportedly acknowledged in the case file that he worked for an Egyptian diplomat but did not have diplomatic immunity.

After this incident, unidentified men, believed to be associated with Egyptian security forces, obtained her address and sent her threats about kidnapping her daughters. Ms. Mostafa was further subjected to intense surveillance by suspected members of the Egyptian diplomatic mission in Berlin and other civilians suspected to be working with them. This information was handed over to the German police.

On 9 August 2022, Ms. Mostafa participated in a demonstration in front of the Embassy of the United Kingdom in Berlin, demanding the release of a prominent Egyptian political activist. Mr. [REDACTED], who reportedly works for the Egyptian embassy and has diplomatic immunity, was present, monitoring the demonstration, together with another person. As Ms. Mostafa left, she found Mr. [REDACTED] walking behind her and she managed

to take a photo of him.

On 23 August 2022, Ms. Mostafa realized that she was again followed by Mr. [REDACTED] and managed to take a picture of him at Potsdamer Platz 10.

On 27 August 2022, at 4.22 p.m., Ms. Mostafa found that she was being followed by an unidentified man, of whom she managed to take a picture. Afterwards, she could identify him as Mr. Moetaz Kirolos, who is allegedly associated with the Egyptian embassy in Berlin.

On 3 October 2023, at 1.30 p.m., Ms. Mostafa was in front of the Egyptian embassy in Berlin, observing the unfolding of the electoral process as a researcher. Mr. [REDACTED], one of the men involved in the incident of 18 July 2022, appeared and said to her: “take a picture of me, take a picture of me, Basma! Don't you know who I am? By the way, the security here knows you very well and knows me.” Then, Mr. [REDACTED] reportedly called someone inside the embassy and told him: “send me the car.” At that point, Ms. Mostafa left immediately.

Harassment in Geneva

In June 2024, Ms. Mostafa travelled to Geneva (Switzerland) to participate in an international advocacy program for human rights defenders and engage in various meetings with UN human rights mechanisms and the OHCHR.

In this context, on 16 June 2024, an individual reportedly followed Ms. Mostafa to the hotel where she was staying in Versoix (Switzerland), which was witnessed by another activist. On 17 June 2024, there was an unidentified attempt to hack her Facebook account.

On 18 June 2024, around 8 a.m., another man approached Ms. Mostafa on the terrace of the hotel where she was staying, reportedly stating that he knew Ms. Mostafa and knew that she was Egyptian. Ms. Mostafa, who was accompanied by two other foreign colleagues, asked the man to leave the hotel and threatened to call security. The man reportedly replied that she had no right to instruct him what to do, as he was a police officer and could arrest her on the spot. After Ms. Mostafa went to the reception to call security, she found that the man had already left the terrace.

These incidents were reported to the Swiss police, the diplomatic police and the Swiss mission.

Latest incident of harassment in Berlin

On 1 July 2024, in Berlin, Ms. Mostafa noticed a man sitting in the café where she used to work. Ms. Mostafa remembered seeing him walking behind her in 2022, after the assault incident, and had photographed him. As Ms. Mostafa left the café, the man followed her. As he followed her to another café, Ms. Mostafa called the police, who arrested the man and took him to the police station for further investigation.

Some hours later, on the same day, Ms. Mostafa discovered that her Facebook account had been accessed from another browser, approximately at the same time the man was sitting next to her, in a possible instance of hacking.

Without wishing to prejudge the accuracy of the above-mentioned allegations, we express great concern about the repeated and prolonged harassment, acts of intimidation and cyberattack attempts against Ms. Mostafa, which appear to indicate that she is a victim of transnational repression in direct retribution for her work as a journalist and human rights defender. We also express our deep concern that these acts may constitute acts of intimidation or reprisal for her cooperation with the UN and its mechanisms in the field of human rights. Furthermore, we are concerned about the arrest, detention, alleged enforced disappearance, and allegedly baseless charges brought against Ms. Mostafa in direct connection with her work as a journalist and human rights defender, which ultimately forced her to exile. It is deeply troubling that the harassment allegedly by Egyptian State agents or agents acting with the acquiescence of Egyptian authorities continued well after Ms. Mostafa went into exile, over a period of years and in different countries.

We also wish to bring your Excellency's Government attention to the Special Rapporteur on freedom of opinion and expression's report on "Journalists in exile", where the Special Rapporteur called on States to refrain from committing, co-opting or condoning acts of transnational repression, online or offline, and ensure that all acts of transnational repression on their territory are investigated and prosecuted promptly, fully and effectively. The Special Rapporteur urged States to further ensure that all journalists in their jurisdiction, regardless of their legal status, are protected from violence, threats and harassment, to establish clear legal pathways for journalists at risk to leave their countries if necessary and to reside abroad with the right to work until they can return home safely. This report also called on States to adopt new laws or review and revise national laws, including Foreign State immunity laws, with the purpose of enabling individuals affected by transnational repression to seek legal remedies in national courts of their country of exile and allowing for the prosecution of the perpetrators and facilitators of this repression ([A/HRC/56/53](#)).

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 information about any investigation initiated into the allegations of repeated and prolonged harassment, physical attacks, intimidation, surveillance and cyberattack attempts to which Ms. Mostafa has reportedly been subjected and the possible

involvement of Egyptian State agents or Egyptian citizens in these episodes. If the investigations have provided conclusive results, please provide information about them, including any action against the suspected perpetrators. If no investigation has been carried out, please explain why not.

3. Please indicate any legislation, policies, programs or measures or plans to ensure that Egyptian journalists and human rights defenders, including those in exile, are not subjected to intimidation, harassment or attacks in relation to their work. Please indicate as well what specific measures with a gendered perspective have been taken to prevent and address threats and attacks against women journalists and human rights defenders, including threats of sexual violence.
4. Please indicate any law or policy adopted to ensure that Egyptian state officials or agencies do not engage in or may be liable to prosecution and punishment for transnational repression of nationals abroad, including physical assaults, threats or harassment, surveillance, revocation of citizenship, theft of official documents or refusal to issue replacements by Egyptian embassies, coercion to return to their home country or arbitrary detention of family members in Egypt.
5. Please indicate the measures taken to ensure that no Egyptian citizen is subjected to reprisals for cooperating with the United Nations or other international mechanisms or bodies in the field of human rights.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

In light of the allegations, we urge your Excellency's Government to adopt the necessary measures to halt the alleged violations, prevent their re-occurrence and to fully respect and contribute to the safety of Ms. Mostafa and her family. We also call on the Egyptian authorities to carry out prompt, impartial, transparent and exhaustive investigations into the alleged incidents of harassment and attacks to which she has been subjected and to bring those responsible to justice, guaranteeing full accountability.

In light of the allegations of reprisals for cooperation with the United Nations on human rights concerns, 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 designated by the Secretary-General to lead the efforts within the United Nations system to address this issue

Please note that a copy of this letter has been shared with the Government of Germany and the Government of Switzerland.

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

Irene Khan

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

Gabriella Citroni

Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Gina Romero

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

Mary Lawlor

Special Rapporteur on the situation of human rights defenders

Laura Nyirinkindi

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 articles 9, 17 and 19 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Egypt on 14 January 1982, which provide for the rights to liberty and security of the person, including the right not to be subjected to arbitrary detention, be informed of the reasons of the arrest and be promptly brought before a judge, as well as the absolute prohibition of enforced disappearances, along with the right to privacy and the right to freedom of opinion and expression. These articles shall be read individually and together with article 2.3. of the ICCPR, which provides for the right to an effective remedy for every person whose rights contained in the Covenant have been violated.

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right "to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media". This right applies online as well as offline and protects the freedom of the press as one of its core elements. Any restriction to the right to freedom of expression must be "provided by law" and meet the criteria established by international human rights standards. Under these standards, limitations 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.

In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including "political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse" ([CCPR/C/GC/34](#), para. 11). The Committee further asserts that States Parties to the ICCPR "shall put in place effective measures to protect against attacks aimed at silencing those who exercise their right to freedom of expression" (para. 23). Recognizing how journalists and those engaged in collecting and analysing information on the human rights situation and publishing human rights-related reports are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that "all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims be in receipt of appropriate forms of redress" (para. 23).

In her report on "Journalists in exile", the Special Rapporteur on freedom of opinion and expression analysed in detail the phenomenon of journalists in exile, outline their challenges and needs and called on States to refrain from committing, co-opting or condoning acts of transnational repression, online or offline, and ensure that all acts of transnational repression on their territory are investigated and prosecuted promptly, fully and effectively. The Special Rapporteur urged States to further ensure that all journalists in their jurisdiction, regardless of their legal status, are protected from violence, threats and harassment, to establish clear legal pathways for journalists at risk to leave their countries if necessary and to reside abroad with the right to work

until they can return home safely. This report also called on States to adopt new laws or review and revise national laws, including Foreign State immunity laws, with the purpose of enabling individuals affected by transnational repression to seek legal remedies in national courts and allowing for the prosecution of the perpetrators and facilitators of this repression ([A/HRC/56/53](#)).

We also refer to the Human Rights Council resolution 51/9, on the safety of journalists, which condemns unequivocally all attacks, reprisals and violence against journalists and media workers, including extraterritorial targeting, and calls upon States to “establish prevention mechanisms, such as an early warning and rapid response mechanism, and to give journalists and media workers, when threatened, immediate access to authorities that are competent and adequately resourced to provide effective protective measures” as well as “to ensure accountability through the conduct of impartial, prompt, thorough, independent and effective investigations into all alleged cases of violence, threats and attacks against journalists and media workers falling within their jurisdiction” and “to develop and implement strategies for combating impunity for attacks and violence against journalists” ([A/HRC/RES/51/9](#)).

Regarding allegations of intimidation and reprisals for cooperating 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 which reaffirms the right of everyone, individually or in association with others, 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 urged States to refrain from all acts of intimidation or reprisals, to take all appropriate measures to prevent the occurrence of such acts.

We underscore that all States that are parties to the ICCPR have the duty to safeguard freedom of expression, to refrain from exercising or mandating any attacks, threats or harassment against those who exercise their right to freedom of expression, to adopt effective measures to protect those persons against attacks aimed at silencing them and to ensure that all such attacks are promptly and exhaustively investigated and the perpetrators prosecuted, according to the Human Rights Committee (CCPR/C/GC/34, para. 23).

The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression noted that women politicians, journalists, human rights defenders and feminist activists, especially those with intersectional marginalized identities, are disproportionately targeted by state and non-state actors, with the aim of intimidating and expelling them from platforms and public life. This has serious consequences for human rights, diversity in public debates and the media, and ultimately for democracy and development. Gender justice not only requires ending unlawful interference with women's freedom of opinion and expression. It also requires creating an enabling environment in which women can exercise their agency and participate with full and equal access to “information and ideas of all kinds,” including the Internet, diverse media and a civic space in which feminist organizations can thrive (A/76/258).

We would also like to refer to the report on violence against women journalists by the Special Rapporteur on violence against women, its causes and consequences

(A/HRC/44/52), in which the Rapporteur has underlined that women journalists are targeted for being highly visible and outspoken, as well as for their work, especially when they do not submit to the rules of gender inequality and concomitant stereotypes. Many journalists also face intersectional discrimination and gender-based violence because of other characteristics, such as race, religion, ethnicity or minority background, among others. The harassment and abuse experienced by women journalists, both online and in real life, are a reflection of more serious problems of sexism in society. States should include a gender perspective in all efforts to create and maintain a safe and enabling environment for free and independent journalism.

In addition, we would like to reiterate your Excellency's Government of its obligation under the International Convention on the Elimination of Discrimination against Women (CEDAW) through its ratification on 18 September 1981, in particular article 7, which provides that States shall take appropriate measures to eliminate discrimination against women in the political and public life of the country.

As stressed by the Working Group on discrimination against women and girls in one of its thematic reports to the Human Rights Council (A/HRC/23/50), 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 facilitate women's participation in political and public life.

Moreover, as the Working Group on discrimination against women and girls expressed in its report on girls' and young women's activism (A/HRC/50/25), girls and 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 on discrimination against women and girls has called on States to ensure that mechanisms are in place to solicit the views of girls and young women in all matters of public interest affecting them directly or indirectly and to give due weight to those views.

Furthermore, in its report to the Human Rights Council on women deprived of liberty (A/HRC/41/33), the Working Group on discrimination against women and girls noted that deprivation of liberty is deeply linked to gender. The Working Group underscored that women human rights defenders, perceived as challenging traditional notions of family and gender roles in society (A/HRC/40/60, para. 28), are increasingly at risk of facing criminalization and detention as a result of their legitimate public activism (see A/HRC/16/44 and Corr. 1). This is because stereotypes about a woman's "proper" role dictate not only how she should (not) behave within the home but also in public, and defying those standards in public may put women at risk of deprivation of liberty. Women who seek to participate in political, economic, social or cultural leadership in their communities or nations may be acting in defiance of stereotypes obliging women to stay quiet and invisible and defer to male governance. They may thus be stigmatized, or even criminalized or confined, to

prevent them from speaking out or taking action (A/73/301). The Working Group on discrimination against women and girls has recommended States to eliminate any laws or policy measures designed to criminalize the public roles of women.

We also refer your Excellency's Government to the General Assembly resolution 68/181, adopted on 18 December 2013, 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.

Regarding the allegations of arbitrary detention, article 9 of the ICCPR states that no one shall be subjected to arbitrary arrest or detention or deprived of his liberty except on such grounds and in accordance with such procedures as are established by law. As interpreted by the Human Rights Committee in its [general comment No. 35](#), the notion of "arbitrariness" should not be equated with "against the law", but should be interpreted more broadly to include considerations of inappropriateness, injustice, unpredictability and due process, as well as considerations of reasonableness, necessity and proportionality (paragraph 12). In addition, the Working Group on Arbitrary Detention has established in its jurisprudence that preventive deprivation of liberty, as a precautionary and non-punitive measure, must also comply with the principles of legality, necessity and proportionality to the extent strictly necessary in a democratic society. It may only proceed in accordance with the limits strictly necessary to ensure that the efficient development of investigations is not impeded and justice is not evaded, and provided that the competent authority substantiates and accredits the existence of the aforementioned requirements. Because of the particularly restrictive nature of pre-trial detention, the imposition of this measure should be the exception rather than the rule.

We are further drawing your Excellency's Government's attention to the absolute and non-derogable prohibition of enforced disappearances, which has attained the status of jus cogens. We also recall the United Nations Declaration on the Protection of All Persons from Enforced Disappearances proclaims that each State shall take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction. We further recall that the Declaration sets out the necessary guarantees to be offered by the State, in particular, articles 7, 9-12, 13 and 19. We also make reference to the Working Group's report on, new technologies and enforced disappearances (A/HRC/54/22/Add.5), in particular paras. 6 and 65(c) and Working Group's study on Enforced disappearance and economic, social and cultural rights (A/HRC/30/38/Add.5), in particular paragraph 33-37 which highlights the chilling effect of the disappearance of journalists and human rights defender. We also wish to refer to the Working Group's General comment on women affected by enforced disappearances (A/HRC/WGEID/98/2).

We would like to draw the attention of your Excellency's Government to 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, otherwise known as the UN Declaration on Human Rights Defenders, which was adopted by consensus at the UN General Assembly in 1998. In particular we would like to highlight articles 1 and 2 of the Declaration, which state that everyone, individually and in association with others, has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms and that each State has a prime responsibility and duty to promote, protect 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 Declaration:

- Article 6(b) and (c), which reiterates 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(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.

Finally, we would like to remind Your Excellency's Government of the duty of States to investigate and punish serious human rights violations, as established by the Human Rights Committee in its [general comment No. 31](#), which asserts that failure to take the necessary measures to ensure the investigation and prosecution of such violations may in itself constitute a breach of human rights treaties (CCPR/C/21/Rev.1/Add.13, paras. 15-18). Impunity for such human rights violations can be an essential element contributing to their repetition.

Article 21 of the International Covenant on Civil and Political Rights (ICCPR) guarantees the right to freedom of peaceful assembly. It states that “[t]he right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the 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”. Article 22 of the ICCPR protects the right to freedom of association with others. As stated in a report by the Special Rapporteur on the rights to freedom of peaceful assembly and of association, States not only have a negative obligation to abstain from unduly interfering with the rights of peaceful assembly and of association but also have a positive obligation to facilitate and protect these rights in accordance with international human rights standards [A/HRC/17/27, para. 66; and A/HRC/29/25/Add.1]. This means ensuring that the rights to freedom of peaceful assembly and of association are enjoyed by everyone, without discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (article 2(1) of the International Covenant on Civil and Political Rights).