

29 November 2016

STATEMENT

BHRC expresses concern over use of travel bans against human rights defenders in Egypt

The Bar Human Rights Committee of England and Wales (BHRC) expresses serious concern about the continuing and excessive use of arbitrary travel bans by the Egyptian government to restrict the free movement, association and expression of human rights defenders.

On 17 November 2016, Ms. Azza Soliman, a prominent women's rights lawyer and co-founder of the Center for Egyptian Women's Legal Assistance (CEWLA), discovered that a travel ban had been imposed on her when she attempted to travel to Jordan for a training session. Ms. Soliman received no prior notice of this, and was not summoned for investigation before the judicial order for the travel ban was issued. To date, no reason has been given for the imposition of the ban. On 21 November, Ms. Soliman was informed by Bank employees that her personal assets and her law firm's assets had been frozen, based on a judicial order issued by the investigative judge in Case #173/2011, commonly referred to as the "NGOs Foreign Funding Case". This order was issued on 17 November without any prior notice or summoning for investigation.

On 2 November 2016 Malek Adly, a human rights lawyer and director of Lawyers Network at the Egyptian Centre for Economic and Social Rights (ECESR), was also

prevented from travelling to France and informed that a travel ban had been issued against him with no notice or reasons given. Mr. Adly was released on 25 August 2016, having been held in solitary confinement for 115 days in contravention of international law. While the charges remain pending against him, his release was not conditional upon restrictions on travel being implemented. Nor was any other condition attached.

BHRC is aware of many other cases in which travel bans and / or asset freezing orders have been imposed upon Egyptian human rights defenders. These are well documented and include the cases of Gamal Eid, director of the Arab Network for Human Rights Information, Mohammed Zaree, Cairo office director of the Cairo Institution for Human Rights, and Ahmed Ragheb, founder of the National Community for Human Rights and Law. Last week Aida Seif El Dawla, co-founder of the Nadeem Centre for Rehabilitation of Victims of Violence, was stopped as she prepared to board a flight to Tunisia to attend a conference for NGOs on victims of violence.

BHRC recalls the right to freedom of movement, the right not to be arbitrarily deprived of one's property, the rights to freedom of expression and association, the right to an effective remedy, the right to equality before the law, and the prohibition of discrimination as contained in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the African Charter of Human and the Public Freedoms, Rights and Duties (to which Egypt is party, and all of which are enshrined in Part Three of the Egyptian Constitution).

International law provides that everyone has the right to leave and return to their country. Any restrictions on that right must be provided by law and be necessary and proportionate to protect national security, public order, public health, morals, or the rights and freedoms of others. BHRC further recalls the United Nations "Basic Principles on the Role of Lawyers", which is based on recognised and accepted human rights standards enshrined in other international instruments ratified by Egypt.

In June 2015 Mr. Michel Forst, the UN Special Rapporteur on the situation of human rights defenders, expressed grave concern at the increasing use of travel bans by the Egyptian authorities to restrict the ability of human rights activists to travel abroad, which he stated had a “chilling effect on human rights defenders and general society”. His statement was endorsed by the UN Special Rapporteur on freedom of peaceful assembly and of association, Mr. Maina Kiai, and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. David Kaye.

BHRC endorses that assessment, and is extremely concerned that the imposition of travel bans and other restrictions (including the freezing of assets) demonstrate an increasing intention by the Egyptian authorities to intimidate and undermine the work of civil society members and human rights lawyers, including the persons and organisations mentioned above. The arbitrary and excessive use of these restrictions, including the substantive procedural failures associated with them, suggest that they are being used to obstruct civil society and human rights defenders.

The BHRC calls upon the Egyptian authorities to ensure that the travel bans imposed upon Ms. Soliman and Mr. Adly, and all other human rights defenders facing arbitrary travel restrictions in Egypt, be revoked with immediate and unconditional effect, unless they are fully and lawfully substantiated with cogent evidence and reasoning, providing proper and appropriate recourse for appeal.

BHRC has previously expressed concern over the use of asset freezes against human rights defenders, calling for these to be lifted with immediate effect, and for the ongoing restrictions on civil society to be eased in line with Egypt’s international legal obligations.

BHRC urges Egypt to take urgent steps to ensure that due process is followed, and that human rights lawyers and civil society members are not restricted, harassed or

intimidated as a result of their legitimate and peaceful work in the defence of human rights. BHRC reiterates that Egypt must stop targeting human rights defenders and civil society with the arbitrary use of open-ended travel bans and asset freezing orders by the Egyptian authorities, which infringe fundamental rights and seek to punish, close down and stifle legitimate dissent, debate and work on human rights and other critical issues affecting Egyptian civil society.

ENDS.

NOTES FOR EDITORS

1. For an interview with our spokesperson, please contact Ed Gillett, Coordinator, on +44 (0)7854 197862
2. For more information on the Bar Human Rights Committee (BHRC), visit our website at <http://www.barhumanrights.org.uk>
3. The Bar Human Rights Committee of England and Wales (BHRC) is the international human rights arm of the Bar of England and Wales, working to protect the rights of advocates, judges and human rights defenders around the world. The BHRC is concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial. It is independent of the Bar Council.
4. In 2015, Azza Soliman gave witness evidence to the Egyptian police in respect of the violent dispersal of a crowd during a protest in January 2015. The protest was held to criticise State killings of activists during the so-called 'Arab Spring' uprising of 2011 and the fatal shooting – allegedly by the Egyptian police – of Shaimaa al-Sabbagh, a prominent Egyptian activist. Ms. Soliman herself was subsequently charged and prosecuted with criminal violation of Egypt's protest laws, but was later acquitted and the government's appeal against the acquittal was dismissed in October 2015. BHRC issued a statement [which can be found here](#).
5. Mr. Adly's arrest in May 2015 was based on allegations that he was involved in organising demonstrations against the transfer of two islands in the Red Sea to Saudi Arabia. Mr. Adly denies this, explaining that his only involvement in the issue was as a member of the legal team which successfully challenged the Egyptian government's transfer of the Red Sea islands. In September 2016, BHRC [submitted a joint complaint in Mr Adly's case](#) (alongside EuroMed Rights and the International Bar Association's Human Rights Institute) to the UN Special Rapporteur for the Independence of Judges and Lawyers, and co-signed an open letter to President Sisi on the targeting of human rights lawyers, in particular their arrest and detention.

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6. In September 2016, the Zeinhom Criminal Court took the decision to freeze the personal and organisational bank accounts of leading human rights defenders including Hossam Bahgat, as well as leading human rights NGOs including the Cairo Institute of Human Rights Studies, the Egyptian Center for the Right to Education and the Hisham Mubarak Law Center. BHRC has previously issued statements on the foreign funding case [which can be found here](#).