



**Joint Stakeholder Submission to the UN Human
Rights Council's 4th Universal Periodic Review - EGYPT
Reprisal against Egyptian HRDs in the Diaspora**

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Submitted by:

Main submitting organisation:

[Egyptian Human Rights Forum \(EHRF\)](#) is an independent Egyptian human rights organisation founded in March 2018. EHRF aims to promote the implementation and dissemination of international human rights law in Egypt, advocate for a human rights-based approach to democracy and the rule of law and mainstream human rights in public policy. The work of EHRF focuses on addressing the legacy of human rights abuses, constitutional, legal, and institutional reforms, equality and inclusive citizenship rights and advocating for an enabling and securing environment for human rights defenders. EHRF has brought together a number of human rights defenders from various professional and academic fields, serving as members in their personal capacities, and they are bound together by their belief in the universality and indivisibility of human rights. EHRF is an integral part of the Egyptian human rights movement inside and outside the country. The Forum seeks to coordinate with independent Arab and international human rights organisations to reinforce the international protection of these rights. EHRF is a member of the EuroMed Rights.

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Introduction

The Egyptian authorities have a systematic pattern of transnational repression as a kind of retaliation against human rights defenders and dissidents who live abroad to force and pressure them not to speak up against human rights violations committed by the Egyptian authorities. The authorities have long been maintaining a [systematic](#) practice of harassing and detaining family members of human rights defenders, with unlawful home raids, arbitrary arrests, pre-trial detention under fake charges and other violations as a form of reprisal against their relatives who defend human rights or oppose the regime. **The report covers the following aspects of the Transnational Repression:**

- I. Legal and judicial escalation
- II. Suspension of official identifying documents and the denial of consular services
- III. Surveillance of HRDs abroad
- IV. Reprisals against families of HRDs and dissidents
- V. Defamation and social stigma

During its third Universal Periodic Review (UPR) in 2019, Egypt has received 31 recommendations to lift restrictions on the work of human rights defenders and to refrain from prosecuting and criminalizing their activities. The recommendations also urged Egypt to allow space for dialogue, integrate civil society into the democratic transition process, and protect them from retaliatory practices, threats, arrests, and persecution.

I. Legal and judicial escalation

1. Some HRDs' and dissidents' departure from Egypt spurred an escalation of the legal and judicial actions against them. State Security cases, which are heard by exceptional courts, tend to be opaque and proceed slowly, not hewing to ordinary legal procedures and timelines.

2. Some HRDs and dissidents have been charged while in Egypt or after leaving, their cases remained pending, subject to reactivation and referral to the court based on developments related to the defender and the issues they worked on, or in the event that there was evidence that they were continuing their activism. Escalation may take different forms. For example, the HRD/dissident might be named in other cases that are more politically sensitive or that include more politically significant defendants.
3. Others were subjected to more severe legal measures. Many were named as defendants in major cases along with numerous important political and opposition figures. Some of these cases were prosecuted, while in other cases, the defenders were placed on the notorious terrorism lists.
4. Prominent dissident in exile Ayman Nour was included on the terrorism list in 2023. Nour filed a suit challenging the designation with the Court of Cassation, but the court denied his appeal, and he continues to be included on the lists.¹

II. Suspension of official identifying documents and the denial of consular services

5. Egyptians residing abroad may obtain official identifying documents in two ways: either on their own behalf through consular services offered in foreign diplomatic missions abroad, or by proxy, represented by their family or personal lawyer pursuant to a power of attorney.
6. The Diplomatic Service Law of 1982 regulates consular and diplomatic services,² including the issuance of official identity papers, granting diplomatic missions abroad and the Ministry of Foreign Affairs the power to issue various kinds of documents. In contravention of the law, the security apparatus has broad authority in diplomatic missions abroad, including the issuance of official documentation. When documents are requested, the approval of the National Security Agency must first be obtained, after which the diplomatic mission proceeds to issue the applicant's documents.
7. This bureaucratic process violates the provisions of the 1994 law regulating civil status,³ Article 64 of which obligates the Egyptian bureaucracy and the various competent state

¹ Mohammed Abdullah, "al-Naqd Tu'ayyid Idraj Ayman Nur wa-Mu'tazz Matar wa-Muhammad Nasir wa-Zuba' bi-Qawa'im al-Kayanat al-Irhabiya," *Sada Elbalad*, January 25, 2024, <https://www.elbalad.news/6086568>.

² Law 45/1982 on the diplomatic and consular service, <https://manshurat.org/node/13690>.

³ Law 143/1994 on Egyptian civil status, <https://manshurat.org/node/31633>.

institutions to maintain neutrality and professionalism in granting and issuing identity papers to citizens, regardless of gender, politics, religion, and other forms of sorting and discrimination.

8. The need for security approval is particularly prevalent in countries that have attracted large segments of the Egyptian political opposition after 2013, such as Turkey. In these places, official identification papers are issued only after background checks by security. In fact, most applications for identifying documents by citizens residing in Turkey are indiscriminately denied simply because of the large opposition community there, which affects apolitical citizens by association.
9. For HRDs/dissidents whose sole available destination was Turkey, this situation prompted many to leave for other destinations before their identity papers, especially their passports, expired. Just because defenders understood the critical nature of the situation, however, did not mean that they could resolve it. Several reported that their passports did indeed expire, but despite the hardship and danger this posed, they could not risk going to the Egyptian embassy, where their application would likely be denied. If they had managed to stay under the radar, a trip to the embassy might inform security of their whereabouts, and it carried the risk as well of physical threat.
10. The most well-known Egyptian dissident who encountered difficulties in renewing identification documents is Ayman Nour, whose has resided alternately in Lebanon, Turkey, and France. In each place, he ought to renew his passport, but his applications to the diplomatic missions in these countries came to naught. The embassies and consulates refused to comply with the law and grant his right to identification documents, pursuant to the passport law and international rights conventions. He filed a suit with the State Council in Egypt and won judgments requiring embassies and consulates to issue a passport in 2015 but the judgment hasn't been executed, which is another crime punishable under Egyptian law.”
11. Egyptian diplomatic missions deliberately exploit the complexity of bureaucratic procedures to stonewall HRDs or dissidents trying to obtain papers. Egyptian law sets a time limit on applications for official documents, so the missions delay processing the applications until the deadline has passed. Eventually, applicants are told that they need to resubmit their applications—a process that might last for months and even more than a year for some. The process is not contingent on a decision by the diplomatic mission, but rather on security directives. Understanding this, some HRDs and dissidents insist on

repeatedly applying for their documents despite the stalling and delays, until they receive the final response that the security check has resulted in a denial.

12. Defenders and dissidents face the same intransigence when attempting to obtain documents for children, especially birth certificates. This is a problem for the current generation of defenders as well as their children, who are expected to be second-generation immigrants in the host countries.
13. Without birth certificates, a child has no legal personality and thus exists in a gray area. Technically, the lack of a birth certificate from the home country means that a child has no nationality, which in turn makes it impossible to obtain citizenship in the host country. This is a source of great uncertainty for citizens and the future of their children, leading to the creation of a cohort of stateless people. Without personal identity documents and other necessary papers, defenders' residence and legal status in their host countries are constantly imperiled, especially for those who do not intend to become dual citizens.
14. The Egyptian authorities have already stripped the citizenship of some dissidents. The dissident Ghada Najib's citizenship was revoked in 2020 by a Cabinet decree, on the grounds that she resided outside the country where she was engaging in actions hostile to the state.⁴ Ghada and her husband and their four children left Egypt for Turkey on December 16, 2015, where they obtained permanent residence. On January 31, 2019, Ghada was sentenced in absentia to five years in prison in case number 1102/2017 over spreading false news to incite people against the regime and undermine Egypt's national security. Furthermore, in December 2020, Ghada was rendered stateless by Egyptian authorities, who stripped her of her Egyptian nationality, citing her alleged endangerment of national security from abroad. In 2018, Egyptian security forces conducted raids on the residences of Naguib's brothers in three different areas in Egypt, leading to the arrest of all three siblings. They were held incommunicado for a duration ranging from four to five days before appearing before the prosecutor. After three months, one of Ghada's brothers was released. In addition, since 2018, Egyptian authorities imposed a travel ban on Ghada's older sister, preventing her from leaving Egypt. Also, five of Ghada's husband's relatives have also been arbitrarily arrested and accused before the State Security Prosecution under Case no. 1018/2020 on charges of "joining and funding a terrorist group".

⁴ "Ta'jil Da'wa Butlan Isqat al-Jinsiya al-Misriya 'an al-Nashita Ghada Najib li-7 Uktubar," September 2, 2021, <https://manshurat.org/node/73840>.

III. Surveillance of HRDs abroad

15. HRDs and dissidents who live abroad have been monitored and harassed for their activism and efforts to document human rights violations inside Egypt. The political and security apparatus in Egypt directs its energies to monitoring and tracking defenders' human rights activity abroad in their various countries of residence. In turn, this apparatus is intimately familiar with the activists' countries of residence, the frameworks through which they work (whether institutional or advocacy), and the social circles within which they move.
16. According to the testimonies of HRDs and dissidents, surveillance is not limited to events on the human rights situation in Egypt organized by these defenders or to the defenders themselves. Their non-Egyptian colleagues working on human rights in Egypt in the same institution are also monitored to learn about their activities and to spy on Egyptian defenders through them. It was reported that unknown Egyptians visited the offices of human rights organizations abroad that work on Egypt to ask about their published reports about Egypt and try to identify their authors and sources.
17. Several dissidents and human rights defenders have already been deported to Egypt by the authorities of states with which Egypt has resumed diplomatic ties, such as Turkey. In some cases, the Turkish authorities have deported them to Egypt knowing that they are dissidents, on the pretext that they do possess official documents such as passports (due to the denial of their applications at diplomatic missions abroad) or that their residency permits were expired or had been denied. As a result, many defenders have been retried in Egypt on politically motivated charges.⁵ There are ominous signs that this scenario may be repeated in Bahrain, based on an extradition request from Egypt claiming that certain defenders are wanted in connection with largely political cases.⁶ In the UAE, Egyptian dissidents who are not permanent residents of the country were arrested without regard for legal procedures and threats of deportation were made without stating cause.⁷

IV. Reprisals against families of HRDs and dissidents

⁵ Al-Arabiya.

⁶ Al-Wifaq, "al-Bahrayn Turahhil Qasriyan Mu'aridayn Misriyayn li-Biladihuma Raghm al-Tahdhirat al-Huquqiya," August 8, 2023, <https://is.gd/aSz5y4>.

⁷ Amnesty International, "UAE: Don't Deport Egyptian-American Dissident to Egypt Where He Will Face Torture," December 8, 2022, <https://www.amnesty.org/en/latest/news/2022/12/uae-dont-deport-egyptian-american-dissident-to-egypt-where-he-will-face-torture/>.

18. The abuse and harassment of the families of dissidents and HRDs is systematically designed to pressure defenders to abandon their positions and, at times, to return to Egypt. The Egyptian authorities used to target families as proxies for defenders range from physical abuse, detention, legal and judicial prosecution or threats of harm to family members.
19. The security apparatus's confirmation of the HRDs' and dissidents' departure from Egypt does not spare their families from further contact with security. Several reported that after they left, their families remained under open-ended surveillance. Family members have been summoned to security headquarters where they were questioned about their relatives, or continually contacted by security for new information about the defenders/dissidents and the nature of their work, and in order to communicate threats to their relatives.
20. There does not appear to be a clear pattern of treatment of defenders' families. Some of them said that security continued to contact and pressure the family for months; the harassment ended once no new developments came to light, and especially if the defender had largely cut family ties and had no communication with them. For others, the harassment persisted for up to five years.
21. This was also common in the case of family members who work in the public sector, which gives the government greater control over their fate. There are several cases in which defenders' family members were subjected to professional sanctions, from the denial of a promotion to arbitrary dismissal, due to their blood relationship with defenders.
22. The families' homes are periodically raided to terrorize them. They are questioned about new developments in their children's work, how they communicate with them, and any new information about their residence, and they continue to receive phone calls threatening family members if the defenders continue to work. Some families reported that local informants in their neighborhood deliberately smeared the reputation of the defenders and incite area residents against them and their families, encouraging locals to cut off social ties with them. Other defenders said that their family members residing in Egypt were shunned in the neighborhood and even expelled from recreational social clubs where they had been members for generations.

23. The father of the HRD, Mr. Abdelrahman Mahmoud, also known as Abdelrahman Ayyash was arrested in relation to his son's work on the human rights situation in Egypt. On 2 July 2022, Mr. Ayyash posted a thread of tweets analysing the structure of the Muslim Brotherhood, which was retweeted several times. On 4 July 2022, four police officers with the National Security Agency raided Mr. Ayyash's family home, asked about Mr. Ayyash and his whereabouts, confiscated his father's mobile telephone and arrested him. They led him in a police car to the national security premises where he was kept for 20 hours before being transferred to the Mansoura First Police Station. He was held for another 12 hours, and his family had no information about his whereabouts for the duration of the 32 hours. On 5 July 2022, Mr. Shalata was brought before the general prosecution, in presence of his lawyer. He was asked if he was a member of the Muslim Brotherhood (MB), and showed pages of a book by the MB founder, Hassan al-Banna, which they said was in his possession. He denied being a member of the MB and denied ownership of the al-Banna pages. He was charged with joining a terrorist group, under Case No. 6778/2022.⁸
24. Mr. Oqba Hashad, the brother of HRD, Amr Hashad, was arrested in May 2019, in relation to his brother's human rights work, and underwent enforced disappearance for 75 days through which he was subjected to severe torture. Mr. Oqba has a disability in his leg, he can't move without his prosthetic limb. Mr. Oqba has been subjected to punishment on several occasions in which the prison administration deprived him of his prosthetic limb.⁹

V. Defamation and social stigma

25. Escalating action towards HRDs and dissidents and their activities is not limited to targeting their families, but extends as well to media campaigns that smear the reputation of defenders and their families. The security services own several media and press platforms, many of which function as state mouthpieces that convey official messaging to citizens. Amid such widespread media biases, these platforms have been used as never before to attack rights work, activities, and advocacy campaigns at home and abroad, accusing human rights defenders of treason, inciting against them, and discrediting the claims and activities of the human rights movement.

⁸ OHCHR Communication, August 2022 <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27473>

⁹ OHCHR Communication, September 2021 <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26613>

26. The usual methods of surveillance and the fact that human rights work relies on social media and other digital platforms provide many openings to identify defenders, the institutions working with them, and the type of the issues they work on. Several well-known media programs that are close to the institutions of governance in Egypt have deliberately smeared, insulted, and slandered defenders, claiming that the people and the organizations that make allegations of enforced disappearance, for example, are terrorists and terrorist entities.¹⁰ These programs preempt the work of defenders by publishing details about the programs and events sponsored by such institutions.¹¹
27. One of the most recent examples is the Sinai Foundation for Human Rights. After the institution published an investigative report on the war on the Gaza Strip and the repercussions for the Egyptian border region, a security-propaganda blitz was launched against the organization and its directors. Unlike other campaigns, which are spearheaded by media figures who hold no official or executive position, this campaign involved important figures in media oversight and regulatory institutions. The campaign reached such a tenor that it accused the rights organization of terrorism, treason, and espionage.¹²
28. The situation is similar for LGBTQ defenders, whose non-normativity makes them the weakest link in the societal system and the most vulnerable among activists. Several defenders mentioned the additional strains and social stigma some queer activists endured before of their activism, which affected them and their work directly. This makes them a prime target for public defamation campaigns. The social stigma extends as well to other defenders and lawyers who defend them and denounce the serious violations to which the LGBTQ community is subjected to.
29. A number of defenders mentioned colleagues who had been forced into exile by repression and threats. If they resumed their activism abroad, it exposed their families to social pressure. Security personnel would personally visit their families' neighborhoods and workplaces to inform their social circles of the activists' gender identity, leaving a

¹⁰ *Sada Elbalad*, “Ala Mas’uliyati, Ahmad Musa: Munazzamat Ikhwaniya Irhabiya Tad’a Kidhban Wujud Ikhtifa’ Qasri,” April 25, 2020, <https://www.youtube.com/watch?v=jWHSsCfmhaU>.

¹¹ *Sada Elbalad*, “Ahmad Musa: A’da’ al-Watan Yaktubun Taqarir Kadhiba ‘an Huquq al-Insan fi Mist,” October 31, 2021, <https://www.youtube.com/watch?v=DrWEjtezSZI>.

¹² Egyptian Front for Human Rights, “Tashhir wa-Tahdidat Tatal Munazzama Huquqiya wa-Mudiraha: Hajma li-l-Intiqam Ithra Taqarir ‘an al-Ahdath ‘ala al-Hudud ma’ Ghazza,” February 26, 2024, <https://egyptianfront.org/ar/2024/02/تشهير-وتهديدات-تطال-منظمة-حقوقية-ومدي/>.

social stigma on their families. This type of harassment of the families of LGBTQ activists put pressure on the defenders themselves.

VI. Recommendations

- Allow rights activists who have been legally charged in Egypt to view their case and investigative files, when they exist.
- Channel cases against defenders, when they exist, to the civilian judiciary and avoid their prosecution in exceptional courts.
- Comply with the principle of the individuality of punishment; if any crime is proven against a defender in Egypt, no harm should come to his family, relatives, friends, and neighbors and they should not be threatened or used to pressure the defender to cease his work.
- Stop the monitoring of human rights defenders whereby they are summoned to National Security headquarters and repeatedly detained.
- Issue official identification documents to defenders and their children and families abroad.
- affirm Egyptian authorities' commitment to international frameworks to which it is a party which regulate mobility rights, the return to one's homeland, and freedom of movement to and from one's home country.
- Allow HRDs and dissidents to return to their home country in the long term while guaranteeing their safety and the diligence of the Egyptian authorities; such an agreement might include the official bodies responsible for human rights in Egypt, as well as international bodies trusted by and acceptable to Egypt.
- Cease the ongoing campaigns of slander against human rights defenders and other well-known international organizations such as UN agencies that defend their rights for simply discussing violations targeting these dissidents.
- Make an official distinction between the treatment of defenders and the treatment of their families, provide guarantees for such distinctions, and respond to any claims brought against Egypt in this regard.