

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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EGYPT: ACTIVIST ARBITRARILY DEPRIVED OF NATIONALITY, MADE STATELESS

Egyptian authorities arbitrarily deprived activist Ghada Naguib of her Egyptian nationality in an alarming escalation of reprisals against Egyptian human rights defenders and activists abroad, Amnesty International said calling for the decision to be immediately rescinded. The organization also called for amendments to the Egyptian nationality law to bring it in line with international law and standards, including by introducing guarantees against arbitrary deprivation of nationality.

On 24 December 2020, Egyptian authorities published the Council of Ministers' decision to strip Ghada Naguib, an activist living in Turkey, of her Egyptian nationality, leaving her stateless. The authorities justified their move on the grounds that Ghada Naguib was guilty of crimes "endangering national security from abroad", in reference to a special court convicting and sentencing her to imprisonment for her peaceful activism after a grossly unfair trial in her absence. The decision follows years of intimidation and judicial harassment against Ghada Naguib and her family, owing to her political activism.

In recent years, Amnesty International and other organizations have documented the Egyptian authorities' pattern of reprisals against dissidents living abroad, including through the arbitrary arrest and detention of their relatives in Egypt and coordinated smear campaigns in state and pro-government media.¹ The revocation of an activist's nationality on political grounds without any due process reveals the use of a new tactic by the Egyptian authorities in their unrelenting campaign to silence peaceful dissent at home and abroad.

CAMPAIGN OF INTIMIDATION AND HARASSMENT AGAINST GHADA NAGUIB AND HER FAMILY

After enduring intimidation and harassment by security forces and being warned about her imminent arrest, Ghada Naguib left Egypt on 16 December 2015, together with her husband, actor and TV anchor Hisham Abdallah, and their four children, settling in Turkey.² Weeks after the family fled Egypt, pro-government media published articles about Ghada Naguib facing criminal investigations in a case referred to as "25 January Youth Organization".³

The Egyptian authorities subjected Ghada Naguib and Hisham Abdallah to a grossly unfair trial in their absence. On 31 January 2019, judges in the Giza Criminal and Supreme State Security Emergency Court-14th Circuit Giza convicted Ghada Naguib and Hisham Abdallah of charges of "spreading false news to incite people against the regime and to undermine national security" and sentenced them to five years in prison in a trial involving 28 defendants. Proceedings by Supreme State Security Emergency Courts, which are special courts activated when the state of emergency is in force, do not meet the threshold of fair trial standards. Verdicts by these courts cannot be appealed and are subject to confirmation by the president.⁴ In the verdict, examined by Amnesty International, judges claimed that the defendants joined the Egyptian Council for Change, a group described as "illegal", and disseminated "false news" through social media and TV channels in order to incite Egyptians against the government. In issuing the verdict, judges largely relied on "confessions" by detained defendants, which defence lawyers, interviewed by Amnesty International, said were extracted under duress.

¹ Amnesty International, *Egypt: Victim of arbitrary detention and torture sues former acting Prime Minister*, (Index: MDE 12/2629/2020), www.amnesty.org/download/Documents/MDE1226292020ENGLISH.pdf; and Human Rights Watch, *Egypt: Escalating reprisals, arrests of critics' families*, 19 February 2021, www.hrw.org/news/2021/02/19/egypt-escalating-reprisals-arrests-critics-families

² Ghada Naguib took part in several political movements campaigning against the rule of or specific actions taken by successive Egyptian governments. She became politically engaged during the rule of former president Hosni Mubarak and continued her activism during the rule of the Supreme Council of the Armed Forces (SCAF), which took over after Mubarak was ousted from power on 11 February 2011. She remained critical of the government during the brief presidency of Mohamed Morsi, who was removed from power and imprisoned in July 2013, and following the advent of the current President Abdel Fattah al-Sisi to power. Security forces had previously briefly arrested Ghada Naguib and other activists in relation to protests on 10 October 2013 commemorating the 28 Coptic Christians killed two years prior. See Shorouk News, "Ghada Naguib from detention: the army officer took off my headscarf and dragged me by the hair to police van," 10 October 2013, www.shorouknews.com/news/view.aspx?cdate=10102013&id=45cad64e-328b-4135-9130-26cb4cef7ff7 (In Arabic)

³ Watan News, "Sources: 10 defendants in the 25 January Youth Organization case so far, including Ghada Naguib," 8 January 2016, www.elwatannews.com/news/details/905944 (In Arabic)

⁴ Article 12 of Law no.162/1958 on the State of Emergency

The verdict also cited as evidence testimonies by 10 officers of the National Security Agency (NSA), a specialized police force implicated in the enforced disappearance and torture of actual or perceived opponents.⁵ The verdict also cited peaceful activities protected under international human rights law such as “writing social media posts critical of the government and manuals on how to document human rights violations and transmitting them to the international community” as evidence of national security crimes. In the verdict, the judges argued that the interrogation of defendants without their lawyers present did not invalidate the proceedings.

Consistent with the well-documented pattern of targeting relatives of dissidents abroad, the authorities arrested at least eight members of Ghada Naguib’s and Hisham Abdallah’s families. The authorities arrested Hisham Abdallah’s older brother and Ghada Naguib’s two brothers on 31 July 2018 and 1 August 2018, respectively. All three were subjected to enforced disappearance for periods ranging between four and five days, after which the Supreme State Security Prosecution (SSSP), a special branch of the Public Prosecution responsible for investigating national security offences, ordered their detention pending investigations into terrorism-related charges. On 19 December 2020, the authorities arrested five of Hisham Abdallah’s nephews and subjected them to enforced disappearance until 23 December 2020, when they appeared in front of the SSSP, which ordered their detention pending investigations into terrorism-related charges. One of Ghada Naguib’s brothers was released in October 2018, while the other seven relatives remained in pre-trial detention at the time of writing. Ghada Naguib also told Amnesty International that the authorities confiscated her sister’s passport and prevented her from travelling in 2018.

In exile, Ghada Naguib and Hisham Abdallah continued to be subjected to threats and intimidation. Amnesty International examined text messages and voice notes left on Ghada Naguib’s phone on 18 November 2020 by a member of a political group aligned with Egyptian security forces, threatening Ghada Naguib’s youngest child and her detained friend with dire consequences unless she ceases publicly criticizing a senior military intelligence officer. Ghada Naguib accused the officer of instigating a smear campaign against her and her husband in pro-government media dubbing them “Islamists and terrorists”.⁶ Ghada Naguib has also been subjected to gender-based insults including being accused of running sex work rings and of engaging in “immoral” behaviours.⁷

In August 2018, Egyptian pro-government media reported Hisham Abdallah’s arrest in Turkey, noting that Egyptian authorities were seeking his arrest and extradition.⁸ Amnesty International understands that Hisham Abdallah was briefly detained in Turkey before being released without charge, but does not have further information about the reasons behind his arrest.

Hisham Abdallah told Amnesty International that diplomatic representatives at the Egyptian consulate in Istanbul have refused to renew his passport since 2017, citing delays in receiving “security approval” from Egypt. They offered to provide him with a travel document to return to Egypt, which he refused given substantial grounds for believing that he would face arbitrary arrest and detention, enforced disappearance, torture and unfair trial if he returns to Egypt. Amnesty International examined a copy of Hisham Abdallah’s passport, which expired in 2018, which effectively restricts his right to freedom of movement and ability to travel outside Turkey.

STRIPPING OF NATIONALITY

Ghada Naguib was born in February 1972 in Cairo to an Egyptian mother and a Syrian father. According to the nationality law in force at the time, Law No.82/1958 on the nationality of the United Arab Republic (UAR), the short lived political union between Syria and Egypt established in 1958,⁹ Ghada Naguib was a natural-born citizen of the UAR. According to Article 1 of Law No.26/1975 on the Egyptian nationality, which replaced the 1958 law, individuals who acquired UAR nationality by birth and were born in the Egyptian realm of the UAR are considered Egyptian citizens.

⁵ Amnesty International, *Egypt: 'Officially, you do not exist': Disappeared and tortured in the name of counter-terrorism*, (Index: MDE 12/4368/2016), www.amnesty.org/en/documents/mde12/4368/2016/en/

⁶ Ghada Naguib, "He is making me laugh," Facebook video, 4 November 2020, www.facebook.com/ghaghaba/posts/10221516634639435 (in Arabic)

⁷ Dostour, "Ghada Naguib's journey from terrorism to prostitution," 22 October 2020, www.dostour.org/3234539 (in Arabic) and Dostour, "Facilitating prostitution: details of the terrorist group's accusations against Hisham Abdallah's wife of procuring," 29 September 2020, www.dostour.org/3214797 (in Arabic)

⁸ Al-Youm al-Sabea, "Is the Turkish judiciary investigating Hisham Abdallah in relation to Cairo's Interpol notice to extradite him?" 16 August 2018, tinyurl.com/ekdz89fd (in Arabic)

⁹ Despite Syria’s withdrawal from the UAR in 1961, it was not formally dissolved and Egypt retained the official name until 1971.

Amnesty International examined Ghada Naguib's identity card, passport, and official school transcripts from 1984, 1988 and 1990, showing her Egyptian nationality. Ghada Naguib does not hold a Syrian passport or identity card and never claimed Syrian nationality. She spent most of her life in Egypt.

Ghada Naguib first learned about the Council of Ministers' decision No.48/2020 to deprive her of Egyptian nationality when it was published in the official gazette on 24 December 2020. The decision was based on Law No.26/1975 on the Egyptian nationality, which grants the executive wide discretionary powers to deprive natural-born or naturalized Egyptians of their nationality without judicial review. The decision was justified on the grounds that Ghada Naguib's habitual residence was abroad and that she was convicted of crimes "endangering national security from abroad".

The decision used the term "strip" to describe the act of depriving Ghada Naguib of her nationality, which the law uses in reference to natural-born Egyptians, rather than the term "revoke" used in reference to naturalized Egyptians. However, the decision falsely claimed that Ghada Naguib was of Syrian nationality "originally". Egyptian legislation did not grant women equal rights to men in conferring nationality to their children until 2004. Prior to that time, children of Egyptian mothers and non-Egyptian fathers were not considered natural-born Egyptians and had to file requests for naturalization.

In February 2021, Ghada Naguib's lawyers appealed the decision to deprive her of Egyptian nationality in front of an administrative court in Cairo.

LEGAL FRAMEWORK ON THE RIGHT TO A NATIONALITY

The right to a nationality is enshrined in Article 15 of the Universal Declaration of Human Rights (UDHR) and Article 24 of the International Covenant on Civil and Political Rights (ICCPR) to which Egypt is a state party. The principle of non-discrimination is a governing principle in international human rights law and applies to the right to a nationality. Where an individual is deprived of nationality on discriminatory grounds, this amounts to arbitrary deprivation of nationality. The 1961 Convention on the Reduction of Statelessness also prohibits the arbitrary deprivation of nationality on racial, ethnic, religious or political grounds (Article 9) and, with only a few very tightly drawn and narrow exceptions, any loss of nationality which results in statelessness (Article 7 and 8). Although Egypt is not party to the Convention on the Reduction of Statelessness, the obligation to prevent statelessness has been recognized as a norm of customary international law.

While the Convention recognizes limited permissible grounds for states to deprive individuals of nationality, Article 8.4 specifies that such acts must be done "in accordance with law, which shall provide for the person concerned the right to a fair hearing by a court or other independent body".

Law No.26/1975 on the Egyptian nationality does not comply with Egypt's international obligations and international law. The law grants the executive wide discretionary powers to strip Egyptians of nationality on overly broad and vaguely-defined grounds, beyond those permissible under international law, including being convicted of a "disgraceful" offence or crimes threatening "national security internally and externally" and working for foreign organizations "aimed at undermining the Egyptian social and economic order by force or other unlawful means". Such grounds are open to abuse against actual or perceived critics or opponents convicted and sentenced in unfair trials solely for the exercise of their rights to freedom of expression, association and peaceful assembly.

The law considers the revocation of nationality to be an administrative matter and does not provide affected persons with any due process guarantees including a fair hearing in front of court or other independent body. Those affected are not even notified of decisions or their grounds, until they are published in the official gazette within 30 days of their issuing. While the law does not stipulate for the right to appeal, affected individuals can resort to administrative courts, specializing in adjudicating disputes involving government actions. In practice, such cases can drag on for years.

BACKGROUND

Since President Abdel Fattah al-Sisi came to power, the Egyptian authorities have embarked upon an unprecedented crackdown against opponents and critics, as security forces rounded up thousands in politically motivated arrests, many of whom have been convicted and sentenced in unfair trials or detained without trial for years on unfounded terrorism-related charges. This crackdown on any form of peaceful dissent has led many activists, human rights defenders, politicians, journalists and other actual or perceived critics or opponents to leave Egypt to avoid enforced disappearance,

torture, arbitrary detention, travel bans and other restrictions on the rights to freedom of expression, association and peaceful assembly.¹⁰

The authorities and pro-government media regularly launch smear campaigns against opponents and critics outside Egypt and intimidate their Egypt-based relatives through summons for questioning, arbitrary arrest and detention and other harassment.¹¹

In recent years, Amnesty International has also received information from Egyptian human rights defenders and other individuals with political profiles living abroad, including in Germany, Norway, Turkey and the UK, about Egyptian diplomatic representatives refusing requests to renew their passports in Egyptian consulates, instructing them to return to Egypt to complete their paperwork. In practice, such refusals compel individuals to either return to Egypt, where they are at risk of serious human rights violations including arrest at the airport, prolonged arbitrary detention, torture, enforced disappearance and unfair trial, or to apply for international protection.

CONCLUSION AND RECOMMENDATIONS

Amnesty International considers the decision to deprive Ghada Naguib of her Egyptian nationality to be arbitrary as it was taken on political grounds, due to her activism and public criticism of the authorities, and lacked any due process guarantees. Authorities justified their decision on the basis of her conviction in a grossly unfair trial of charges stemming solely from her peaceful exercise of her rights to freedom of expression, association and assembly.

To uphold their obligations under international human rights law, Amnesty International calls on the Egyptian authorities to:

- Immediately rescind the Council of Ministers' decision revoking Ghada Naguib's Egyptian nationality;
- Amend Law No.26/1975 on the Egyptian nationality to bring it in line with international law and standards by:
 - Introducing guarantees against arbitrary deprivation of nationality and statelessness;
 - Explicitly prohibiting the deprivation of nationality on ethnic, religious, political or racial grounds; and
 - Ensuring that affected individuals have the right to a fair hearing in front of a court or other independent body and the right to appeal.
- Quash the conviction and sentence issued against Ghada Naguib and Hisham Abdallah and drop all charges against them stemming from their exercise of their rights to freedom of expression, association and peaceful assembly; and
- Cease the harassment of Egypt-based family members of actual or perceived Egyptian dissidents and critics living abroad and release Ghada Naguib's and Hisham Abdallah's relatives who are detained arbitrarily solely in retaliation for their relatives' opposition to and criticism of the Egyptian authorities.

¹⁰ Amnesty International, *Middle East and North Africa 2019 report*, (Index number: MDE 01/1357/2020), www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/report-egypt/; Amnesty International, *Egypt: 'What do I care if you die?': Negligence and denial of medical care in Egyptian prisons*, (Index number: MDE 12/3538/2021), www.amnesty.org/en/documents/mde12/3538/2021/en/; and Amnesty International, *Egypt: An Open-Air prison for critics*, (Index number: MDE 12/9107/2018), www.amnesty.org/en/documents/mde12/9107/2018/en/

¹¹ Amnesty International, *Egypt: Victim of arbitrary detention and torture sues former acting Prime Minister*, (Index: MDE 12/2629/2020), www.amnesty.org/download/Documents/MDE1226292020ENGLISH.pdf; and Human Rights Watch, *Egypt: Escalating reprisals, arrests of critics' families*, 19 February 2021, www.hrw.org/news/2021/02/19/egypt-escalating-reprisals-arrests-critics-families