



CAIRO INSTITUTE
FOR HUMAN RIGHTS STUDIES
Institut du Caire pour les études des droits de l'homme
مركز القاهرة لدراسات حقوق الإنسان



No Exit

A Joint Report by (CIHRS) and (AFTE)

Abstract

This report views the use of travel bans from June 2014 to September 2016 as a means to deny the right to freedom of movement and politically sanction dissidents for their engagement in the public sphere and the free expression of their opinions. The [Cairo Institute for Human Rights Studies](#) (CIHRS)¹ and the [Association for Freedom of Thought and Expression](#) (AFTE)² found a marked increase in the issuance of travel bans and their use as a tool of political punishment for independent and opposition voices in the period under review. Travel bans are issued without regard for legal regulations and without notifying those barred from traveling of the reason for the ban or its duration, as part of an array of arbitrary measures pursued against people involved in civil society and opponents of the current regime's policies, including politicians, rights advocates, media personnel, academics, intellectuals, and public figures.

¹ CIHRS is an independent, regional NGO established in 1993. It aims to promote human rights and democratic principles, analyze the difficulties of applying international human rights law, disseminate a culture of human rights in the Arab world, and foster inter-cultural dialogue. To this end, the CIHRS proposes and advocates legislation and constitutional amendments that meet international human rights standards, engages in research and advocacy across various national, regional, and international platforms, promotes human rights education, and fosters professional capacity building for human rights defenders.

² AFTE is an independent legal firm of several lawyers and researchers established under the Egyptian bar law in 2006. Taking the Egyptian constitution, the Universal Declaration of Human Rights, and international conventions as its frames of reference, it works on issues related to the promotion and protection of freedom of thought and expression in Egypt. It focuses on research, documentation, and legal support in relevant cases in order to defend freedom of expression in Egypt through a set of programs: the program on academic freedom and student rights, the right to knowledge program, the digital freedoms program, the media freedom program, the program on memory and conscience, and the creative freedom program. Its legal team offers legal assistance in cases involving freedom of expression across its various programs.

The report looks at a representative set of travel bans issued as punishment for the expression of dissent during the period under review; noting the lack of clearly defined procedures and transparency, and the most significant problems and violations such bans entail.³ To document cases and the common characteristics of these bans, the report relies on personal interviews conducted by a team from CIHRS and AFTE in recent months. Researchers respected the desire for anonymity among some interviewees, who feared further harassment and retribution.

The report discusses the lack of any law regulating the issuance of travel bans as required by Article 62 of the constitution; regulation is instead left to administrative decrees from the interior minister, which do not rise to the level of law. These regulations define the entities that can request names to be added to the travel ban list.

The report focuses on travel bans issued by direct order of the security apparatus and those that followed from a judicial order from the public prosecutor or investigating judges. It also examines several other cases of harassment in travel departure and return areas, such as unlawful detention, interrogation, and searches. Though these violations may not culminate in a travel ban, they nevertheless infringe upon the right to freedom of movement; and in many cases, presage a travel ban at a later date, as demonstrated by this research.

The researchers made use of a diverse array of sources and information. The team conducted numerous interviews with representatives of most groups subjected to travel bans during the period under review and also consulted statistics, reports, and data from rights sources⁴ that have produced valuable documentation and research efforts in this regard, particularly information from [Daftar Ahwal](#).⁵

³ Figures and testimonies in this report refer to travel bans issued as political punishment for dissent, not all travel bans. This does not necessarily mean that all other travel bans issued in this period were legal, but they were beyond the scope of this study.

⁴ Including the Arabic Network for Human Rights Information, Nazra for Feminist Studies, and Human Rights Watch.

⁵ Daftar Ahwal is an independent information platform that functions as a fact tank to provide information and big data analysis about political events and social issues in Egypt. It is unaffiliated with any political, ideological, or religious position or orientation.

Introduction

Once a precautionary action issued by judicial order in line with strict guidelines against suspects in cases that posed a flight risk, travel bans have become a form of arbitrary punishment issued by security and judicial orders against political activists, rights advocates, and others as a means of political harassment and to punish them for adopting opinions and positions that diverge from those of the regime and the security apparatus. It is one of a set of retaliatory actions that have been used with unprecedented frequency in the last two years.

According to Daftar Ahwal, approximately 217 people, Egyptians and non-Egyptians, were detained at the airport and either prohibited from travel or denied entry from June 2014 to February 2016.⁶ According to the group, this included 115 Egyptians who were banned from travel on the basis of their involvement in public life or to punish them for their political or rights activity. It also includes bans of several Salafi leaders as well as family members of Muslim Brothers.

By another count prepared by political activist Mahmoud Abd al-Zaher, a copy of which was sent to the CIHRS, 52 rights and party activists were banned from travel in 2015 (four cases of mass bans covering 44 party and rights activists, as well as eight individual cases).

A Human Rights Watch report issued in early November 2015 documented at least 32 cases in which airport security confiscated the passports of political activists and NGO workers in 2015. They were told that Homeland Security “would call them,” and most were unable to retrieve their passports.⁷

This report reviews travel bans imposed upon 80 people from June 2014 to September 2016,⁸ among them rights advocates, political activists and party members, academics, and journalists. This includes six mass bans covering 48 people and 32 individual bans. The report distinguishes bans issued “on security grounds” by direct order of a security agency (largely Homeland Security and General Intelligence) from those issued by judicial order by investigating judges, the public prosecutor, or court judgments.⁹ The report also discusses ten cases in which people were detained while traveling or

⁶ See: https://docs.google.com/spreadsheets/u/2/d/1o5QdYrDYbB1mHbNCML35gAfGYrB-igp1PJ_iMQv37aU/edit#gid=427608683.

⁷ <https://www.hrw.org/news/2015/11/01/egypt-scores-barred-traveling>.

⁸ This report does not aim to offer a definitive count of total persons banned from travel, assuming there may be numerous cases which were not announced by the persons concerned, reported in the media, or covered by rights reports. This report focuses on travel bans as a means of punishing dissent, particularly opposition by political and rights activists.

⁹ Article 1 of Interior Minister Decree 2214/1994, amended by Interior Minister Decree 54/2013, defines 11 bodies with the right to issue travel bans, both judicial and non-judicial bodies.

returning from travel and subjected to a search and questioning. While these incidents did not end with an immediate travel ban, in most cases they indicated that a travel ban would be issued at a later date.

The research found that most travel bans (more than 83 percent) were issued pursuant to security directives and were not occasioned by any formal charges or a conviction of the persons prohibited from travel, or by judicial orders. The majority of people barred from travel stated that they were subjected to an unofficial interrogation at the airport, questioned about their activities, political affiliations and opinions, and the destination and purpose of their travel. These “chats” culminated in a travel ban of undefined duration and grounds. Many people barred from travel, particularly young people, were given weak excuses for the ban by security agencies at the airport. They were told, for example, “We’re worried about you, you don’t know your own interests and we’re protecting you from yourself.” This reflects the general patronizing, paternal logic adopted by the security apparatus, especially with the youth.

Whether the ban was issued pursuant to security directives or a judicial order, human rights defenders were the most common target (47.5 percent of all cases). The report found five individual bans issued against rights activists by security directives and another three mass bans covering 23 people issued by security directives, as well as bans given to at least 10 rights activists in connection with case no. 173/2011, known as the foreign funding case.

The report notes that security agencies at the airport illegally confiscated the passports of travelers to ensure they could not leave and forced them to claim the passports at security agency offices, usually Homeland Security. There they were subjected to another unofficial interrogation in which they were compelled to reveal more personal information without legal basis or justification, in clear breach of formal, binding judicial procedures. In some cases, the targeted individuals said that this information was later used to level formal charges against them and formally interrogate them based on statements made unofficially when they attempted to retrieve their passports. They typically were unable to retrieve their passports for at least three weeks from the date of the ban and in some cases not at all. If they sought to acquire a new passport, they were met with intransigence.

The crisis did not end even if the passport was retrieved. Most persons barred from travel were not informed whether the ban had been lifted or whether it was issued in connection with the destination or the person traveling, or even the nature of the activity in which they intended to participate while traveling. Consequently, many of the targets of the bans were reluctant to attempt to travel again, fearing a repeat violation.

In any state that respects the law, travel bans require legal grounds and procedures, which naturally include informing the persons banned from travel of the ban, its duration, and the reason(s) for it. Most people interviewed for this report, however, said that they were informed of the ban while in the airport departure hall or at the gate itself after completing all boarding procedures and checking their luggage.

The report is divided into two sections, followed by a conclusion and recommendations. Part I examines legal standards for travel bans in light of international conventions, the Egyptian constitution, and Egyptian legislation on the individual right of freedom of movement, guidelines for restrictions of that right, and relevant rulings and principles upheld by high courts.

Part II focuses on the testimonies of several persons barred from travel about their experiences and the ensuing violations of their liberties and rights. Through the testimonies, the report enumerates the violations encountered by persons banned from travel, whether on order of security agencies or by judicial order. The report also documents the harassment, threats, and extortion that some activists encountered. Though these did not end in travel bans, they clearly infringed upon their personal rights and freedom of movement. Moreover, such harassment has in many cases culminated in an actual travel ban at a later date.

Conclusion and recommendations

Travel bans are a means of harassment and retaliation wielded against public actors. Based on the numerous examples in the report, we found that such orders were issued pursuant to security directives and without basis in an attempt to intimidate, pressure, or extort activists for information about their work and that of other activists. Even bans issued by judicial order were based on investigations and prosecutions of their legitimate activities, such as the travel bans issued in connection with the foreign funding NGO case. All the travel bans, even those issued by judicial order, fail to meet the most basic requirements of transparency in informing their targets of the ban's rationale and providing them with an official document stating this rationale.

Although the constitution provides some safeguards on travel bans—requiring them to be issued by a judicial authority and for a defined duration—the security and judicial bodies alike take advantage of the lack of laws regulating the process. As a result, successive interior minister decrees (at a lower rank than that of laws) organizing the lists of persons banned from travel function as the basis of regulation, in a clear contempt of Article 62 of the constitution. While various security agencies issued the majority of bans discussed in this report—bans that contravene the constitution—the judicial bodies have also issued open-ended bans without stating grounds, informing the persons affected, or conducting an investigation. In this regard, the security and judicial bodies stand in equal contempt of the constitution.

For persons active in the public sphere, entering the airport is like opening an unmarked box: they never know what they will find within or whether they will encounter harassment or a travel ban. The problem does not end with leaving the airport, as the harassment may continue when persons targeted are asked to go to various security offices. As one of the testimonies in the report notes, it is an dauntingly exhausting process.

In this context, CIHRS and AFTE offer the following recommendations to reduce the arbitrary use of travel bans:

1. Respect the principles of the Egyptian constitution in relation to the right of freedom of movement and the rules for restricting this right, and take action to make Egyptian laws and legislation reflect these constitutional obligations.
2. Stop targeting rights advocates with travel bans that aim to obstruct the work of human rights defenders and circumscribe Egyptian civil society.
3. Investigative bodies (the public prosecution and investigating judges) must stop the arbitrary use of their discretionary authority to issue travel bans. Furthermore, they must comply with international standards that ensure

necessity, proportionality, and preservation of the underlying principle of the right being restricted.

4 .The Interior Ministry must lift administrative directives that require citizens to obtain security approval prior to traveling to certain countries and take steps to clarify the dangers or risks to their lives that Egyptian citizens could face when traveling to states experiencing conflicts.

5. The Ministry of Higher Education must lift directives requiring faculty members to obtain security approval before traveling abroad.

6. The Interior Ministry and various security agencies must end all arbitrary practices related to travel bans and comply with legal statutes, the constitution, and the principles of court rulings, which have granted the judicial authorities alone the discretionary authority to restrict the right of freedom of travel. They must cease all unlawful practices in connection with travel bans, including detention, interrogation, confiscation of passports, and extortion of political and rights activists seeking to retrieve their passports.