



The Tahrir Institute
for Middle East Policy



The
Freedom
Initiative

ABUSE OF TRAVEL BANS IN EGYPT



TABLE OF CONTENTS

ACKNOWLEDGMENTS	1
.....	
EXECUTIVE SUMMARY	2
.....	
INTRODUCTION	5
.....	
METHODOLOGY: CENTERING THE VICTIM	7
.....	
LEGAL FRAMEWORK: AMBIGUITY IN ABSENCE	10
.....	
LIFECYCLE OF A TRAVEL BAN: ARBITRARY APPLICATION AMID A DEARTH OF INFORMATION	15
.....	
SPOTLIGHT: TRAVEL BANS AND DETENTION	21
.....	
IMPACT OF A TRAVEL BAN: A “LIFE-SHATTERING” EXPERIENCE	24
.....	
FINDINGS	28
.....	
RECOMMENDATIONS	30



ACKNOWLEDGMENTS

The Freedom Initiative and the Tahrir Institute for Middle East Policy would like to thank those individuals who exhibited remarkable courage in agreeing to share their experiences, despite the risks faced in participating in research while unable to leave Egypt. We would also like to thank those Egyptian and international civil society organizations and scholars upon whose work this research builds.

We are most grateful to the team at FairSquare UK, who provided support and policy guidance at various stages of research and report drafts.

Finally, we would like to acknowledge the many individuals facing unlawful travel bans in Egypt who were not able to participate in this research. We hope that our efforts reflect your experience and contribute to the continued efforts to end this abusive practice.



The Tahrir Institute
for Middle East Policy



The
Freedom
Initiative

EXECUTIVE SUMMARY

This joint report by the Freedom Initiative (Fi) and the Tahrir Institute for Middle East Policy (TIMEP) investigates Egyptian authorities' use of politically motivated travel bans and travel-related restrictions. Through in-depth interviews with 12 individuals from a variety of political, professional, and legal backgrounds, and who have experienced travel bans ranging from several weeks up to a decade at a time, our research maps the ambiguous legal context within which unlawful bans and restrictions are imposed. It explores how individuals subject to travel bans and lawyers grappling with bans have navigated Egypt's byzantine legal processes for soliciting information about and challenging these measures in court. The report also documents the impact of unlawful travel bans and related restrictions on those targeted and offers recommendations to address these issues.

Although travel bans receive less attention in the international community as compared to arbitrary detention or other forms of state-sanctioned violence, this research finds that for those who experience them, unlawful travel bans and travel-related restrictions carry serious consequences for mental and physical well-being, as well as devastating impacts on professional and personal lives. The widespread application of unlawful travel bans has a chilling effect that limits free expression and association. Travel bans should thus be understood as a severe deprivation of liberty that warrants urgent international response.

Travel bans should thus be understood as a severe deprivation of liberty that warrants urgent international response.

Our research found that

- Save for an administrative decree, no law explicitly governs the application of travel bans. Egyptian authorities systematically exploit the absence of a clear regulatory framework governing the application of travel bans. This dynamic leaves victims and lawyers in the dark about basic questions like who ordered the ban or how to appeal it.
- Most of those banned from travel and/or subjected to travel-related restrictions first learn of their situations while attempting to travel, often at the airport. The lack of any formal prior notification underscores the arbitrary nature of the bans.
- While some travel bans are issued against individuals pending an ongoing legal case, bans or travel-related restrictions are also often issued by security officials under vague “national security” pretenses that are not related to any ongoing investigations by law enforcement agencies, and no clear, singular path exists for challenging such restrictions in court.
- The legal ambiguity around travel bans, the trauma associated with interrogations and detentions while traveling, and fear of reprisal have prevented some targeted individuals from attempting to challenge their bans entirely and/or from traveling.
- Those on travel ban are inherently vulnerable to arrest or re-arrest. Some individuals who are released from pretrial detention later face travel ban, while others subject to probationary measures following a served sentence face restrictions on freedom of movement, which can include travel bans.
- At times, individuals who are subject to travel-related restrictions experience temporary detention or interrogation, as they are stopped and interrogated upon departure and/or arrival from/to the airport or when seeking to retrieve a confiscated passport, increasing their risk for detention or abuse.

- Travel bans prevent those who experience them from seeing family abroad, seeking medical treatment outside the country, and accessing educational, recreational, and professional opportunities. Travel-related restrictions can have dire consequences on mental and physical well-being.
- Travel bans thus subject affected individuals to an environment rife with trauma and threat; targeted persons report feeling depression and despair as a result of the constant threat they face and their feeling of isolation.

To end the abuse of unlawful travel bans, we offer the following recommendations

- The Egyptian government should limit the application of travel bans only to those considered necessary under international law and pass a single law that would transparently and exclusively govern the issuing of travel bans and protect individuals' rights in seeking information about or challenging bans.
- Foreign governments should treat unlawful travel bans as serious violations of human rights in any public or private engagements with Egyptian counterparts, legislation on foreign assistance, and at the level of consular services.
- The United Nations should institute a new mandate and appoint a Special Rapporteur on the Freedom of Movement to investigate relevant violations, including the abuse of travel bans in countries around the world like Egypt.

INTRODUCTION

In recent years, Egypt has seen a precipitous deterioration in the rule of law through the widespread practice of arbitrary arrests and detention, enforced disappearances, systematic violations of due process, and the designation of thousands of civilians to the country's official terrorist list.¹ These violations take place against a backdrop of political repression and control of the public sphere. The government has targeted independent civil society organizations, criminalized public gatherings to effectively ban peaceful protests, restricted independent media, and prosecuted hundreds in mass trials.

In recent years, these measures and others have resulted in the expatriation of many Egyptians from the country and have also correlated with the unlawful application of travel bans and travel-related restrictions, impacting those remaining in the country.² While no estimate exists for the number of individuals who have been banned from travel in recent years, these bans have emerged as an insidious and harmful practice. This research demonstrates how Egyptian authorities routinely weaponize travel bans to restrict freedom of movement, underscoring the negative mental, economic, and political impact travel-related restrictions have on the individuals targeted.

This collaborative research on the abuse of travel bans in Egypt was produced in the hopes of shedding greater light on this harmful practice and its impact. The research focuses on the experiences of 12 individuals in Egypt who have been or are currently subject to travel bans and/or harassment by government officials through travel-related restrictions. The analysis also highlights how unlawful travel bans result in the deprivation of fundamental rights and have seriously harmful social, economic, political, and psychological ramifications on the lives of those who experience them.

Thus, the travel bans dealt with in this report represent a serious deprivation of liberty and should be understood as part and parcel of the broader crackdown on human rights. The Egyptian authorities' increasing reliance on travel bans is inextricably linked with the state's efforts to surveil public activities, silence dissent, and otherwise limit individuals' ability to freely exercise their rights to expression, association, and assembly.

With this report, we hope to impart a sense of urgency in addressing unlawful travel bans as an abuse that is, as one of those we spoke to described it, "life-shattering." In doing so, we propose a set of recommendations for local and international policymakers, as well as civil society, to better address this practice and hold accountable those who perpetuate it.

Travel bans present in this report should be understood as part of the broader crackdown on human rights.

[1] "Egypt: NGO's call on authorities to end crackdown on freedoms," Freedom House, June 1, 2021, <https://freedomhouse.org/article/egypt-ngos-call-authorities-end-crackdown-freedoms>

[2] Although travel bans were used under former President Hosni Mubarak as a punitive measure against prominent activists and opposition leaders, Human Rights Watch reported in 2015 that the practice has significantly expanded under Sisi, particularly in the context of his declared "war on terror." While this report focuses on the application of unlawful travel bans, in late 2014, Egyptian authorities also began implementing a number of travel-related restrictions across the board, including requiring all citizens between 18 and 40 to apply for special "security approval" before being permitted to travel to Turkey and numerous other countries. In 2015, Egypt's Education Ministry also began requiring academics to receive approval from the ministry prior to traveling abroad. See: "Security approval required for Egyptian travelers to Turkey and Iraq: MOI," Ahram Online, December 10, 2014, <https://english.ahram.org.eg/NewsContent/1/64/117617/Egypt/Politics-/Security-approval-required-for-Egyptian-travellers.aspx>; and Jihad Abaza, "Academics banned from travelling without prior security approval," Daily News Egypt, May 22, 2015, <https://dailynewsegypt.com/2015/05/22/academics-banned-from-travelling-without-prior-security-approval/>.

METHODOLOGY: CENTERING THE VICTIM

Review of Literature

While previous works have documented the increasing application of unlawful travel bans,³ attention has been relatively limited, particularly among international stakeholders. In their public reporting, Egyptian rights groups have paid attention to the “illegality” of many of the travel bans issued and focused on cases of individuals who were only informed that they were banned from travel when they arrived at the airport, emphasizing the use of airport monitoring lists, confiscation of passports, and uncertainty surrounding travel bans among lawyers and victims. Rights groups and journalists have also identified authorities’ growing reliance on travel bans under President Abdel Fattah al-Sisi.

Building on this work and addressing existing gaps, this report focuses on the quasi-legal and extralegal tools employed to prevent a wide range of people from exiting the country. It further highlights and emphasizes the various impacts of travel bans, including on individuals’ physical, emotional, or mental well-being, their career opportunities, education, relationships with family, or romantic relationships. This is where we hope our research offers the greatest impact: by centering the lived experience of those targeted with unlawful travel bans within an obscure, arbitrary, and abusive legal and political framework, our research demonstrates how the application of travel bans is devastating for personal and political life.

We hope to center the lived experience of those under travel ban within an obscure legal and political framework.

Definitions

For the purposes of our research, we use the term “travel ban” to refer to exit-related restrictions however temporary. This may refer to the prevention of exit from the airport, an official notice of a travel ban, or even an informal notification that one appears on a security list. Because of the ambiguity (in law and application) surrounding “official,” “unofficial,” “formal,” or “informal” travel bans, we have elected not to use these terms to refer to types of bans, as those who experience them do not necessarily experience them differently. In other contexts, travel bans may be referred to as exit bans; we see these terms as interchangeable but note that the former term is more commonly used in Egypt. We recognize that the term man’ min al-safar encompasses a wide-variety of travel-related restrictions and have accordingly opted to use the term “travel ban,” although we recognize this may not be an exact translation for the Arabic term.

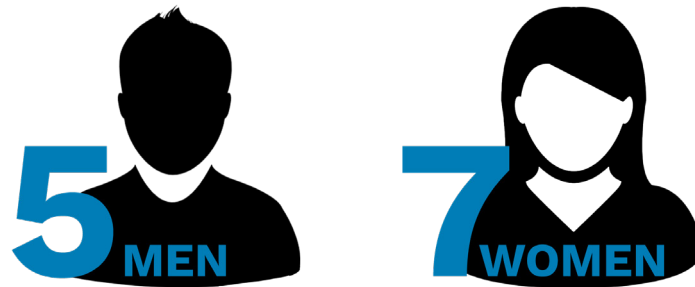
We translate the Arabic term “tazalloum” throughout the report as “grievance.” While this may be translated in other texts as an “appeal,” “challenge,” or other, we felt that “grievance” more accurately represented the legal specificity of this act.

We reference “airport monitoring lists,” which refer to security lists maintained by border officers identifying individuals attempting to enter or exit the country. Some of the individuals on these lists may be stopped for additional interrogation; many are prevented from exiting altogether.

[3] “Egypt: Scores barred from traveling,” Human Rights Watch, November 1, 2015, <https://www.hrw.org/news/2015/11/01/egypt-scores-barred-traveling>

Case Selection and Interviews

Our research identified 12 individuals who were banned from travel and/or lawyers who had represented individuals banned from travel. Of these, seven identified as women and five as men.



In selecting cases for interviews, we endeavored to ensure first and foremost the security and comfort of our respondents in conducting interviews, and we then prioritized a diverse sample. We sought to include individuals with varying political affiliations or no political affiliations at all, as well as varying professional backgrounds (including lawyers, academics, therapists, journalists, and others). Finally, we were interested in including those facing a variety of legal circumstances, including those under investigation in cases; those who had completed sentences; those who received pardons; those who had been released from pretrial detention; or those who had never been formally prosecuted. Because the full scope of those subjected to unlawful travel bans is unknown, it is impossible to definitively conclude that these individuals are a representative sample, but by ensuring diversity in the sample, we hope to capture commonalities and divergences in experience.

In all interviews and throughout the report, we center the experience of those living under travel bans. We thus conducted semi-structured interviews to allow a freely flowing discussion guided in large part by respondents. Interview questions explored how the individual first discovered they were unable to leave the country; any legal cases they had been investigated or prosecuted under; any attempts to seek information about the ban or challenge it; and the impacts on their health (mental, physical, and emotional), social relationships, career, financial situation, or other. We also discussed any visions for what reprieve from travel bans could or should look like, allowing respondents to guide the policy recommendations that appear later in the report.

Constraints

While the unlawful application of travel bans is a widespread practice in Egypt, several factors presented methodological challenges in identifying interlocutors and carrying out interviews. Due to the varied and arbitrary nature of the bans, there is no easy way to identify who is banned from travel. While many bans are applied to former detainees, cases of travel bans are not widely reported upon in relation to cases of detention; often, when a detainee is released from detention their case receives less attention, even if they remain on travel ban. Furthermore, a number of individuals facing travel ban have never been detained.

Additionally, there are obvious and inherent security risks that victims of unlawful travel bans face. Because they have no way to exit the country and seek safety, those banned from travel are in an inherently vulnerable position, and many simply do not want to speak, even privately, about their situation. A corollary consideration is that any communication must happen while the individual remains in-country. Egypt is notorious for its invasive surveillance methods, including use of spyware. Though we used encrypted means of communication, some of the individuals we approached to participate in the research still did not feel secure enough to take part. We thus sought informed consent prior to interviews and before report publication and endeavored to employ best practices in trauma sensitive interview approaches. We have thus anonymized most names throughout the report, except where we draw from public reporting or have received explicit consent.

LEGAL FRAMEWORK: AMBIGUITY IN ABSENCE

There is currently no domestic law governing the imposition of travel bans and travel-related restrictions, only Ministry of Interior Decree No. 2214 of 1994 and its 2012, 2013, and 2014 amendments.⁷ The decree establishes a list of entities that are authorized to request the imposition of travel bans from the Passport Authority. These include judicial actors — like the courts, prosecutor-general, and investigative judges — but also include non-judicial actors such as the heads of the General Intelligence Services and the National Security Agency (NSA). Though the decree and its amendments set forth a period of three years after which individual names are automatically removed from the travel ban, they do provide the requesting authority with discretion to keep them on the list beyond the three-year period; such extensions are not subject to further time restriction, creating the space for individuals to face indefinite travel ban. The decree states that individuals banned from travel may submit grievances regarding their ban to the Passport Authority.

There is currently no law governing the imposition of travel bans, only a ministerial decree

In the absence of a standalone domestic law governing travel bans, the decree considers the latter as administrative measures that do not require judicial issuing or oversight, subjecting the tool and its application to varied implementation, personal discretion, and politicization — all of which take place in violation of Article 62 of the constitution. Some attempts to issue legislation to fill the legislative gap on travel bans have been made, though none have been successful.⁸ The SCC and the Supreme Administrative Court⁹ have noted¹⁰ this legal gap in prior judgments,¹¹ and a number of domestic civil society organizations have taken steps to challenge the decree and/or its amendments.¹²

Separately, under the Terrorist Entities Law, Law No. 8 of 2015, later amended by Law No. 14 of 2020, individuals who are designated as terrorists are subject to a travel ban for the duration of the designation (a five-year period subject to renewal).

Some lawyers additionally interpret Article 201 of the Criminal Procedure Code to be relevant to at least some forms of travel ban that are associated with a particular case.¹³ The article sets forth a series of alternative measures to pretrial detention pending investigation and prosecution, including “obliging an accused not to leave his/her home country.” Under this interpretation, travel bans would be imposed by an investigating prosecutorial or judicial authority and in situations in which pretrial detention is appropriate. They would also be time-bound by the same restrictions governing pretrial detention. In applying this provision, Cairo Criminal Court Case No. 478 of 2014 found that a particular travel ban that remained in force even after an individual had been ordered released and no probationary measures had been issued was an improper restriction on the individual’s right to freedom of movement and had to be struck down.

[7] “قرار وزير الداخلية بشأن تنظيم قوائم المنوعين من السفر لسنة ١٩٩٤، منشورات قانونية، ٤ ابريل ١٩٩٤، تمت زيارة الصفحة في ١٢ مايو ٢٠٢٢”
<https://manshurat.org/node/14467>

“تعديل القرار رقم ٢٢١٤ لسنة ١٩٩٤ تنظيم قواعد المنوعين من السفر، منشورات قانونية، ٢٩ ابريل ٢٠١٢، تمت زيارة الصفحة في ١٢ مايو ٢٠٢٢”
<https://manshurat.org/node/4885>

“تعديل القرار رقم ٢٢١٤ لسنة ١٩٩٤ تنظيم قواعد المنوعين من السفر، منشورات قانونية، ١٦ يناير ٢٠١٣، تمت زيارة الصفحة في ١٢ مايو ٢٠٢٢”
<https://manshurat.org/node/5207>

“تعديل القرار رقم ٢٢١٤ لسنة ١٩٩٤ تنظيم قواعد المنوعين من السفر، منشورات قانونية، ١٩ مايو ٢٠١٤، تمت زيارة الصفحة في ١٢ مايو ٢٠٢٢”
<https://manshurat.org/node/5712>

[8] “مصطفى شعبان، مشروع قانون جديد بتنظيم قوائم المنع من السفر والترقب ٥ سنوات حبسا وغرامة ٢٠٠ ألف جنيه لمن تسبب في منع شخص من السفر، الاهرام، ٢٣ مايو ٢٠١٢”
<https://www.ahram.org.eg/archive/Revolution-Parliament/News/150852.aspx>

محمد نابليون، “مجلس الدولة يراجع اول قانون لتنظيم إجراءات المنع من السفر، الشروق، ٢٧ يوليو ٢٠١٥”
<https://www.shorouknews.com/news/view.aspx?cdate=27072015&id=225c2066-0787-40d2-99e5-f770f915253c>

Beyond what is listed here and in light of the security and intelligence apparatus' involvement in issuing at least some of these travel bans, there may be other procedures or processes — whether formal or informal — governing travel bans that are not documented and/or would not be known to the general public.

Travel Bans and International Law

The right to freedom of movement is recognized across a number of international and regional legal instruments, most notably the International Covenant on Civil and Political Rights (ICCPR)¹⁴ and the African Charter on Human and Peoples' Rights (ACHPR).¹⁵ The right to freedom of movement encompasses movement within the borders of a state as well as the freedom to leave any country, including one's own. Egypt has ratified both the ICCPR and the ACHPR, and its constitution grants ratified treaties the force of law.

The right to freedom of movement encompasses the freedom to leave any country, including one's own.

The ICCPR and ACHPR permit only narrow restrictions on the exercise of the right to freedom of movement, requiring that any restrictions — in this case, travel bans — be provided for by law and necessary to protect national security, public order (or “law and order” under the ACHPR), public health or morality, or the rights of others. When imposed for any of these purposes, restrictions on the right to movement must comply with two legal principles: necessity and proportionality. This means that restrictions on the right to movement must be necessary for protection of the aforementioned purposes, the least intrusive method of achieving these protections, proportionate to the interest being protected, and accompanied by administrative and judicial practices that are expeditious, transparent, and unambiguous. Restrictions that are discriminatory or based on distinctions of any kind, including political or other opinion, are a violation of both the ICCPR and ACHPR.

In addition to the right to freedom of movement, a number of other rights guaranteed under the ICCPR, ACHPR, and International Covenant on Economic, Social, and Cultural Rights (ICESCR)¹⁶ which has similarly been ratified by Egypt, are relevant to travel bans and travel-related restrictions. Other implicated rights include the rights to freedom of opinion, expression, and association; freedom of assembly; education; health; work; and others.

[9] "ختم عبور: تقرير حول عقوبة المنع من السفر"، مركز القاهرة لدراسات حقوق الانسان ومؤسسة حرية الفكر والتعبير، أكتوبر ٢٠١٦، <https://afteegypt.org/wp-content/uploads/2016/10/ختم-عبور.pdf>

[10] حيثيات حكم الغاء منع محمد جبريل من السفر، المصري اليوم، ٢٧ أكتوبر ٢٠١٥، <https://www.almasryalyoum.com/news/details/833903>

[11] "Egypt: Scores barred from Traveling," Human Rights Watch, November 1, 2015, <https://www.hrw.org/news/2015/11/01/egypt-scores-barred-traveling>

[12] "مصر: صيغة الطعن القانونية لإلغاء قرارات وزير الداخلية المصري للمنع من السفر"، مركز القاهرة لدراسات حقوق الانسان ومؤسسة حرية الفكر والتعبير، ٦ أكتوبر ٢٠١٦، <https://cihrs.org/صبغة-الطعن-القانونية-لإلغاء-قرارات-وز-صيغة-الطعن-القانونية-لإلغاء-قرارات-وز/>

"بيان صحفي: المبادرة المصرية تطعن على القواعد الجديدة لقوائم المنع من السفر"، المبادرة المصرية للحقوق الشخصية، ٢١ يناير ٢٠١٣، <https://www.eipr.org/press/2013/01/المبادرة-المصرية-تطعن-على-القواعد-الجديدة-لقوائم-المنع-من-السفر/>

[13] "قانون الإجراءات الجنائية رقم ١٥٠ لسنة ١٩٥٠"، منشورات قانونية، تمت زيارة الصفحة في ١٢ مايو ٢٠٢٢، <https://manshurat.org/node/14676>

[14] United Nations (General Assembly), 16 December 1966, "International Covenant on Civil and Political Rights," Treaty Series 999, entered into force 23 March 1976, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

[15] African Commission on Human and Peoples' Rights, "African Charter on Human and Peoples' Rights," 27 June 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58, entered into force 21 October 1986, <https://www.achpr.org/legalinstruments/detail?id=49>

[16] United Nations (General Assembly), 16 December 1996, "International Covenant on Economic, Social and Cultural Rights," Treaty Series 993, entered into 3 January 1976, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>

For example, arbitrary travel bans imposed as punishment for holding particular political opinions, disseminating those opinions, or engaging with particular groups violate the rights to freedom of opinion, expression, and association. The Human Rights Committee states in General Comment No. 34:¹⁷ “It is normally incompatible with paragraph 3 [of Article 19 in the ICCPR] to restrict the freedom of journalists and others who seek to exercise their freedom of expression (such as persons who wish to travel to human rights-related meetings) to travel outside the State party.” Similarly, travel bans imposed as punishment for peacefully protesting or that otherwise prevent an individual from demonstrating may violate freedom of assembly; travel bans that prevent an individual from pursuing educational opportunities or medical treatment abroad may violate the rights to education and health; and travel bans that prevent an individual from pursuing certain work opportunities may violate the right to work. Moreover, the right to health may also be implicated when a travel ban results in mental or physical harm. Finally, the rights to equality before the courts, equality before the law, and equal protection under the law may also be at stake if the travel ban was the result of improper proceedings, discriminatory laws, or discriminatory enforcement of the law.

[17] UNHRC, General Comment No. 34: Article 19 (Freedoms of opinion and expression), 102nd session, adopted 12 September 2011, CCPR/C/GC/34, <https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>

LIFECYCLE OF A TRAVEL BAN: ARBITRARY APPLICATION AMID A DEARTH OF INFORMATION

Discovering the Ban

A review of reporting on travel bans indicates that a majority of Egyptians who are banned from travel or face travel-related restrictions first learn of their situations at the airport and during attempts to travel.¹⁸ Rarely are individuals provided with clarity on whether the ban or restriction has been issued in relation to a case or not, who the issuing authority is, for how long the ban or restriction is in place, and why the restriction or ban has been issued. At times, it is also not clear whether an individual is on a more permanent travel ban or is subject to temporary, discretionary travel restrictions.

Travelers are often stopped by airport security officials during check-in or when passing through customs, while waiting to board their flight, or upon arrival to Egypt. Airport security officials from the Passport and Immigration Authority work in tandem with Egypt's NSA to enforce travel bans and travel-related restrictions, largely without prior notice to the targeted individual. Public reports¹⁹ and multiple accounts from banned and restricted travelers who spoke with the Freedom Initiative and TIMEP describe an arbitrary and unlawful process used by airport security officials to prevent members of civil society organizations, journalists, researchers, and other perceived political dissidents from traveling to and from Egypt.²⁰

Azza Soliman, a human rights lawyer and co-founder of the Center for Women's Legal Assistance (CEWLA), first learned about her travel ban when attempting to travel to Jordan in 2016. She was stopped by security officials at the Cairo International Airport and forced to miss her flight. She had previously been warned by a third party that she was likely going to be added to the government's travel ban list. Approximately one week after she was prevented from travel, Egyptian authorities froze Azza's personal assets and the assets belonging to her company, Lawyers for Justice and Peace. She was later arrested and briefly detained pending Case No. 173 of 2011. Authorities continued to interrogate Azza, and she ultimately learned that she had been banned from travel in relation to that case. One year after filing a grievance with the criminal court, she finally received a judicial order officially documenting her travel ban.

Rarely are individuals provided with clarity on who issued a ban, why, and for how long.

Sally, who had been detained for months but never formally tried, was prevented from traveling eight months after her release from prison. National security officials detained and interrogated Sally for several hours at the airport. She would later learn that she had been banned from travel pending the very same case that she had been previously detained in.

Amr, a human rights lawyer, first became aware of the travel ban issued against him when he was stopped at the airport in November 2016. He would later file an inquiry with the State Council and learn that an investigative judge had issued a travel ban against him in relation to an open case. Amr had been unaware that he was under investigation in the case.

[18] "A joint report by (CIHRS) and (AFTE) — No Exit: Intimidation and Extortion Prevail with Increasingly Arbitrary Use of Travel Bans Against Human Rights Defenders," Cairo Institute for Human Rights Studies and Association for Freedom of Thought and Expression, November 23, 2016, , <https://cihrs.org/a-joint-report-by-cihrs-and-afte-no-exit-intimidation-and-extortion-prevail-with-increasingly-arbitrary-use-of-travel-bans-against-human-rights-defenders/?lang=en>

[19] المصيدة .. عن تحول المطارات المصرية الي فخ للمنتقدين والمعارضين ، الشبكة العربية لمعلومات حقوق الانسان ، ١٤ نوفمبر ٢٠٢١
<https://www.anhri.info/?p=27622>

While some travel bans are issued against individuals pending an ongoing legal case as described in the examples above, bans or travel-related restrictions are also often issued against individuals by security officials under vague “national security” pretenses.

Individuals on the airport monitoring list are sometimes denied the right to travel and sometimes allowed to proceed

Travelers who learn of their travel-related restrictions at the airport are monitored by Egyptian authorities through an airport monitoring list, which affords security officials great latitude to arrest, detain, and interrogate targeted citizens, confiscate their passport indefinitely, and in some cases conduct searches without legal authorization or proper justification. Individuals included on the airport monitoring list are at times denied the right to travel; in other instances, they are allowed to proceed with their travel plans.

Among those individuals subjected to these travel restrictions is Mona. A former Egyptian media specialist, Mona was restricted from travel for the first time in January 2018 when she attempted to leave the airport. Although Mona had traveled internationally on frequent occasions unencumbered prior to that point, this time airport security officials prevented her from traveling by confiscating her passport and interrogating her about her father’s affiliation with the government of former President Mohamed Morsi. Similarly, in October 2015, national security officials confiscated the passport of Wafaa, who had worked in various civil society initiatives, causing her to miss her flight. In 2016, however, Wafaa was able to leave Egypt without issue.

Many other Egyptians have been similarly situated in discovering their travel bans at the airport.²¹ In December 2016, Passant was detained and interrogated for five hours by airport security officials when she attempted to leave Egypt to return to her permanent overseas residence. A former journalist for an international humanitarian organization, Passant was questioned about her political activism and her late father’s affiliation with the Muslim Brotherhood. In the years since, she has received formal confirmation that her national ID was listed on some official travel ban list. Akin to the experiences of many subjected to travel bans and travel-related restrictions, Passant has no prior criminal or judicial record.

In 2016, Gamal, who works with a civil society organization, learned that he was on the airport monitoring list. Egyptian authorities at the airport had routinely stopped Gamal for security clearance by making internal calls to their counterparts before his scheduled departure and upon his arrival to Egypt. Gamal knew the government was monitoring his movement; however, he was consistently allowed to leave and return to Egypt until 2018, when security officials prevented him from boarding his flight and interrogated him for three hours. Although the state security officers told Gamal that he was not banned from travel, he was forced to miss his flight. He was instructed to check in with airport security officials three to four hours before his flight the next time he decided to travel. In a second attempt to exit Egypt, Gamal followed this articulated security protocol, and after hours of interrogation, he was allowed to travel. A few months later, however, Gamal was stopped at the airport and prevented from traveling. Security officials detained him and confiscated his passport without cause or justification, and his passport has never been returned.

[20] “Government source: Authorities inclined to close long-running case targeting NGOs yet travel bans remains,” Mada Masr, July 28, 2021, <https://www.madamasr.com/en/2021/07/28/feature/politics/government-source-authorities-inclined-to-close-long-running-case-targeting-ngos-yet-travel-bans-may-remain/>

[21] “554 cases of banned entry, travel bans in Egypt since 2011,” Mada Masr, March 9, 2016, <https://www.madamasr.com/en/2016/03/09/news/u/554-cases-of-banned-entry-travel-bans-in-egypt-since-2011/>

Reda was stopped at the airport and prevented from traveling in April 2021. Passport control officials alerted national security agents at the airport of Reda's attempt to leave Egypt, one year after he had received a presidential pardon for past politically motivated offenses. National security officials detained Reda for eight hours and interrogated him about his previous imprisonment. The officers confiscated Reda's passport and informed him that he was on a travel ban list. Even though there are no pending charges or investigations against Reda — who is entitled to enjoy the liberties guaranteed under a presidential pardon — he has been barred from traveling and has no access to a legal remedy.

Though the cases in this section largely involve instances of discovery at the airport, some Egyptians who suspect that they are restricted from travel may preemptively inquire about whether they are on a travel ban list from a law enforcement or judicial authority before going to the airport.

Soliciting Information about the Ban

Many of the people interviewed sought information about their ban after learning of it. As discussed above, banned or restricted individuals are rarely, if ever, immediately told which authority has issued the ban or restriction, the justification for the ban, and its duration.

In addition to his own experience of being banned from travel, Amr has represented other individuals dealing with travel bans in his capacity as a lawyer. He sought information about these bans through multiple means. He advised: "When you learn that you are on a travel ban at the airport, you should go to the Passports Authority in an attempt to seek more information. Sometimes, you will learn from them who issued the ban and when." He said that other times, however, getting information about a ban may require filing an inquiry before the prosecution or a case before the State Council; this is something that he himself has done to learn the case number and the issuing authority of a particular travel ban. He also added that one may seek information about a particular travel ban through "informal channels" and internal contacts within the authorities.

When Sally went to the Passport Authority to request more information after being prevented from travel at the airport, she was informed that she was on the Prosecutor General's travel ban list. She had been added to the list on the date of her release from prison, eight months earlier.

Azza described that it took her one year to get her hands on paper evidence documenting her travel ban. She did so by filing a grievance before the criminal court. She said: "I ended up in a good circuit with a good judge who made the investigative judge...issue a letter stating that I was officially banned from travel and including the case number [upon which I had been banned]."

Those who find themselves on the airport monitoring list facing travel restrictions, despite not having any pending criminal case, do not have formal means by which to solicit additional information. When targeted, travelers are stopped at the airport and questioned for hours, and security officials provide no explicit reason for the delay or ban. Such was the experience of Gamal, who was stopped by security officials at the airport. Officers refused to provide him with any paperwork or legal justification explaining why he was forced to miss his flight. As described earlier, after a few months of traveling from and to Egypt without any issue following this incident, Gamal was once again stopped at the airport by security officials, and this time had his passport confiscated indefinitely.

Officers refused to provide Gamal with any paperwork or legal justification explaining why he was forced to miss his flight.

The following year, Gamal received a call to come into the NSA office. There, he was questioned for an hour about why his passport was confiscated, and questioned separately about his work with civil society and his political opinions. Gamal said that he asked the officer: “Why am I here beyond getting my passport back? Is there a problem?” Gamal described the officer’s reaction: “He laughed and said ‘there’s no problem. If there was a problem, we wouldn’t have called you. We would have come to take you.’” At the time of this report’s publication, Gamal did not have any further information regarding the travel restriction targeting him. His passport has never been returned.

I know there is no judicial order against me... but it seems that the travel ban is imposed from the National Security Agency.

- Ahmed

Former detainee Ahmed faced a similar experience. He was prohibited from travel after checking in at the Cairo International Airport and had his passport confiscated prior to his scheduled departure. One week after he was prevented from travel, Ahmed was summoned to the Abbasseya NSA Headquarters and questioned on two separate occasions. When he asked the authorities the reason for these restrictions, he noted that the questioning officer sarcastically responded that if there were any pending charges, Ahmed would have been taken to jail. He explained: “I know that there is no judicial order against me, and that the presidential pardon allows me to travel, but it seems that the travel ban is imposed from the [NSA].”

Legal justification is rarely, if ever, provided by Egyptian authorities in these cases. When executive director of the Egyptian Commission for Rights and Freedoms Mohamed Lotfy was stopped at the airport and prevented from travel in the summer of 2015, as described in public reporting, he was told that it was for “security reasons.”²²

Legal justification is rarely, if ever, provided by Egyptian authorities

When he pressed the security officer at the airport for more information, he was told that the officer was not able to provide any other information, and that Lotfy would learn everything “at the appropriate time.” Lotfy explained that the officer promised him that he would be contacted again with an explanation and his passport would be returned. After returning home, Lotfy did not receive a call explaining why he was banned or how he could recover his passport.

Challenging, Lifting, and Removing a Ban or Travel-Related Restriction

In light of the legal ambiguity around travel bans and travel-related restrictions, the varying degrees of their formality and informality, the fact that they are issued by both judicial and non-judicial entities, and the fact that they are issued both in relation to specific cases and in relation to more general “national security” justifications, it is often difficult for those targeted and their lawyers to know what form of travel restriction an individual faces. Accordingly, how, if at all, they can challenge, lift, or remove a travel ban is not usually immediately clear, nor is where those appeals or challenges should be brought.

This lack of clarity and the fear of reprisal have prevented some from attempting to challenge their bans entirely. Passant says: “I did not try to appeal the decision because I was afraid to do so, and I did not know exactly what to do.”

[22] Mohamed Hamama, “The law, politics, and thuggery behind travel bans,” Mada Masr, June 2, 2015, <https://www.madamasr.com/en/2015/06/02/feature/politics/the-law-politics-and-thuggery-behind-travel-bans/>

In August 2021, the judge determined that there was no basis for Azza to continue being questioned for her case, on which her travel ban had been based. She asked the investigative judge how she could get her travel ban lifted. She explained: "It should have been lifted by the investigative judge [in the case], but for some reason, my lawyer and I were told to go to court and file a challenge to lift the travel ban. And then for reasons completely that I did not understand, the challenge was assigned to a terrorism circuit [court]!" While pursuing this challenge, she received a separate promise that she would be able to travel. When she went to the Passport Authority to inquire if this was the case, she was handed a paper stating that she remained under a travel ban which had been issued in 2016. On February 22, 2022, Azza's name was finally lifted from travel ban; she has since been able to travel, but her assets and the assets of her company remain frozen.

Amr stated that to challenge his clients' travel bans, he files grievances before the criminal court. He noted, however, that a grievance will not be successful if the ban is issued in relation to an open case. In his own case, Amr did just that; through the grievance, he received information about his travel ban. The criminal court then set dates for a hearing, and ultimately upheld the travel ban against him. Though individuals have a right to file a grievance every three months, he has not attempted to do so again.

Similarly, Sally's lawyer filed a grievance to challenge her travel ban. It took more than one year of trial adjournments for the court to ultimately deny the grievance. The judge justified the decision by citing the case upon which the travel ban was based, which remained technically open, arguing that authorities may still need to bring her in for interrogation, and thus the travel ban had to be upheld. The travel ban had thus to be upheld, according to the judge.

Though the only legal recourse to fully challenge or lift a ban is to file a grievance, lawyer Adam explained that banned or restricted individuals can file for a travel permit. If granted, this permit allows individuals who are still on a travel ban to travel, on a temporary and limited basis. He said: "This does not challenge or affect the overarching travel ban in question, but there have been instances where these requests have been successful."

I did not try to appeal the decision because I was afraid to do so, and I did not know exactly what to do.

- Passant

Individuals who face travel restrictions through their placement on the airport monitoring list or through arbitrary passport confiscations at the airport find it impossible to challenge their travel restrictions or lift them in court. Ahmed explains: "I talked to a famous lawyer [active] in the civil society in Egypt, but he said that there is no case if there is no judicial order to ban me from travel... He cannot contest the National Security Agency's decision, because it's not official." Similarly, Wafaa consulted with lawyers

after her passport was confiscated at the airport and she was prevented from travel in 2015. She said: "They all suggested to try to resolve this without the involvement of courts because the ban was not official." Wafaa separately filed a complaint with the National Council for Human Rights, and they also suggested her to work on lifting the ban through informal means. In 2016, Wafaa attempted to travel and managed to do so successfully. It is not clear which, if any of her interventions, allowed her to travel.

Some individuals whose passports have been confiscated through this informal way have been able to apply for and receive replacement passports. Salma confirmed that she was able to travel using her replacement passport, following an initial travel ban or restriction. However, Mai was afraid of doing so because she had heard that some individuals were subject to arrest when attempting to travel while using these replacement passports.

[Lawyers] all suggested to try to resolve this without the involvement of the courts because the ban was not official.

- Wafaa

SPOTLIGHT: TRAVEL BANS AND DETENTION

Though this is not the case for all individuals banned from or restricted from travel in Egypt, many former detainees experience travel bans upon release — either because they are not removed from investigations pertaining to a case or because they face bans as part of probationary measures. When individuals subject to travel bans are under investigation in relation to specific cases, the threat of detention looms large, as any call to appear before prosecution could result in a detention order. Furthermore, individuals who are banned from travel are often subject to temporary detention and/or deprivations of liberty when stopped at the airport and interrogated in relation to these bans. This section spotlights the ways in which arbitrary detention and unlawful travel bans are linked.

Travel Bans Preceding Detention

By preventing individuals from leaving the country and placing them under constant reach of the state, individuals on travel ban are left more vulnerable to detention.

This was the case with 65-year-old retired journalist Tawfiq Ghanem, who was banned from leaving Egypt in 2017. In 2021, he was forcibly disappeared for five days and detained on allegations related to terrorism and spreading false news. Mohamed al-Qassas, Deputy Head of the Strong Egypt Party, was twice prevented from traveling to Tunisia in 2015 due to a travel ban ordered by the National Security Agency. Three years later, he was detained on terrorism-related and false news charges, and in 2021, he was put on trial before an emergency court. He was sentenced to ten years in prison on May 29.

In one particularly chilling example, former Member of Parliament and prominent political activist during the January 2011 revolution, Mostafa al-Naggar was banned from travel in 2014 while under investigation on allegations of “insulting the judiciary.”²³ He was later sentenced in absentia in 2017 to three years in prison and a one million pound fine, a sentence that was upheld in a 2018 appeal. During the appeal hearing, al-Naggar’s family and friends reported that they had lost all contact with him, and his wife reported receiving an anonymous phone call informing her that he was in police custody. Authorities have since denied detaining al-Naggar and, over four years later, his fate remains unknown.

When Mona attempted to retrieve her passport at an NSA office after being banned from travel, she was blindfolded and interrogated by officers for hours.

Individuals on travel ban are vulnerable to arrest at the airport. While some are detained for short periods of time, others are arrested at the airport and taken into custody for lengthier periods.²⁴ In one instance, a passport confiscation at the airport was used as an attempt to coerce the individual to participate in state surveillance efforts. When Mona attempted to retrieve her passport at an NSA office following her banning from travel, she was blindfolded and interrogated by officers for hours. “The officer tried to recruit me to work for them. He would say things like: ‘you want to live your life and have your passport and travel, and these are things I can do for you.’”

[23] “Egypt: Scores barred from traveling,” Human Rights Watch, November 1, 2015, <https://www.hrw.org/news/2015/11/01/egypt-scores-barred-traveling>

[24] Several examples illustrate this vulnerability. In September 2017, lawyer Ibrahim Metwally was forcibly disappeared at Cairo International Airport while attempting to travel to Geneva to take part in the UN Working Group on Enforced Disappearances. He continues to be arbitrarily detained. Similarly, Mohamed Walid, a member of an opposition political party, was arrested from Cairo International Airport in September 2019 while attempting to travel to Saudi Arabia for work. He was subsequently forcibly disappeared for two days, tortured, and remains imprisoned. Bahaa Eddine Ibrahim, a journalist at Al-Jazeera, was arrested in 2020 while attempting to return home to Doha to see his wife and children; he had previously been prevented from leaving the country on two separate occasions. See:

Bans upon Release from Detention

Under Sisi, Egypt has relied increasingly on excessive pretrial detention, transforming what is intended to be a precautionary measure of last resort into a punitive one that is almost universally applied to political cases. But when a prisoner is released from pretrial detention in Egypt, the restrictions on their freedom are not necessarily over. In some instances, prosecutors or judges will decide to release detainees on bail, but they may also be subject to travel bans as they remain “under investigation” in relation to the case, as was the case with Egyptian Initiative for Personal Rights workers Mohamed Bashir, Gasser Abdel Rizk, and Karim Ennarah.

I felt like a mouse caught in a mouse trap...like I would never be able to leave the country and that I am under constant surveillance.

- Sally

As a result of this proximity to detention, those subject to travel ban remain at risk of re-arrest. Officers are explicit about this threat. Sally explained: “The [officer processing my release] told me that the case will remain open ‘just in case we need to bring you in at any point.’ I felt like the travel ban was a trap; I felt like a mouse caught in a mouse trap. I felt like I would never be able to leave the country and that I am under constant surveillance...”

Excessive probation measures may also render individuals facing travel ban vulnerable to potential re-arrest. Some political detainees who are also under travel ban have been required to periodically report to the police as part of the conditions of their release from pretrial detention or as part of a probation period established at the time of their sentencing.²⁵ Alaa Abdel Fattah, whose case has gained international attention, was notably re-arrested during one of these probationary periods.

“المصيدة... عن تحول المطارات المصرية التي فخ للمنتقدين والمعارضين،” الشبكة العربية لمعلومات حقوق الانسان، ١٤ نوفمبر ٢٠٢١
<https://www.anhri.info/?p=27622>

[25] “Egypt: Punitive probation measures latest tactic used to harass activists,” Amnesty International, March 6, 2017, <https://www.amnesty.org/en/latest/news/2017/03/egypt-punitive-probation-measures-latest-tactic-used-to-harass-activists/>

IMPACT OF A TRAVEL BAN: A “LIFE-SHATTERING” EXPERIENCE

Those who are on travel ban or face travel-related restrictions face serious security concerns, detriment to their careers, loss of social life, and ramifications for their physical and mental health. They face these immensely severe impacts as a result of the travel ban itself, as well as a result of the process of soliciting information and seeking to challenge and lift these bans.

Interruption in Career and Detriment to Livelihood

Nearly all interviewees described how travel bans limited them from pursuing or accessing opportunities abroad, including: accessing academic and employment opportunities, receiving awards, attending conferences, accepting fellowships, and participating in other undertakings related to personal and professional growth. These limitations negatively affected individuals' access to income and career progression and fostered intense feelings of isolation from their peers.

For those who had made their living, pursued studies, or engaged in regular business travel outside of Egypt, the inability to travel has necessarily interrupted their income. Mai's experience exemplifies how travel-related restrictions terminate one's livelihood. Mai worked as a psychotherapist outside of Egypt, and her inability to access or see clients for a period of time meant that many were left to find care elsewhere. For others, a lengthy period of absence from work with no determined end meant that their employers abroad were forced to let the individual go, rendering them jobless. In addition to losing jobs, leaving behind apartments and belongings abroad represented not only a financial loss, but in some cases irreplaceable losses of work or sentimental items.

Azza worried, "As a result of the travel ban and asset freeze, I was prevented from significant salary and financial compensation. What happens if I get sick? I keep thinking...is my family going to have to collect money to help me?"

Even where the travel ban did not interrupt ongoing work or study, it interrupted the dreams of those who experienced it.

Sally commented: "traveling is akin to a new life," explaining how the ban has prevented her pursuit of higher education.²⁶

Another interviewee reflected on the impact to his professional reputation, network, and connectivity with the field, "With time, you are forgotten in your field [internationally]."

Nearly all interviewees described how travel bans limited them from pursuing or accessing opportunities abroad.

For some, being on travel ban has also meant a decision to forego certain types of work, political activity, writing, or to otherwise self-censor; this may be for fear of being detained or out of hopes that limiting any potentially sensitive activity could encourage a lifting of the ban. Others decided they would continue life as usual. As Amr put it, "I'm trying to build my skills despite all of this," explaining: "I have to be a fighter. We don't have another choice. We will stay and we won't be silent."

[26] Egyptian universities have become increasingly limited in the types of research that may be undertaken safely, particularly in the fields of social science. As Egyptian law allows for a variety of critical speech and publication that deals with state practices or institutions to be prosecuted under its anti-terrorism law, many students have left the country to pursue higher education abroad. For more, including a thorough review of restrictions on travel for academics, see the joint submission by the Scholars at Risk Network and the Association for Freedom of Thought and Expression to Egypt's Universal Periodic Review, 34th Session of the United Nations Human Rights Council, <https://www.scholarsatrisk.org/wp-content/uploads/2019/04/Scholars-at-Risk-AFTE-Egypt-UPR-Submission-1.pdf>

Social Isolation, Separation, and Lost Milestones

The loss of access to family and friends was reported by all those we interviewed. One was unable to visit his young daughter who resided in Europe for years, another lived with relatives in Egypt while her immediate family lived abroad, and another did not see her father for more than three years.

In other cases, the travel ban represented a risk that, either explicitly or implicitly, targeted family members. In these cases, the travel ban was employed as a kind of hostage-taking measure to either entice an individual to return to Egypt or to coerce an individual to cease speech or activity outside of the country for fear of harm to their loved one trapped inside. Salma described how her passport was confiscated as she entered Egypt. Even though she was visibly pregnant, security officers questioned her for hours about her husband's whereabouts (he had fled prosecution and resided outside the country). She later applied for a new passport and was able to leave without issue.

Ninety-five percent of my closes friends are outside Egypt...of course, this has had an impact on my social life.

- Sally

Particularly as Egyptians increasingly emigrate,²⁷ some banned from travel feel they have been left behind or find themselves cut off from their social groups outside the country. "Ninety-five percent of my closest friends are outside Egypt," Sally said, adding: "Of course, this has had an impact on my social life." Even when some friends visited from outside Egypt, Gamal described distance: "Even a close friend is scared of speaking to me or seeing me when she comes to visit Egypt. She thinks she could be prohibited from travel or subject to reprisal for getting in touch with me even socially."

Several respondents explained that the travel ban had negatively impacted their intimate partnerships, even leading to divorce for two of those we interviewed. In one instance, Passant's husband was based outside of Egypt and feared for his own safety if he were to return; there was no way for the two to safely reunite, and no ability to plan for a future together.

Travel bans have also meant missing out on precious milestones with friends, family, or community. Azza described being unable to be with friends with serious illness or say goodbye to those who had died abroad. Another interviewee explained how it also meant being unable to complete religious rites, like Umrah or Hajj.

[27] Michele Dunne, "Egypt's political exiles: Going anywhere but home," Carnegie Endowment for International Peace, March 29, 2019, <https://carnegieendowment.org/2019/03/29/egypt-s-political-exiles-going-anywhere-but-home-pub-78728>

Physical, Mental, and Emotional Health Impacts

The psychological impact of travel bans is manifold and compound. For many, Egypt represents the site of personal trauma around state violence, detention, torture, or other forms of abuse; for some of those on travel ban, the inability to leave represents a constant source of anguish. As Sally put it, “Everything I have here is traumatic. I am still traumatized by the [2011] revolution, divorcing [my husband], and I am not able to move as long as I am here in the same place.” In Passant’s case, being unable to depart from Egypt has brought back flashbacks of collecting her father’s corpse from the field hospital.

For others, being prevented from exiting the country has instigated new fears and anxieties. Sally described the paralyzing effect the experience has had:

“After being stopped at the airport, I started to have panic attacks...I was so afraid that I could get arrested from my home, so I did not sleep at home for seven months. I was afraid to walk in the street, and every time I saw a microbus, I got startled because I thought that its door would open and someone would kidnap me. One time I had to go to renew my ID card, and I had to deal with the Interior Ministry civil staff. I panicked and I almost fainted...”

This response underscores the fact that travel bans not only mean an inability to leave the country, but also usually represent a more regular need for interaction with the state, increasing the moment of potential abuse and traumas. Wafaa detailed: “At the airport when I was banned, the way they searched me and patted me down was incredibly demeaning. You have to strip completely. This is just to break you.” Mona, who was blindfolded and interrogated while attempting to collect her passport, explained the aftermath: “I walked the streets bawling. I couldn’t get a taxi, I was just walking and crying,” adding, “I’ve had loads of nightmares since then.”

Pain associated with travel bans is not only psychological but can be physical as well. Some respondents described somatic expressions of trauma, like gastrointestinal issues. For others, the travel ban prevented them from accessing health care that may have been undertaken or would have only been available outside Egypt.

Despite the serious impacts described throughout this report, some of those interviewed expressed a type of “survivor’s guilt,” pointing to the relative mildness of their own situation compared to that of their friends, colleagues, or others in detention.

FINDINGS

- The **ambiguous regulatory framework and the absence of a single standalone law governing travel bans** allows state security and law enforcement officials to issue travel bans without proper legal justification. This legal vacuum, coupled with a lack of oversight and independent accountability, leaves lawyers and individuals banned from travel in limbo; they are deprived of clarity regarding the authority or agency that has banned them, the justifications, and the ways in which they can solicit information and/or challenge the ban.
- The **failure to rectify regulatory gaps demonstrates the Egyptian government's willingness to exploit legal lacunae** to apply travel bans in a manner that intimidates Egyptian citizens, silences dissent, and restricts civic space — with impunity — often under the pretext of defending “national security.”
- Both the **limited legal framework and the manner in which travel bans are implemented in Egypt further serious violations** of the right to freedom of movement most existentially, the right to liberty and due process, and a series of other rights, including from expression and association to health — in direct contravention of domestic and international human rights law.
- Most **targeted Egyptians first learn that they are banned and/or restricted from travel at the airport** during attempts to travel. While some travel bans are issued against an individual in relation to a prior legal proceeding, other travel-related restrictions are arbitrarily imposed against travelers under false national security pretense or without any legal justification.
- The experience of being banned from travel exposes individuals to **abusive state practices**. Targeted Egyptians have been interrogated, detained, violently threatened, and at times blindfolded and forcibly disappeared. Such traumatizing encounters force many individuals to refrain from trying to travel due to these harrowing experiences and fears of arrest.
- In some cases, **travel bans may extend the concept of detention beyond the walls of the prison**. Former detainees can be subject to travel bans upon their release; individuals who are on travel ban have later been subject to arrest and re-arrest; and individuals stopped at the airport in relation to a travel ban or travel-related restriction are often temporarily detained.
- **Travel bans are not limited to any one category of individuals** but have been experienced by those with varied political backgrounds (or none at all), and across gender identities, religious expressions, ages, and professions.
- There is no evidence to support that travel bans, like prolonged arbitrary detention, mitigate flight risks. Rather, these **bans are often used as punitive measures, as a means to surveil and repress, or even as coercive tactics against family members** (to induce targeted individuals located overseas to return to Egypt).
- Travel bans and/or travel-related restrictions limit and severely hinder personal, academic, and professional development. **Economic and psychological impacts are exacerbated by the precarious and indefinite nature** of travel bans.
- The impact of travel bans on the lives of those experiencing them is difficult to separate from the compounded abuses associated with authoritarian repression. Travel bans are harmful not only because they limit access abroad, but because **they confine individuals in an environment rife with threat and trauma**.
- **The health consequences of travel bans are manifest in both physical and psychological ailments**. Psychological strife manifests for respondents as apathy, anxiety, isolation, or even depression, all of which have impacted individuals' professional, social, and personal lives. Physical ailments may go untreated due to the inaccessibility of adequate healthcare, and some respondents described somatic expression of psychological distress.

RECOMMENDATIONS

In its 2021 National Strategy for Human Rights, the Egyptian government outlined potential reforms across a number of areas. It was however noticeably silent on travel bans. Yet, as this report details, travel bans are rampantly abused, access to information obscured, and pathways to challenge and lift them mired with obstacles.

Egypt's Western partners have centered various human rights issues in their policies, legislation, and engagement with Egypt, including wrongful detention and detention-related abuses. In the United States for example, State and Foreign Operations legislation for FY21 and 22 conditioned \$75 and \$85 million respectively on release of prisoners, and informal conditions on \$130 million in FY20 aid withheld by Secretary Blinken in September of last year were reported to have been based on the release of 16 political prisoners.

Yet, while some public statements have mentioned travel bans, this pervasive violation has not garnered attention commensurate with its far-reaching and significant impact on Egyptians. Where referenced, as in recommendations from Sweden, Canada, and the United States in Egypt's 2019 Universal Periodic Review, these were limited to the lifting of travel bans against human rights defenders or civil society actors specifically, without reference to the widespread abuse of the practice against individuals from a variety of backgrounds or the problematic legal vacuum governing the practice.

The following recommendations offer critical steps for the Egyptian government to reform this abusive practice in Egypt; for partner governments to hold their Egyptian counterparts accountable for ending abuse of travel bans; and for international organizations like the United Nations to take action to center this issue as a priority area.

To the Egyptian Government

- Enact a standalone law that comprehensively and exclusively governs all travel bans, setting forth clear limits and boundaries on the application of travel bans, as well as issuing authorities, and justifications in accordance with Egypt's constitutional and international legal commitments;
- Create an independent oversight and accountability mechanism for Egyptians to seek information about and challenge travel bans and/or travel-related restrictions, including arbitrary stops and interrogations at the airport and other forms of harassment by Egyptian authorities during travel attempts; and
- Review cases of individuals who have been banned from travel and lift all unlawful bans, including against those who have been released from detention but remain on travel ban.

To Foreign Governments

- Recognize travel bans as a significant human rights abuse and include references to deprivation of liberty, travel bans, and/or exit bans in any public or private statements on human rights in Egypt;
- Pass legislation that acknowledges the harm caused by travel bans in countries like Egypt and establish clear language that encourages travel bans to be considered as forms of deprivation of liberty akin to detention;
- Strengthen legislation or policy that deals with state hostage-taking or wrongful detention of nationals by including language that acknowledges travel bans as a possible form of state hostage-taking;

- Where prisoner releases are referenced or stipulated in legislation or diplomatic discussions on release of U.S. security assistance, ensure that these are qualified as unconditional releases, to include the removal of travel bans against the individual and the lifting of measures, like terrorism designations, that would otherwise lead to a travel ban;
- Use existing sanctions mechanisms to target officers or heads of security apparatuses credibly implicated in issuing or implementing unlawful travel bans; and
- Increase support and resources at the embassy and consular level for individuals banned from travel, including regular consular visits and assistance in determining information about bans for citizens of foreign countries, as well as public and private demands to local counterparts to end abusive travel bans.

To the United Nations

- Create a new mandate and appoint a Special Rapporteur on the Right to Freedom of Movement to investigate relevant violations, including the abuse of travel bans in countries around the world like Egypt; and
- Leverage existing human rights mechanisms of the UN to investigate and raise awareness around the issue of travel bans.