

*Permanent Mission of the Arab Republic of Egypt
to the United Nations Office, the WTO
& International Organizations
in Geneva*



البعثة الدائمة لجمهورية مصر العربية
لدى الأمم المتحدة ومنظمة التجارة العالمية
والمنظمات الدولية
في جنيف

CHAN.2019.003

The Permanent Mission of the Arab Republic of Egypt to the United Nations, the World Trade Organization, and Other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights (Special Procedures Branch), and with reference to the Joint Communication sent by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; and the Special Rapporteur on the situation of human rights defenders dated November 2nd 2018, has the honor to attach herewith the response of the Egyptian Government to the aforementioned joint communication, and looks forward that the enclosed information be brought to the attention of the concerned mandate-holders, and be duly reflected in the relevant communications report to be submitted to the Human Rights Council.

The Permanent Mission of the Arab Republic of Egypt to the United Nations, the World Trade Organization, and Other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights (Special Procedures Branch), the assurances of its highest consideration.

Geneva, 1 January 2019



Office of the High Commissioner for Human Rights (Special Procedures Branch)
Fax: +41-22 917 9008
E-MAIL: registry@ohchr.org

PERMANENT MISSION OF THE ARAB REPUBLIC OF EGYPT
TO THE UNITED NATIONS OFFICE, the WTO & OTHER INTERNATIONAL ORGANIZATIONS IN GENEVA
261 ROUTE DE LAUSANNE, 1292 - CHAMBESY
TEL: +41-22-731.6530 FAX: +41-22-738.4415
mission.egypt@bluewin.ch

A Joint Communication by the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living and the Special Rapporteur on the Situation of Human Rights Defenders was received on 2 November 2018, concerning allegations of forced evictions, violations of the rights to physical integrity, liberty and security, described in the communication as appearing to be acts of intimidation and reprisals against individuals who cooperated with the Special Rapporteur on the right to Adequate Housing during her visit to Egypt from 24 September to 3 October 2018. The following represents the response by the Government of the Arab Republic of Egypt within the 60 days period, as requested in the communication.

First, on the Terms of Reference, freedom of movement and freedom of inquiry of the Special Rapporteur:

The Government of the Arab Republic of Egypt is well aware of the Terms of Reference for Country Visits by Special Procedures Mandate-Holders of the United Nations Human Rights Council, revised in June 2016. The Government wishes to confirm that the Special Rapporteur was granted total freedom of movement in all parts of the country during her visit, in accordance with the mutually agreed programme (Attachment 1). She enjoyed full freedom of inquiry with central and local authorities of all branches of Government, including in the Governorates she visited, as well as free, confidential and unsupervised contacts with representatives of civil society and private persons of the Special Rapporteur's choosing, in addition to full access to all documentary materials relevant to the mandate.

It is ironic that the reference to Article (d) of the Terms of Reference was deliberately skipped in the communication. According to this Article, the Host Government has the obligation to "provide appropriate security arrangements without, however, restricting the freedom of movement and inquiry of the Special Procedures Mandate-Holder..." In fulfilling this obligation, the Government assigned a team of 3 highly trained personal protection officers to escort her in a separate vehicle with their own driver, in order to ensure her personal safety and that of her support staff. In a place with over 20 million inhabitants like Greater Cairo, personal protection was deemed absolutely necessary, especially that she had a private programme which the Government had no prior knowledge of much of its segments and turned out to include tours in numerous areas which are known to be dangerous for locals to stroll in at night as she did, let alone foreigners. She should know better that the number of team members was not 5 as claimed in the communication, given that they accompanied her throughout the entire stay.

While the Government was committed to fulfilling its obligation under Article (d) of the Terms of Reference to provide appropriate security arrangements, it also made sure that the necessary protection measures had the Special Rapporteur's informed consent, and did not infringe on her freedom of movement or inquiry. It is worth noting in this respect that at an organisational meeting on the first day of the visit at the Ministry of Foreign Affairs, the Special Rapporteur was informed of the necessity of having personal protection. Alternatively, she was offered the option to sign a Waiver of Personal Protection (Attachment 2), but after mulling over the issue for two days, she declined to sign the waiver and agreed to have the Personal Protection Team accompany her everywhere.

On the evening of the first day of the visit, she decided to go with her support staff on their own to a number of areas, without prior notification to the Government and after dismissing the Personal Protection Team, a matter that put her and the four staff accompanying her at risk, given that it was her first time in Egypt and she had no idea where they were going. She took photos, stopped people in the streets for interviews, and walked in and out of apartment buildings. According to the Egyptian law, only journalists and media workers are entitled to carry out public interviews, and they hold cards issued by the relevant syndicates showing their identity and profession. Conducting surveys on the other hand requires a written permission from the Central Agency for Public Mobilization and Statistics. Therefore, it was not surprising that she and her staff were asked by a police personnel who happened to be in the vicinity to provide relevant papers, which of course they failed to do. As a precautionary measure ordained by the law and for the sake of public safety, the officer had to check the validity of their identification documents. This is a standard police procedure all over the world. He had no idea who she was, and probably does not know to this very day what a Special Procedure Mandate-Holder of the Human Rights Council means.

When the Special Rapporteur was spotted again by another police personnel in another area for the same obvious reasons, she called up the Head of the Personal Protection Team assigned to her for help, a matter that was deliberately omitted from the communication. The Special Rapporteur was never confronted throughout her visit by any agent of the National Security Services as claimed in the communication. Apart of course from the Personal Protection Team, all those that she met on these occasions were General Security Police personnel on patrol, responsible for maintaining public order and crime prevention.

Throughout the visit, the Special Rapporteur called on various people at their homes in different parts of the country, without prior notification to the

Government. The Personal Protection Team never entered any of the premises with her as stated in the communication, and there was no way that the police could have known whom she visited in a given apartment building, or who was present there. The role of the Personal Protection Team is restricted to one job only, and that is her safety. They always kept their distance and never prevented her from meeting anyone or interfered in any of her conversations, otherwise she would have not spared an effort to spell it out in the communication. Accordingly, claims that the Special Rapporteur could not have confidential and unsupervised meetings with individuals are groundless, to say the least.

The Government committed to granting the Special Rapporteur full freedom of movement and contacts with individuals without any restriction, despite the fact that the Special Rapporteur's private programme was not mutually discussed, agreed or shared beforehand, as it should have been. This private programme was never disclosed to the Government despite repeated requests, and in the instances when she did inform of her intention to visit an area, it was done on the same day, and often a couple of hours beforehand, let alone the repeated spontaneous plan changes. It goes without saying that the Government could not have possibly fettered the Special Rapporteur's freedom to meet whomever she wanted, as it had not been informed well in advance about where she was going, or whom she was planning to meet.

Furthermore, the Government regrets that the communication contained false claims, such as that the Special Rapporteur was unable to visit all of the areas deemed relevant to the visit, implying that she was denied visits to a number of areas. Al-Warraaq Island was the only area which the Government advised her that it needs prior special security arrangements, as the Personal Protection Team was not sufficient, to ensure her safety and that of her staff, a matter that requires 48 hour notice. It is untrue that she was told at first not to go there for security reasons. In fact, email correspondences between her support staff and a Ministry of Foreign Affairs staff, dated 26 September 2018, clearly show that it was her decision not to go, not because of security restrictions (Attachemnt 3).

When the Special Rapporteur indicated again her wish to visit the Island, she received a phone call the following working day, which was 1 October 2018, by a senior Foreign Ministry official, in which he relayed an offer for two alternative timings by the relevant authorities. The first coincided with a scheduled meeting on 2 October 2018 with H.E. the Minister of Foreign Affairs, and the second was in the early morning of 3 October 2018, the last day of her visit. She eliminated the

first option as she expressed her keenness on meeting the Minister, and declined the second because she needed to prepare for the end-of-visit press conference.

The claim that a request to meet with persons from the Al-Warraq Island allegedly detained was not granted is blatantly dishonest. The Special Rapporteur indicated at the organisational meeting on 24 September 2018 at the beginning of the visit that she might make such a request. She was told by a senior Foreign Ministry official that it should have been made early on in order to allow enough time for coordination; however, she was assured that the Ministry would do its best to accommodate the request, pending the receipt of the full names and case numbers. She promised to send these details in a few hours, yet the names of the said persons were provided by one of her support staff by email three days after (Attachment 4). The names were received in English, hence could be mistaken in Arabic, and the case numbers were not provided. A Ministry of Foreign Affairs staff responded with an email, urging the Special Rapporteur and her team to provide the necessary information by the morning of 30 September 2018 at the latest, in order to follow through with the request, given the limited time hitherto remaining (Attachment 5). To date, this information has not been provided.

Second, concerning the alleged acts of intimidation and reprisals against those who cooperated or sought to cooperate with the Mandate-Holder in connexion to the visit:

The Government of the Arab Republic of Egypt wishes to confirm its full respect and observance of the assurances given that no person or group of persons who cooperated or sought to cooperate with the Mandate-Holder will be subject to intimidation or any act of reprisals in relation to visit, by any branch of the Government, in accordance with Article (c) of the Terms of Reference for country visits by Special Procedures Mandate-Holders of the United Nations Human Rights Council.

In this context, the Government wishes to draw attention to the fact that the Special Rapporteur communicated by email with a senior Foreign Ministry official on 18 October 2018 at the afternoon, claiming that a resident of Doweiqah whom she had met during her visit had disappeared, alleging that he was detained for two days by the police (Attachment 6). She indicated that she was going to send an urgent appeal regarding this issue and other concerns via the Permanent Mission in Geneva. The message did not provide any information on the said person, or even address the crucial issue of establishing that the alleged detention was in relation to interaction with the Mandate-Holder, not due to charges on a non-relevant issue. However, the senior official replied immediately affirming that urgent contacts

were underway to verify the issue, and requested the full name and ID number of that person in order to follow through with the issue (Attachment 7).

Within 90 minutes, the Special Rapporteur replied that the person had been released and returned to his home, and signalled that she was going to send a communication once she received more detailed information on his detention and release and his subsequent well-being, while keeping herself abreast of developments affecting the community of Doweiqah and its members (Attachment 8). The senior official reply urgently requested the Special Rapporteur to provide the full name and ID number, given the seriousness of the allegations, highlighting that the Ministry of Interior had to mobilize personnel and resources, that could have been otherwise allocated, to investigate the matter, and expressing hope that it does not turn out to be that someone was playing the Special Rapporteur into a false report case (Attachment 9). A further letter from the Permanent Mission of the Arab Republic of Egypt in Geneva was sent out to the Head of the Special Procedures Branch at the Office of the High Commissioner for Human Rights requesting the same information, but to no avail (Attachment 10). To date, the Special Rapporteur has not provided the requested information.

In addition, the communication contained numerous unfounded allegations, including intimidations and demolition of homes, without any details about the individuals in question or the areas in which the said demolitions took place. One allegation was that there were demolitions of as many as 15 multi-floor apartment buildings after the visit in two areas, without naming these areas. The Government of Egypt wishes in this regard to inform that no demolitions whatsoever took place after the visit in any area under or planned for development. Another allegation was that demolitions were carried out in lower floors of a building, while individuals living in upper floors had not vacated the building, a matter that defies logic as the building would have collapsed had it been the case. As explained to the Special Rapporteur during her visit, all inhabitants of areas under or planned for development are offered to choose one of three options: 1) immediate relocation to a home in another newly developed area; 2) financial remuneration to find alternative housing for the duration of the development of their area in which they will be allocated a comparable unit; or 3) negotiated financial compensation. No individuals are forced to evict their homes.

A third allegation in the communication was that some interlocutors reported that that they were subject to a travel ban, but the communication did not specify when the judicial decision to impose a travel ban on them was enacted, or in which cases, so as to establish the relationship with the visit. A further allegation was that

a person was attacked in the street by an individual with a metallic object two days after meeting the Mandate-Holder and sustained injuries, claiming that the timing of attack raises suspicion that the assault may have been linked to the interaction with the Special Rapporteur, in a flagrant circumstantial speculation and without even establishing the identity of the said attacker and his/her relationship to the Government. The communication went on and on to make similar anecdotal allegations, without providing any details, so as to allow the competent authorities to verify the information and initiate investigations into the violations, if any, within the due course of law. The Government regrets that the Special Rapporteur on the Situation of Human Rights Defenders was dragged into signing the communication.

Conclusion:

The Government of the Arab Republic of Egypt would like to highlight that when it extended the invitation to the Special Rapporteur on Adequate Housing to make an official visit to the country, it was cognisant that she would seek all sorts of information from various other sources before, during and after the visit. Plenty of information is readily available on the internet anyway. The Government had no reason to hide anything, but had every reason to show everything, assuming that the Special Rapporteur would make an enlightened judgement on validity of the information she receives and the reliability of her unofficial sources.

Obviously, the Mandate-Holder came into the country with certain prejudgements and inhibitions, and was unable to act objectively or overcome them. This was evident from the photos she posted on her Instagram account during the visit, along with negative comments, even before she heard what the Government had to say about these issues. It is clear that she has a habit of jumping into conclusions. In fact, serious questions arise about the compatibility of making postings on social media during the visit with the mandate.

The Government of the Arab Republic of Egypt wishes also to reiterate that by withholding information necessary to thoroughly investigate the allegations contained in the communication by the competent authorities, the Special Rapporteur is in fact obstructing justice, hence depriving victims of the said violations –if true- from applicable redress, while also encouraging impunity for the perpetrators, once again, if true.

The Government is keen on fulfilling its commitment to the promotion and protection of human rights, and to the realisation of its obligation under Article 78 of the 2014 Constitution to provide “adequate, safe and healthy housing to all

citizens, so as to secure human dignity and uphold social justice”. The Government is more keen on the well-being of its citizens than any outsider; after all it is responsible first and foremost before its people. The culture of fear that the Special Rapporteur referred to in press statements and the communication exists only in her head.

The Government deeply regrets that the Special Rapporteur on Adequate Housing rushed without justification to issue a press statement on 4 December 2018, containing the same unfounded allegations, before the lapse of the 60 days given to the Government in the said communication to respond. This action on her part comes in stark violation of paragraphs 6 (a), and 8 (c) & (d), of the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, adopted by Council Resolution 5/2 of 18 June 2007. Moreover, the Mandate-Holder appeared on the same day on a televised broadcast by Al Jazeera Media Network, repeating the same unfounded allegations. The said network is a tabloid journalism agent of a foreign government, famous for its politically motivated media campaigns against Egypt, and has well-known affiliations with terrorists and terrorist groups, such as Bin Laden and ISIS.

Finally, the Government of the Arab Republic of Egypt would like to stress that the Special Rapporteur on Adequate Housing would do a much better job in the discharge of her mandate if she focuses on examining the heap of information provided to her during and after the visit about the efforts underway in the area of housing, more than her focus on talking to the media about unverified allegations. If she had done so, she perhaps could have fulfilled the promise she made during the meeting in Cairo with the Ministry of Foreign Affairs on 2 October 2018 to send an advance copy of the visit report by the beginning of December 2018, for review by the Government within a period of one month, in order to make the necessary factual corrections, so that the report could be submitted as scheduled to the fortieth session of the Human Rights Council in late February 2019. Had she had sincere dedication to the cause of providing adequate housing to people around the world, it would have helped her overcome the craving for media lights glamour. After all, Special Procedures Mandate-Holders of the United Nations Human Rights Council have an integrity to preserve.

Cairo, 31 December 2018

