

Mandates of the Working Group on Arbitrary Detention; the Working Group on the issue of discrimination against [women in law and in practice](#); the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on violence against women, its causes and consequences.

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Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Chair-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on violence against women, its causes and consequences pursuant to Human Rights Council resolutions 24/7, 23/7, 25/2, 24/5, 25/18, and 23/25.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the arbitrary detention and ill-treatment of 24 human rights defenders, including several women human rights defenders, after participating in a peaceful march opposing "Law 107" on the right to peaceful public meetings, processions and protests.

Ms. **Yara Sallam** is the Transitional Justice Officer at Egyptian Initiative for Personal Rights (EIPR). She was awarded the North Africa Shield 2013 for her work on the Women's Human Rights Defenders Program at Nazra for Feminist Studies.

Ms. **Sanaa Seif** is a member of the "No to Military Trials for Civilians" movement.

Ms. **Fikreya Mohamed** (also known as Rania El-Sheikh) and Ms. **Salwa Mhriz** are activists from El-Mahalla El-Kubra in Gharbia governorate. Ms. Mhriz works specifically on the rights of the wounded and the wikithawra documentation initiative.

Ms. **Nahid Sherif** (also known as Nahid Bebo) is a human rights defender.

The Law 107 “For organizing the right to peaceful public meetings, processions and protests” was the subject of a joint communication on 12 February 2013 sent by the Special Rapporteurs on the promotion and protection of the right to freedom of opinion and expression; the rights to freedom of peaceful assembly and of association; and the situation of human rights defenders, before the text was introduced by Presidential Decree on 24 November 2013.

The UN High Commissioner for Human Rights issued a public statement on 26 November 2013 about “Law 107” and the possible serious breaches of the rights to freedom of peaceful assembly and expression.

In addition, three other communications have been sent by various mandate-holders regarding the application of “Law 107” on 3 December 2013, 24 December 2013, and 19 June 2014. We acknowledge receipt of your Excellency’s Government replied dated 27 December 2013 where a short description of the provision of the law is included.

According to the information received:

On 21 June 2014, a peaceful march was organised in the Heliopolis neighbourhood in Cairo to demand the repeal of “Law 107”. Reportedly, the demonstration was intended to march to Itihadiya Palace. When the protesters approached the Ismailia Square, police reportedly used tear gas to disperse them and arrested more than 30 individuals, including Ms. Sallam, Ms. Seif, Ms. Sherif, Ms. Fikreya Mohamed and Ms. Mhriz.

Between 7:00 p.m. and 8:00 p.m., Ms. Sallam and her cousin were reportedly arrested by individuals dressed as civilians, though it is alleged that Ms. Sallam was not actively participating in any demonstration at the time.

Some of the detainees reported insults and ill-treatment, including beatings by plain-clothed police officers during and after the arrest. Those arrested were mostly questioned individually without the presence of their lawyers by men in civilian dress who did not identify their official position. Those arrested were reportedly asked whether they participated in the protest and were questioned about their political affiliations and opinions about Law 107. It is alleged that officials pressured human rights defenders into confessing their participation and reportedly threatened to charge them with membership of the banned Muslim Brotherhood or the 6 April Movement.

Late on 21 June 2014, eight of the arrestees were released without charge, including Ms. Sallam’s cousin. However, 24 individuals – including Ms. Sallam, Ms. Seif, Ms. Sherif, Ms. Fikreya Mohamed and Ms. Mhriz – were presented

before the Prosecutor's office on 22 June 2014. They were reportedly charged, amongst other things, with "participating in an unauthorised demonstration whose aim was to influence the effectiveness of the public authorities", "organising a demonstration without prior notice as stipulated by the law", "participation in a demonstration that threatens public security and the interests of citizens", "disruption of transportation", "sabotaging public properties", "possession of inflammable materials" and "taking part in showing off force with the objective of terrorizing the public".

The 23 human rights defenders are currently detained in either Badr police station (males) or the New Cairo Second Police Station (females). It is alleged that one human rights defender was admitted to Heliopolis Hospital for medical reasons.

On 25 June 2014, the Heliopolis Public Prosecution reportedly transferred the case of the seven aforementioned women human rights defenders to the Heliopolis Midemeanour Court. The first session of the case took place on 29 June 2014 and the judge adjourned the session to 13 September 2014 and moved the hearing to the Police Institute near Tora Prison. It is reported that the judge presiding over the case left the courtroom without informing the lawyers of his decision, and the lawyers were only able to confirm the judge's decision 3 hours later.

Very serious concern is expressed at the allegations of ill-treatment of protesters during and after their arrest at a peaceful protest. Serious concern is expressed that demonstrators peacefully advocating for the abrogation of Law 107 have been charged and detained. Moreover, the reports of threats and beatings of human rights defenders in custody are highly worrying. Serious concern is also expressed at the arrest and subsequent indictment and detention of Ms. Sallam, who was reportedly not participating in any demonstration prior to her arrest.

While we do not wish to express an opinion on whether or not the detention of the abovementioned 24 individuals is arbitrary, the above allegations appear to be in contravention of the right not to be deprived arbitrarily of their liberty, as set forth in article 9 of the Universal Declaration of Human Rights (UDHR) and article 9 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Egypt on 14 January 1982.

Moreover, the above-alleged facts appear to be contravening the articles 19, 21 and 22 of the ICCPR, which guarantee the rights to freedom of opinion and expression and of peaceful assembly and of association.

We would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights

Defenders. In particular, we would like to refer to articles 1, 2, and 12. In this connection, we would like to underline Resolution 22/6 of the Human Rights Council, which indicates that national legislation should create a safe and enabling environment for the work of human rights defenders (A/HRC/RES/22/6, PPs 10-13);

We would also like to refer your Excellency's Government to the relevant provisions of the Convention on All Forms of Discrimination against Women (CEDAW), ratified by Egypt on 18 September 1981, including article 2, which condemns all forms of discrimination against women; and article 7, which requires the adoption of all appropriate measures to eliminate discrimination against women in all matters relating to the political and public life of the country.

We would like to refer to your Excellency's Government to article 1 of the United Nations Declaration on the Elimination of Violence against Women which defines "violence against women" as any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. Articles 4 (b), and 4 (c & d) of the Declaration are also relevant in this case. They note, inter alia, the responsibility of States to exercise due diligence to prevent, investigate and, [...] punish acts of violence against women, whether those acts are perpetrated by the State or by private persons. In this sense, we also refer to general recommendation No. 19 (1992) by the Committee on the Elimination of Discrimination against Women.

We also recall paragraph 137 of the the thematic report of the Working on Discrimination against Women on economic and social life (A/HRC/26/39), where the Working Group recommends that preventive measures are taken by States to deter and severely punish all forms of gender-based violence against women in the public arena.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Has a complaint been lodged by or on behalf of the alleged victims regarding the allegations of ill-treatment during arrest and detention?

3. Please clarify the legal grounds for the arrest and detention of the abovementioned 24 individuals and explain how such measures are compatible with Egypt's legal obligations under the ICCPR.

4. Please provide information as to whether the 24 individuals have access to lawyers, medical personnel and their family members.

5. In connection with the above, please kindly provide information about the state of health of the individuals mentioned above, as well as details of their access to independent medical professionals, independent legal representation, and family members.

6. Please indicate what measures have been taken to ensure that the legitimate right to meet and assemble peacefully is respected by Egyptian legislation, including Law 107, and that the physical and psychological integrity of those exercising this right is guaranteed.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

We are considering to publicly express our concerns in the near future on the issues raised in this communication as we are of the view that they warrant immediate attention and the information upon which they are based has been verified and is sufficiently reliable. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issues in question.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Mads Andenas
Chair-Rapporteur of the Working Group on Arbitrary Detention

Frances Raday
Chair-Rapporteur of the Working Group on the issue of discrimination
against women in law and in practice

Frank La Rue
Special Rapporteur on the promotion and protection of the right
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Maina Kiai
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