

Mandates of 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; the Special Rapporteur on the independence of judges and lawyers; and the Special Rapporteur on violence against women, its causes and consequences

REFERENCE: AL
EGY 8/2014:

19 June 2014

Excellency,

We have the honour to address you in our capacity as 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; Special Rapporteur on the independence of judges and lawyers; and Special Rapporteur on violence against women, its causes and consequences, pursuant to Human Rights Council resolutions 25/2, 24/5, 25/18, 17/2, 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 **raid of the Egyptian Centre for Economic and Social Rights, and the assault and temporary arrest of ECESR staff.**

The Egyptian Centre for Economic and Social Rights (ECESR) is a registered law firm and has a team of lawyers who offer pro bono legal assistance to victims of human rights abuses all over Egypt.

Mr. **Mohammed Awwad** is a lawyer, Mr. **Mostafa Eissa** is a photographer and Ms. **Riham Hemli** is a volunteer with the ECESR.

Ms. **Isis Khalil** is a journalist.

The ECESR and other non-governmental organizations are part of a campaign to revoke Law no. 107 "For organizing the right to peaceful public meetings, processions and protests", which was introduced by Presidential Decree on 24 November 2013. This law was the subject of an urgent appeal sent on 6 December 2013 by the Chair-Rapporteur of the Working Group on Arbitrary Detention; 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 to your Excellency's Government (EGY 17/2013). The aforementioned mandates acknowledge the Government's responses dated 27 December 2013 and 21 January 2014. Moreover, Law no. 107 was the subject of a news release from the United Nations High Commissioner for Human Rights on 26 November 2013.

The ECESR was the subject of a communication sent on 24 December 2013 by the Working Group on Arbitrary Detention; 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 torture and other cruel, inhuman or degrading treatment or punishment (EGY 19/2013). We thank your Excellency's Government for the response dated 14 March 2014.

According to the information received:

On 22 May 2014 between 12:00 and 13:00, the ECESR's office in Alexandria hosted a press conference, organised by the Defense Front for 200 activists, in solidarity with eight human rights defenders whose sentences were upheld on 20 May 2014 in Sidi Gaber Misdemeanor Court. At around 13:15, some participants of the conference reportedly held a short peaceful protest in the form of a 'human chain' in front of the ECESR office. The protest was dispersed around 13:35 by the organisers and around 15 individuals remained at the office.

At around 13:45, police officers arrived to the ECESR office, some of whom were reportedly dressed in civilian clothing while others were dressed in official uniform. The police officers arrested 15 individuals, including two ECESR staff members, namely, Mr. Mohammed Awwad and Mr. Mostafa Eissa. The 15 individuals were reportedly beaten inside the police van while they were being transported to the police station.

Minutes after the arrests, the police officers reportedly raided the ECESR office. During the raid, some police officers allegedly kicked one of the protesters and beat him with the butts of their guns. The police officers allegedly confiscated ECESR documents and equipment, private items such as tablets and mobile phones, as well as important financial documents and case files relating to the trial of another human rights defender.

Ms. Riham Hemli, a volunteer with the ECESR Alexandria office, and Ms. Isis Khalil, a journalist present at the raid, were allegedly assaulted and held face down on the ground. Ms. Hemli was reportedly hit in the head repeatedly by a police officer using the butt of his gun and her clothes were partially removed by force.

The arrested individuals were reportedly released without charge in the evening of 22 May 2014. On 29 May 2014, Ms. Khalil reportedly submitted a complaint to the public prosecutor's office.

Serious concern is expressed at the harassment, attack and arrests of the staff of ECESR. Further concern is expressed that the arrest of ECESR staff, and the recent raid of its office and confiscation of materials and equipment, may be related to their work protecting human rights.

In connection to the above alleged facts and concerns, please refer to the **Reference to international law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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. Please indicate what measures have been taken to ensure that the legitimate right to peaceful association is respected in Egypt and that the physical and psychological integrity of those exercising this right is guaranteed.
3. Please kindly indicate what measures have been taken to ensure that human rights defenders, such as lawyers, are able to carry out their legitimate work in a safe and enabling environment without fear of threats, criminalisation or acts of intimidation and harassment of any sort.

We would appreciate a response within 60 days.

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.

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.

Frank La Rue
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Maina Kiai

Special Rapporteur on the rights to freedom of peaceful assembly and of association

Michel Forst

Special Rapporteur on the situation of human rights defenders

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Gabriela Knaul

Special Rapporteur on the independence of judges and lawyers

Rashida Manjoo

Special Rapporteur on violence against women, its causes and consequences

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer to your Excellency's Government to articles 19, 21 and 22 of the International Covenant on Civil and Political Rights, which guarantee the rights to freedom of opinion and expression, freedom of peaceful assembly and freedom of association respectively.

Furthermore, we would like to refer to Human Rights Council resolution 24/5 in which the Council, inter alia, highlights the States' obligation to both respect and protect the rights of all individuals to assemble peacefully and associate freely.

We would also 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, and in particular articles 1 and 2. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels. Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the Declaration:

- article 5 point b), which provides for the right to form, join and participate in non-governmental organizations, associations or groups;
- article 9, paragraph 3, point c), which protects the right to provide legal assistance;
- article 12, paragraphs 2 and 3, 12, paragraphs 2 and 3, which urges States to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of the legitimate exercise of the rights referred to in the Declaration

In addition, we would like to refer to resolution 22/6, adopted on 21 March 2013 by the Human Rights Council, which explicitly indicates that domestic law and administrative provisions, and their application, should facilitate the work of human rights defenders, including by avoiding their criminalization or stigmatization, or by any impediments, obstructions or restrictions of their work. (A/HRC/RES/22/6, PPs 10-13)

Regarding the police action during the raid and the attacked suffered by a volunteer with the ECESR Alexandria office, 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 would further like to draw your Excellency's Government attention to article 7 (c) of the International Convention on the Elimination of all forms of Discrimination against Women , on women's participation in political and public life, including the right to participate in non-governmental organizations.

Given the profile of some of the staff from the ECESR, we also would like to refer your Excellency's Government to the Basic Principles on the Role of Lawyers, adopted by the Eight United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Havana, Cuba, from 27 August to 7 September 1990, and in particular principle 16 concerning threats to lawyers and interference.