

**NATIONS UNIES  
HAUT COMMISSARIAT DES NATIONS UNIES  
AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU  
CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS  
OFFICE OF THE UNITED NATIONS  
HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE  
HUMAN RIGHTS COUNCIL**

**Mandates of the Independent Expert on minority issues; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on freedom of religion or belief; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and Special Rapporteur on the rights to freedom of peaceful assembly and of association**

REFERENCE: UA G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (56-23) Minorities (2005-4) G/SO 214 (33-27)  
EGY 9/2011

11 October 2011

Excellency,

We have the honour to address you in our capacity as Independent Expert on minority issues; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on freedom of religion or belief; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and Special Rapporteur on the rights to freedom of peaceful assembly and of association pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 16/6, 17/5, 14/11, 16/4 and 15/21.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received **concerning the killing of at least 24 people and the injuring of more than 200 during a protest by Coptic Christians in Cairo on 9 October 2011**. This demonstration follows the burning of the Mar Girgis church in Edfu, Aswan governorate, in southern Egypt, on 30 September 2011.

According to the information received:

It has been reported that on the evening of 9 October 2011, clashes between Coptic Christians and security forces took place during an initially peaceful protest by Coptic Christians against the attack on the Mar Girgis church in Edfu on 30 September 2011, subsequent to remarks made by the Governor of Aswan province who reportedly said that the Copts had built the church without the required planning permission. According to unconfirmed reports, at least 24 people were killed, including Coptic Christians and members of the security forces and more than 200 were injured.

On 9 October 2011, reportedly thousands of protestors were marching from the Shubra district of northern Cairo to the State television building in Masepro Square, Cairo, calling for the dismissal of the Governor of Aswan province, and urging effective protection of Christian places of worship. It has been further alleged that a military vehicle ran over at least five people during the protest.

Serious concern has been expressed that the violence on 9 October 2011, is the latest incident in which Coptic Christians and their places of worship have been targeted (please refer to A/HRC/18/51 for the joint urgent appeal of 12 May 2011 and the joint allegation letter of 5 January 2011), and may lead to further escalation of violation.

While we do not wish to prejudge the accuracy of these allegations, we wish to appeal to your Excellency's Government to seek clarification of the events described above.

In this connection, we wish to draw your Excellency's Government's attention to relevant international principles and norms governing the use of force by law enforcement authorities. Article 6(1) of the International Covenant on Civil and Political Rights (ICCPR), which Egypt ratified on 14 January 1982, provides that every individual has the right to life, that this right shall be protected by law, and that no person shall be arbitrarily deprived of his or her life. Under international law when force is used excessively without strict compliance with the principles of necessity and proportionality, any loss of life that results is an arbitrary deprivation of life and therefore illegal.

The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990), though not in itself binding law, provide an authoritative and convincing interpretation of the limits the prohibition of arbitrary deprivation of life places on the conduct of law enforcement forces. According to principle 4 of the Basic Principles on the Use of Force and Firearms, law enforcement officials should as far as possible, apply non-violent means before resorting to the use of force and firearms. However, "[w]henver the lawful use of force and firearms is unavoidable, law enforcement officials shall: (a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved; (b) Minimize damage and injury, and respect and preserve human life; (c) Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment; (d) Ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment."

In respect of the reported deaths, we urge your Excellency's Government to undertake urgent investigations, in accordance with principle 9 of the Basic Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions

(Economic and Social Council resolution 1989/65) which provides that there shall be thorough, prompt and impartial investigation of all suspected cases of extrajudicial, arbitrary and summary executions. This applies equally whether State agents are directly involved and where they have failed to exercise due diligence to protect citizens against attacks. Such investigations should clarify the circumstances of each death and shed light on the extent to which lethal force was used, and to what extent the principles of proportionality and necessity were or were not complied with.

We would also like to recall the rights of the members of the Coptic Christian community to freedom of religion or belief, in accordance with articles 18 of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights. The General Assembly, in its resolution 65/211, urges States to step up their efforts to protect and promote freedom of thought, conscience and religion or belief, and to this end “(a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience and religion or belief to all without distinction, inter alia, by providing access to justice and effective remedies in cases where the right to freedom of thought, conscience and religion or belief or the right to freely practise one’s religion, including the right to change one’s religion or belief, is violated; (b) To ensure that existing legislation is not implemented in a discriminatory manner or does not result in discrimination based on religion or belief, that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief and that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, or arbitrary arrest or detention on that account and to bring to justice all perpetrators of violations of these rights; [...] (g) To ensure, in particular, the right of all persons to worship, assemble or teach in connection with a religion or belief and their right to establish and maintain places for these purposes, and the right of all persons to seek, receive and impart information and ideas in these areas; (h) To ensure that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom of all persons and members of groups to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected; (i) To ensure that all public officials and civil servants, including members of law enforcement bodies, and personnel of detention facilities, the military and educators, in the course of fulfilling their official duties, respect freedom of religion or belief and do not discriminate for reasons based on religion or belief and that all necessary and appropriate awareness-raising, education or training is provided”.

We wish to draw the attention of your Excellency’s Government to international standards relevant to the protection and promotion of the rights of minorities. Article 27 of the International Covenant on Civil and Political Rights, to which Egypt is a party, establishes that: “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.” In addition, the provisions of the 1992

United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities require under Article 1.1 that “States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity.” In addition, Article 4.1 of the Declaration establishes that: “States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law.” We wish to emphasize that the obligation on States to protect the existence of minorities requires governments to protect persons belonging to minorities from acts of violence against them and to strongly condemn such actions. Moreover, governments must be committed to finding ways to create safe environments for all, including by carefully monitoring and strengthening their own anti-discrimination activities, through leadership and public education, and by prosecuting the discriminatory and violent actions of others in society, including members of the police or security forces. They should swiftly denounce hate speech or incitement to hatred that might be used by anyone in society.

We would like to appeal to your Excellency's Government to take all necessary steps to ensure the right of peaceful assembly as recognized in article 21 of the International Covenant on Civil and Political Rights, which provides that "The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interest of national security of public safety, public order (ordre public), the protection of public health or morals of the protection of the rights and freedoms of others.

We would also like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the International Covenant on Civil and Political Rights, which provides that “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

Moreover, 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. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the above summary of the case accurate?
2. Has a complaint been lodged with regard to the incidents mentioned above?

3. Please provide the details and where available, the results, of any judicial investigation, or any criminal charges and other inquiries carried out in relation to this incident.
4. Please explain what measures, if any, were taken to comply with the rules and principles pertaining to proportionality and necessity.

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 members of the Coptic Christian community in compliance with the above international instruments.

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

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

IZSÁK Rita  
Independent Expert on minority issues

Christof Heyns  
Special Rapporteur on extrajudicial, summary or arbitrary executions

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