

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; and the Special Rapporteur on the independence of judges and lawyers

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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; and Special Rapporteur on the independence of judges and lawyers pursuant to Human Rights Council resolutions 25/2, 24/5, 25/18, and 26/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **alleged arbitrary arrest, detention and charges issued against Ms. Aya Hegazy, Mr. Mohamed Hassanein and Ms. Amira Farag for their human rights work at the Belady Foundation.**

Ms. Aya Hegazy and her husband, Mr. Mohamed Hassanein, are the founders of the Belady Foundation, a non-governmental organization which aims to support volunteering and youth-led human rights initiatives.

According to the information received:

In December 2013, the Belady Foundation applied to register as a civic association with the Ministry of Social Solidarity. The Belady Foundation provided the necessary documentation and had two formal visits from Ministry Officials, as is the normal registration procedure.

On 1 May 2014, police officers raided the offices of the Belady Foundation, located on Mohamed Mahmoud Street in Cairo. They arrested Ms. Aya Hegazy;

her husband, Mr. Mohamed Hassanein; two volunteers, including Mr. Amira Farag; and 17 children, who were on the premises at the time of the raid. The police officers confiscated computers and documents from the premises, before sealing the offices. The police officers did not have search or arrest warrants.

The 17 children arrested were interrogated by the police and prosecution. Recordings were made of these testimonies, which were later made public. All of the children have subsequently been released.

Ms. Hegazy, Mr. Hassanein and Ms. Farag were detained at an undisclosed location for two days after their arrest. On 3 May 2014, the detained individuals were transferred to the Central Cairo Plenary Prosecution where they were interrogated. During the interrogation, Ms. Hegazy was hit on the head by security officers and did not have access to a lawyer.

On 13 May 2014, the Ministry of Social Solidarity informed the Belady Foundation that it would freeze its civic association registration process pending the outcome of the outstanding legal cases, although no charges had been brought against the aforementioned persons.

On 8 September 2014, eight individuals were referred to the Abdeen Court where they were charged with establishing and operating a criminal group with the purpose of human trafficking; sexually assaulting children using force, violence, threat, kidnapping, fraud, and deception against the children; sexually exploiting children in the filming of pornographic materials; participating in demonstrations; collecting donations; detaining children in a private location; physically torturing children; and assaulting children to compel them to take part in lewd conduct and sex.

On 14 March 2015, Ms. Hegazy's trial commenced. There have been two subsequent hearings at which Ms. Hegazy's legal counsel was not permitted to present her defence. Ms. Hegazy's legal counsel has only been able to visit her once since she has been detained.

Ms. Hegazy and Ms. Farag are currently detained at Qanater Prison for Women and Mr. Hassanein is currently detained at Tora Prison. They are all in pre-trial detention. Ms. Hegazy's next hearing is scheduled to take place tomorrow, on Saturday 13 February 2016.

Serious concern is expressed about the alleged arbitrary arrest, detention and charges brought against Ms. Hegazy that are reportedly an attempt to stifle the peaceful and legitimate human rights activities of the Belady Foundation. Further serious concern is expressed for the lengthy pre-trial detention of Ms. Hegazy, which currently amounts to

over one year and nine months. Concern is also expressed about Ms. Hegazy's right to a fair trial, including her right to be tried with undue delay and to equality of arms in presenting her defence.

Additional concern is expressed about the chilling effect that the above allegations may have on the work of human rights defenders and human rights organizations in the country, in particular with regard to the exercise of the rights to freedom of association and freedom of expression.

While we do not wish to prejudge the accuracy of these allegations or to express an opinion on whether or not the detention of Ms. Hegazy, Mr. Hassanein and Ms. Farag is arbitrary, the above allegations appear to be in contravention of the right not to be deprived arbitrarily of his liberty as set forth in article 9 of the International Covenant on Civil and Political Rights (ICCPR) and article 9 of the Universal Declaration of Human Rights (UDHR), as well as the right to fair proceedings before an independent and impartial tribunal, as set forth in article 14 of the ICCPR and article 10 of the UDHR.

In particular, with regards to the case of Ms. Hegazy, we would like to bring to the attention of your Excellency's Government that the right to equality before courts and tribunals, as enshrined in article 14 of the ICCPR, also ensures equality of arms, i.e. that the same procedural rights are to be provided to all the parties (see General Comment no. 32, CCPR/C/GC/32, para. 13).

We would also like to refer your Excellency's Government to articles 19 and 22 of the ICCPR, acceded to by Egypt in 1982, which guarantee the right to freedom of opinion and expression and the right to freedom of association respectively.

Finally, we would like to refer to 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 articles 1, 2, 5 and 6.

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 Ms. Hegazy, Mr. Hassanein and Ms. Farag in compliance with international human rights 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. Are the facts alleged in the above summary of these cases accurate?
2. Please provide information on the legal basis for the detention of Ms. Hegazy, Mr. Hassanein and Ms. Farag and explain how this is compatible with international human rights law, in particular relevant provisions enshrined in the ICCPR and the UDHR.
3. Please provide detailed information on the judicial proceedings against Ms. Hegazy; please explain in particular how her right to a fair trial, especially her right to equality of arms, is guaranteed.
4. Please indicate the measures adopted to ensure that human rights defenders and associations are able to carry out their legitimate work in Egypt in a safe and enabling environment without fear of reprisals, violence or harassment of any sort.

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.

David Kaye
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
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