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PROCEDURES SPECIALES DU
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OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

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 extrajudicial, summary or arbitrary executions; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

REFERENCE: UA G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (33-27) G/SO 214 (53-24)
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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 extrajudicial, summary or arbitrary executions; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 16/4, 15/21, 17/5, and 16/23.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **excessive use of force, including lethal force, during a demonstration in Cairo which resulted in the killing of over 80 persons and the wounding of at least hundreds.**

According to the information received:

Since early July 2013, supporters of the Muslim Brotherhood have been staging a peaceful sit-in near Rabaa Al-Adawiya Mosque and Giza's Al-Nahda Square in front of Cairo University.

On 27 July 2013, marches calling for the reinstatement of Mohamed Morsi as a President were reportedly organized in Cairo and in other cities in Egypt. While the march held in Cairo was originally peaceful, it reportedly turned into violent clashes between protesters and riot police. It is alleged that when pro-Morsi protesters approached the off ramp of the 6th of October bridge leading to Nasr Road, police forces, which were based under the bridge, fired teargas at the crowd. According to reports, a clash ensued between the protesters and the police and men in civilian clothes. Two hours after the start of this incident, live bullets

were reportedly fired at the protesters by snipers, allegedly from what appeared to be an elevated nearby building.

According to official sources, at least 81 persons, either protesters or police officers, were killed as a result of the clashes. According to other reports, many more individuals were killed and approximately 4,500 persons were injured. It is reported that officials from the Interior Ministry stated that the police officers were armed only with tear gas and that “no other weapons were used in the [aforementioned] confrontations”. Nevertheless, it is alleged that most of the protesters who were killed during the 27 July 2013 demonstration had been shot with live ammunition targeting their head or their chest.

On 31 July 2013, interim Government officials allegedly stated that Muslim Brotherhood sit-in protests in Cairo were “a threat to national security” and that it would “take all measures necessary to confront these risks and put an end to them”. Reportedly, this statement has led to serious fears that peaceful protests might be met with excessive use of force by police.

Grave concern is expressed about the excessive use of force against individuals exercising their rights to freedom of peaceful assembly and of expression resulting in at least 81 deaths. Further grave concern is expressed at the allegations that protesters were targeted at their head or their chest and that lethal force was used in conditions not complying with international human rights law. Serious concern is expressed at various statements delivered by officials in recent days which may unduly restrict individuals’ rights to freedom of peaceful assembly and of expression.

While we do not wish to prejudge the accuracy of these allegations, we would like to appeal to your Excellency’s Government to seek clarification of the circumstances regarding the aforementioned incident. We would like to stress that each Government has the obligation to protect the right to physical and mental integrity of all persons. This right is set forth inter alia in the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), ratified by Egypt on 14 January 1982, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), acceded by your Excellency’s Government on 25 June 1986.

In this context, we would like to draw the attention of your Excellency’s Government to Principle 4 of the UN Basic Principles on the Use of Force and Firearms by Law Officials, which provides that, “Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms.” Furthermore, Principle 5 provides that, “Whenever the 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 object 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 and (d) Ensure that relatives or close friends of the injured

or affected person are notified at the earliest possible moment.” (adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990).

With regard to the information on the unlawful deaths that may have resulted as a consequence of the excessive use of lethal force by the security officers, we would like to refer to article 6(1) of the ICCPR, under which the Government of Egypt has the obligation to protect every individual’s right to life and to ensure that no individual on its territory or subject to its jurisdiction is arbitrarily deprived of his or her life. In its General Comment on article 6, the Human Rights Committee stated that “[t]he protection against arbitrary deprivation of life which is explicitly required by the third sentence of article 6(1) is of paramount importance. The Committee considers that States parties should take measures not only to prevent and punish deprivation of life by criminal acts, but also to prevent arbitrary killing by their own security forces. The deprivation of life by the authorities of the State is a matter of the utmost gravity.” (HRI/GEN/1/Rev.9, Vol. I, p. 177, para. 3).

The use of lethal force by law enforcement officials is strictly regulated under international human rights law, according to which, 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 principles of necessity and proportionality under international human rights law are interpreted to mean that, including in the context of violent assemblies, lethal force may be used as a last resort, with the sole objective of saving life, as reflected in the aforementioned principles 4 and 5 of the UN Basic Principles on the Use of Force and Firearms by Law Officials.

We would like to further draw the attention of your Excellency’s Government to the duty to investigate, prosecute and punish all violations of the right to life, in line with the Principles on Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (adopted by the Economic and Social Council resolution 1989/65). In particular, principle 9 provides that “[t]here shall be thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions, including cases where complaints by relatives or other reliable reports suggest unnatural death in the above circumstances”. Principle 18 further requires Governments to “ensure that persons identified by the investigation as having participated in extra-legal, arbitrary or summary executions in any territory under their jurisdiction are brought to justice.” We wish to recall also that the families and dependents of victims of extra-legal, arbitrary or summary executions shall be entitled to fair and adequate compensation within a reasonable period of time pursuant to principle 20.

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 ICCPR, 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.”

We would further 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 ICCPR, 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 interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.”

In this connection, we would like to refer to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law.”

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 to freedom of peaceful assembly and of expression, in compliance with the above international instruments.

Since 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 cooperation and your observations on the following matters:

1. Are the facts alleged in the above summaries of cases accurate?
2. Please indicate the reasons justifying the alleged use of lethal force during the aforementioned demonstration and how these measures are compatible with the aforementioned international norms and standards.
3. Please provide the details, and where available the results, of any investigation, medical examination, and judicial or other inquiry which may have been carried out in relation to these cases. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. In the event that the alleged perpetrators are identified, please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?

5. Please indicate if any measures have been put in place, or are being put in place to immediately guarantee the safety and integrity of protesters, and to provide them with reparation for the harm and suffering caused.

6. Please indicate what measures have been taken, or are being taken to ensure that the right to freedom of peaceful assembly and the right to freedom of opinion and expression are respected and that the physical and psychological integrity of those exercising these rights are guaranteed.

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.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee the rights to freedom of peaceful assembly and of expression for all and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

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

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opinion and expression

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