

**Mandates 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; the Special Rapporteur on the independence of judges and lawyers; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

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Excellency,

We have the honour to address you in our capacity as First Vice-Chair of the Working Group on Arbitrary Detention; 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 torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 24/7, 25/2, 24/5, 25/18, 26/7, and 25/13.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the **allegedly arbitrary arrest and detention of Mr. Hisham Ahmed Awad Jafar and Mr. Ismail Alexandrani for their work as journalists and the exercise of their right to freedom of expression and association.**

Mr. Hisham Ahmed Awad Jafar is a journalist and the Head of the NGO the Mada Foundation for Media Development (hereafter the Mada Foundation), which provides training to local journalists.

Mr. Ismail Alexandrani lives in Turkey and is a freelance investigative journalist and academic, who has written critically about the situation in the Sinai Peninsula.

According to the information received:

*Mr. Hisham Ahmed Awad Jafar*

On 21 October 2015, plainclothes state security forces raided the offices of the Mada Foundation without producing a warrant, confiscating files and inspecting computers. After raiding the building, they closed and sealed it. The security officers interrogated staff of the Mada Foundation, including Mr. Hisham Ahmed Awad Jafar. Mr. Jafar was arrested, blindfolded and detained in solitary confinement at Sheikh Zayed State Security Compound Five, allegedly for his work as a journalist and as the Head of the Mada Foundation.

Also on 21 October 2015, a prosecutor accompanied by police officers forcibly entered and raided Mr. Jafar's home, confiscating computers, USB drives, tablets, cameras, money, administrative papers, keys and driving licenses. It is alleged that no warrant was presented and no reason was provided for the raid and confiscation of personal property.

Reportedly, Mr. Jafar was interrogated for two days after his arrest without access to his family or a lawyer. On 25 October 2015, Mr. Jafar met with his lawyer at the State Security Prosecution for several minutes, where the prosecution renewed his detention and requested his transfer to Al Aqrab High Security Prison. Since the transfer of Mr. Jafar to Al Aqrab High Security Prison, Mr. Jafar's lawyers have been prevented from attending hearings on the case of their client before the State Security Prosecution, either because they were uninformed or misinformed.

Mr. Jafar continues to be detained in solitary confinement at Al Aqrab High Security Prison without formal charges or access to his family. The Mada Foundation offices remain closed and sealed off.

*Mr. Ismail Alexandrani*

On 29 November 2015, Mr. Ismail Alexandrani was travelling from Berlin to Hurghada International Airport, having presented his academic work on Sinai at a conference in the previous days. He was travelling to Egypt to visit his ailing mother. On his arrival at Hurghada airport, Mr. Alexandrani was arrested and detained by state security officers. He was interrogated for 12 hours about his travel to Germany, without access to a lawyer.

On 1 December, Mr. Alexandrani was interrogated by the state security prosecutor for over 8 hours about his journalistic and academic work. Without pressing formal charges, the prosecutor ordered a 15-day detention for additional investigation. Reportedly, Mr. Alexandrani is likely to face charges of 'spreading false news and rumours' and belonging to a 'terrorist group', for his alleged membership of the Muslim Brotherhood and work as a journalist.

Hearings regarding the renewal of Mr. Alexandrani's pre-trial detention have been postponed on several occasions. Mr. Alexandrani remains in detention without charge.

While we do not wish to prejudge the accuracy of these allegations, we express grave concerns about the alleged arbitrary arrest and detention of Mr. Jafar and Mr. Alexandrani. We express serious concern that the arrest and detention of Mr. Alexandrani and Mr. Jafar is directly related to their work as journalists and their legitimate exercise of their rights to freedom of expression. Additional serious concern is expressed regarding the right to due process of Mr. Jafar and Mr. Alexandrani, particularly due to the lack of charges brought against them and delays to hearings and the lack of information given to their lawyers. We express further concern about the fact that Mr. Jafar's lawyers were prevented from attending hearings on their client's case before the State Security Prosecution. Particularly grave concern is also expressed about the solitary confinement of Mr. Jafar, a regime of detention that may amount to torture and other cruel, inhuman or degrading treatment or punishment.

In connection to the above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

Without expressing at this stage an opinion on the facts of the case and on whether the deprivation of liberty of Mr. Jafar and Mr. Alexandrani is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee their right not to be deprived arbitrarily of their liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 14 of International Covenant on Civil and Political Rights (ICCPR), which Egypt ratified on 14 January 1982, and articles 9 and 10 of the Universal Declaration of Human Rights (UDHR). We recall that the right to have access to a lawyer is also enshrined in the UN Basic Principles on the Role of Lawyers.

Further concern is expressed about the raid, search and forced closure of the Maida Foundation, which is allegedly directly related to the work it conducts training journalists. Serious concern is expressed at the possible broader impact of these arrests, which may have a deterrent effect on the legitimate exercise of the rights to freedom of expression and freedom of association in the country, including a situation of fear and self-censorship for individuals and groups, in particular for other journalists, human rights defenders and individuals with dissenting opinions.

We would like to remind your Excellency's Government of the rights to freedom of opinion and expression, and freedom of association, as contained in articles 19 and 22 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Egypt on

14 January 1982, and articles 19 and 20 of the Universal Declaration of Human Rights (UDHR), respectively. In particular, we refer your Excellency's Government to the Human Rights Council Resolution on the safety of journalists (A/HRC/Res/27/5).

We would also like to refer your Excellency's Government 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](http://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.

Moreover, 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, when relevant to the case under consideration:

1. Please provide any additional information and any comment you may have on the above mentioned allegations.
2. Please provide information on the legal grounds for the arrest and continued detention of Mr. Jafar and Mr. Alexandrani, and explain how these measures are compatible with international human rights norms and standards, in particular with articles 9 and 14 of the ICCPR. Please also explain how the conditions of detention of Mr. Jafar are in line with international human rights norms.
3. Please provide information about any investigation initiated or charges issued against Mr. Jafar and Mr. Alexandrani, indicating when their cases may be brought before a judicial authority. Please also indicate the measures taken to ensure all the guarantees of fair trial and due process, including the right to access one's lawyer in the preparation of one's defense, as established in the ICCPR and the UN Basic Principles on the Role of Lawyers.
4. Please provide information on the legal grounds for the alleged raid that took place at the offices of the Mada Foundation, indicating how these

measures are compatible with international human rights norms and standards.

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.

José Guevara  
First Vice-Chair of the Working Group on Arbitrary Detention

David Kaye  
Special Rapporteur on the promotion and protection of the right to  
freedom of opinion and expression

Maina Kiai  
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