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OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

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

REFERENCE: UA G/SO 218/2 G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) G/SO 214 (53-24)
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24 December 2013

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur 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; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 24/7, 16/4, 24/5, 16/5, and 16/23.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning **an alleged raid on the offices of the human rights organisation Egyptian Centre for Economic and Social Rights (ECESR) by State security forces, as well as the alleged arbitrary arrest of six of its staff (Messrs. Mahmoud Bilal, Moustafa Eissa, Sherif Ashour, Hossam Mohamed Nasr, Sayed Mahmoud El-Sayed and Mohamed Adel) and the ongoing alleged arbitrary detention of one of those staff members (Mr. Mohamed Adel). We would also like to bring to your Excellency's Government's attention the alleged arbitrary detention of Messrs. Ahmed Maher and Ahmed Douma, who were arrested on 2 December after a peaceful protest.**

The **Egyptian Centre for Economic and Social Rights** is one of the most active human rights organisations in the country and it has recently engaged with the United Nations Committee on Economic, Social and Cultural rights. It is also co-operating with the Universal Periodic Review (UPR) mechanism for Egypt's upcoming review.

Mr. **Mohamed Adel** is a founding member of the April 6 youth movement, which called for a general strike on 6 April 2008 in support of workers in El-Mahalla El-Kubra. The movement works non-violently on issues such as economic and labour rights, freedom of expression, and corruption in the government. Mr. **Ahmed Maher** and Mr. **Ahmed Douma** are also affiliated with this movement.

This communication also concerns the newly adopted Law no. 107 “For organizing the right to peaceful public meetings, processions and protests”, introduced by Presidential Decree on 24 November 2013. This law was the subject of an urgent appeal sent by the 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 on 6 December 2013. The law was also the subject of a news release from the United Nations High Commissioner for Human Rights on 26 November 2013.

According to the information received:

On 2 December 2013, Mr. Ahmed Maher and Mr. Ahmed Douma were arrested on charges of violation of the law no. 107 in relation to a peaceful protest which took place outside Abdeen court on 30 November 2013 and are currently being held at Tora prison. On 4 December 2013, Mr. Mohamed Adel was referred for trial on 22 December 2013 along with the above-mentioned activists.

At approximately midnight on 18 December 2013, it is alleged that more than sixty police officers and security agents raided the offices of the ECESR in Cairo. Sources indicate that some of the officers came from the Azbakeya and Abdin police stations, whilst some of the security agents were from the Homeland Security Agency, formerly the National Security Agency.

Sources have indicated that before the raid, police had asked the building’s gatekeeper not to close the building and to expect such a raid. Additionally, police blocked the roads surrounding the building. Some ECESR staff were reportedly in the building at the time working on a documentary about the Iron and Steel Workers’ Strike, which was due to be screened at the premises the following day.

It has been alleged that during the raid, the heavily-armed officers held non-armed staff of the ECESR at gunpoint using machine guns. It is further alleged that when Mr. **Mahmoud Bilal** the ECESR lawyer, requested to see a warrant for the intrusion, he was slapped by a security agent. The officers proceeded to damage equipment in the office and confiscate three laptops and a computer before

arresting and blindfolding Mr. **Moustafa Eissa**, Head of the ECESR Documentaries Unit, Mr. Mahmoud Bilal (mentioned above), and four ECESR volunteers: Mr. Mohamed Adel, Mr. **Sherif Ashour**, Mr. **Hossam Mohamed Nasr** and Mr. **Sayed Mahmoud El-Sayed**. The six men were then taken, still blindfolded and handcuffed, to an unknown location. It is alleged that they were kept blindfolded and handcuffed and were forced to stand for the duration of their detention. It is further alleged that they were beaten during this time.

We have received information that lawyers from various Egyptian human rights organisations requested information on the whereabouts of the men throughout the night, including at the Azbakeya and Abdin police station, but no information was provided.

At approximately 10:00 a.m. on the morning of 19 December 2013, Mr. Moustafa Eissa, Mr. Mahmoud Bilal, Mr. Sherif Ashour, Mr. Hossam Mohamed Nasr and Mr. Sayed Mahmoud El-Sayed were reportedly taken back to Abdeen police station. Only then were their blindfolds removed. The confiscated property was returned to them and they were released at approximately 11:00 a.m.. It is reported that the released men were informed that their arrest was a mistake and that the purpose of the raid had been to arrest Mr. Mohamed Adel.

On 22 December 2013, sources indicate that Mr. Ahmed Douma, Mr. Mohamed Adel and Mr. Ahmed Maher were each sentenced to three years imprisonment and a fine of 50,000 Egyptian pounds (approximately €5,000).

Serious concern is expressed at the raid on the offices of ECESR by state security forces and at the alleged arbitrary arrests of the six mentioned human rights defenders. Grave concern is expressed at the sentencing of Mr. Ahmed Douma, Mr. Mohamed Adel and Mr. Ahmed Maher owing to their participation in a peaceful protest. Further grave concern is expressed that the application of law no. 107 may hinder the right to peaceful assembly in Egypt and that the events of 18 and 19 December 2013 may have a chilling effect on the work of organizations who are working to protect and promote human rights in the country.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of the abovementioned persons 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 10 of the Universal Declaration of Human Rights, and articles 9 and 14 of the International Covenant on Civil and Political Rights.

With respect to the allegations according to which the six men were taken to an unknown location while blindfolded and handcuffed, we would like to draw the attention of your Government to paragraph 12 of General Assembly Resolution A/RES/61/153 of 14 February 2007, which “reminds all States that prolonged incommunicado detention or detention in secret places may facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment, and urges all States to respect the safeguards concerning the liberty, security and dignity of the person.”

With respect to the allegations according to which the above mentioned individuals were beaten and forced to stand for the duration of their detention, we would like to draw your Government’s attention to paragraph 1 of Human Rights Council Resolution 8/8 which “Condemns all forms of torture and other cruel, inhuman or degrading treatment or punishment, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all Governments to implement fully the prohibition of torture and other cruel, inhuman or degrading treatment or punishment.”

Moreover, we would 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.”

We would also like to refer to 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 interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.

We further would like to refer to article 22 of the International Covenant on Civil and Political Rights, which provides that “Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests”.

In this connection, we would like to refer to Human Rights Council resolution 24/5, and in particular operative paragraph 2 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 addition, we would 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 which state that “everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels” and that “each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice”.

Furthermore, we would like to bring to the attention of your Excellency’s Government the following provisions of the Declaration:

- article 5 point a) which establishes that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels, to meet or assemble peacefully;

- article 5 points b) and c) which provide that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right to form, join and participate in non-governmental organizations, associations or groups, and to communicate with non-governmental or intergovernmental organizations;

- article 6 point a) which provides that everyone has the right, individually and in association with others to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;

- article 6 points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all

human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters; and

- article 12 paras 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

We also wish to recall the provisions of resolution 12/2 of the Human Rights Council (A/HRC/RES/12/2), which, inter alia, “condemns all acts of intimidation on reprisal by Governments and non-State actors against individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights (OP 2) and “calls upon all States to ensure adequate protection from intimidation or reprisals for individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights (...)” (OP 3).

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 the above international instruments.

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, when relevant to the case under consideration:

1. Are the facts alleged in the above summary of the case accurate?
2. Please provide information concerning the legal grounds for the arrest and detention of Messrs. Ahmed Maher, Ahmed Douma and Mohamed Adel and explain how such measures are compatible with international human rights norms and standards as mentioned above.
3. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to the case described

above, in particular the arrest and detention of Messrs. Ahmed Maher, Ahmed Douma and Mohamed Adel.

4. Please provide information concerning the legal grounds for the raid on the offices of ECESR and for the arrests of Messrs. Mahmoud Bilal, Moustafa Eissa, Sherif Ashour, Hossam Mohamed Nasr, Sayed Mahmoud El-Sayed.

5. Please indicate what measures have been taken to ensure that human rights defenders, including civil society and activists, can operate in an enabling environment and can carry out their legitimate activities without fear of harassment, stigmatization or criminalization of any kind.

We undertake to ensure that your Excellency's Government's response will be available 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 that the rights and freedoms of the above mentioned persons are respected 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.

Mads Andenas
Chair-Rapporteur of the Working Group on Arbitrary Detention

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

Maina Kiai
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