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PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

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 situation of human rights defenders; and the Special Rapporteur on extrajudicial, summary or arbitrary executions

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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 situation of human rights defenders; and Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolutions 15/18, 16/4, 16/5, and 17/5.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the escalating violence and intimidation against journalists in Egypt including alleged arbitrary arrests and detention, namely of Messrs. **Ayman Mohamed Gaballa, Abdelfattah Fayed, Ahmad Hassan, Mohammed Badr, Mohamad Salheh, Abdullah El-Shamy**, and alleged killings of Messrs. **Mick Deane, Ahmed Abdel Gawad, Mosab El-Shami Rassd**, and Ms. **Habiba Ahmed Abd Elaziz**.

According to the information received:

Al Jazeera Egypt and six other TV channels were reportedly shut down by the Egyptian authorities in the early hours of the military coup on 3 July 2013. It is alleged that the channels include at least three Islamist-run TV stations including one operated by the Muslim Brotherhood. On the same day Al-Jazeera's office, specifically Al Jazeera's Mubasher Misr channel, was reportedly raided by the security forces, and a number of staff members were detained.

On 3 July 2013, Mr. Ayman Mohamed Gaballa, the director of Aljazeera Live Channel based in Doha, Qatar, was arrested by Egyptian security forces when the office of Aljazeera Mubasher Misr channel was raided. They arrested him and took him to Elagouza police station where he was charged for operating the

channel without a license. He was released on 5 July 2013 after paying bail in the amount of 10,000 Egyptian pounds (approximately 1,450 USD).

On 7 July 2013, Mr. Abdelfattah Fayed, the head of Aljazeera Media Network's Cairo Bureau, was taken in for questioning on charges of operating the Aljazeera office without appropriate license from the government and of "disturbing public peace." He was released after paying bail of 10,000 Egyptian pounds (approximately 1,450 USD). On the same day, Mr. Ahmad Hassan, also working at Aljazeera Media Network in Cairo, was arrested and released in the same day. He has been reportedly prohibited from practicing his job as a correspondent.

On 15 July 2013, Mr. Mohammed Badr, a cameraman for Aljazeera Live Channel in Cairo, was arrested by Egyptian authorities without any formal charges brought against him while filming police violence against protestors gathered in Ramsis Square in Cairo. His TV camera was allegedly confiscated by the police forces at the time of arrest. On 16 July 2013, prosecutors visited Al-Azbakeya police station where Mr. Badr has been held, and interrogated him. Mr. Badr was accused of possessing weapons, disturbing public peace and attacking police forces. On 28 July 2013, the prosecutors visited him again in Tora prison where he was transferred to on 18 July 2013, and ordered the renewal of his detention. He is still in detention in the Tora Security facility as of the date of this communication.

On 5 August 2013, Mr. Mohamad Salheh, one of Aljazeera's transmission engineers based in Doha, Qatar, was arrested while on vacation in Cairo. He was detained by the Egyptian authorities and held without formal charges until 14 August 2013. He is still not allowed to leave Egypt as of the date of this communication.

On 14 August 2013, Mr. Abdullah El-Shamy, a correspondent for Aljazeera in Cairo, was arrested during the deadly confrontations between security forces and supporters of deposed President Mohamed Morsi in Rabaa Al-adaweyah square, in Cairo. Mr. El-Shamy was initially detained at Al-Shorooq Police Station and later transferred to Abu Zaabal prison on 18 August 2013, for purposes of interrogation, which has taken place allegedly without his legal representation. The prosecution has ordered the prolongation of his detention on the basis of ongoing investigations into case No. [REDACTED]. Mr. El-Shamy is charged with inciting violence, killing police officers, inciting civil strife and prohibiting citizens from performing their religious duties.

Also on 14 August 2013, during the clearing of the sit-in at Rabaa Square, at least four journalists were reportedly killed. They are: Mr. Mick Deane, aged 61, a cameraman for Sky News, a British news channel, who was shot and died from his wounds while filming the events. An Emirati journalist, Ms. Habiba Ahmed Abd Elaziz, aged 26 who worked for the Xpress news agency was reportedly shot dead near the square. Egyptian journalist Mr. Ahmed Abdel Gawad, of Al

Akhbar, a state-run newspaper, and a photojournalist Mr. Mosab El-Shami Rassd of the news website (RNN) were also reportedly killed the same day while covering events at the square. Eyewitnesses on the ground have also commented that it appeared that the security forces were targeting individuals filming and reporting on events in particular.

In addition to the ten individual cases above, it is further reported that attempts have been made to jam the Aljazeera signal in Egypt, which is affecting its signal for the rest of the North African region.

Intimidation against media professionals working for Aljazeera includes alleged threats and insults in anonymous phone calls. Allegedly, State media has reported that Egyptians working for Aljazeera in foreign countries should have their nationality revoked.

Grave concerns are expressed at the on-going harassment and intimidation by Egyptian authorities to silence journalists and media professionals covering major protests taking place in Egypt. Further concerns are expressed that journalists exercising their legitimate right to freedom of opinion and expression are unduly targeted for arbitrary arrests and detention due to their journalistic activities in defence of human rights.

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 (UDHR) and articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR).

We would further like to refer to article 6(1) of the ICCPR, and 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).

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 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 also like to refer to General Comment No. 34 adopted by the Human Rights Committee in July 2011, which affirms that the restrictions to the right to freedom of opinion and expression must be “provided by law,” “necessary”, and “must conform to the principle of proportionality.” It further stipulates that “States parties should ensure that public broadcasting services operate in an independent manner. In this regard, States parties should guarantee their independence and editorial freedom.”

We would further like to refer to Human Rights Council resolution 21/12 on safety of journalists (A/HRC/RES/21/12) adopted on 27 September 2012, which “condemns in the strongest term all attacks and violence against journalists, such as torture, extrajudicial killings, enforced disappearances and arbitrary detention, as well as intimidation and harassment;” and “calls upon States to ensure accountability through the conduct of impartial, speedy and effective investigations into such acts falling within their jurisdiction, and to bring to justice those responsible and to ensure that victims have access to appropriate remedies.”

In this connection, 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 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 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.

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. Has a complaint been lodged by or on behalf of the alleged victims?
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 the above cases.
4. Please provide information concerning the legal grounds for the arrest and detention of Mr. Mohammed Badr and Mr. Abdullah El-Shamy and how these measures are compatible with international norms and standards as stated, inter alia, in the UDHR and the ICCPR.

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 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.

Given the seriousness and urgency of the allegations, we would like to inform your Excellency's Government that we are considering issuing a press release on the issues contained herein in the near future.

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

El Hadji Malick Sow
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

Margaret Sekaggya
Special Rapporteur on the situation of human rights defenders

Christof Heyns
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