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UNITED NATIONS
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 and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

REFERENCE: UA G/SO 218/2 G/SO 214 (67-17)
EGY 18/2013

23 December 2013

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention and Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression pursuant to Human Rights Council resolutions 24/7 and 16/4.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding **the arrest and detention of student activists in late November and on 9 December 2013**, following their participation in peaceful demonstrations against Law 107/2013 of 26 November 2013, "Regulating Rights of Public Assemblies, Processions and Peaceful Protests" ("the Law").

We note that we have transmitted to your Excellency's Government a joint urgent appeal on 3 December 2013, expressing our concern about the arrest of peaceful protestors, including journalists and student defenders, following peaceful assemblies organized on 26 November 2013 against the Law. We regret that we have not yet received a reply from your Excellency's Government to our communication and it is of serious concern to us that we continue to receive allegations that the authorities continue to arrest individuals protesting against the Law in a peaceful manner. As mentioned in our communication of 3 December 2013, the Law was the subject of a news release of the United Nations High Commissioner for Human Rights, Navi Pillay, on 26 November 2013. The High Commissioner urged the authorities "to amend or repeal this seriously flawed law" and she warned that the said law "could lead to serious breaches of the right to freedom of peaceful assembly".

According to the information received:

On 26 or 27 November 2013, 14 individuals were arrested by the police during demonstrations that took place in Al 'Ameria neighbourhood of eastern Cairo.

The demonstrators were protesting against the Law and the provision in the draft Constitution which allows military trials of civilians. On the same evening, **Mr. Ibrahim Jamal**, a 19-year-old student of the Faculty of Education, Al Azhar University, was also arrested by the police. Mr. Jamal was reportedly travelling in a taxi when a police officer stopped the car and conducted a search of Mr. Jamal. When the police officer found a piece of paper which said, “No to military trials of civilians”, he immediately arrested Mr. Jamal at the scene. According to the source, Mr. Jamal did not participate in the demonstrations. However, Mr. Jamal and the 14 individuals have been questioned by the Public Prosecution in relation to accusations of cutting and burning trees, damaging a lamp post, and attacking police officers. Mr. Jamal and the 14 others are believed to be in police custody in the New Cairo area and they are due to appear in court on 24 December 2013.

In a separate incident, a student demonstration took place at Al Azhar University in Cairo on 9 December 2013 and 17 students were arrested by the police during the demonstration. The 17 students arrested were:

1. Sami Mohamed Hafiz Ahmad (سامي محمد حافظ أحمد)
2. Mokhtar Tharwat Mokhtar Hassanein (مختار ثروت مختار حسنين)
3. Yasser Suliman Abd Alqader (ياسر سليمان عبدالقادر)
4. Moaaz Ahmed Ali (معاذ أحمد علي)
5. Ibrahim Qabbani Hussein (ابراهيم قبباني حسين)
6. Ahmad Mohamed Mohamed Abbas (أحمد محمد محمد عباس)
7. Ahmad Said Abdallah Amara (أحمد سعيد عبدالله عمارة)
8. Ibrahim Samir Kamil (ابراهيم سمير كامل)
9. Osama Mohamed Mohamed Ahmad (اسامة محمد محمد أحمد)
10. Ahmad Ali Ibrahim (أحمد علي ابراهيم)
11. Mohamed Bahi Hussein Mohamed (محمد باهي حسين محمد)
12. Ahmad Abd Alqader Abd Alqader Mohamed (أحمد عبدالقادر عبدالقادر محمد)
13. Kamil Alsayed Kamil Alsayed (كامل السيد كامل السيد)
14. Abd Alrahman Mohamed Abdeltawab Mohamed (عبدالرحمن محمد عبدالتواب محمد)
15. Abdallah Shafiq Hilmi Mustafa (عبدالله شفيق حلمي مصطفى)
16. Ahmed Jamal Mohamed Hammam (أحمد جمال محمد همام)
17. Osama Gamal el din Mohamed Ibrahim (أسامة جمال الدين محمد ابراهيم)

Furthermore, during the evening of 9 December 2013, 10 student activists were arrested by the police while meeting at a café near Al Azhar University in Nasr City. The 10 students arrested were:

1. Mohammed Mokhtar (محمد مختار), a 21-year-old fourth year student the Faculty of Commerce, Al Azhar University.
2. Ahmed Abdelaziz (أحمد عبد العزيز), a 19-year-old second year student at the Faculty of Engineering, Al Azhar University.
3. Mohammed Nasr (محمد ناصر)
4. Mohammed Abdellatif (محمد عبد اللطيف)
5. Hussam Al Khuli (حسام الخولي)

6. Nader Nour (نادر نور)
7. Motya' Yassin (مطيع ياسين)
8. Omar Al Shahat (عمر الشحات)
9. Ahmed Othman (أحمد عثمان)
10. Kamal Aldeen Ahmad (كمال الدين أحمد)

It is reported that these student activists are currently held by the police in the New Cairo area for 15 days pending investigation by the prosecution. On 10 December 2013, they were reportedly questioned by the prosecutor on a number of accusations, including organizing a public meeting without prior notification to the authorities in accordance with article 8 of the Law, burning of police vehicles, placing burning and explosive materials, theft of police weapons, attacking police officers, damaging public property, and attacking a journalist and stealing his camera. It is alleged that although they were questioned in the presence of their lawyers, they were not allowed to consult them before being questioned by the prosecutor. These 27 individuals who were arrested on 9 December 2013 have not been charged with any offences to date.

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.

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 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."

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 abovementioned 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 summary of the case accurate?
2. Has a complaint been lodged by or on behalf of the alleged victims?

3. Please provide information concerning the legal grounds for the arrest and detention of: a) the 14 individuals arrested on 26 or 27 November 2013; b) Mr. Ibrahim Jamal; c) the 17 students arrested on 9 December 2013 during the demonstration; and d) the 10 students arrested on 9 December 2013 at the café near Al Azhar University. Please also explain how such measures are compatible with international human rights norms and standards as mentioned above.

4. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.

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