

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 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 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 extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolutions 25/2, 24/5, 25/18, and 26/12.

In this connection, we would like to bring to the attention of your Excellency's Government information on allegations we have received concerning the death of **Ms. Shaimaa Sabry Ahmed Al Sabbagh** in a peaceful protest on 24 January 2015, the death of at least 20 persons in clashes between security forces and the police between 23 and 25 January 2015, as well as the detention of a large number of protestors.

This communication also refers to allegations of excessive use of force by law enforcement officials in the context of a peaceful demonstration held on 24 January, considered unlawful by the authorities under the Law 107/2013 of 26 November 2013, "Regulating Rights of Public Assemblies, Processions and Peaceful Protests". Similar concerns have been addressed in twelve previous communications by Special Procedures mandate holders, including two which expressed concern at the provisions of Law 107/2013 (EGY 5/2013 (20/03/2013); EGY 4/2013 (12/02/2013)) and ten which expressed concern at incidences of the excessive use of force used to disband demonstrations (EGY 13/2014 (3/10/2014); EGY 10/2014 (3/07/2014); EGY 16/2013 (3/12/2013); EGY 17/2013 (6/12/2013); EGY 18/2013 (23/12/2013); EGY 19/2013 (24/12/2013); EGY 8/2014 (28/06/2013); EGY 11/2013 (06/08/2013); EGY 10/2013 (09/07/2013); EGY 1/2013 (11/01/2013)). We acknowledged receipt of replies to six of these communications.

According to the information received:

On Saturday 24 January 2015, Ms. Shaimaa Sabry Ahmed Al Sabbagh, a political activist, and acting secretary of the Collective Action at the Socialist Popular Alliance Party in Alexandria governorate, took part in a peaceful march organised by the socialist Popular Alliance party in central Cairo. Ms. Al Sabbagh was walking and chanting with a small group of people, including other members of the party, with the aim of laying flowers in Tahrir Square to commemorate the events of January 2011.

It is alleged that a group of riot police officers forcibly dispersed the aforementioned protesters. Reportedly, Ms. Al Sabbagh was shot in the back and neck with birdshots pellets. She was assisted by bystanders and other persons at the march. Review of available online footage, videos and photos of the incident, indicate that she did not receive the immediate medical assistance required and subsequently died. A report of the Forensic Medicine Authority reported that her death was caused by internal bleeding due to sustained injuries to the lungs and heart.

While it is reported that the march was not authorized under the Law 107/2013 of 26 November 2013, the march that day was reportedly peaceful and the demonstrators did not pose any threat to the police or any other persons.

On 25 January 2015, the fourth anniversary of January 2011 events and the day after the death of Ms. Al Sabbagh, numerous protests and clashes between protesters and security forces erupted in several cities in Egypt, including in the Cairo suburbs of Matariya, of Kfar el Sheikh, Minya, Giza Monofia, al-Sharquiya and Alexandria, where Ms. Al Sabbagh's burial took place. Reports indicate that on that day at least 18 persons were killed, including one police officer, and 97 persons were injured in the context of clashes between protestors and/or between protestors and law enforcement personnel. It is also alleged that a large number of persons were detained in the context of these protests and clashes. Authorities have indicated that some protestors were armed and shot at the police, prompting security forces to react. It is reported that two police officers were shot dead at a checkpoint near the Pyramids and three activists died while attempting to place an explosive device in the al-Beheira and Doumyat areas.

It is reported that on 25 January 2015 the Prosecutor General announced the opening of investigation into Ms. Al Sabbagh's death and ordered the questioning of members of the security forces who participated in the incidents that led to her death.

These incidents reportedly took place in a context of political tension and where impunity prevails in most cases of killings of protesters that occurred in Egypt, since 2011. It is reported that the national independent fact-finding commission established “to gather information and evidence for the events that accompanied the June 30th, 2013 event and its repercussions” issued its report on 26 November 2014 and has called on the General Prosecutor to release the results of his investigations.

We express serious concern at the death of Ms. Al Sabbagh, who was allegedly killed as a result of excessive use of force by the police in the context of a peaceful protest where there is no indication that she was posing any threat to authorities or other persons. We reiterate our serious concern at the provisions of Law 107/2013 of 26 November 2013 and express grave concern at the lack of guarantees for the legitimate exercise to the right to freedom of expression and the right to peaceful assembly, as established in the International Covenant on Civil and Political Rights, ratified by Egypt in 1982.

We also express concern at the death of at least 20 persons that took place allegedly, in the context of clashes between protestors and/or between protestors and law enforcement personnel, as well as at the detention of a large number of persons in this context.

We acknowledge the security concerns expressed by your Excellency’s Government and recall the importance of securing the application of minimum international human rights standards while addressing these concerns. Therein, we would like to refer to articles 6, 19, 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR), which guarantee the right to life, the right to freedom of opinion and expression and the rights to freedom of peaceful assembly and of association. We recall that no restrictions may be placed on the exercise of these rights other than those imposed in conformity with the ICCPR.

In this respect, we also wish to recall resolution 24/5, in which the Human Rights Council reminded States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly are in accordance with their obligations under international human rights law.

We would also refer 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.

We would like to remind your Excellency’s Government of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (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). Moreover, we urge your Excellency's Government in line with the Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, in particular principle 9, that there must be thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions.

We acknowledge and welcome the statement of the authorities indicating the initiation of investigations into the recent events. We urge your Excellency's Government to ensure prompt and impartial investigations, bringing to justice those responsible.

In particular, we also recall the recommendations of the national independent fact-finding commission established "to gather information and evidence for the events that accompanied the June 30th, 2013 event and its repercussions" that urged the Prosecutor General to make public the conclusions of his investigations into the killing of protestors. We are concerned that the lack of effective progress to bring to justice the responsible authorities and law enforcement officials, not only prevents an effective access to justice for the victims, it also undermines any chances to prevent these violations to reoccur and seriously threatens any legitimate attempt for political parties, organisations, human rights defenders or individuals to legitimately demonstrate and express their opinions peacefully, especially when these disturb or dissent with the Government.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

As 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 observations on the following matters:

1. Please provide any additional information and any comment you may have on the above mentioned allegations.
2. Please provide detailed information on the circumstances of the deaths of the persons killed between 23 and 25 January 2015, including on the death of Ms. Al Sabbagh in Cairo, as well as on the measures taken to ensure prompt and impartial investigations in all such cases.
3. Please provide detailed information on the number of persons detained at the demonstrations on 24 and 25 January, on the reasons for their detention and possible charges that were brought and/or retained against them. We would particularly request that you indicate how these measures are compatible with Egypt's international human rights obligations, including those under the ICCPR.

4. Please provide information on the steps taken in relation to the investigations and judicial procedures carried out on the death of all the demonstrators killed in Egypt since 2011, as well as on the steps taken to implement the recommendations of the national independent fact-finding commission, including the public release of the conclusions of the investigations by the Prosecutor General.
5. Please indicate what measures have been taken to ensure that human rights defenders are able to carry out their legitimate work, including meeting and assembling peacefully, in a safe and enabling environment in Egypt.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government, especially to ensure the accountability of any person responsible of the alleged violations in compliance with international instrument.

While awaiting a reply, we urge that all necessary interim measures be taken to prevent the excessive use of force by law enforcement officials in the context of crowd control and demonstrations. We reiterate our eagerness to further engage in a dialogue with the Egyptian authorities in relation to the concerns addressed in this communication.

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.

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freedom of opinion and expression

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