

**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; and the Special Rapporteur on the rights to freedom of peaceful assembly and of association**

REFERENCE:  
AL EGY 4/2017

5 May 2017

Excellency,

We have the honour to address you in our capacities as Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and Special Rapporteur on the rights to freedom of peaceful assembly and of association, pursuant to Human Rights Council resolutions 33/30, 25/2 and 32/32.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the arrest and detention of **Mr. Badr Mohammed Badr**, a retired Egyptian journalist and a member of Egypt's Press Syndicate, allegedly for reasons related to the expression of dissenting views on social media, including through posts made on Facebook and Twitter, and for his suspected connections to the Muslim Brotherhood.

According to the information received:

Mr. Badr is a retired journalist and a member of Egypt's Press Syndicate. He was editor-in-chief of the *Lewaa El-Islam* magazine in 1988, and has been managing editor at the *Afak Arabia* newspaper since 2000. He later worked as a reporter for the Qatari-based *Al-Jazeera* news channel. More recently, Mr. Badr published critical opinions both through Facebook and Twitter, regarding the human rights situation in Egypt.

On 29 March 2017, Mr. Badr was arrested in front of his house in the Faisal district, in the west of Cairo, allegedly by plain-cloth agents of the National Security police forces.

After his arrest, Mr. Badr was held in secret and incommunicado detention until 4 April 2017, when he was finally presented before judicial authorities. He was then charged with "joining an organisation founded in violation of the Constitution" and to "undermine State institutions", allegedly the Muslim Brotherhood, and in relation to his political statements on social media. However, the precise information regarding the content of these charges has not yet been confirmed.

Mr. Badr is currently being kept in the Tora Prison, allegedly without the possibility of communicating with the exterior and with no access to a lawyer. It is reported that his family has not been allowed to provide him with the medication he needs for his diabetic condition, which the prison authorities have

allegedly not facilitated either. Moreover, fears have been expressed regarding the possibility that he is currently being subjected to torture or other forms of ill-treatment.

We express grave concern at the arrest, detention and prosecution of Mr. Badr Mohammed Badr under charges which seem to relate to the expression of critical opinions about the Egyptian Government through posts made on social media, including on Facebook and Twitter, and to accusations of being a member of the Muslim Brotherhood. We express further concern at the allegations of violations to his fair-trial rights, including incommunicado detention and lack of access to a lawyer. Finally, grave concern is also expressed at the possibility that he is not receiving the medical treatment he requires in detention and at the allegations received indicating that he could be subject to torture or other forms of ill-treatment at the moment.

These acts appear to contravene articles 7, 9, 14, 19 and 22 of the of the International Covenant on Civil and Political Rights (ICCPR), ratified by Egypt on 14 January 1982, which establish the prohibition of torture and arbitrary detention, as well as the rights to fair-trial, freedom of opinion and expression, and freedom of assembly.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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 therefore be grateful for your observations on the following matters:

1. Please provide any additional information and any comment(s) you may have on the above-mentioned allegations.
2. Please provide additional information on the arrest and the exact charges brought against Mr. Badr, as well as their legal basis and the compatibility of his prosecution with articles 19 and 22 of the ICCPR.
3. Please provide information about the reasons for holding Mr. Badr in secret and incommunicado detention between 29 March and 4 April 2017. Particularly, please provide information on the motives for restricting contact with his family and impeding access to a lawyer.
4. Please provide information on the measures adopted by your Excellency's Government to guarantee Mr. Badr's access to healthcare while in detention, including to the medication he needs to treat his diabetic condition.

5. Please provide information on the measures adopted by your Excellency's Government to ensure that Mr. Badr is free from torture and any other form of ill-treatment while in detention.
6. Please provide information on the measures adopted by your Excellency's Government to guarantee that freedom of opinion and expression is respected in Egypt, including through the use of social media.

We would appreciate receiving a response within 60 days.

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(s) responsible for 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.

Finally, we would like to inform your Excellency's Government that after having transmitted an urgent appeal to the Government, the Working Group on Arbitrary Detention may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such urgent appeals in no way prejudice any opinion the Working Group may render. The Government is required to respond separately to the urgent appeal procedure and the regular procedure.

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

Elina Steinerte  
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

Annalisa Ciampi  
Special Rapporteur on the rights to freedom of peaceful assembly and of association

**Annex**  
**Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to articles 7, 9, 14, 19 and 22 of the of the International Covenant on Civil and Political Rights (ICCPR), ratified by Egypt on 14 Jan 1982, which establish the prohibition of torture and arbitrary detention, as well as the rights to fair-trial, freedom of opinion and expression, and freedom of assembly.

Likewise, we would like to remind your Excellency's Government that incommunicado detention jeopardizes the presumption of innocence, may facilitate the perpetration of torture or other forms of cruel, inhumane and degrading treatment or punishment, and amounts in itself to ill-treatment. In this context, we would like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other ill-treatment as codified in articles 1, 2 and 16 of the Convention Against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (CAT), which was acceded by Egypt on 25 June 1986.

We also wish to reiterate the principle enunciated in Human Rights Council Resolution 12/16, which calls on States to recognise the exercise of the right to freedom of opinion and expression as one of the essential foundations of a democratic society. This right applies online as well as offline. Any limitation to the right to freedom of expression must meet the criteria established by international human rights standards, such as article 4 and 19 (3) of the ICCPR and 29 (2) of the Universal Declaration on Human Rights. Under these standards, limitations must be determined by law and must conform to the strict test of necessity and proportionality must be applied only for those purposes for which they were prescribed and must be directly related to the specific need on which they are predicated.

We would also like to refer to Human Rights Council resolution 24/5 of 2013 which "[r]eminds 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".

We would further like to recall that international human rights law and standards require States to treat all persons under any form of detention or imprisonment with humanity and with respect for the inherent dignity of the human person (article 20, Arab Charter on Human Rights; Principle 1, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and General Assembly resolution 43/173 of 9 December 1988).

Regarding the applicable standards of due-process, we would like to note that article 14 (3) of the ICCPR establishes the right to defend oneself in person or through legal assistance of one's own choosing. In this connection, the Basic Principles on the Role of Lawyers establish that all persons are entitled to call upon the assistance of a lawyer of their choice to protect and establish their rights and to defend them in all stages of criminal proceedings (Principle 1), and that Governments have the obligation of ensuring that efficient procedures and responsive mechanisms for effective and equal access to lawyers are provided for all persons within their territory and subject to their jurisdiction, without distinction of any kind (Principle 2).

The full texts of the human rights instruments and standards recalled are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.