

**Mandates of the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; 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 EGY 5/2017

3 May 2017

Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention; Working Group on Enforced or Involuntary Disappearances; 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 33/30, 27/1, 25/18 and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the abduction, detention, torture and ill-treatment of Dr. **Ahmed Shawky Abdelsattar Mohamed Amasha** ( **احمد شوقي عبد الستار محمد عماشه** ), reportedly in retaliation for his activities as a human rights defender, which included documenting cases of enforced disappearances for the Special Procedures of the Human Rights Council of the United Nations.

Dr. Ahmed Shawky Abdelsattar Mohamed Amasha is an Egyptian human rights defender and the co-founder of the League for Families of the Disappeared. The league is a forum for families of victims of enforced disappearance, providing them with legal advice and assisting in filing complaints to the Public Prosecution Office of Egypt. The league organises media campaigns and public rallies for raising awareness as well as co-organizes seminars and workshops with other human rights organisations. Dr. Amasha is also a member of the "Kefaya" opposition movement, a trade unionist and an active environmental rights defender.

According to the information received:

On 10 March 2017, Dr. Ahmed Shawky Abdelsattar Mohamed Amasha was allegedly abducted by police officers as he was crossing the Nasr City police checkpoint in Cairo.

Following Dr. Amasha's alleged abduction, persons associated with him inquired about his fate and whereabouts in different police stations but were denied any information. State agents repeatedly denied the fact of his arrest and detention. On 11 and 12 March 2017, persons associated with Dr. Amasha filed complaints before to the Attorney General of Cairo, the Ombudsman Office, the Prime Minister, the Ministry of Interior and the President.

On 1 April 2017, Dr. Amasha reappeared before the Public Prosecutor of Tagamo' El Khames (district 5) in Cairo, where he was interrogated without the assistance of a lawyer.

On 13 April 2017, Dr. Amasha was brought again before the Public Prosecutor of Tagamo' El Khames (district 5) in Cairo, this time accompanied by his lawyer. He was charged with "belonging to a banned group" under the Anti-Terrorism Law of Egypt and transferred to the Tora Prison of Cairo. This facility is reportedly known for its inhuman conditions of detention and for subjecting human rights defenders and political opponents to physical and psychological torture.

It is alleged that following his abduction on 10 March 2017, Dr. Amasha was secretly detained at the Central Police station of Abbasiya in the Cairo Governorate, which is the newly established headquarters of Homeland Security services. Dr. Amasha was allegedly subjected to torture and ill-treatment during his secret detention, including by being blindfolded and handcuffed in the back, electrocuted on different parts of his body and threatened of rape if he did not confess to "belonging to a banned group".

Few days later, as Dr. Amasha refused to confess, State security officers reportedly raped him using a stick and threatened to rape his wife and daughters. As a result of being blindfolded and handcuffed in the back for several days, Dr. Amasha suffers from severe back pain and a deterioration of his sight.

On 27 April 2017, the State Security Prosecution in New Cairo decided to prolong the detention of Dr. Amasha, for an additional fifteen days pending investigation. In light of the allegations according to which Dr. Amasha was subjected to torture by agents of the State Security Investigation Service during the first two weeks of his detention, the prosecution agreed to present Dr. Amasha for medical examination to determine whether or not he has been tortured.

It is alleged that Dr. Amasha has been arrested and prosecuted on the sole basis of his peaceful activities as a human rights defender, including his cooperation with the United Nations, its representatives and mechanisms in the field of human rights.

We express serious concerns at the allegations of abduction, arbitrary detention, torture and ill-treatment of Dr. Amasha, which appear to be related to his activities as a human rights defender. More specifically, these acts seem to constitute acts of reprisals against Dr. Amasha for documenting cases of enforced disappearances for the Special Procedures of the Human Rights Council of the United Nations. We express further concerns about the physical and psychological integrity of Dr. Amasha, as well as of his relatives, as he might still be at risk of torture and ill-treatment in the Tora Prison.

While we do not wish to prejudge the accuracy of these allegations, we wish to draw your Excellency's Government attention to article 13 (3) and (5) of the Declaration on the Protection of all Persons from Enforced Disappearance, which states that "Steps shall be taken to ensure that all involved in the investigation, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal"; and that "Steps shall be taken to ensure that any ill-treatment, intimidation or reprisal or any other form of interference on the occasion of the lodging of a complaint or during the investigation procedure is appropriately punished".

We would also like to recall that, in its resolution 7/12, the Human Rights Council urged Governments to take steps to provide adequate protection to witnesses of enforced or involuntary disappearances, human rights defenders acting against enforced disappearances and the lawyers and families of disappeared persons against any intimidation or ill-treatment to which they might be subjected. The protection of families of disappeared persons should be carried out regardless of the existence of criminal investigation.

We would also like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other ill-treatment as codified in article 7 of the of the International Covenant on Civil and Political Rights (ICCPR) and articles 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Egypt acceded to in 1986.

We wish to underline that Human Rights Council resolutions 12/2 and 24/24 call on Governments to prevent and refrain from all acts of intimidation or reprisal against those who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights. Moreover, in his 2016 report on cooperation with the United Nations, its representatives and mechanisms in the field of human rights (A/HRC/33/19), the Secretary-General reiterates his firm position that all such acts, no matter how seemingly subtle or explicit, are without exception unacceptable and must be halted immediately and unconditionally, effective remedies provided and preventive measures adopted and implemented to prevent reoccurrence. (para. 49).

We also wish to refer to Human Rights Council resolution 22/6, which calls States to ensure that measures to combat terrorism and preserve national security are in compliance with their obligations under international law and do not hinder the work and safety of individuals, groups and organs of society engaged in promoting and defending human rights. (A/HRC/RES/22/6, para 10).

We would finally 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, also known as the UN Declaration on Human Rights Defenders and in particular articles 1, 2 and 12.

We would like to appeal to your Excellency's Government to take all necessary measures to guarantee the right of Dr. Amasha not to be deprived arbitrarily of his 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), ratified by Egypt on 14 January 1982.

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

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 international instruments.

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 information on the legal grounds for the arrest and detention of Dr. Amasha and how these measures are compatible with international norms and standards as stated, inter alia, in the UDHR and the ICCPR.
3. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries which may have been carried out in relation to this case, in particular in connection with the allegations of torture and rape. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. In the event that the alleged perpetrators are identified, please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
5. Please indicate any remedial action taken vis-à-vis the victim and/or his family.

6. Please indicate what measures have been taken to ensure that human rights defenders in Egypt are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation directed against them or their family members and harassment of any sort.

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 responsible of the alleged violations.

We intend to publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

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

Houria Es-Slami  
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Michel Forst  
Special Rapporteur on the situation of human rights defenders

Nils Melzer  
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment