

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 9/2017

6 July 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 34/19.

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 **Dr. Hanane Baderraddine Abdalhafez Othman**, reportedly in connection with her activities as a human rights defender and as an act of reprisals for her cooperation with the United Nations Working Group on Enforced and Involuntary Disappearances.

Dr. Hanane Baderraddine Abdalhafez Othman is a doctor in biology and a human rights defender working for the League for Families of the Disappeared in Egypt. The league is a forum for families of victims of enforced disappearance, which provides them with legal advice and assistance 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. Hanane Othman has also documented cases of enforced disappearances for submission to the United Nations Working Group on Enforced and Involuntary Disappearances.

According to the information received:

On 6 May 2017, Dr. Hanane Baderraddine Abdalhafez Othman went to Al Qanater Al Khayriyah Prison in the Governorate of Qalyubiya, to inquire about the fate and whereabouts of her husband, Mr. Khaled Mohamed Hafez Mohamed Azzedine, who disappeared on 27 July 2013 following his arrest by state security forces during a demonstration in Nasr City, Cairo district. On 8 March 2016, the Working Group on Enforced and Involuntary Disappearances transmitted this case to the Government of Egypt. At the time of the present communication, the

Government has not informed the Working Group about Mr. Khaled's fate and whereabouts.

Upon her arrival to Al Qanater Al Khayriyah Prison, Dr. Hanane Othman asked guards and agents about the fate and whereabouts of her husband. Subsequently, she was arrested by a group of National security forces, some wearing uniforms and others civilian clothes, without a warrant and without officially informing her of the reasons for her arrest.

After her arrest, Dr. Hanane Othman was taken to an unknown police station in the Governorate of Qalyubiya, where she was allegedly held without any outside contact for 24 hours and interrogated for long hours, without the presence of her lawyer. She was reportedly subjected to severe psychological pressure and was denied the right to inform her family of her arrest.

On 7 May 2017, Dr. Hanane Othman was brought before the Public Prosecutor of Shubra El Kheima of the Qalyubiya Governorate and was officially charged with joining a banned group. The Public Prosecutor ordered an extension of her detention for 15 days, based on article 109 of the Criminal Procedure Code. On 22 May 2017, Dr. Hanane Othman's detention was again renewed.

On 3 June 2017, Dr. Hanane Othman appeared before the Public Prosecutor of Shubra El Kheima for the third time. Her lawyer requested her release, citing the absence of evidence of the crime allegedly committed and arguing that her pre-trial detention was unfounded. The request was denied and Dr. Hanane Othman's detention was again extended for 15 days.

Dr. Hanane Othman is currently detained at Al Qanater Al Khayriyah Prison for women, in the Governorate of Qalyubiya. It is alleged that she is held in inhumane conditions and subjected to constant and severe psychological pressure. It is also alleged that Dr. Othman has been denied the right to receive family visits to date and that she might be at risk of torture and ill-treatment while held at Al Qanater Prison.

It is alleged that Dr. Hanane Othman has been arrested and prosecuted on the sole basis of her peaceful activities as a human rights defender, including her cooperation with the United Nations.

We express grave concern about the allegations of arrest and arbitrary detention of Dr. Hanane Othman, in retaliation for her activities as a human rights defender. Moreover, we express our serious concern at the fact that these acts seem to constitute measures of reprisal against Dr. Hanane Othman for inquiring about the fate and whereabouts of her disappeared husband and for documenting cases of enforced disappearances for submission to the United Nations Working Group on Enforced and

Involuntary Disappearances. We express further concerns about the physical and psychological integrity of Dr. Hanane Othman, as she has allegedly already been subject to severe psychological pressure and might be at risk of torture and other ill-treatment at Al Qanater Prison.

While we do not wish to prejudge the accuracy of these allegations, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee the right of Dr. Hanane Othman not to be deprived arbitrarily of her liberty or subjected to torture and ill-treatment, to fair proceedings before an independent and impartial tribunal, to freedom of expression and to freedom of association in accordance with articles 9, 10, 14, 18 and 21 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Egypt on 14 January 1982.

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 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 on 25 June 1986.

Similarly, we would like to highlight the fundamental principles set forth in articles 1 and 2 of the UN Declaration on Human Rights Defenders, which provide for the right to promote and to strive for the protection and realization of human rights and fundamental freedoms; and stress the call made by the Human Rights Council in Resolution 7/12 for States to ensure the protection of human rights defenders acting against enforced disappearances.

We would also like to refer your Excellency's Government to 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" (article 13 par. 3 and 5); that no State shall practice, permit or tolerate enforced disappearance (article 2); that no order or instruction of any public authority, civilian, military or other, may be invoked to justify an enforced disappearance (article 6); that no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances (article 7).

Finally, 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.

The full texts of the human rights instruments and standards recalled above are available on 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 person 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. Hanane Othman and how these measures are compatible with Egypt's international obligations as stated in the ICCPR, and in particular articles 9, 10, 14, 19 and 21.
3. Please provide information on the allegations concerning the arrest without a warrant and the incommunicado detention during 24 hours of Dr. Hanane Othman, as well as her subjection to interrogations without the presence of her lawyer during that period, in contravention to articles 9, 10 and 14 of the ICCPR.
4. Please provide the details, and where available the results, of any investigation or inquiries which may have been carried out in relation to this case, in particular in connection with the allegations of severe psychological pressure suffered by Dr. Hanane Othman during her interrogation on 6 May 2017 and her subsequent detention at Al Qanater Prison. If no inquiries have taken place, or if they have been inconclusive, please explain why.
5. Please provide information on the measures taken to ensure that Dr. Hanane Othman is not subjected to torture and any form of cruel, inhumane or degrading treatment.
6. Please provide information concerning the fate and whereabouts of Mr. Khaled Mohamed Hafez Mohamed, Dr. Hanane Othman's husband, and explain why no information has been made available to her since his arrest on 27 July 2013. In particular, please provide details on any ongoing or concluded investigation on his case.

7. Please explain the reasons why Dr. Hanane Othman has been denied the right to receive family visits since her arrest on 6 May 2017.
8. 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 exposure to acts of intimidation and reprisals because of their human rights work and/ or their cooperation with the United Nations, its representatives and mechanisms in the field of human rights.

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.

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