

**Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on minority issues;
the Special Rapporteur on freedom of religion or belief; and the Special Rapporteur on torture and
other cruel, inhuman or degrading treatment or punishment**

REFERENCE:
UA EGY 10/2017

19 July 2017

Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention; Special Rapporteur on minority issues; Special Rapporteur on freedom of religion or belief; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 33/30, 25/5, 31/16 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, detention and deportation of numerous Uyghur students and their family members.

According to the information received:

Reportedly, since July 3 2017, more than 150 Uyghur students and their family members have been subject to mass arrests in Egypt by the Egyptian Police. On 3 July, four Uyghur students were arrested in Cairo; on 4 July, police raided two restaurants and one supermarket in Cairo, arresting 38 people, many of them students; and on 5 July, 20 more Uyghur students and their family members were arrested in Alexandria. It is also alleged that Egyptian police have been arresting Uyghurs in their homes.

It is alleged that those arrested are currently being detained incommunicado in various locations, including in police stations. Reportedly, more than 70 individuals have also been detained at the Chinese embassy in Cairo, where Chinese security officials reportedly questioned and forced them to sign documents declaring their membership in the Turkistan Islamic Movement. Uyghur students and their families who have been arrested and detained have not been informed of the grounds of their arrest or detention, and have been denied access to lawyers and to their families.

On 6 July 2017, at least 12 Uyghur students and the family members of those arrested were deported from Cairo to Guangzhou, China on Egypt Air. Allegedly, another 22 Uyghurs have been detained for immediate deportation.

Many of those Uyghur students and their family members affected possess valid Egyptian residency permits and are students at Al-Azhar University, one of the world's most prominent institutions of Sunni Islamic learning.

The recent arrests, deportations and detentions during these last days appear to be a result of the implementation by the Chinese authorities in the Xinjiang Uighur Autonomous Region (XUAR) of a policy to compel all Uyghur students studying abroad to return to the XUAR. Indeed, the recent spate of arrests, detentions and deportations appear to follow a meeting held on 19 June 2017 between Egyptian Interior Minister Magdy Abd al-Ghaffar and Chinese Deputy Public Security Minister Chin Zhimin, in which he stressed China's eagerness to exchange information about "extremist organizations." In September 2016, Egypt's Interior Ministry and China's Public Security Ministry also signed a technical cooperation agreement, pledging increased efforts against terrorism and the sharing of Chinese expertise.

It is feared that those Uyghurs already deported from Egypt back to XUAR, as well as those facing imminent deportation, may be at risk of torture, other cruel, inhuman and degrading treatment or punishment or arbitrary detention. It is also worrying that there have been accusations against the Uyghurs, a Turkic-speaking Muslim minority, of "separatism" and "religious extremism" by the Chinese Authorities. According to information received, a number of Uyghurs studying in Egypt did return to XUAR earlier this year as a result of pressure being exerted on them to return through the detention of their family members. Upon their return, some students were reportedly tortured and some sentenced to 15 years in prison for "spreading extremism." Others have allegedly not been seen again.

While we do not wish to prejudge the accuracy of these allegations, we wish to express serious concern about the reported practices of arrest, detention and deportations, which appear to be contrary to international human rights law. In particular, grave concern is expressed at the reported practice of deportation, which according to the information received, may expose those affected to at risk of torture and other cruel, inhuman and degrading treatment or punishment.

In this context, we would like to draw your Excellency's Government attention to article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, acceded by Egypt on 25 June 1986, which provides that no State party shall expel, return ("refouler"), or extradite a person to another State where there are substantial grounds for believing that the person would be in danger of being subjected to torture. In this regard, paragraph 9 of General Comment No. 20 on the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, in which the Human Rights Committee states that State parties "must not expose individuals

to the danger of torture or cruel, inhuman or degrading treatment or punishment upon return to another country by way of extradition, expulsion or refoulement”.

We would also like to draw your attention to articles 3, 9, 10 and 11 of the Universal Declaration of Human Rights and articles 4, 9 and 14 of the International Covenant on Civil and Political Rights, which Egypt ratified on 14 January 1982. Both, the Universal Declaration and the Covenant, enshrining protections for the right to liberty and security of the person, the right to not be subject to arbitrary detention, as well as the right to a fair and public hearing before an independent and impartial tribunal in the determination of rights and obligations. In this context, the Human Rights Committee has established in its General Comment N° 35, article 9 (Liberty and security of person) (CCPR/C/GC/35), that procedures for carrying out legally authorized deprivation of liberty should be established by law and States should ensure compliance with such legally prescribed process. In particular, such General Comment indicates that returning an individual to a country where there are substantial grounds for believing that the individual faces a real risk of a severe violation of liberty or security of person, such as prolonged arbitrary detention, may amount to inhuman treatment prohibited by article 7 of the Covenant. Also, the Committee indicated that incommunicado detention preventing a prompt appearance before a judge is a violation to article 9.3 of the Covenant.

Furthermore, according to the Committee’s General Comment N° 35, article 9 requires compliance with domestic rules that define the procedure for arrest by identifying the officials authorized to arrest or specifying when a warrant is required. It also requires compliance with domestic rules that define when authorization to continue detention must be obtained from a judge, where individuals may be detained, when the detained person must be brought to court, as well as the legal limits on the duration of detention. It also requires compliance with domestic rules providing safeguards for detained persons, such as making a record of an arrest and permitting access to counsel. In addition, the Committee further developed and analyzed the rights and guarantees protecting from arbitrary detention, including to be immediately informed about the reasons for the arrest and of any criminal charges, the need for judicial control of detention and the right to take proceedings for release from unlawful or arbitrary detention.

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(s) 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 further information and details about the legal basis for the arrest, detention and deportation of the Uyghur students. In this connection, please provide information regarding how those detained are given access to their rights to access to legal assistance, including a right to claim asylum if requested and to initiate proceedings before a court to challenge the legality of the detention.
3. Please provide any information regarding any safeguards to ensure that any deportations carried out do not include forcible return at risk of torture or other forms of ill-treatment.
4. Please explain what measures have been taken to ensure those Uyghur students, in particular those with valid study and residence permits, can carry out their peaceful and legitimate religious studies, without fear of arrest, detention or deportation.

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.

Please note that a communication concerning these violations has also been addressed to the Government of the People's Republic of China, for their information.

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.

Elina Steinerte
Vice-Chair of the Working Group on Arbitrary Detention

Rita Izsák-Ndiaye
Special Rapporteur on minority issues

Ahmed Shaheed
Special Rapporteur on freedom of religion or belief

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