

**Mandates of the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; 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 the independence of judges and lawyers**

REFERENCE:  
AL EGY 6/2018

26 April 2018

Excellency,

We have the honour to address you in our capacities as Working Group on Arbitrary Detention; Working Group on Enforced or Involuntary Disappearances; 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 the independence of judges and lawyers, pursuant to Human Rights Council resolutions 33/30, 36/6, 34/18, 32/32, 34/5 and 35/11.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged short-term enforced disappearance for several days, arbitrary detention, and charges against human rights defenders Mr. **Ezzat Eid Taha Fadl Ghoneim** and Mr. **Ahmed Tarek Ibrahim Ziada**.

Mr. Ghoneim is a lawyer and a human rights defender. He has worked with victims of torture and enforced disappearances and on fair trial guarantees. He is the Director of the Egyptian Coordination for Rights and Freedoms.

Mr. Ziada is a human rights defender and graphic designer at the Egyptian Front for Human Rights. He has also been a member of the 6th April youth movement since 2011 and is the editor of "Minus 1095", a documentary film on human rights violations during the Egyptian revolution.

According to the information received:

**Mr. Ezzat Eid Taha Fadl Ghoneim**

On 1 March 2018, Mr. Ghoneim went missing near Circular Road in Labibini, Haram area, Giza city. He was last seen at around 6.20 p.m., while on his way home from the office, in an Uber taxi. At approximately 6.30 p.m., persons associated with him attempted to contact him but his phone was powered off. After attempting to contact the Uber driver, it became apparent to them that Mr. Ghoneim's name and mobile number had been deleted from Uber's system.

On 2 March 2018, persons associated with him submitted a telegraph to the Interior Minister, and on 4 March a complaint to the Prosecutor General, Minister of Justice and Attorney General.

Mr. Ghoneim's whereabouts remained unknown until the first hours of 4 March 2018, when he was presented at approximately 1 a.m. before the State Security Prosecution in the 5th settlement in Cairo. He was allegedly interrogated until 6 a.m., without being allowed access to legal counsel. During this time, he was not informed of the basis for his detention, nor of any charges against him. Following this interrogation, the State Security Prosecution issued him with a 15 day detention order.

On 5 March 2018, Mr. Ghoneim was presented before the prosecution in case No. 441/2018, known as the "Social Media case", accused of "affiliation to a banned group" (the Muslim Brotherhood), "spreading false news," as well as "providing international entities with false news". Mr. Ghoneim denied all accusations and was transferred to Tora Prison on the same day. His detention was renewed on 13 March 2018.

On 15 March 2018, the Interior Ministry allegedly published a video on its official Facebook page entitled "Spider Threads" which showed a picture of Mr. Ghoneim. The post stated that the video showed "police efforts against extremism and evil advocates". Mr. Ghoneim remains in detention pending investigation and there are concerns regarding his health.

On 22 March 2018, Mr. Ghoneim's detention was extended by a further 15 days. On 11 April 2018, Mr. Ghoneim's detention was extended again. The Supreme State Security prosecutors have allegedly refused to provide his lawyers with a copy of the prosecution's file or the official charges against him.

### **Mr. Ahmed Tarek Ebrahim Ziada**

On 18 February 2018, at around 3 a.m., Mr. Ziada was arrested at his home in Nahia village, Giza governorate, following an hour-long interrogation and a search of the house, during which his mobile phone and computer were confiscated. He was subsequently taken to an undisclosed location and has remained in the custody of Egypt's State Security ever since.

On 21 February 2018, Mr. Ziada was interrogated without access to legal counsel. It was disclosed to Mr. Ziada's family on 22 February 2018 that he was being detained in Tora prison.

On 23 February 2018, he was first permitted access to a lawyer during the investigation into his prosecution. On the same day, his detention was extended for a further 15 days and he was charged with "affiliation to a banned group" and "spreading false news" in prosecution case No. 467.

Mr. Ziada's detention was further renewed by 15 days at a time on 5 March 2018, 18 March 2018 and 2 April 2018.

Concern is expressed over the alleged short-term enforced disappearance for several days and arbitrary detention of Mr. Ghoneim and Mr. Ziada, along with the charges against them, which may be related to their legitimate and peaceful work in the defence of human rights. Further concern is expressed over their initial lack of access to legal counsel and the resultant effects that this may have on their right to a fair trial as well as over their conditions of detention. Additional concern is expressed at the overbroad and vague legal basis for the charges against Mr. Ghoneim and Mr. Ziada, which represents a criminalization of the legitimate exercise of freedom of expression.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

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

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/or any comment(s) you may have on the above-mentioned allegations.
2. Please provide detailed information on Mr. Ghoneim's location between 6.30 p.m. on 1 March 2018 and 1 a.m. on 4 March as well as the location of Mr. Ziada between 18 February 2018 and 22 February. Please provide information on the authorities who had custody of them during this period. Please explain also why they were not able to inform their families of their detention and were not presented before a court of law and provided access to legal counsel during these times and during subsequent interrogations. Please provide information on their current conditions of detention.
3. Please provide detailed information on the legal and factual bases for the alleged arrest, detention and charges against Mr. Ghoneim and Mr. Ziada, along with information as to how these measures are compatible with Egypt's obligations under international human rights law, in particular, with articles 9, 14, 19 and 22 of the ICCPR.
4. Please provide information about measures taken to repeal provisions in the Criminal Code that criminalise "spreading of false news"; and "providing

international entities with false news”. In addition, please provide information about measures to revise the provision on “affiliation to a banned group” in order to avoid overbroad and discretionary application.

5. 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 and harassment of any sort.

We would appreciate receiving a response within 60 days. Your Excellency’s Government’s response will be made available in a report to be presented to the Human Rights Council for its consideration.

We would like to inform your Excellency’s Government that after having transmitted an allegation letter 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 letters in no way prejudice any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

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.

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

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

Bernard Duhaine  
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

David Kaye  
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Clement Nyaletsossi Voule  
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Michel Forst  
Special Rapporteur on the situation of human rights defenders

Diego García-Sayán  
Special Rapporteur on the independence of judges and lawyers

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

In connection with above alleged facts and concerns, we would like to draw your attention to the following human rights standards:

- Article 19 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Egypt on 14 January 1982, which guarantees the right to hold opinions without interference. It further states that everyone shall have the right to freedom of expression, including the freedom to seek, receive and impart information through any media of one's choice.
  
- Article 9 of the ICCPR which guarantees the right to liberty and security of person. It further states that anyone detained or arrested on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power.
  
- Article 14 of the ICCPR which guarantees fair trial rights, including facilities for the preparation of his defence and communication with legal counsel.
  
- Article 22 of the ICCPR which guarantees the right to freedom of association, and which notes that restrictions on this right must be prescribed by law and necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.

We would also like to draw your attention to the Basic Principles on the Role of Lawyers, which stipulate that governments have the duty to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference, and that lawyers shall not suffer, or be threatened with prosecution or administrative, economic or other sanctions for any action taken in accordance with recognised professional duties, standards and ethics (Principle 16).

We would further like to refer to the United Nations Declaration on the Protection of All Persons from Enforced Disappearance and in particular article 2 which states that no State shall practice, permit or tolerate enforced disappearances, and article 7 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. Further, the Declaration establishes that steps shall be taken to ensure that all involved in the investigation of enforced disappearances, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal (article 13.3) and also 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 13.5).

In connection with the above alleged facts and concerns we would 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. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- Article 5(b), which states that everyone has the right, individually and in association with others, to form, join and participate in non-governmental organisations, associations or groups;
- Article 6(b), which safeguards the right to freely publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;
- Article 9(3)(c) which states that everyone has the right to offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.