

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 situation of human rights defenders

REFERENCE:
AL EGY 10/2018

14 June 2018

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 situation of human rights defenders, pursuant to Human Rights Council resolutions 33/30, 34/18 and 34/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the arrest and alleged arbitrary detention of Mr. **Wael Abbas**, journalist, blogger and human rights defender.

Mr. Abbas is the author of the Misrdigital blog, and has contributed to CNN Arabic, the news website al-Manassa, and other publications. Through his work, Mr. Abbas has documented cases of corruption and police brutality. He has received several international awards, including the International Center for Journalists' Knight International Journalism Award in 2007.

According to the information received:

On 23 May 2018, Egyptian security forces raided Mr. Abbas' apartment at dawn, allegedly without presenting a warrant. Mr. Abbas posted on his Facebook account "I am being arrested."

He was blindfolded and taken to an undisclosed location. His computer, telephones and some books were confiscated.

Mr. Abbas has been accused of "disseminating false news" and "joining an outlawed group".

Mr. Abbas was brought before prosecutors and handed a 15-day detention order one day after his arrest. He is currently detained in Tora prison.

In 2007, Mr. Abbas' YouTube account was suspended. Thereafter, in 2017, his twitter account was also suspended. In 2010, he was convicted on charges of "providing telecommunications service to the public without permission from authorities", following a publication of a blogpost where he accused the government of human rights abuses.

In the last months, a number of bloggers and journalists are reported to have been detained in connection to their journalistic work.

We express grave concern at the arrest and alleged arbitrary detention of Mr. Abbas, who is reportedly targeted for his legitimate human rights activities. Such actions also appear to be linked to Mr. Abbas' legitimate exercise of his right to freedom of expression online. We once again reiterate our serious concern at the deteriorating space for journalists and other media workers in Egypt, as well as the reported crackdown on dissent taking place in the last months.

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 **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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 therefore be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the grounds justifying the arrest and alleged arbitrary detention of Mr. Abbas and how such measures are compatible with Egypt's obligations under international human rights law (in particular article 9 of the ICCPR).
3. Please indicate what measures have been taken to ensure that human rights defenders in Egypt are able to carry out their legitimate work, including through the exercise of their right to freedom of opinion and expression, in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort against either themselves or their families.

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.

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.

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.

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

Michel Forst
Special Rapporteur on the situation of human rights defenders

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your attention to articles 9 and 19 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Egypt on 14 January 1982, which guarantee the right not to be subject to arbitrary arrest or detention and the right to freedom of expression.

We would like to remind your Excellency's Government that 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). 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 once again wish to reiterate the principle enunciated in Human Rights Council Resolution 12/16, which calls on States to refrain from imposing restrictions which are not consistent with article 19(3), including on discussion of government policies and political debate; reporting on human rights, engaging in peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups.

We would also like to refer to the Human Rights Council resolution 33/2 on safety of journalists (A/HRC/RES/33/2) adopted on 6 October 2016, which "recognises that the work of journalists often puts them at a specific risk of intimidation, harassment and violence, the presence of which often deters journalists from continuing their work or encourages self-censorship, consequently depriving society of important information" and "urges the immediate and unconditional release of journalists and media workers who have been arbitrarily arrested or arbitrarily detained."

We would also wish to refer 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 articles 6 (a and b) and 12, paragraphs 2 and 3 of the UN Declaration on Human Rights Defenders which provide that everyone has the right to know, hold, publish and disseminate information about all human rights and fundamental freedoms and that the State shall take all necessary measures to ensure the protection of everyone

against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.