

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 right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

REFERENCE:
AL EGY 6/2019

28 May 2019

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 right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the independence of judges and lawyers; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 33/30, 36/6, 34/18, 32/32, 33/9, 34/5, 35/11 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 alleged enforced disappearance of, and charges against, 15 individuals, including human rights defenders who are board members of the Egyptian Coordination for Rights and Freedoms (ECRF), in connection with case no. 1552/2018, and the alleged enforced disappearance of the Executive Director of the ECRF, who is charged in case no. 441/2018. Allegations have also been received regarding a reported smear campaign against a number of human rights organisations in Egyptian media.

Mr. Ezzat Eid Taha Fadel Ghoneim is a lawyer and human rights defender. He has worked with victims of torture and enforced disappearances and on fair trial guarantees, and is the Executive Director of the ECRF. Mr. Ghoneim has been the subject of one previous joint communication sent by Special Procedures mandate holders on 26 April 2018, case no. EGY 6/2018, along with one Opinion adopted by the Working Group on Arbitrary Detention (82/2018) which determined that his detention was arbitrary and fell within categories I, II, III, V of the Working Group. We regret that no response has been received to the joint communication and urge your Excellency's Government to engage with the Special Procedures of the Human Rights Council and provide a response to the questions raised.

Ms. Aisha Mohamed Khairat Saad El Shatr, Ms. Hoda Abdel Moneam Abdel Aziz Hassan, Mr. Mohamed Abo Horira Mohamed Abdel Rahman and Ms. Somaya Mohamed Nasef Roshdy are human rights defenders and board members of the ECRF.

In addition to this joint allegation letter from Special Procedures mandate holders, the cases of the following individuals are currently under consideration of the UN Working Group on Enforced or Involuntary Disappearances:

- **Mr. Ezzat Eid Taha Fadl Ghoneim** (case no. 10008565)
- **Ms. Aisha Mohamed Khairat Saad El Shatr** (case no. 10008777)
- **Ms. Hoda Abdel Moneam Abdel Aziz Hassan** (case no. 10008776)
- **Mr. Mohamed Abo Horira Mohamed Abdel Rahman** (case no. 10008778)
- **Ms. Somaya Mohamed Nasef Roshdy** (case no. 10008780)
- **Ms. Marwa Ahmed Madboly Ahmed** (case no. 10008810)
- **Mr. Ibrahim El Sayed Mohamed Abdo Ata** (case no. 10008808)
- **Mr. Osama Mabrouk Mousa Mohamed** (case no. 10008809)
- **Ms. Sahar Salah Eldeen Ahmed** (case no. 10008779)

According to the information received:

Enforced Disappearances in connection with case no. 1552/2018

Between 29 October 2018 and 4 November 2018, Ms. Aisha Mohamed Khairat Saad El Shatr, Ms. Hoda Abdel Moneam Abdel Aziz Hassan, Mr. Mohamed Abo Horira Mohamed Abdel Rahman, Ms. Somaya Mohamed Nasef Roshdy, Mr. Bahaa Kamal Mohamed Ouda, Mr. Mohamed Ismael Hassan El Hedeby, Mr. Ahmed Ismael Hassan El Hedeby, Ms. Marwa Ahmed Madboly Ahmed, Mr. Ibrahim El Sayed Mohamed Abdo Ata, Mr. Tareq Mohamed Ayman El Salakawy, Mr. Mahmoud Ahmed El Sayed Mahfouz, Mr. Osama Mabrouk Mousa Mohamed, Mr. Osama Ibrahim Ahmed Marey, Mr. Ahmed Mohamed Ahmed Maatouq and Ms. Sahar Salah Eldeen Ahmed were detained by either police or security forces in connection with criminal case no. 1552/2018. None of them were provided with a warrant at the time of their arrest.

Ms. Aisha Mohamed Khairat Saad El Shatr

On 1 November 2018, early in the morning, security forces raided Ms. El Shatr's house, seizing 18,700 EGP and 300 USD in cash and arresting her. Ms. El Shatr was then allegedly forcibly disappeared. During her enforced disappearance she

received electric shocks, was denied access to food and water at times, beaten and threatened with rape.

On 21 November 2018, Ms. El Shatr was presented before the High State Security Prosecution, where she was investigated under case number 1552/2018 and charged with joining a terrorist organisation and receiving foreign funds in order to carry out the aims of a terrorist group under articles 2 & 3 of the anti-terrorism law and articles 68, 68 *bis* and 78 of the Egyptian Penal Code. Her arrest was registered as taking place on 1 November 2018. The prosecution considered the money seized as evidence of foreign funding, however the claims of torture presented by the defence were not investigated.

After the investigation, she was moved to the National Security Premises at El Abbassya district, an unofficial place of detention. In February 2019, Ms. El Shatr was moved to El Qanatr Prison, where she remains until now. She has not been permitted to receive any access to family or legal counsel.

Mr. Mohamed Abo Horira Mohamed Abdel Rahman

On 1 November 2018, Mr. Rahman, the husband of Ms. El Shatr, was arrested in the street and taken blindfolded to his house. After raiding his house, allegedly seizing 115,000 EGP in cash, according to the prosecution, and arresting his wife, Mr. Rahman was forcibly disappeared. During his alleged enforced disappearance, he was physically and psychologically tortured.

On 21 November 2018, Mr. Rahman was presented before the High State Security Prosecution, where he was investigated under case number 1552/2018 and charged with joining a terrorist organisation and receiving foreign funds in order to carry out the aims of a terrorist group under articles 2 & 3 of the anti-terrorism law and articles 68, 68 *bis* and 78 of the Egyptian Penal Code. His arrest was registered as taking place on 1 November 2018. The prosecution considered the money seized as evidence of foreign funding, however the claims of torture presented by the defence were not investigated. Although his car was seized during the raid, this was not reflected in the written record presented by the prosecution.

After the investigation, he was moved to the National Security Premises at El Abbassya district, an unofficial place of detention. In February 2019, Mr. Rahman was moved to an official place of detention, where he remains until now. He has not been permitted to receive any access to family or legal counsel.

Ms. Hoda Abdel Moneam Abdel Aziz Hassan

On 1 November 2018, at approximately 1:30 a.m., police and security forces, both in civilian clothing and in uniform, raided Ms. Hassan's house. They arrested and blindfolded her, and then took her to her mother's house. After searching her

mother's house, they returned to Ms. Hassan's house and searched it over a period of two and a half hours while Ms. Hassan was left blindfolded in one of the police cars. She was then forcibly disappeared. When her family arrived at her house after the search, they found significant damage to Ms. Hassan's possessions and noticed that a number of books and documents had been seized. They also noticed that a number of electronic devices had been taken. Her family filed complaints to the Public Prosecutor and the Ministry of Interior, however they received no response.

On 21 November 2018, Ms. Hassan was presented before the High State Security Prosecution, where she was investigated under case number 1552/2018 and charged with joining a terrorist organisation and receiving foreign funds in order to carry out the aims of a terrorist group under articles 2 & 3 of the anti-terrorism law and articles 68, 68 *bis* and 78 of the Egyptian Penal Code. Her arrest was registered as taking place on 1 November 2018.

After the investigation, she was moved to the National Security Premises at El Abbassya district, an unofficial place of detention. In February 2019, Ms. Hassan was moved to El Qanatr Prison, where she remains until now. She has not been permitted to receive any access to family or legal counsel.

Ms. Somaya Mohamed Nasef Roshdy

In the evening of 31 October 2018, while returning from Helwan city, Ms. Roshdy received a call from a colleague who asked her to deliver a sum of money to a friend in Kornesh El Maady, Cairo. Upon her arrival in Kornesh El Maady, Ms. Roshdy was arrested by security forces in civilian clothes and forcibly disappeared. Her colleague had allegedly been forced by security forces to arrange the meeting.

On 1 November 2018, at approximately 2:00 a.m., masked police officers raided her house and the house of her father.

During her enforced disappearance, Ms. Roshdy allegedly received electric shocks in her fingers and toes and was threatened with rape in order to force her confession of terrorist activities. She was also blindfolded for the entirety of her disappearance. On 4 November 2018, her family sent telegraphs to the Ministry of Interior and to the Head of the State Security Prosecution regarding her disappearance, however they received no response.

On 22 November 2018, Ms. Roshdy was presented before the High State Security Prosecution, where she was investigated under case number 1552/2018 and charged with joining a terrorist organisation and receiving foreign funds in order to carry out the aims of a terrorist group under articles 2 & 3 of the anti-terrorism law and articles 68, 68 *bis* and 78 of the Egyptian Penal Code. Her arrest was

registered as taking place on 21 November 2018. Claims of torture presented by the defence were not investigated.

After the investigation, she was moved to the National Security Premises at El Abbassya district, an unofficial place of detention. Her lawyer was unofficially aware of her location through contact with other detainees, however authorities did not confirm this. In February 2019, Ms. Roshdy was moved to El Qanatr Prison, where she remains until now. She has not been permitted to receive any access to family or legal counsel.

Mr. Bahaa Kamal Mohamed Ouda

On 1 November 2018, early in the morning, security forces raided Mr. Ouda's house, seizing 300,000 EGP and 10,000 USD in cash. Mr. Ouda was then blindfolded and, allegedly, forcibly disappeared. During his enforced disappearance, he was beaten and received electric shocks. Although his family sent telegraphs to Egyptian authorities requesting information on his location, they did not receive a response.

On 21 November 2018, Mr. Ouda was presented before the High State Security Prosecution, where he was investigated under case number 1552/2018 and charged with joining a terrorist organisation and receiving foreign funds in order to carry out the aims of a terrorist group under articles 2 & 3 of the anti-terrorism law and articles 68, 68 *bis* and 78 of the Egyptian Penal Code. His arrest was registered as taking place on 1 November 2018. The prosecution considered the money seized as evidence of foreign funding, however the claims of torture presented by the defence were not investigated. Although his car was seized during the raid, this was not reflected in the written record presented by the prosecution.

After the investigation, he was moved to the National Security Premises at El Abbassya district, an unofficial place of detention. In February 2019, Mr. Ouda was moved to an official place of detention, where he remains until now. He has not been permitted to receive any access to family or legal counsel.

Mr. Mohamed Ismael Hassan El Hedeby

On 1 November 2018, early in the morning, security forces raided Mr. El Hedeby's house, seizing 280,000 EGP, 5,000 USD, 4,000 SR and 260 EUR in cash. Mr. El Hedeby was then blindfolded and forcibly disappeared. During his enforced disappearance, he was allegedly beaten and refused food and water for long periods and received electric shocks.

On 21 November 2018, Mr. El Hedeby was presented before the High State Security Prosecution, where he was investigated under case number 1552/2018 and charged with joining a terrorist organisation and receiving foreign funds in

order to carry out the aims of a terrorist group under articles 2 & 3 of the anti-terrorism law and articles 68, 68 *bis* and 78 of the Egyptian Penal Code. His arrest was registered as taking place on 1 November 2018. The prosecution considered the money seized as evidence of foreign funding, however the claims of torture presented by the defence were not investigated.

After the investigation, he was moved to the National Security Premises at El Abbassya district, an unofficial place of detention. In February 2019, Mr. El Hedeby was moved to an official place of detention, where he remains until now. He has not been permitted to receive any access to family or legal counsel.

Mr. Ahmed Ismael Hassan El Hedeby

On 1 November 2018, security forces raided Mr. El Hedeby's house, seizing 10,000 USD in cash. Mr. El Hedeby allegedly was then blindfolded and forcibly disappeared. During his temporary enforced disappearance, he was allegedly beaten and refused food and water for long periods and received electric shocks.

On 21 November 2018, Mr. El Hedeby was presented before the High State Security Prosecution, where he was investigated under case number 1552/2018 and charged with joining a terrorist organisation and receiving foreign funds in order to carry out the aims of a terrorist group under articles 2 & 3 of the anti-terrorism law and articles 68, 68 *bis* and 78 of the Egyptian Penal Code. His arrest was registered as taking place on 1 November 2018. The prosecution considered the money seized as evidence of foreign funding, however the claims of torture presented by the defence were not investigated.

After the investigation, he was moved to the National Security Premises at El Abbassya district, an unofficial place of detention. In February 2019, Mr. El Hedeby was moved to an official place of detention, where he remains until now. He has not been permitted to receive any access to family or legal counsel.

Ms. Marwa Ahmed Madboly Ahmed

On 31 October 2018, uniformed police and security forces in civilian clothes broke down the door of Ms. Ahmed's apartment and raided it, seizing 38,000 EGP and all of the jewellery and electronics inside and damaging other items of property. During the raid, they entered Ms. Ahmed's bedroom, ordered her to change from her night clothes and forcibly disappeared her. During her enforced disappearance, she was threatened with rape and refused food and water for two days. Once she was permitted to eat and drink, Ms. Ahmed contracted a urinary infection due to contaminated food and water. As a result of her alleged torture, Ms. Ahmed was filmed on video confessing under duress to belonging to a terrorist organization and receiving foreign funds to carry out the groups objectives.

On 22 November 2018, Ms. Ahmed was presented before the High State Security Prosecution, where she was investigated under case number 1552/2018 and charged with joining a terrorist organisation and receiving foreign funds in order to carry out the aims of a terrorist group under articles 2 & 3 of the anti-terrorism law and articles 68, 68 *bis* and 78 of the Egyptian Penal Code. Her arrest was registered as taking place on 21 November 2018. The prosecution considered the money seized as evidence of foreign funding, however the claims of torture presented by the defence were not investigated. Ms. Ahmed's lawyer also requested that she be permitted to receive medical treatment in hospital, however this was denied.

After the investigation, she was moved to the National Security Premises at El Abbassya district, an unofficial place of detention. Her lawyer was unofficially aware of her location though contact with other detainees, however authorities did not confirm this. In February 2019, Ms. Ahmed was moved to El Qanatr Prison, where she remains until now. She has not been permitted to receive any access to family or legal counsel.

Mr. Ibrahim El Sayed Mohamed Abdo Ata

On the afternoon of 29 October 2018, security forces arrested Mr. Ata from South Youth square, El Tagmoa El Awl district, Cairo. He was then blindfolded and forcibly disappeared. After his arrest, security forces raided his house, seizing 316,000 EGP and 27,000 USD. During his temporary enforced disappearance, Mr. Ata received electric shocks in his fingers and toes, was prevented from eating or drinking for long periods and stripped and hung from his hands. He was also blindfolded for his entire period of disappearance. As a result of his torture, Mr. Ata was filmed on video confessing under duress to participating in illegal behaviour. Although Mr. Ata's family sent a telegraph to the Public Prosecutor requesting information on his whereabouts and filed a complaint with El Zagazig prosecution, they received no response.

On 21 November 2018, Mr. Ata was presented before the High State Security Prosecution, where he was investigated under case number 1552/2018 and charged with joining a terrorist organisation and receiving foreign funds in order to carry out the aims of a terrorist group under articles 2 & 3 of the anti-terrorism law and articles 68, 68 *bis* and 78 of the Egyptian Penal Code. His arrest was registered as taking place on 1 November 2018. The prosecution considered the money seized as evidence of foreign funding, however the claims of torture and enforced disappearance presented by the defence were not investigated.

Mr. Ata was not permitted a lawyer during his first and second interrogation sessions, however his lawyer was permitted to attend the third and fourth sessions in December 2018. After his interrogation, he was moved to the National Security Premises at El Abbassya district, an unofficial place of detention. In February 2019, Mr. Ata was moved to an official place of detention, where he remains until

now. He has not been permitted to receive any visits from family or access legal counsel, however his mother had managed to see him from a distance at the High State Security Prosecution at El Tagmoa El Khams.

Mr. Tareq Mohamed Ayman El Salakawy

On 1 November 2018, security forces raided Mr. El Salakawy's house, seizing 54,000 EGP and 300 USD in cash. Mr. El Salakawy was then blindfolded and forcibly disappeared. During his alleged enforced disappearance, he was subjected to electric shocks, beaten and refused food and water for long periods. Although Mr. El Salakawy's family sent telegraphs to Egyptian authorities requesting information on his whereabouts, they received no response.

On 24 November 2018, Mr. El Salakawy was presented before the High State Security Prosecution, where he was investigated under case number 1552/2018 and charged with joining a terrorist organisation and receiving foreign funds in order to carry out the aims of a terrorist group under articles 2 & 3 of the anti-terrorism law and articles 68, 68 *bis* and 78 of the Egyptian Penal Code. His arrest was registered as taking place on 23 November 2018. The prosecution considered the money seized as evidence of foreign funding.

After the investigation, Mr. El Salakawy was taken to Aga police station due to his poor state of health. In February 2019, Mr. El Salakawy was moved to an official place of detention, where he remains until now. He has not been permitted to receive any access to family or legal counsel.

Mr. Mahmoud Ahmed El Sayed Mahfouz

On 1 November 2018, security forces raided Mr. Mahfouz's house. He was then blindfolded and forcibly disappeared. Although Mr. Mahfouz's family sent telegraphs to Egyptian authorities requesting information on his whereabouts and asking for his release, they received no response.

On 26 November 2018, Mr. Mahfouz was presented before the High State Security Prosecution, where he was investigated under case number 1552/2018 and charged with joining a terrorist organisation and receiving foreign funds in order to carry out the aims of a terrorist group under articles 2 & 3 of the anti-terrorism law and articles 68, 68 *bis* and 78 of the Egyptian Penal Code. His arrest was registered as taking place on 25 November 2018.

After the investigation, he was moved to the National Security Premises at El Abbassya district, an unofficial place of detention. In February 2019, Mr. Mahfouz was moved to an official place of detention, where he remains until now. He has not been permitted to receive any access to family or legal counsel.

Mr. Osama Mabrouk Mousa Mohamed

On the evening of 31 October 2018, police, security forces and armed forces in both civilian clothes and uniform broke down the door of Mr. Mohamed's building. When he went onto his balcony to see what was happening, an officer of the armed forces ordered him to come downstairs. When he did so, he was detained and taken away in a police car. After Mr. Mohamed was detained, police, security forces and armed forces searched his house, damaging furniture and seizing electronics and documents belonging to Mr. Mohamed's father. Mr. Mohamed's family was told that a complaint had been made against him and that he was under investigation. Later that evening, police, security forces and armed forces returned and searched the house again, seizing 55,000 EGP. From the moment of his detention, Mr. Mohamed was forcibly disappeared.

On 1 November 2018, Mr. Mohamed's father sent telegraphs to the Public Prosecutor and the Attorney General of Mansoura South Prosecution, however he received no response. His family also looked for him at El Manoura 2nd police station however he was not there. Mr. Mohamed was due to undergo a surgery on his eyes on 5 November 2018.

On 26 November 2018, Mr. Mohamed was presented before the High State Security Prosecution, where he was investigated under case number 1552/2018 and charged with joining a terrorist organisation and receiving foreign funds in order to carry out the aims of a terrorist group under articles 2 & 3 of the anti-terrorism law and articles 68, 68 *bis* and 78 of the Egyptian Penal Code. His arrest was registered as taking place on 25 November 2018. Amounts of 31,000 EGP and 470 USD were said by the prosecution to have been seized during the searches of his house and used as evidence in the case against him, however these sums were not equal to the amount of money which was taken from his house.

After the investigation, Mr. Mohamed was taken to Aga police station in Dakahlia Governorate. During this time he was permitted each week to have a five minute visit with his family, which would be monitored by police.

Mr. Osama Ibrahim Ahmed Marey

On 4 November 2018, security forces raided Mr. Marey's house. He was then blindfolded and forcibly disappeared. Although Mr. Marey's family sent telegraphs to Egyptian authorities requesting information on his whereabouts and asking for his release, they received no response.

On 26 November 2018, Mr. Marey was presented before the High State Security Prosecution, where he was investigated under case number 1552/2018 and charged with joining a terrorist organisation and receiving foreign funds in order to carry out the aims of a terrorist group under articles 2 & 3 of the anti-terrorism

law and articles 68, 68 *bis* and 78 of the Egyptian Penal Code. His arrest was registered as taking place on 25 November 2018.

After the investigation, he was moved to the National Security Premises at El Abbassya district, an unofficial place of detention. In February 2019, Mr. Marey was moved to an official place of detention, where he remains until now. He has not been permitted to receive any access to family or legal counsel.

Mr. Ahmed Mohamed Ahmed Maatouq

On 31 October 2018, security forces arrested, blindfolded and forcibly disappeared Mr. Maatouq. During his temporary enforced disappearance, he was subjected to electric shocks and beaten. Although Mr. Maatouq's family sent telegraphs to Egyptian authorities requesting information on his whereabouts and asking for his release, they received no response.

On 26 November 2018, Mr. Maatouq was presented before the High State Security Prosecution, where he was investigated under case number 1552/2018 and charged with joining a terrorist organisation and receiving foreign funds in order to carry out the aims of a terrorist group under articles 2 & 3 of the anti-terrorism law and articles 68, 68 *bis* and 78 of the Egyptian Penal Code. His arrest was registered as taking place on 25 November 2018.

Since the investigation, Mr. Maatouq has been detained in Kilo 10.5 prison, Alexandria Desert Road. He has not been permitted to receive any access to family or legal counsel.

Ms. Sahar Salah Eldeen Ahmed

On 31 October 2018, security forces raided Ms. Ahmed's house, seizing 60,000 EGP in cash. Ms. Ahmed was then blindfolded and forcibly disappeared. Although Ms. Ahmed's family sent telegraphs to Egyptian authorities regarding her forced disappearance, they received no response. The telegrams also alerted the authorities that Ms. Ahmed was suffering from cancer.

On 24 November 2018, Ms. Ahmed was presented before the High State Security Prosecution, where she was investigated under case number 1552/2018 and charged with joining a terrorist organisation and receiving foreign funds in order to carry out the aims of a terrorist group under articles 2 & 3 of the anti-terrorism law and articles 68, 68 *bis* and 78 of the Egyptian Penal Code. Her arrest was registered as taking place on 23 November 2018. During her investigation she repeated information on her health condition multiple times to authorities, including information that her health was deteriorating.

On 27 November 2018, during her second interrogation session, the High State Security Prosecution ordered Ms. Ahmed's temporary release. That same day, she

was taken to the National Security Premises at El Abbassya district where she was released.

Enforced Disappearance of Mr. Ezzat Eid Taha Fadl Ghoneim

On 4 September 2018, the South Cairo Felonies Court decided to release Mr. Ghoneim with precautionary measures, including a requirement to present themselves to the police station twice a week. On 8 September, he was transferred to Haram police station while awaiting a national security permit for his release. Although Mr. Ghoneim's family successfully visited him on 13 September, the next day while attempting another visit they were told that he was no longer detained there and that he had been released. After consulting informally with some of the other police officers at the station, his family were informed that Mr. Ghoneim had allegedly been abducted from the police station by National Security forces and was being held at the National Security Agency headquarters at Sheikh Zayed, outside Cairo.

On 15 October 2018, a formal response from the Egyptian Government was received regarding the whereabouts of Mr. Ghoneim, following an urgent procedure which was undertaken by the Working Group on Enforced or Involuntary Disappearances (# 10008565). The response stated that Mr. Ghoneim was being detained in Tora prison and that he was being detained due to allegations of his membership in a terrorist organisation. These allegations reportedly relate to his involvement with the ECRF.

On 20 October 2018, an arrest warrant was issued against Mr. Ghoneim for failure to fulfil his probationary terms.

Mr. Ghoneim's family sent repeated telegraphs to the Attorney General and the Minister for Interior, seeking to file a complaint against the defender's disappearance and demanding that an investigation be carried out, however they have not received any response.

On 9 February 2019, Mr. Ghoneim appeared before the Cairo Criminal Court after approximately five months of incommunicado detention. His lawyer was allegedly only aware that he had been presented to the Court by chance as he was there representing another client. He reportedly stated to the Court that he had not been subjected to questioning or brought before the prosecution. He also stated that he had been unable to fulfil his probation terms due to the fact that he had been detained. The Court then ordered his pre-trial detention for a further 45 days pending investigation. He remains in incommunicado detention.

Alleged defamatory publication against 18 human rights organisations

On 11 March 2019, a number of newspapers, including Al-Ahram and El-Watan, reported on a statement issued by the Arabic Movement to Protect Human Rights

Organisations, an organisation with alleged ties to the Egyptian Government, which blacklisted and accused 18 human rights organisations, including Egyptian Committee for Rights and Freedoms, Front Line Defenders, Alkarama, the Belady Foundation, Committee for Justice, Arab Organisation for Human Rights, Cairo Institute for Human Rights Studies, Freedom Initiative and El Shehab for Human Rights, of being affiliated with the Muslim Brotherhood and Houthi militias, organisations which Egyptian authorities determine to be terrorist organisations. The statement and reports also listed the names of the founders of some of the organisations.

The statement also alleged that these organisations were involved in political acts against a number of Arab countries, including Egypt, with the involvement and at the behest of Qatar. The statement further alluded to future press releases which would detail alleged non-politically neutral work carried out by these organisations at the 40th session of the Human Rights Council and called on Swiss authorities to review the activities, financing and expenditure of those organisations which are based in Switzerland.

We wish to express our grave concern over allegations of the systematic use of enforced disappearances against those charged in case no. 1552/2018, along with the alleged torture and ill-treatment of a number of the abovementioned persons and the criminal charges against them. We underscore that enforced disappearances, regardless of duration, as well as torture and any other cruel, inhuman or degrading treatment or punishment are never warranted and constitute a serious breach of international human rights standards. We further stress that enforced disappearances give rise to significant risks regarding the possible torture, ill-treatment, harassment and, in certain cases, extrajudicial killing of detainees. In addition, we are concerned by the alleged use of arbitrary arrests and searches without warrants to criminalise the above-mentioned human rights defenders.

We express our serious concern over allegations which point to the deliberate targeting of the Egyptian Coordination for Rights and Freedoms, especially considering that four of its board members, along with its Executive Director, have all undergone enforced disappearance and face charges of joining a terrorist organisation and receiving funds in order to carry out the activities of that terrorist organisation. We maintain that, while Egypt faces threats to its national security, including violent attacks, national security and counter-terrorism legislation should never be used as a pretext in order to target and silence dissenting voices, human rights defenders, civil society organisations or journalists. The use of such legislation in this way is illegitimate as it seeks to criminalise individuals and organisations for their exercise of their human rights, including the rights to freedom of opinion and expression and freedom of peaceful assembly and association.

Furthermore, we express our serious concerns over the overall worrisome climate for civil society organisations, human rights defenders and journalists in Egypt, given the apparent increasingly shrinking civic space in the country. Smear campaigns, such as the one alleged in the allegations above, delegitimise and denigrate civil society

organisations, human rights defenders and journalists in the eyes of the public. Taken together with alleged spurious criminal charges, smear campaigns severely hinder the ability of civil society organisations, human rights defenders and journalists to carry out their work, and divert resources from them to combat such claims, when these resources could otherwise be used to enhance and expand their valuable work. We further note with concern that in this instance, these defamatory statements referred directly to the interaction of these organisations with UN human rights mechanisms and stress that such acts of reprisal must be immediately halted and thoroughly investigated.

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.

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/or comment(s) you may have on the above-mentioned allegations.
2. Please provide detailed information on the legal and factual bases for the alleged arrest, arbitrary detention and charges against the above-mentioned individuals and explain how these arrests, arbitrary detentions and charges conform to international human rights standards.
3. Please provide information on the fate of goods seized by police and security forces, along with information regarding compensation to be given for alleged destruction and theft of property which may have occurred during the above-mentioned raids.
4. Please provide detailed information on any investigations which have been undertaken with regards to the alleged enforced disappearances detailed above. Please also explain what steps have been taken in order to prevent the occurrence of enforced disappearances in Egypt and to bring the perpetrators of enforced disappearances to justice. If no investigations have taken place, please explain why not.
5. Please provide detailed information on any investigations which have been undertaken with regards to the alleged acts of torture and ill-treatment detailed above. Please also explain what steps have been taken in order to

bring the perpetrators to justice. If no investigation has taken place, please explain why not.

6. Please provide detailed information on what steps have been taken to ensure that the conditions of detention of all of the above-mentioned detainees meet international human rights standards, including access to adequate food and drinkable water as well as the provision of adequate medical care where necessary.
7. Please provide detailed information on what steps have been taken to ensure that the above-mentioned detainees are able to meet with family members and legal representation. Please further provide information on what steps have been taken to ensure that fair trial guarantees have been afforded to these detainees in line with international human rights standards.
8. Please provide information on any investigations which have been undertaken with regards to the alleged defamatory statements made by the Arabic Movement to Protect Human Rights Organisations reported on by media outlets against human rights organisations in Egypt.
9. Please provide information on what steps have been taken to ensure that defamatory statements made in the media against human rights defenders and civil society organisations are remedied immediately.
10. Please indicate what measures have been taken to ensure that human rights defenders, civil society organisations and journalists 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. Passed this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting website. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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.

We would also like to bring to the attention of your Excellency's Government that should sources submit the cases of alleged enforced disappearance mentioned in this communication that are not yet under the consideration of the Working Group on Enforced or Involuntary Disappearances, they will be considered by the Working Group

according to its methods of work, in which case your Excellency's Government will be informed by a separate correspondence.

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.

Leigh Toomey
Vice-Chair of the Working Group on Arbitrary Detention

Bernard Duhaime
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

Dainius Puras
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Michel Forst
Special Rapporteur on the situation of human rights defenders

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

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

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 7 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Egypt on 14 January 1982, which states that no one shall be subjected to torture or to cruel inhuman or degrading treatment or punishment.

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 counsel of his choosing.

Article 17 of the ICCPR which states that no one shall be subjected to unlawful attacks on his honour or reputation.

Article 19 of the ICCPR, 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 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 furthermore wish to draw to your Excellency's Government articles 2, 12 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, acceded to by Egypt on 25 June 1986, which place an obligation on states to prevent acts of torture or cruel, inhuman or degrading treatment or punishment occurring on their territory, or on any other territory under their jurisdiction, and to ensure a prompt and impartial investigation into allegations when there is grounds to believe that such acts have occurred.

We would also like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment, as an international norm of jus cogens, as mirrored, inter alia, in Human Rights Council Resolution 25/13 and General Assembly Resolution 68/156. Human Rights Council Resolution 16/23 further urges States "to ensure that no statement

established to have been made as a result of torture is invoked as evidence in any proceedings”.

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 any person deprived of liberty shall be held in an officially recognised place of detention (article 10.1), that an official up-to-date register of all persons deprived of their liberty shall be maintained in every place of detention (article 10.3), 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 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).

We also wish to draw your Excellency’s Government’s attention to paragraph 27 of General Assembly resolution 68/156 which “[r]eminds all States that prolonged incommunicado detention or detention in secret places can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment, and urges all States to respect the safeguards concerning the liberty, security and dignity of the person and to ensure that secret places of detention and interrogation are abolished” (A/RES/68/156).

We would like to draw the attention of your Excellency’s Government to Human Rights Council resolution 12/16, calling on States to recognise the exercise of the right to freedom of opinion and expression as one of the essential foundations of a democratic society. Any limitation to the right to freedom of expression must meet the criteria established by international human rights standards, such as article 29 of the UDHR. 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 would also like to refer to the Human Rights Committee General Comment No. 34 (2011), on the right to freedom of opinion and expression. Accordingly, “all forms of opinion are protected, including opinions of a political, scientific, historic, moral or religious nature. It is incompatible with paragraph 1 to criminalise the holding of an opinion.” The General Comment further establishes that “the application of the criminal law should only be countenanced in the most serious of cases and imprisonment is never an appropriate penalty.”

We would also like to refer to Human Rights Council resolution 24/5, in which the Council “reminds States of their obligation to respect and fully protect the rights of all

individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections and including persons espousing minority or dissenting views or beliefs, human rights defenders,[...] and others[...] seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions of the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law” (OP2).

We would also like to refer to Human Rights Council Resolution 24/24 which calls on States to ensure adequate protection from intimidation or reprisals for cooperation with the United Nations, its mechanism and representatives in the field of human rights; and to take all appropriate measures to prevent the occurrence of intimidation or reprisals, including, where necessary, by adopting and consequently implementing specific legislation and policies and by issuing appropriate guidance to national authorities in order to effectively protect those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights from any act of intimidation or reprisal; and to Human Rights Council resolution 22/6, which provides for the right to “unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights, including the Human Rights Council, its special procedures, the universal periodic review mechanism and the treaty bodies, as well as regional human rights mechanisms”.

Moreover, Human Rights Council resolution 36/21 reaffirms the right of everyone, individually and in association with others, to unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights, including the Human Rights Council, its special procedures, the universal periodic review mechanism and treaty bodies, as well as regional human rights mechanisms, bearing in mind that free and unhindered access to and communication with individuals and civil society are indeed indispensable to enable the United Nations and its mechanisms to fulfil their mandates (A/HRC/RES/36/21).

We would like to refer to Human Rights Council resolution 22/6, which urges 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. (OP 10).

In this regard, we would like to bring to your Excellency’s Government’s attention that in his report to the General Assembly on impact of counter-terrorism measures on civil society, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism urged States to ensure that their counter-terrorism legislation is sufficiently precise to comply with the principle of legality, so as to prevent the possibility that it may be used to target civil society on political or other unjustified grounds. (A/70/371, para 46(c)).

We further recognise the urgent need to address, and to take concrete steps to prevent and stop, the use of legislation to hinder or limit unduly the ability of human rights defenders in the exercise of their work, and urge states to do so, including by reviewing and, where necessary, amending relevant legislation and its implementation in order to ensure compliance with international human rights law. (A/HRC/RES/34/5 pp12).

We also wish to refer to the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, specifically Principle 10, which states that “anyone who is arrested shall be informed at the time of his arrest of the reason for his arrest and shall be promptly informed of any charges against him”, principle 11, which states that “a person shall not be kept in detention without being given an effective opportunity to be heard promptly by a judicial or other authority” and that “a detained person shall have the right to defend himself or to be assisted by counsel as prescribed by law”, and Principle 15 which states that “communication of the detained or imprisoned person with the outside world, and in particular his family or counsel, shall not be denied for more than a matter of days”.

We would also like to refer to the Human Rights Committee that has stressed in its General Comment No. 32 (2007) that “lawyers should be able to advise and to represent persons charged with a criminal offence in accordance with generally recognised professional ethics without restrictions, influence, pressure or undue interference from any quarter”. In this regard, we would like to highlight the Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba in 1990. The very first Principle establishes that “All persons are entitled to call upon the assistance of a lawyer of their choice to protect and establish their rights and to defend them in all stages of criminal proceedings” and the second one that “Governments shall ensure that efficient procedures and responsive mechanisms for effective and equal access to lawyers”. In addition, Principle 8 provides that “[a]ll arrested, detained or imprisoned persons shall be provided with adequate opportunities, time and facilities to be visited by and to communicate and consult with a lawyer, without delay, interception or censorship and in full confidentiality. Such consultations may be within sight, but not within the hearing, of law enforcement officials”. We note also that according to the Principles, 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 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).

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:

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the Declaration:

Article 5 (a) and (b) which underscore the rights to meet or assemble peacefully and to form, join and participate in non-governmental organisations, associations or groups.

Article 6 (b) and (c), which reiterates the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights;

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.

Article 9 (4), which states that everyone has the right to unhindered access to, and communication with, international bodies.

Article 12 (2) and (3), which provides 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.

We finally refer to article 12 of the International Covenant on Economic Social and Cultural Rights, ratified by Egypt in January 1982, which establishes the right to physical and mental health. General Comment No. 14 of the Committee on Economic, Social and Cultural Rights further highlights States' obligation to refrain from denying or limiting equal access for all persons, including prisoners or detainees, to health services (para. 34). In this connection, the UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules), adopted unanimously by the UN General Assembly (A/Res/70/175), establish States' responsibility to provide every prisoner with food of nutritional value adequate for health and strength and drinking water (Rule 22) as well as with adequate access to healthcare (Rules 24 to 35).