

Mandates of the Special Rapporteur on minority issues; the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the right to privacy; the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

REFERENCE:
UA EGY 13/2019

6 December 2019

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on minority issues; Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the right to privacy; Special Rapporteur on freedom of religion or belief; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 34/6, 42/22, 34/18, 34/9, 34/5, 37/2, 40/10, 40/16 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 arbitrary arrest, detention and torture of human rights defender, Mr. Ramy Kamel Saied Salib**, reportedly in connection to his human right work and to prevent his participation at the 12th session of the Forum on Minority Issues, which took place in Geneva from 28 to 29 November 2019.

Mr. **Ramy Kamel Saied Salib** is a human rights defender and head of the Maspero Youth Foundation based in Cairo. Mr. Kamel advocates for the rights of the Coptic Christian minority in Egypt and for a community-based approach to urban development in his country.

According to the information received:

Mr. Kamel has been intimidated, arrested, and tortured by the Egyptian law enforcement in alleged connection to his work and advocacy for the rights of the Coptic Christian minority in Egypt, and his reporting on cases of church burnings in Cairo and other regions.

On 4 November 2019, he was summoned to the National Security Office in Abassia, Cairo, and was arrested without charges, placed in an underground cell, and allegedly tortured by being beaten on his back with batons and being subjected to a mock execution with an empty gun put on his forehead. On that day, Mr. Kamel had reportedly submitted a visa application to travel to Geneva to attend the 12th session of the Forum on Minorities Issues. He was released after two and a half hours in detention.

On 23 November 2019, at 1.45am, three plain-clothes officers and at least eight officers belonging to the Special Forces armed with machine guns broke into Mr. Kamel's house in Warraq, Giza, and arrested him again, inspected the house, and confiscated Mr. Kamel's laptop computer, camera, some of his personal documents, and his mobile telephone. On 20 November 2019, Mr. Kamel had reportedly received a notification by SMS regarding his visa application to travel to Geneva.

During the arrest, the officers reportedly failed to show an arrest warrant and they denied him access to his medication for his asthma and blood pressure. They also refused to reply to his family members' questions about the place they would take him to.

After the arrest, neither his family nor his lawyers could contact him until the following day, 24 November, when Mr. Kamel's lawyers were informed about his hearing before the Supreme State Security Prosecution in Cairo, to take place later that day. They attended the hearing and were informed that Mr. Kamel had already been questioned by the prosecutor the day of his arrest without their presence. They were also informed that the prosecution had decided to place him in pre-trial detention for 15 days for the purpose of investigating the charges brought against him. Mr. Kamel and his lawyers were orally informed that the charges covered "joining a terrorist organization", "funding a terrorist organization with the intention of carrying out destructive acts", "spreading false news", "negatively using social media outlets and spreading rumours and false news to disturb public order". The prosecution did however not present any official document containing the list of charges to Mr. Kamel or his lawyers. The case against Mr. Kamel Saied Salib has the following number: State Security Case No.1475/2019.

It is reported that Mr. Kamel is currently detained in the Tora Prison, Cairo, and that he was subjected to torture, with blows to the head, stomach and chest to coerce him to disclose to interrogators the passwords of his laptop computer and mobile telephone. The prosecutor has denied access to the contents of exhibits and

the evidence brought against Mr. Kamel and again denied Mr. Kamel's access to his medication.

As per the reported timeline above, Mr. Kamel's recent arrest appears connected to the preparation of his travel to Geneva, Switzerland, including a visa request. The purpose of the trip was to participate in the 12th session of the Forum on Minority Issues, on "Education, Language and the Human Rights of Minorities", which took place in Geneva on 28 and 29 November 2019, where he was planning to make a statement.

Mr. Kamel has interacted with Special Procedures' mandate holders in the past. Examples include the official visit of the Special Rapporteur on the right to adequate housing to Egypt in 2018, in relation to forced displacement of members of the Coptic Christian minority in Egypt.

The alleged arbitrary arrest, detention and torture of Mr. Kamel falls into a pattern of raids, arrests and travel bans against human rights defenders, journalists, dissidents and Egypt-based family members of persons who have already left the country in fear of their safety. Individuals who had cooperated or attempted to cooperate with the human rights mechanisms of the United Nations have been repeatedly the target of reprisals (See Communications, EGY 8/2019, EGY 16/2018, EGY 4/2018, EGY 14/2017 and EGY 9/2017). During the last months, more than 3.000 people have been arbitrary arrested in nationwide crackdowns, including academics, lawyers, media representatives and prominent opposition leaders. Prosecution by State Security is widely used against peaceful critics of the Government and torture in detention continues to be reported, including to Special Procedures mandate holders (See Communications EGY 7/2019; EGY 6/2019; EGY 4/2019).

Without prejudging the accuracy of the information received, we express our grave concern over the arrest and detention of Mr. Ramy Kamel Saied Salib and the terrorism charges which were brought against him for his human rights work, and in particular for his advocacy in defense of the human rights of the Coptic Christian minority in Egypt. We are deeply concerned at what appears to be a criminalization of the legitimate work of a human rights defender, as well as his right to hold opinions and to express them freely without interference and without fear of intimidation, harassment or reprisals by state or non-state actors. We also deeply regret that the recent arrest, detention and charges against Mr. Kamel may have been used as a means to prevent him from further engaging with international human rights mechanisms and sharing information about human rights violations against the Coptic Christian minority in Egypt that he has been documenting for several years.

We also express our serious concern over the reported conduct of the Egyptian law enforcement who had proceeded with the arrest of Mr. Kamel and the confiscation of his personal affairs without showing any arrest warrant, who refused to disclose any information about the place of Mr. Kamel's initial custody to his family and lawyers, and who applied violence amounting to torture during the interrogation and detention of Mr. Kamel. We wish to underline that the prohibition of torture is absolute in international law and can therefore never be justified under any circumstances, including such as in the fight against terrorism or other emergency conditions.

We are appealing to your Excellency's Government to take all necessary measures to guarantee the rights of Mr. Kamel as enshrined in the International Covenant on Civil and Political Rights (ICCPR), ratified by Egypt 14 January 1982, the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by Egypt 14 January 1982 and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Egypt acceded to on 25 June 1986.

First, would also like to refer your Excellency's Government to the absolute and non-derogable prohibition of torture and other ill-treatment as codified in article 7 of the ICCPR, also enshrined in articles 2 and 16 of the CAT. We would also like to recall article 12 of the ICESCR, which recognizes "the right of everyone to the enjoyment of the highest attainable standard of physical and mental health". Moreover, as outlined by the UN Standard Minimum Rules for the Treatment of Prisoners (see the revised version adopted on 5 November 2015 and renamed "Mandela Rules), the provision of health care is the responsibility of the state authorities and prisoners should enjoy the same standards of health care that are available in the community (Rule 24(1)). Rule 27(1) furthermore provides that all prisons shall ensure prompt access to medical attention in urgent cases. Prisoners who require specialized treatment or surgery shall be transferred to specialized institutions or to civil hospitals.

Second, we would like to refer to the international standards protecting the freedom of religion of belief, the freedom of opinion and expression, the protection of minorities and of human rights defenders. Article 18 of the ICCPR protects the right to freedom of religion or belief, permitting interferences only in accordance with the provisions paragraph 3 of the provision. Article 19 of the Covenant protects the right to freedom of opinion and expression. The freedom of opinion is absolute and the freedom of expression is subject to limitation only in accordance with paragraph 3 of the provision. Under Article 18 and 19, all restrictions must pursue a legitimate aim, in accordance with the law that is sufficiently clear, and conform to the requirements of necessity and proportionality. Attacks against individuals, such as through arbitrary detention, torture and ill treatment, for the exercise of their freedom of religion or expression is incompatible with the Covenant, compare CCPR/C/GC/34 para. 23.

Article 27 of the ICCPR protects the rights of persons belonging to minorities, and the 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. In particular, the Declaration refers to the obligation of States to protect the existence and the identity of minorities within their territories and to adopt measures to that end (article 1), as well as to adopt the required measures to ensure that persons belonging to minorities can exercise their human rights without discrimination (article 4).

Furthermore, we would like to refer to 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 articles 1, 2, 5(c), 6, 9 and 12.

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. We would also like to remind your Excellency's Government's that 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)).

Third, we would like to refer to Article 9 (1) of the ICCPR, which establishes that no one shall be deprived of his or her liberty except on such grounds and in accordance with such procedure as established by law. Article 9 (2) and (3) specify that anyone who is arrested shall be informed, at the time of the arrest, of the reasons for such arrest and be brought promptly before a judge for the purpose of legal assessment and challenge of the detention. Article 14 (3) stipulates that, in the determination of any criminal charge, everyone should have adequate time and means to communicate freely with counsel of choice and to effectively prepare their defense. The right to have access to a lawyer without delay and in full confidentiality is also enshrined in the Basic Principles on the Role of Lawyers (Principles 7 and 8). We would like to refer your Excellency's Government of the Basic Principles and Guidelines on remedies and procedures on the right of anyone deprived of their liberty to bring proceedings before a court (A/HRC/30/37). These principles and guidelines, elaborated by the Working Group on Arbitrary Detention at the request of Member States of the Human Rights Council, provide universal guidance applicable to persons deprived of their liberty.

Fourth, we would like to refer to Human Rights Council resolutions 12/2, 13/3, 24/24, 36/21 and 42/28 which reaffirm the right of everyone, individually or 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. In these resolutions, the Human Rights Council calls on States to prevent and refrain from all acts of intimidation or reprisals, to take all appropriate measures to prevent the occurrence of such acts. This includes the adoption and implementation of specific legislation and policies as well as the issuance of appropriate guidance to national authorities in order to effectively protect those who seek to 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.

In particular, resolution 42/28 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.

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 detailed information on the factual and legal grounds for the arrest and detention of Mr. Ramy Kamel Saied Salib.
3. Please provide clarification about the exact nature of the charges that have been levied against Mr. Kamel. If he has been charged for terrorist acts, raising funds for terrorist acts, conspiracy, recruitment for terrorist acts, being a member of a terrorist organisation, offences relating to membership of a terrorist organisation, and offences relating to raising funds for a terrorist organisation, please indicate how they comply with United Nations Security Resolution 1373, and a strict understanding of the definition of terrorism as elucidated by international law norms including

but not limited to United Nations Security Council Resolution 1566 (2004).

4. Please provide information in details of how your Excellency's Government's counter-terrorism efforts comply with the United Nations Security Council resolutions [1373 \(2001\)](#), [1456\(2003\)](#), [1566 \(2004\)](#), [1624 \(2005\)](#), [2178 \(2014\)](#), [2341 \(2017\)](#), [2354 \(2017\)](#), [2368 \(2017\)](#), [2370 \(2017\)](#), [2395 \(2017\)](#) and [2396 \(2017\)](#); as well as Human Rights Council resolution [35/34](#) and General Assembly resolutions [49/60](#), [51/210](#), [72/123](#), [72/180](#) and 73/174, in particular with international human rights law, refugee law, and humanitarian law contained therein.
5. Please provide the details, and where available the results, of any investigation and/or inquiry undertaken on the allegations of torture of Mr. Kamel, while in custody by law enforcement officers, both after his first arrest on 4 November 2019 and after the second arrest on 23 November 2019.
6. Please indicate the measures undertaken by your Excellency's Government to ensure protection and promotion of the right of everyone to hold religion or belief as well as opinions without interference and to enjoy the right of freedom of expression either orally, in writing, print, art or through any other media of her choice.
7. Please indicate the level of surveillance of Mr. Kamel's private and professional communications and please provide detailed information on the measures and safeguards taken to protect his privacy and the confidentiality of his exchanges and specify the measures taken to ensure that any action of monitoring and control of the information available on Mr. Kamel's personal documents, laptop computer, camera, and phone was carried out in accordance with the criteria of legality, necessity and proportionality.
8. Please indicate the measures undertaken by your Excellency's Government to ensure that human rights defenders, and in particular those advocating and working for the rights of persons belonging to religious minorities, are able to carry out their legitimate work in a safe and enabling environment, without the fear of prosecution, intimidation, harassment and violence, in full respect of their civil and political rights.
9. Please provide detailed information on the steps that have been taken to ensure that human rights defenders and civil society actors in Egypt, and their families, are not subject to acts of intimidation and/ or reprisal for

their cooperation with international bodies, including United Nations mechanisms.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their recurrence 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.

We intend to publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

In light of the allegations of possible acts of reprisal against Mr. Ramy Kamel Saied Salib for cooperation with the United Nations on human rights, we reserve the right to share this communication – and any response received from Your Excellency's Government - with other UN bodies or representatives addressing intimidation and reprisal for cooperation with the UN in the field of human rights, in particular the senior United Nations official designated by the Secretary General to lead the efforts within the United Nations system to address this issue.

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 appeals in no way prejudice any opinion the Working Group may render. The Government is required to respond separately for the urgent appeal procedure and the regular procedure.

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

Fernand de Varennes
Special Rapporteur on minority issues

Leigh Toomey
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

Leilani Farha
Special Rapporteur on adequate housing as a component of the right to an adequate
standard of living, and on the right to non-discrimination in this context

Michel Forst
Special Rapporteur on the situation of human rights defenders

Joseph Cannataci
Special Rapporteur on the right to privacy

Ahmed Shaheed
Special Rapporteur on freedom of religion or belief

Fionnuala Ní Aoláin
Special Rapporteur on the promotion and protection of human rights and fundamental
freedoms while countering terrorism

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