

Mandates of the Special Rapporteur on the independence of judges and lawyers; 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 3/2020

6 February 2020

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the independence of judges and lawyers; 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 35/11, 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 threats, intimidation and physical attacks against human rights lawyer, Mr. **Gamal Eid**.

Mr. Gamal Eid has been the subject of communications sent to your Excellency's Government on 4 May 2016 (EGY 6/2016), 5 October 2016 (EGY 11/2016), 30 January 2017 (EGY 1/2017) and 30 October 2017 (EGY 16/2017). While we acknowledge receipt of the replies of your Excellency's Government dated 4 April 2017, we regret that no response has been received to communications EGY 6/2016 and EGY 16/2017.

Some of the concerns in the communications above are related to restrictions on civil society in connection with Case No. 173 (2011) or the "Foreign Funding Case" and the 84/2002 NGO Law. These concerns were raised in joint communications sent on 17 November 2011 (EGY 12/2011); 12 February 2013 (EGY 4/2013); 20 March 2013 (EGY 5/2013); 20 June 2013 (EGY 9/2013); 29 August 2014 (EGY 11/2014); 12 June 2015 (EGY 10/2015); 23 February 2016 (EGY 3/2016); 24 March 2016 (EGY 4/2016); 4 May 2016 (EGY 6/2016); 5 October 2016 (EGY 11/2016); 18 November 2016 (EGY 13/2016); 22 November 2016 (EGY 14/2016 and EGY 15/2016); 9 December 2016 (EGY 16/2016) and 30 October 2017 (EGY 16/2017). We acknowledge receipt of the replies of your Excellency's Government dated 17 and 25 January 2012; 19 May 2013; 22 January and 8 November 2014; 18 August 2015; 10 August and 28 December 2016, but remain concerned about the situation in light of the new information received.

Mr. Gamal Eid is a prominent human rights lawyer and the director of the Arabic Network for Human Rights Information ('ANHRI'), which promotes freedom of expression and provides legal assistance to human rights defenders and journalists. Mr. Eid has been under a travel ban since 4 February 2016. Moreover, on 16 September 2016, Mr. Eid's assets were frozen after a prosecutor included him in Case No. 173/2011, known as the NGO foreign funding case.

According to the new information received:

On 10 October 2019, Mr. Eid was attacked and beaten by an armed man in plain-clothes in New Maadi Street (El Nasr Street) in Cairo. The beating left him with injuries to his arms and legs as well as broken ribs. His phone was also stolen during the attack. Mr. Eid reported the incident to the police.

On 31 October 2019, the car that Mr. Eid was using was vandalised, and its windows were smashed. He had borrowed it from one of his colleagues at ANHRI, after his car had been stolen on 30 September 2019. Additionally, since September 2019, Mr. Eid has been receiving threats over the phone from anonymous persons, with one text message demanding that he “behave”.

On 29 December 2019, Mr. Eid was waiting for a taxi near his home in Cairo when approximately 10 to 12 armed men, who arrived in three cars without license plates, approached him. They knocked him to the floor and beat him up. Then, one of the men, whom the others addressed as Pasha, ordered the other to pour paint on Mr. Eid, saying that this would teach him to “behave.” Subsequently, some of the men threw paint on Mr. Eid’s face and clothes while others photographed the incident. When bystanders tried to intervene, two of the men pulled out their pistols and demanded they leave.

We wish to express our serious concerns over the allegations of continued threats, intimidation and physical attacks against Mr. Eid, which appear to be directly related to the legitimate exercise of his profession as a lawyer and of his activities as human rights defender. The intimidatory acts against Mr. Eid may also have an adverse impact on the free and independent exercise of the legal profession in Egypt and a chilling effect on the legitimate work of human rights defenders and civil society in the protection of human rights.

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. Information on measures that have been taken to ensure the safety and physical and psychological integrity of Mr. Eid as well as the details on the

results of any investigation and judicial or other inquiries into the above-mentioned threats and attacks against Mr. Eid. If no investigation has been initiated, please explain why.

3. Please provide detailed information on the measures taken to ensure that Mr. Eid can freely and independently exercise his profession as a lawyer. Please indicate what measures your Excellency's Government intends to take to enable lawyers to perform their professional functions freely and free from any form of intimidation, threat, harassment or improper interference.
4. Please provide detailed information as to what steps have been taken to ensure that human rights defenders in Egypt are able to carry out their peaceful and legitimate work in a safe and enabling environment, free from any physical, judicial or other harassment.

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.

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.

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

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 Excellency's Government's attention to articles 9, 14 and 19 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Egypt on 14 January 1982, which protect the rights to liberty and security of person, due process and freedom of opinion and expression, respectively.

We would also like to refer your Excellency's Government to General Comment No. 32 (2007), of the Human Rights Committee which states that counsels should be able to advise and to represent persons charged with a criminal offence "without restrictions, influence, pressure or undue interference from any quarter" (CCPR/C/GC/32, para. 34).

We would also like to refer your Excellency's Government to the UN Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana (Cuba) from 27 August to 7 September 1990. Principle 16 requires governments to take all appropriate measures to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference. Principle 17 states that where the security of lawyers is threatened as a result of discharging their functions, the authorities are responsible for their adequate safeguard.

It is also necessary to mention 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 Recognised 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 realisation 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. In addition, we wish to note that article 9, paragraph 3 (c) of the Declaration provides that everyone has the right, individually and in association with others to offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms. Also of relevance, article 12 provides that the State must 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 in the Declaration.