

**Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association; 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 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 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:  
AL EGY 7/2020

2 June 2020

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the rights to freedom of peaceful assembly and of association; 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 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 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 41/12, 42/22, 36/6, 34/18, 42/16, 34/5, 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 arrest and ongoing pre-trial detention of prominent labour rights activists and trade union leaders including Haytham Mohamadein, Hassan Barbary, Alla Essam and Khalil Rizk.**

**Haytham Mohamadein** is a lawyer, labour rights activist and a human rights defender who has been a leading member of the Revolutionary Socialists movement. Previous communications have been addressed by various Special Rapporteurs and Independent Experts to your Excellency's Government concerning Mr. Mohamadein on 27 September 2018 (case no. EGY 14/2018) and on 19 July 2019 (case no. EGY 7/201). We appreciate the response by your Excellency's Government to the September 2018 communication, received on 24 January 2019 regarding the code of Criminal Procedure, which outlines the domestic legal basis for pre-trial detention while we rest preoccupied that the legislation therein contained remains vague and is thus susceptible to abuse. We still await a response to the July 2019 communication.

**Hassan Barbary** is an accountant, human rights defender and CEO of the Egyptian Forum for Labour Relations which is a company specializing in providing capacity building to trade union members on Egyptian Labour Laws and Trade Union Law. He is also the founder of "Your Union Consultant" initiative, which provides advice and training to members of trade unions.

**Alaa Essam** is an accountant and labour rights defender working at the Egyptian Forum for Labour Relations.

██████████ is a lawyer and labour rights defender and ILO consultant also working at the Egyptian Forum for Labour Relations.

**Khalil Rizk** is a union worker from the independent union of land transports workers.

The Supreme State Security Prosecution (SSSP) is a special branch of the public prosecution service responsible for prosecuting state security crimes.

In this regard, we would like to recall the communication OL EGY 4/2020 sent to your Excellency's Government on 28 February 2020 expressing serious concerns about certain counter terrorism legislation and alarming use of pre-trial detention as a punitive tool. In particular, the experts highlighted that it was highly problematic that only Supreme State Security Prosecution lawyers may approve appeals against pre-trial detention. Not only is this a conflict of interest case, but available statistics demonstrated that they are hampering suspects' access to judicial review regarding pre-trial detention. Several other communications had previously been addressed to your Excellency's Government concerning the use of pre-trial detention, the conflation of human rights activities with terrorism and the targeting of human rights defenders under the counter-terrorism legislation in particular the recent ones sent by several experts EGY 6/2020, EGY 1/2020 to which we await a response from your Excellency's Government.

According to the information received:

Three of the human rights defenders mentioned in this letter have been detained under case no. 930 of 2019 state security prosecution, also known as the "hope coalition" case. The defendants in the case, which include political figures, human rights defenders and labour rights activists, were involved in discussions to form a new political alliance to run in 2020 parliamentary elections. They were violently arrested in June 2019, and most of them have faced a series of vague charges associating them with terrorist activities.

Since 9 March 2020, Egyptian authorities have not allowed lawyers or families to communicate with persons deprived of liberty in prisons due to the COVID-19 pandemic. Although some prisons have allowed inmates to send and receive letters, so far no prison has allowed inmates to communicate privately with their lawyers or families.

On 28 April 2020, a decision by the Cairo Appeals Court held that courts could decide on the dropping or extension of pre-trial detention without the presence of the defendants at the hearings. Defendants in cases managed by the SSSP have been held without legal basis, as their pre-trial detention orders have expired as

detention extension hearings were suspended since mid-March due to COVID-19. Since 3 May 2020, the courts have issued retroactive decisions to provide a legal basis for the continued pre-trial detention of those whose orders had expired. Since then, SSSP prosecutors have renewed the detention orders of almost all defendants in cases they oversee without hearings. Between May 4 and May 6, the Cairo and Giza terrorism circuits of the criminal court system renewed the detention of approximately 1600 individuals forming part of over 100 criminal cases.

Egyptian law allows SSSP prosecutors to order the pre-trial detention of individuals for 15 days renewable for up to 5 months without judicial review. After five months, continued pre-trial detention must be ordered by a judge. Such order can extend up to 45 days of detention, and is renewable for up to 2 years without a trial.

*Mr. Haytham Mohamadein*

Mr. Mohamadein has been a target of the authorities for many years, having been previously arrested in 2013, 2016 and 2018. During his last arrest on 17 May 2018 he was subjected to prolonged pre-trial detention and extreme detention conditions in a “state security” case known as the “metro tickets” case that was brought to the attention of your Excellency’s Government in a previous communication (case no. EGY 7/2019). He was arrested by security forces on 17 May 2018 and charged by the SSSP of “participation with a terrorist group in achieving its goals”, “calling for protests against the government to disrupt public transportation”, and “using internet to support terrorist actions”. On 10 October 2018, the Giza Criminal Court decided to release him on probation and he was released on 30 October 2018. He was required to report to a police station twice a week, which was later reduced to once a week by another court.

On 12 May 2019, the human rights defender received a summons to appear at the al-Saf police station in the Giza governorate, concerning the alleged violation of his probation conditions. Upon arriving at the police station, Mr. Mohamadein was arrested. He was kept incommunicado for two days and his location remained unknown. On 13 May 2019, his family went to the same police station and was informed that he was not being held at the station, he did not have access to a lawyer nor to communication with his family. On 16 May 2019 he appeared before the SSSP to be questioned in a separate case (state security case number 74/2019).

The SSSP charged him with “participation with a terrorist group in achieving its goals”, “spreading false news”, and “misuse of social media”. The prosecutor allegedly failed to present any credible evidence on the charges and ordered Mr. Mohamadein’s pre-trial detention for 15 days. The prosecutor has since then been routinely extending the detention of Mr. Mohamadein.

On 27 November 2019, the Cairo Criminal Court ordered his release on parole. On appeal by the prosecution, the decision was reversed. On 19 February 2020, his detention was ordered for an additional 45 days, and he was transferred to al Qanater central prison. His detention was extended again on 7 May 2020 for another 45 days.

*Mr. Hassan Barbary*

On 24 June 2019, security forces raided Mr. Barbary's house, searched and confiscated his electronic devices and arrested him. They took him to the office of the Egyptian Forum for Labour Relations where they seized all papers and documents. He was then questioned before the SSSP in the State Security case number 930 of 2019 (the "hope coalition" case). The SSSP charged him with "joining a group that was established in violation of the law", and "receiving foreign fund to help this group in achieving its goals".

After the arrest of Mr. Barbary as well as of other journalists and politicians, the Egyptian Ministry of Interior issued a statement saying that they had arrested them for their cooperation with the Muslim Brotherhood and for financing its actions in order to harm the country's national security. The statement also alleged that those arrested were running companies that are closely linked to the Muslim Brotherhood.

On 7 July 2019, the Public Prosecutor issued a temporary decision to freeze the assets of all those accused in the case, including Mr. Barbary, subject to its powers under Article 208 of the Criminal Procedure Code. The provision stipulates that assets can only be frozen pursuant to a criminal court order, but gives the public prosecutor the authority to issue a temporary freezing order in cases where it is deemed necessary or urgent. A criminal court must review the temporary order within seven days and announce a decision within 15 days of its issuance. On 4 August 2019, a criminal court approved the Public Prosecutor's appeal number 35 of 2019 to freeze their assets.

Mr. Barbary initially spent time in solitary confinement in Tora prison and he was later transferred to another cell with other prisoners.

On 4 February 2020, Mr. Barbary's detention was extended for 45 days. Since then he has not been brought to a detention extension hearing because the prosecution has regularly asked courts to postpone the sessions out of consideration for the COVID-19 pandemic. In the meanwhile, he remains in detention and there are no updates on the legal basis of his extended detention

*Alaa Essam*

On 9 July 2019 Mr. Essam was arrested as part of the State Security case number 930 of 2019, the "hope coalition" case. Mr. Essam was taken to the National

Security office in the Suez governorate, where he was subjected to physical and verbal violence committed by security personnel.

Mr. Essam is facing charges for “publishing fake news”, “participating in a terrorist group and knowing its purposes” and “missing social media websites”. He was sent to Leeman Tora prison, where he remains detained. He has been denied visits from his family since 11 March 2020 due to the COVID-19 pandemic.

On 6 May 2020, a Cairo criminal court ordered the renewal of his detention for another 45 days.

██████████,

On 25 June 2019, Mr. ██████████ was arrested and questioned by the SSSP in the “hope coalition” case. He was later charged for “publishing false news”, “participating with a terrorist group and knowing its purposes”, and for “receiving foreign funds to achieve these purposes”. The SSSP ordered his pre-trial detention for 15 days, which it has renewed 10 times.

On 28 November 2019, a Cairo criminal court ordered his release, but the SSSP appealed against his release. A day later, the prosecution’s appeal led to the reversal of the decision, extending Mr. ██████████ detention for 45 days. His pre-trial detention has subsequently been extended every 45 days. The last renewal of his detention was on 11 January 2020. There have been no updates on his situation since then and he remains in detention.

#### *Khalil Rizk*

On 17 November 2019, security forces arrested Mr. Rizk from a café at El Marg in Cairo where he was meeting a family member. His location remained unknown for two days. On 19 November 2019, a family member submitted a report (number 47849/2019) to the Public Prosecutor detailing the arrest of Mr. Rizk and requesting action over his disappearance. On the same day, he appeared before the SSSP and was questioned in relation to case number 1475 of 2019. He is facing charges of “participating in a terrorist group in achieving its goals”, “publishing false news” and “misusing social media websites”.

On 4 May 2020, Cairo Criminal Court extended his pre-trial detention for 45 days.

While we do not wish to prejudge the accuracy of these allegations, we are deeply concerned by the arrests and prolonged pre-trial detention of, as well as the terrorism-related charges brought against human rights defenders Haytham Mohamadein, Hassan Barbary, Alla Essam, ██████████ and Khalil Rizk, which appear to be directly linked to the legitimate exercise of their human rights and their work to defend the human

rights of others. We raise serious concerns at the application of terrorism-related charges allowing pre-trial detention to restrict human rights and target those seeking to promote and protect human rights in Egypt. We remind your Excellency's Government that pre-trial detention should be used as a preventive measure aimed at averting further harm or obstruction of justice, and cannot be used as punishment. We are further concerned that the charges they face appear to be linked to their work protecting, promoting and exercising their rights to freedom of association and remind that States must respect the rights of all workers to form and join trade unions and labour associations. We further remind that the State is responsible to respect and ensure the rights of everyone to exercise their freedom of expression, of peaceful assembly and of association.

We further wish to express our serious concerns regarding the allegations of physical abuse, possibly amounting to cruel, inhuman or degrading treatment or punishment, or even torture, and of enforced disappearances. In particular, we express concern at the reported failure to conduct effective investigations into these events, and to prosecute and punish those responsible.

While we understand that the health and well-being of prisoners, prison officers other prison personnel and visitors must be at the heart of infection prevention and control measures regarding the COVID-19 pandemic, States should continue to protect the rights of individuals in detention and respect, inter alia, the fundamental safeguards outlined in the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). In particular we are concerned that the individuals mentioned in this communication allegedly have not been able to communicate privately with their family and lawyers and that their pre-trial detention has been extended in several cases without legal basis or individualised judicial review. We remind the State that even where visiting regimes are restricted for public health-related reasons, they should provide sufficient compensatory alternative methods for detainees to maintain contact with families and the outside world. Likewise, those defendants held in pre-trial detention should be able to challenge the legality of their detention before a judicial authority or be released pending proceedings, notably when conditions of detention may not guarantee the standard physical distance required to prevent the spread of COVID-19.

We also reiterate our serious concerns over the general climate for civil society organisations, human rights defenders and journalists in Egypt, given the reported extensive use of counter-terrorism legislation to target those expressing dissent.

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 the observations of your Excellency's Government 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 arrests, continued pre-trial detention, and charges brought against the individuals mentioned in this letter, and explain how these comply with the standards of international human rights law.
3. Please provide information on how the treatment of these individuals complies 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 detailed information on what alternative methods have been put in place for detainees to maintain frequent and free contact with their families and the outside world and how the authorities have facilitated and encouraged those contacts; as well on the steps taken to ensure that fair trial guarantees have been afforded to the individuals mentioned in this letter, in light of international human rights standards, that their lawyers have access to all evidence presented against them, and that such guarantees have been maintained during the prevailing public health emergency.
5. Please provide information regarding the possibility for courts to review all cases of pre-trial detention in order to determine whether it is strictly necessary and if alternatives have been considered.
6. Please provide the details and, where available, the results of any investigation, and judicial or other inquiries which may have been carried out, or which are foreseen, in relation the allegations of torture and other cruel, inhuman or degrading treatment or punishment against Mr. Ala Assam and of enforced disappearance of Mr. Rizq and Mr. Mohamadein with a view to ensure prosecution and redress. If no such measures have been taken, please explain how this is compatible with the human rights obligations of Egypt.
7. Please provide information on the measures taken to prevent the spread of COVID-19 in sites of pre-trial detention. In particular, please provide details on the measures taken to monitor and protect the physical and mental integrity of the individuals mentioned in the letter such as preventive measures to reduce their risk vis-à-vis COVID-19, including consideration of alternative measures to detention such as their release pending proceedings.

8. Please provide detailed information as to the specific measures that have been put in place to ensure human rights defenders, including labour rights defenders, and other civil society actors in Egypt can carry out their legitimate work in a safe and enabling environment without fear of judicial harassment of any kind.

We would appreciate receiving a response within 60 days. Thereafter, 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.

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(s) responsible for the alleged violations.

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

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

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

Luciano Hazan  
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

Dainius Puras  
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Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

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

## **Annex**

### **Reference to international human rights law**

In connection with the above alleged facts and concerns, we would like to refer your Excellency's Government to articles 7, 9, 14, 19 and 22 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Egypt on 14 January 1982, which guarantee the right not to be deprived arbitrarily of liberty, to fair proceedings before an independent and impartial tribunal, and the rights to freedom of expression and freedom of association. In particular, we wish to remind your Excellency's Government that any restrictions to the exercise of these rights under articles 19 and 22 of the ICCPR must be provided by law and be necessary and proportionate to the aim pursued.

The scope of the right to freedom of expression is broad. Article 19(2) of the ICCPR "protects all forms of expression and the means of their dissemination", including political discourse, commentary on one's own and on public affairs, canvassing and discussion of human rights, such as boycott movements, see General Comment 34, para. 11. In order to be lawful, any restrictions imposed on the right to freedom of expression must be compatible with Article 19 (3) of the Covenant. This includes restrictions on discussion of government policies and political debate, reporting on human rights, and engaging in peaceful demonstrations. Pursue one of the legitimate aims exhaustively listed in the provision, be provided by law, and be necessary and proportionate. The State has the burden of proof to demonstrate that any restrictions to the right to freedom of expression is compatible with the Covenant.

We also remind that the right to freedom of association is an essential components of democracy as it empowers individuals to "express their political opinions, engage in literary and artistic pursuits and other cultural, economic and social activities, engage in religious observances or other beliefs, form and join trade unions and cooperatives, and elect leaders to represent their interests and hold them accountable", as enunciated in the Human Rights Council Resolution 15/21. We also refer to the guiding principles developed by the Special Rapporteur on the rights to freedom of peaceful assembly and association on the need to respond to the emergency generated by COVID-19 in a manner that meets human rights obligations<sup>1</sup>. In particular, the second highlights the obligation to ensure that the public health emergency is not used as a pretext for violating rights.

We would also 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

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<sup>1</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25788&LangID=E>

levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

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

Article 6 (b) and c) which provide that everyone has the right, individually and in association with others to freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and to draw public attention to those matters;

Article 8 which guarantees the right to effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of public affairs.

Article 12, paragraphs 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 would also 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 the attention of your Excellency's Government that the mandate of 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)).

With respect to the use to counter terrorism and extremism justifications to restrict the legitimate exercise of freedom of expression, we would like to underline that any restriction on expression or information that a government seeks to justify on grounds of national security and counter terrorism must have the genuine purpose and demonstrable effect of protecting a legitimate national security interest (CCPR/C/GC/34). We would like to stress that counter terrorism legislation with penal sanctions should not be misused against individuals peacefully exercising their rights to freedom of expression and freedom of peaceful association and assembly. These rights are protected under ICCPR and non-violent exercise of these rights is not a criminal offence. Counter terrorism

legislation should not be used as an excuse to suppress peaceful minority groups and their members.

The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism would also like to bring to the attention of the Government paragraphs 74 to 78 of A/HRC/37/52 and her 2018 report to the Human Rights Council A/HRC/40/52, in particular paragraphs 36, as well as, paragraphs 75 (a) to (i).

With regard to the Code of Criminal Procedures and the 2015 Law Against Terrorism, we note the exceptionally wide definition of terrorism therein. We bring your Excellency's Government attention to the "principal of legal certainty" under international law (ICCPR article 15(1); ECHR article 7(1)) which requires that criminal laws are sufficiently precise so it is clear what types of behaviour and conduct constitute a criminal offence and what would be the consequence of committing such an offence. This principle recognizes that ill-defined and/or overly broad laws are open to arbitrary application and abuse. The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism has highlighted the dangers of overly broad definitions of terrorism in domestic law that fall short of international treaty obligations (A/73/361, para.34).

We furthermore wish to draw to the attention of 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 codifies the absolute and non-derogable prohibition on torture and other cruel, inhuman or degrading treatment or punishment. The CAT also requires state parties to ensure a prompt and impartial investigation into allegations of torture when there are grounds to believe that such acts have occurred.

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) and 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).

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 also like to refer to the Advice of the Subcommittee on Prevention of Torture to States Parties and National Preventive Mechanisms relating to the Coronavirus Pandemic (adopted on 25th March 2020) and the Deliberation No. 11 on prevention of arbitrary deprivation of liberty in the context of public health emergencies from the 8 May 2020. In particular its paragraph 11 of the former stating that “where visiting regimes are restricted for health-related reasons, provide sufficient compensatory alternative methods for detainees to maintain contact with families and the outside world, for example, by telephone, internet/e mail, video communication and other appropriate electronic means. Such contacts should be both facilitated and encouraged, be frequent and free”; paragraph 16 of the former stating that States should “ensure that fundamental safeguards against ill-treatment (including the right of access to independent medical advice, to legal assistance and to ensure that third parties are notified of detention) remain available and operable, restrictions on access notwithstanding” and paragraph 14 of the latter stating that “pre-trial detention should only be used in exceptional cases” adding that due to the health emergency there is “an additional onus of consideration upon the authorities, as they must explain the necessity and proportionality of the measure in the circumstances of the pandemic”.

Furthermore we would like to bring to your Excellency’s Government’s attention article 4 and article 12 of the International Covenant on Economic, Social and Cultural Rights ratified by Egypt on 14 January 1982. In its General Comment 14 on the right to health, the Committee on Economic, Social and Cultural Rights stresses that the limitation clause included in Article 4, particularly when public health issues are invoked, is primarily intended to protect the rights of individuals rather than to permit the imposition of limitations (par 28). In addition, the State has an obligation to respect the right to health of detainees (para 34) and a responsibility to provide health care for prisoners (Mandela Rule 24). This is particular relevant during periods of prevalence of infectious diseases when efforts to reduce prison overcrowding through, inter alia, non-custodial measures as alternatives to pre-trial detention should be redoubled. In particular, the State has a responsibility to provide for the clinical isolation and adequate treatment of prisoners suspected of having a contagious disease during the infectious period (Mandela Rule 30.d) and, in the case of COVID-19, a responsibility to prevent the spread of the virus by, inter alia, ensuring physical distance in places of detention. Finally, we bring to your Excellency’s attention the OHCHR COVID-19 Guidance which has a section on people in detention and institutions.<sup>2</sup>

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<sup>2</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/COVID19Guidance.aspx>