

Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on extrajudicial, summary or arbitrary executions; 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 independence of judges and lawyers; the Special Rapporteur on minority issues; 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:
AL EGY 10/2020

29 July 2020

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on extrajudicial, summary or arbitrary executions; 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 independence of judges and lawyers; Special Rapporteur on minority issues; 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 34/5, 35/15, 42/22, 36/6, 34/18, 41/12, 42/16, 35/11, 34/6, 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 continued detention of human rights defenders and other individuals in Egyptian prisons, who, since the outbreak of the COVID-19 pandemic, have had their communication with the outside world heavily restricted, their pre-trial detentions renewed in absentia and are at grave risk of contracting the COVID-19 virus.

Dr. **Laila Soueif** is a woman human rights defender and professor of mathematics at Cairo University who advocates for prisoner rights in Egypt. She is the mother of Ms. Sanaa Seif, who is also mentioned in this communication.

Ms. **Sanaa Seif** is a woman human rights defender and film editor who raises awareness about alleged human rights violations by the Egyptian Government. She was previously the subject of communication EGY 6/2016 sent on 4 May 2016 and EGY

10/2014. We thank you for the reply received to EGY 10/2014 however, we regret not receiving a response to EGY 6/2016.

Ms. **Esraa Abdel Fattah** is a woman human rights defender and journalist. She worked as a coordinator at the Egyptian Democratic Academy (EDA), a youth organisation promoting the values of democracy, human rights and political participation. She focusses her work advocating for workers' rights and democratisation. She has increasingly called for the release of all prisoners detained during the September 2019 protests. Ms. Fattah's arrest, detention and torture was previously the subject of communication EGY 11/2019 sent on 23 October 2019 and EGY 10/2015 sent on 12 June 2015. We thank your Excellency's Government for the response received to EGY 10/2015 however, we regret not having yet received a response to the most recent communication.

Mr. **Patrick Zaki** is an Egyptian national, employed as a gender and human rights researcher at the Egyptian Initiative for Personal Rights (EIPR). EIPR is an Egyptian-based non-governmental organisation that promotes fundamental freedoms, civil liberties, and social and economic rights in the country. Mr. Zaki has been involved in several national campaigns against the violations of civil and political rights. He advocates for the rights of detainees, women's rights and the rights of vulnerable groups, including Christian minorities in the country. Until the time of his arrest and detention on 7 February 2020, he had been resident in Italy, where he is a postgraduate student at Bologna University studying Gender and Women's studies. Mr. Zaki was previously the subject of communication EGY 6/2020. We thank your Excellency's Government for the reply requesting an extension due to current circumstances and look forward to receiving a full response.

Mr. **Ibrahim Ezz El-Din** is a human rights defender and urban researcher for the Egyptian Commission for Rights and Freedoms (ECRF). With the ECRF, he has focussed on the right to housing and forced eviction. ECRF has come under fire from Egyptian authorities in recent years for undertaken an active campaign against enforced disappearances in Egypt. The case of Mr. Ibrahim Ezz El-Din was first transmitted by the Working Group on Enforced or Involuntary Disappearances to the Government of Egypt on 22 July 2019.

Mr. **Mohamed El-Baquer** is a human rights defender and lawyer and the director of the Adalah Centre for Rights and Freedoms, an organisation providing legal support for political prisoners, and promoting civil and political rights in Egypt. On 29 September 2019, he was arrested after attending the interrogation of one of his clients. We previously raised concerns to your Excellency's Government on the arrest and detention of Mr. El-Baquer in communication EGY 11/2019, sent on 23 October 2019. We regret not having received a reply to date.

Ms. **Solafa Magdy** is a woman human rights defender and freelance journalist. As part of her journalistic work and on social media, she raises awareness about human rights violations and imprisoned human rights defenders in Egypt. Prior to her detention for "membership of a terrorist group" and "spreading false news", she undertook

significant advocacy for the case of her imprisoned friend and colleague, Ms, Esraa Abdel Fattah, who is also mentioned in this communication. Mr. **Hossam El-Sayad** is a journalist and human rights defender, and is married to Ms. Solafa Magdy. He worked with Ms. Magdy in advocating for the release of imprisoned human rights defenders and other prisoners of conscience. He is charged with “membership of a terrorist organisation” for his role in the March 2019 anti-Government protests. Both were subjects of communication EGY 1/2020 sent on 22 January 2020. We regret not having yet received a response to this communication.

Mr. **Ibrahim Metwally Hegazy** is a lawyer and a human rights defender, working as a Coordinator for the Association of the Families of the Disappeared in Egypt, which he founded following the disappearance of his son in 2013. His case was initially transmitted to the Government of Egypt by the Working on enforced and involuntary disappearances on 12 September 2017. He was also previously the subject of communications EGY 12/2019 sent on 13 November 2019 and EGY 14/2017 sent on 3 October 2017. We thank your Excellency’s Government for the reply received to EGY 14/2017 communication but we regret not having received a reply to EGY 12/2019. The case of Mr. Metwally Hegazy was also the subject of Opinion No. 41/2019 by the Working Group on Arbitrary Detention.

Mr. **Ramy Kamel** is a human rights defender, head of the Maspero Youth Foundation based in Cairo and member of the Coptic Christian minority in Egypt. Mr. Kamel advocates for the rights of the Coptic Christians in Egypt and for a community-based approach to urban development in Egypt. Mr. Kamel’s alleged arrest, detention and torture, reportedly in connection to his human right work, 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, was previously the subject of communication EGY 13/2019, sent on 6 December 2019. We thank your Excellency’s Government for the response received on 6 March 2020 and look forward to receiving the translation.

Ms. **Eman Al-Helw** is a woman human rights defender who works on issues of equality and anti-discrimination, including in the film industry in Egypt. Mr. **Hossam Ahmad** is a transgender human rights defender who began his human rights work from his place of detention, highlighting the unequal treatment of transgender individuals inside and outside of prison. Mr. Ahmad was arrested alongside Ms. Eman Al-Helw and faces the same charges. Their arrest and detention on 28 February 2019, and subsequent terrorism-related charges, were the subject of one previous communication, EGY 14/2019, sent on 17 December 2019. We regret not having yet received a response to this communication.

Additionally, Mr. **Ramy Shaath** is the co-founder of a number of political parties in Egypt as well as the Boycott, Divestment and Sanctions (BDS) Movement in Egypt. BDS Movement, is a coalition of human rights organisations, student and trade unions and several political parties, which advocate for the rights of Palestinians and denounce human rights violations committed in the Occupied Palestinian Territories. We previously raised concerns over the short-term enforced disappearance and terrorism charges levied

against Mr. Shaath in communication, EGY 10/2019, sent to your Excellency's Government on 9 October 2019. We regret not having yet received a response to this communication.

We would also like to recall the communication [OL EGY 4/2020](#) sent to your Excellency's Government on 28 February 2020 expressing serious concerns about the Anti-Terrorism Law, Terrorist Entities Law, Association Law, Protest Law and associated decrees, regulations and legislation and the negative impact of their application in the civic space in Egypt. We regret not having yet received the thorough reply referred to in your acknowledgement of receipt on 8 April 2020.

According to the information received:

Background

On 10 March 2020, the Ministry of Interior suspended family and lawyer visits to all prisons in the country in order to mitigate the spread of the COVID-19 virus. The prison authorities have reportedly not systematised alternative measures for inmates to contact their families and lawyers. Article 38 of the Prison Organisation Law prescribes that inmates have the right to correspondence and communication by phone with the outside world, however this does not seem to have been implemented. Reportedly, some, but not all inmates have been permitted to send and receive letters. As restrictions on Egyptian economic and social life to combat the pandemic begin to be lifted, no timeline has been given for the reintroduction of prison visits.

On 15 March 2020, the Ministry for Justice of Egypt suspended all court sessions and detention renewal hearings, initially for two weeks, but this was extended repeatedly, as a measure to combat the COVID-19 virus. Those in pre-trial detention were therefore to be held in prison until the confinement measures were eased. Since 27 June 2020, courts in all levels and jurisdictions have resumed work. However, most trials continue to take place behind closed doors, without the presence of defendants or their lawyers.

During the month of April 2020, 30,000 people were arrested for violating the COVID-19 curfew. Many others, including doctors, have been arrested for voicing concerns over the Government's handling of the pandemic. This, coupled with the suspension of hearings, has led to an increase in prison populations during the COVID-19 pandemic. Following the release and pardoning of several hundred prisoners in late March and 25 April, on 23 May 2020, on the event of national holidays, President Abdel Fattah el-Sisi pardoned a further 3,157 people from prison. No mention was made of COVID-19 as the reason for the pardons, and those sentenced with national security or terrorism-related crimes, such as human rights defenders, were excluded from consideration for release.

One report has documented 42 cases of denial of healthcare to prisoners in March and April 2020, and 11 deaths in detention as a result of denial of medical care. In the Tora Prison Complex, hygiene products ran out two weeks after family visitations were suspended, in addition, clean water is only made available for two hours per day. Many cells are reportedly overcrowded, do not receive sunlight and lack any form of ventilation. There have been few measures implemented to reduce the risk of the spread of the COVID-19 virus. One of the only visible measures, which is being undertaken at the Tora prison complex, is that prison guards wear masks some of the time.

The Government has yet to release official statistics on the number of infections or tests conducted in prisons, and on the measures that may have been taken to mitigate the spread of the virus. One report has independently verified 192 suspected cases of COVID-19 among prisoners, 87 confirmed cases and 29 deaths. At the time of writing, official statistics from the Egyptian Ministry of Health and Population indicate that over 90,000 people have tested positive for COVID-19, and close to 5,000 have died in the country since testing started.

Dr. Laila Soueif and Ms. Sanaa Seif

On 18 March 2020, Dr. Laila Soueif participated in a peaceful demonstration along with three other women, against the continued detention of unjustly detained individuals during the COVID-19 pandemic. The women were detained by police officers shortly after beginning the protest, and released 24 hours later.

In April 2020, Dr. Soueif took a number of actions in protest against the continued detention of her son, who was arrested in September for his political activity. She, along with her family, filed a lawsuit against the Ministry of Interior for not allowing him to communicate with the outside world. After her requests to deliver medicines and letters to her son were denied, she lay down in front of Tora Prison in protest, sharing photos on social media.

On 20 and 21 June 2020, Dr. Soueif peacefully sat in front of Tora Prison waiting for the prison administration to accept her letter to her son. She was on both occasions removed by police officers and released in another location, away from the prison entrance.

On 22 June 2020, Dr. Soueif, joined by Ms. Sanaa Seif and another one of her daughters, were attacked, insulted and robbed by a group of unidentified women as they waited outside Tora Prison to again attempt to hand a letter to the imprisoned political activist. Security officers of the prison who were present did not intervene. Ms. Sanaa Seif was badly hurt and suffered several bruises.

On 23 June 2020, Dr. Soueif went to the Office of the Public Prosecutor with a lawyer to request a meeting with the Public Prosecutor to submit complaints regarding the attack at Tora Prison. Ms. Sanaa Seif, who waited in the family

vehicle due to her injuries, was approached by a group of armed plainclothes police officers, who asked for her ID and took her in a minibus to an undisclosed location, without presenting a warrant.

Later on 23 June, Ms. Sanaa Seif's lawyer discovered, allegedly by coincidence, that Ms. Seif was being interrogated at the State Security Prosecution. The lawyer was permitted to attend the questioning, where he learned that the arrest record claimed that Ms. Seif was arrested in a different part of the city, which was not the Public Prosecutor's Office. She was charged with "committing terrorist crimes", "misuse of social media platforms" and "publishing false news" in case no. 659/2020. She was referred by the Prosecutor to the Forensic Medicine Department for her injuries and taken to Qanater Women's Prison where she remains in pre-trial detention.

On 5 July 2020, Ms. Seif's detention was renewed by the Public Prosecution in the absence of her lawyer and without informing her family. Egyptian law allows for pre-trial detention to be renewed every 15 or 45 days for a maximum of two years.

On 9 July 2020, Dr. Laila Soueif asked to speak with the Attorney General at the State Security Prosecution about Ms. Seif's detention. She was not permitted to meet with the Attorney General.

Ms. Esraa Abdel Fattah

On 15 October 2019, two days after her arrest, Ms. Abdel Fattah was transferred from the police station where she was being held in Cairo, to Al-Qanater women's prison, where she continued the hunger strike that she had begun on 12 October 2019, in protest against her arrest, torture and ill-treatment.

On 22 November 2019, she suspended her hunger strike as a result of her severely deteriorating health condition, and recommenced it on 9 December 2019 when her pre-trial detention was again renewed for a further 15 days by the Supreme Public Prosecution. Her detention has been renewed every 15 days since her arrest, with an increase to 45-day renewal periods on 4 March 2020. She has since reportedly ended her hunger strike.

Since March, Ms. Abdel Fattah has only been permitted to send three letters, and she has reportedly not received all letters sent by her family.

Mr. Patrick Zaki

Since 8 February 2020, the day following Mr. Patrick Zaki's arrest, his pre-trial detention has been renewed every 15 days. Mr. Patrick Zaki suffers from asthma; a respiratory condition recognised by the World Health Organisation as putting those who suffer from it at increased risk if they contract the COVID-19 virus.

Since 5 May 2020, the Supreme State Prosecution renewed in absentia Mr. Zaki's detention for a further 15 days pending investigation. His lawyer has also not been permitted to attend hearing sessions due to COVID-19 restrictions.

EIPR, the non-governmental organisation for whom Mr. Zaki works, has made a request to call Mr. Zaki. The request was approved by the Public Prosecution but at the time of writing the Tora prison administration has not responded to the request.

Mr. Ibrahim Ezz El-Din

On 12 June 2019, Mr. Ibrahim Ezz El-Din was arrested by police in plain clothes in the Mokattam region of Cairo as he made his way home from working at the Egyptian Commission for Rights and Freedoms (ECRF). After his family and lawyers requested information on his arrest, the Mokattam police denied having detained him.

Mr. Ezz El-Din was forcibly disappeared for 167 days. On 28 November 2019, he appeared before the State Public Prosecution in Cairo. He told the Prosecutor that he was tortured during his detention to extract information about ECRF and his relationship with the organisation. He was allegedly moved around frequently between security agency detention centres and kept in conditions that were often inhumane. He is charged with "publishing false information undermining national security" and "engaging in the activities of a terrorist organisation" in case no. 488 / 2019.

Since 4 December 2020, his pre-trial detention has been renewed every 15 to 45 days by the Supreme Public Prosecution.

On 15 March 2020, an appeal by Mr. Ezz El-Din of the latest decision to renew his pre-trial detention was denied by the Cairo Criminal Court.

Mr. Ezz El-Din suffers from a respiratory condition that puts him at significant risk if he contracts the COVID-19 virus. He also suffers from significant health problems that have allegedly resulted from the torture and poor prison conditions that he has faced since his detention in the Tora Prison Complex. Since 5 May 2020, the Criminal Court in Cairo has renewed in absentia his pre-trial detention.

Mr. Mohamed El-Baqer

Since shortly after his arrest on 29 September 2019, Mr. Mohamed El-Baqer's pre-trial detention has been renewed by the Supreme Public Prosecution every 15 to 45 days.

On 18 February 2020, the Tora Assize Court ordered the release of Mr. El-Baqer, however this decision was overturned on 20 February after the prosecutor appealed the decision.

Since 5 May 2020, the Criminal Court in Cairo has renewed his pre-trial detention in absentia.

Ms. Solafa Magdy and Mr. Hossam El-Sayad

On 12 April 2020, prison authorities at Al-Qanater prison, were allowed to receive packages of clothes, food, personal hygiene products, letters and hot meals addressed to prisoners for the first time since March. However, Ms. Solafa Magdy, was initially not permitted to receive packages, for reasons that have not been made clear. On 29 April 2020, the prison authorities allowed the family to send a package to Ms. Magdy, however the woman human rights defender has allegedly not been permitted to send correspondence in return.

Mr. Hossam el-Sayed, who is detained in Tora Investigations prison, has been able to receive packages from family members since 12 April 2020, but is also not permitted to send letters in return. Neither they nor their lawyers have been able to attend pre-trial detention renewal hearings.

Mr. Ibrahim Metwally Hegazy

Mr. Ibrahim Metwally Hegazy continues to be detained in pre-trial detention since his arrest on 10 September 2017, despite this exceeding the two-year limit on pre-trial detention. He suffers from serious neurological conditions, however he has not been permitted transfer from the crowded conditions in Tora prison complex where he is being held.

As previously communicated, Mr. Ibrahim Metwally's health has deteriorated significantly since his arrest in September 2017, including as a result of the torture he reportedly experienced. He suffers from significant [REDACTED], arthritis and nerve dysfunction, causing him tremors. Since May 2020, Mr. Metwally Hegazy has not been permitted to attend pre-trial detention renewal hearings.

Mr. Ramy Kamel

Mr. Ramy Kamel has been in pre-trial detention since a few days after his arrest on 23 November 2019. His detention has been renewed every 15 to 45 days since then. A number of human rights defenders and journalists were allegedly threatened in the aftermath of Mr. Kamel's arrest and were requested not to write or support him.

Although Mr. Kamel suffers from an acute form of asthma and high blood pressure, which put him in a COVID-19 at-risk category of detainees,

Mr. Kamel's family and lawyers have not been able to contact him and have received no update on his situation since 3 March 2020.

On 18 March 2020, Mr. Kamel's pre-trial detention was renewed without the presence of the human rights defender or his lawyers. His lawyer has challenged the decision to renew his detention, arguing that it contravenes the right to a legal defence in Egyptian and international law. Since then, his detentions have been repeatedly extended or hearings have been postponed. His lawyer's requests to view the court records of recent renewal hearings have reportedly been denied for unknown reasons.

On 8 June 2020, his lawyers attempted to send Mr. Kamel medication for his various medical conditions. They have not had any confirmation as to whether the medication has been received by Mr. Kamel.

Ms. Eman Al-Helw and Mr. Hossam Ahmad

Ms. Eman Al-Helw and Mr. Hossam Ahmad continue to be held in unclean cells in the basement of Abdeen police station in Cairo, with no access to outdoor spaces or sunlight. They have not yet been accepted by any prison facility. Also, they have been constantly exposed to harassment as well as physical and psychological abuses. Further, prison guards call Mr. Hossam Ahmad by his birth name, rather than the name that corresponds with his gender. He has allegedly been denied hormone therapy since his arrest despite of a medical certificate describing his condition, and which medically qualifies him for gender-affirming treatment. [REDACTED].

On 21 April 2020, four individuals in the Abdeen police station were transferred to hospital after testing positive for the COVID-19 virus.

Since 4 May 2020, Ms. Eman Al-Helw and Hossam Ahmad's pre-trial detentions have been renewed in absentia.

Mr. Ramy Shaath

From 25 November 2019 until 18 February 2020, Mr. Ramy Shaath's pre-trial detention renewal hearings required him to sit behind soundproof glass, preventing him from speaking with his lawyer during court session. Since 18 February 2020, Mr. Shaath has not seen his lawyers.

On 17 April 2020, Mr. Shaath was added to a list of "terrorist individuals and entities" in Egypt for a period of five years, and accused in a new case, No. 517 / 2020, the charges of which have not yet been disclosed. The lawyers and family of Mr. Shaath were not informed of the hearing and reportedly learned of the developments through the press. His lawyers have appealed the decisions.

According to information received, Mr. Ramy Shaath is in good health, however he is being held in a 25 square metre cell with 17 other detainees.

On 12 May 2020, 11 months since his they last talked, and two months since they last made any form of contact, a family member of Mr. Shaath was permitted to call him for a 45-minute supervised conversation.

On 1 June 2020, a member of the prison staff allegedly died from the COVID-19 virus. Mr. Shaath's family have not been able to make contact with him since the phone call in May.

His detention has been renewed on 6 May, 12 May and 20 June 2020 in absentia, with the former two not even permitting the presence of his lawyer for defence.

On 17 July 2020, Mr. Shaath was due to hear the verdict in a case ongoing since 2013, disputing his Egyptian nationality. Mr. Shaath has won cases in the lower courts against the Ministry of Interior's refusal to renew his passport.

Without prejudging their accuracy, we are deeply concerned by the above-mentioned allegations. These allegations appear to demonstrate systemic violations of the most basic human rights and fundamental freedoms of individuals by the Egyptian authorities. We remind your Excellency's Government that enforced disappearance, torture and ill-treatment, arbitrary detention and the denial of the right to a fair trial are all explicitly prohibited under the International Covenant on Civil and Political Rights (ICCPR) ratified by Egypt on 14 January 1982, and thus constitute numerous violations of international human rights law.

In light of such allegations, we find the continued detention of human rights defenders and other peaceful actors during the COVID-19 pandemic deeply concerning, particularly as many of them suffer from medical conditions that put them at significant and grave risk. Pre-existing medical conditions, put detainees at serious risk of death in detention and may violate the rights to life and to health, respectively protected by the ICCPR and the International Covenant on Economic, Social and Cultural Rights (ICESCR); the latter also ratified by Egypt on 14 January 1982. We are furthermore concerned that many detainees have not been allowed to communicate with anyone outside the prison since the beginning of the COVID-19 pandemic. With prison visits disallowed and court hearings suspended for health and safety concerns, correspondence with families and lawyers is of paramount importance. We are concerned that, as families and lawyers cannot access information about detainees' wellbeing, prisoners may be at serious risk of torture, ill-treatment and other serious violations of their human rights. Denying communication with the outside world may be in contravention of international and Egyptian law.

Furthermore, we wish to convey our concern that the denial of detainees' right to contact their lawyers may form part of a broader pattern of erosion of the right to a fair trial in Egypt during the COVID-19 pandemic. Detention renewal hearings have largely

taken place in absentia and behind closed doors; lawyers are allegedly not informed of the dates that renewal hearings take place and even if they were, they would not be able to prepare an adequate judicial defence, as they cannot communicate with their clients. These concerns largely emanate from the troubling use of pre-trial detention as the norm when persecuting human rights defenders in Egypt. We have expressed concern before that, as stipulated by the Egyptian Criminal Proceedings Code, pre-trial detention should only be used in certain circumstances, as an exception to the rule of provisional release.

From the beginning of the COVID-19 pandemic, the UN Inter-Agency Standing Committee (WHO and OHCHR); the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and numerous Special Procedures mandate holders, have warned against the disproportionate impact of COVID-19 on all persons deprived of their liberty.¹ They have called on the authorities to effectively implement their obligations to respect and protect the right to life of detainees, without discrimination. They have specifically requested that States should undertake the immediate, unconditional release of all prisoners whose incarceration is illegal or arbitrary under international law, such as human rights defenders, abandon or exclude detention as a sanction for persons found to be in breach of COVID-19 related measures such as curfews, and help tackle associated overcrowding, through a review of the prison population in order to avoid mass contamination.²

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 details on what measures were put in place to ensure all prisoners were allowed to make regular contact with their families and lawyers, in accordance with Egyptian and international law.
3. Please indicate what measures are being taken to prevent the spread of the COVID-19 virus in prisons. Please also provide details on measures introduced to protect and treat those most at risk, including those with underlying health conditions.

¹ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25722>

² <https://interagencystandingcommittee.org/system/files/2020-03/IASC%20Interim%20Guidance%20on%20COVID-19%20-%20Focus%20on%20Persons%20Deprived%20of%20Their%20Liberty.pdf>; <https://undocs.org/CAT/OP/10>; https://www.ohchr.org/Documents/Issues/Executions/HumanRightsDispatch_2_PlacesofDetention.pdf

4. Please share details of any plans to release all those imprisoned without sufficient legal basis, including human rights defenders.
5. Please explain why lawyers were not notified about the detention renewal hearings of their clients, and why defendants were not provided with alternative means of connecting with the courtroom.
6. Please provide information on why prisoners were not provided with alternative means to interact with their families and lawyers after prison visits were suspended on 10 March 2020.
7. Please provide information on whether some detainees still have not been able to contact their families. If this is the case, please explain how this is consistent with your obligations under international human rights law.
8. Please provide further information on allegations that Ibrahim Ezz El-Din was forcibly disappeared for 167 days, as well as reports that he was tortured to extract confession during that period.
9. Please provide information about the measures taken to provide appropriate access to healthcare and adequate conditions of detention to all individuals mentioned above, in particular those requiring continuing or specialised medical treatment, including the provision of hormone therapy to Mr. Hossam Ahmad. Also, please provide the details of measures taken to protect Mr. Ahmad and Ms. Al-Helw from harassment, bullying, and other cruel and inhuman or degrading treatment.

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.

We would like to inform your Excellency's Government that after having transmitted an allegation letter to the Government, the Working Group on Arbitrary Detention may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such letters in no way prejudice any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

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

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Agnes Callamard
Special Rapporteur on extrajudicial, summary or arbitrary executions

Elina Steinerte
Vice-Chair 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

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

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

Fernand de Varennes
Special Rapporteur on minority issues

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

Annex
Reference to international human rights law

Right to a fair trial

We would like to refer your Excellency's Government to the right liberty and security of person, the rights of the defense and to a fair trial set forth in articles 9, 10 and 11 of the Universal declaration of Human Rights and articles 9, 10 and 14 of the International Covenant on Civil and Political Rights (ICCPR) ratified by Egypt on 14 January 1982.

Moreover, the incommunicado detention is in breach of principles 15 and 19 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Body of Principles) and of rules 44, 45 and 58 of the Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules), and they further amount to a violation of the prohibition of torture and ill-treatment under article 7 of the ICCPR.

In addition, we would like to remind that pursuant to article 9(3) of the Covenant that pre-trial detention is an exceptional measure and must be assessed on an individual basis. The rationale in paragraph 3 of article 9 also indicates that alternative measures including house arrest, judicial monitoring, release on bail shall not be regarded as compulsory vis-à-vis a pretrial detention but rather optional. The consideration of alternative non-custodial measures allows it to be ascertained whether the principles of necessity and proportionality have been met (see A/HRC/19/57, para. 54). "The current public health emergency puts 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. The Working Group recalls in particular that automatic pretrial detention of persons is incompatible with international law.¹⁵ The circumstances of each instance of pretrial detention should be assessed; at all stages of proceedings, non-custodial measures should be taken whenever possible, and particularly during public health emergencies" (Deliberation No. 11 on prevention of arbitrary deprivation of liberty in the context of public health emergencies, para. 14).

Article 9 (4) of the Covenant provides that "[a]nyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful". In this respect, "[t]he right to bring proceedings applies in principle from the moment of arrest and any substantial waiting period before a detainee can bring a first challenge to detention is impermissible. In general, the detainee has the right to appear in person before the court, especially where such presence would serve the inquiry into the lawfulness of detention or where questions regarding ill-treatment of the detainee arise. The court must have the power to order the detainee brought before it, regardless of whether the detainee has asked to appear" (CCPR/C/GC/35, para. 42) . Moreover, "[t]o facilitate effective review, detainees should be afforded prompt and regular access to counsel. Detainees should be informed, in a

language they understand, of their right to take proceedings for a decision on the lawfulness of their detention” (Ibid, para. 46).

Moreover, we wish to highlight that “[i]f the exigencies of the prevailing public health emergency require restrictions on physical contact, States must ensure the availability of other ways for legal counsel to communicate with their clients, including secured online communication or communication over the telephone, free of charge and in circumstances in which privileged and confidential discussions can take place. Similar measures can be taken for judicial hearings. The introduction of blanket measures restricting access to courts and legal counsel cannot be justified and could render the deprivation of liberty arbitrary” (Deliberation No. 11 on prevention of arbitrary deprivation of liberty in the context of public health emergencies, para. 21).

Freedom of opinion and expression

We would also like to appeal to your Excellency’s Government to take all measures to guarantee the right to freedom of opinion and expression, as provided in article 19 of the ICCPR. Freedom of expression entails that “everyone shall have the right to hold opinions without interference” as well as that “everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.” This right includes not only the exchange of information that is favorable, but also that which may shock or offend.

Article 19(2) of the ICCPR furthermore guarantees an expansive right to “seek, receive and impart information and ideas of all kinds”, one which must be protected and respected regardless of frontiers or type of media. Enjoyment of the right to freedom of expression is intimately related to the exercise of other rights and foundational to the effective functioning of democratic institutions, and accordingly the duties it entails include the promotion of media diversity and independence, and the protection of access to information.

Human rights defenders

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:

- article 9, paragraph 1, which provides for the right to benefit from an effective remedy and to be protected in the event of the violation of those rights;
- 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.

Sexual orientation and gender identity

The principles of equality and non-discrimination are part of the foundations of the rule of law and human rights. Under articles 1 and 2 of the Universal Declaration of Human Rights ("UDHR"), "[a]ll human beings are born free and equal in dignity and rights", and "[e]veryone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status". This principle is reaffirmed by other human rights treaties, including article 2 (1) of the ICCPR and article 2 (2) of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by Egypt on 14 January 1982. The jurisprudence, general comments and concluding observations of United Nations treaty bodies have consistently held that sexual orientation and gender identity are prohibited grounds of discrimination under international law.

The Human Rights Council, in its resolutions 17/19, 27/32, 32/2 and 41/18, expressed grave concern at acts of violence and discrimination, in all regions of the world, committed against individuals because of their sexual orientation and gender identity.

We would also like to refer to Principle 9(b) of the Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity, which requires states to "[p]rovide adequate access to medical care and counselling appropriate to the needs of those in custody, recognising any particular needs of persons on the basis of their sexual orientation or gender identity, including with regard to reproductive health, access to HIV/AIDS information and therapy and access to hormonal or other therapy as well as to gender-reassignment treatments where desired".

Minorities and freedom of religious belief

Article 27 of the ICCPR protects persons who belong to ethnic, linguistic and religious minorities to enjoy their own culture, use their own language, and practice their own religion with other members of their group. This right imposes positive obligations

on states not to deny the exercise of these rights among themselves. Moreover, article 26 of the ICCPR contains a general right to equality without discrimination on grounds such as religion, language or ethnicity, in fact or in practice, and stresses that all persons are equal before the law and entitled without discrimination to the equal protection of the law.

In addition, the 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Article 1.1 of the UN Declaration requires that States protect the existence and the national or ethnic, linguistic or religious identity of minorities within their respective territories and encourage conditions for the promotion of that identity. Article 2.1, stipulates that persons belonging to minorities have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely, without any interference or any form of discrimination, and in article 2.2, persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life. Moreover, States are required to ensure that persons belonging to minorities may exercise their human rights without discrimination and in full equality before the law (article 4.1) and create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs (article 4.2).

Article 18 (1) of the ICCPR stresses “Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom [...] either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.” In addition, we wish also to recall that while the manifestation of religion or belief may be restricted as per article 18(3) of the ICCPR, to protect public safety, order, health, morals and the fundamental rights and freedoms of others, any such limitation must fulfil a number of obligatory criteria, including being non-discriminatory in intent or effect and constitute the least restrictive measure.

We would like to respectfully remind your Government of the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (A/RES/36/55), which in its article 2 (1): “[n]o one shall be subject to discrimination by any State, institution, group of persons, or person on grounds of religion or other belief.” In article 4 (1), the General Assembly further states that: “All States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms [...]” Furthermore, we would like to refer your Government to article 4(2) according to which: “All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter.

Furthermore, we would like to recall that the General Assembly, in its resolution 63/181 paragraph 9 (j) urges States “To ensure that all public officials and civil servants, including members of law enforcement bodies, the military and educators, in the course

of fulfilling their official duties, respect all religions or beliefs and do not discriminate for reasons based on religion or belief, and that all necessary and appropriate education or training is provided.”

Right to health

We recall Egypt’s obligation under article 12 of the ICESCR, to refrain from denying or limiting equal access for all persons, including prisoners or detainees, to health preventive, curative and palliative services (Committee on Economic, Social and Cultural Rights, CESCR, General Comment 14, para. 34). Further, 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 healthcare for prisoners (Rules 24 to 35). They require prisons to evaluate, promote and protect the physical health of detainees, paying particular attention to prisoners with special health-care needs (Rule 25(1)), and ensure continuity of treatment and care (Rule 24. 2), as well as prompt access to medical attention in urgent cases and to specialized treatment where needed (Rule 27.1).

In its Statement on the COVID-19 pandemic, the CESCR, establishes that, in responding to the pandemic, States must respect and protect the inherent dignity of all people. In the COVID-19 difficult context, access to justice and to effective legal remedies is not a luxury, but an essential element to protect human rights (E/C.12/2020/1, para 12).

Under the right to health, States should additionally respect, protect, facilitate and promote the work of human rights advocates and other members of civil society with a view to assist in the realization of this right (CESCR, General Comment 14, para 62).

Counter-terrorism

We would also like to once again 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.

In this regard, we recall paragraphs 74 to 78 of A/HRC/37/52 reminding States to ensure that emergency measures are in compliance with the prohibition of permanent emergency powers and that in such context it remains under an absolute obligation of the State to protect non-derogable rights. We would also like to refer to paragraphs 36 and 75(a) to (i) of the report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, (A/HRC/40/52) recalling the need to ensure that invocation of national security, including counter-terrorism, is not used unjustifiably or arbitrarily to restrict the right to freedom of opinion and expression and does not negatively affect civil society.

Torture and enforced disappearance

We would 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 codified in articles 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Egypt acceded to on 25 June 1986.

We recall that the United Nations Declaration on the Protection of All Persons from Enforced Disappearances recognises the right to be held in an officially recognised place of detention, in conformity with national law and to be brought before a judicial authority promptly after detention in order to challenge the legality of the detention. The same Declaration establishes the obligation of the detaining authorities to promptly make available accurate information on the detention of persons and their place of detention to their family, counsel or other persons with a legitimate interest (article 10). The Declaration also establishes the obligation to maintain in every place of detention an official up-to-date register of detained persons (article 10(3)) and provides 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 (article 7).