

**Mandates of the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on minority issues; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on violence against women, its causes and consequences and the Working Group on discrimination against women and girls**

REFERENCE:  
UA EGY 2/2021

17 February 2021

Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on minority issues; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Special Rapporteur on violence against women, its causes and consequences and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 42/22, 45/3, 43/4, 43/16, 40/10, 40/16, 43/20, 41/17 and 41/6.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning serious and grave developments that threaten the physical and mental integrity of a number of human rights defenders in the custody of the Egyptian authorities, including lack of medical care, physical and sexual assault, and alleged enforced disappearance.

**Solafa Magdy** is a woman human rights defender and freelance journalist. Prior to her detention on 29 November 2019, she raised awareness through social media about human rights violations in Egypt and, through her journalistic work, covered stories on imprisoned human rights defenders in the country. Ms. Magdy is currently detained in Al-Qanater female prison.

Ms. Magdy has been mentioned in three previous communications by Special Procedures mandate holders to your Excellency's Government sent on 2 October 2020 (EGY 13/2020), 29 July 2020 (EGY 10/2020) and on 22 January 2020 (EGY 1/2020). We regret not having received replies to any of these communications as we write to your Excellency's Government on the deterioration of her situation.

Ms. **Hoda Abdel Moneim Abdel Aziz Hassan** is a 61-year-old woman human rights lawyer at the Egyptian Cassation and Supreme Constitutional Court and board member of the Egyptian Committee for Rights and Freedoms (ECRF). With ECRF she helps monitor and document human rights violations in Egypt, particularly with regard to women's and children's rights, providing legal assistance to alleged

victims.

Ms. Hassan has been the subject of one previous communication by Special Procedures mandate holders sent to your Excellency's Government on 28 May 2019 (EGY 6/2019), in which concerns were raised over the arrest and detention of Ms. Hassan under case 1552/2018 for "joining a terrorist organisation" and "receiving foreign funds in order to fund the aims of a terrorist group". We regret not having received a response from your Excellency's Government.

Mr. **Ramy Kamel** is a human rights defender and member of the Coptic Christian minority in Egypt who, prior to his detention, was head of the Maspero Youth Foundation, based in Cairo. Mr. Kamel advocates for the rights of the Coptic Christians and for a community-based approach to urban development in Egypt.

In communication EGY 13/2019 sent on 6 December 2019, Special Procedures mandate holders expressed their concerns following the November 2019 arrest, detention and alleged torture of Mr. Kamel who is facing charges of "funding a terrorist organisation", "misuse of social media" and "defamation". Subsequently, in EGY 10/2020 sent on 29 July 2020, mandate holders expressed concerns over his health situation during the COVID-19 pandemic. We thank your Excellency's Government for the two replies to the former communication, however we regret that no response was received to the latter as his health condition has continued to deteriorate.

Mr. **Ahmed Samir Abdel-Hai Ali** is an Egyptian human rights defender studying a Masters of Sociology and social Anthropology at the Central European University in Vienna. He left Egypt in September 2019 to pursue his degree, where he studies the intersection of human rights, gender and neo-colonialism in Egypt, through the lens of the country's anti-abortion laws. He previously worked with the Egyptian Initiative for Personal Rights (EIPR) and the Association of Freedom of Thought and Expression (AFTE). Prior to moving to Austria, he worked as a human rights researcher at the Regional Centre for Rights and Freedoms.

We would also like to refer to the communication sent on 2 October 2020 ([AL EGY 13/2020](#)) concerning Egypt's Terrorism Circuit Courts and allegations of their incompatibility with international due process guarantees, as well as alleged violations of fundamental rights of many individuals, including human rights defenders, who have been tried, or are still waiting to be tried, before these courts. We regret no reply from your Excellency's Government has been received to date.

According to the information received:

*Solafa Magdy*

Ms. Solafa Magdy has been in pre-trial detention at Al-Qanater prison since her detention on 29 November 2019. She is being held in relation to case No. 488/2019, on charges of “membership of a terrorist organisation” and “spreading false news”.

On 30 August 2020, Ms. Solafa Magdy was brought before the Supreme State Security Prosecution to be questioned in relation to a new case, No. 855/2019, to which she had been added. In addition to her previous charges, she was accused of “joining a terrorist group”, “spreading and broadcasting false rumours” and “misuse of social media”.

Ms. Magdy invoked her right to remain silent whilst being questioned at the court on the basis that she considered the charges too similar to the case for which she was already imprisoned, No. 488/2019. On concluding the questioning, the SSSP ordered her pre-trial detention to be renewed for a further 15 days. Her detention has been periodically renewed since that date.

Ms. Magdy has suffered from a number of medical issues during her time in prison, including kidney pains and breathing difficulty, for which she has been intermittently transferred to hospital for specialised treatment.

At 11p.m. on 29 November 2020, three prison officers blindfolded Ms. Magdy and transferred her from her cell to another room. A man who she could not identify spoke to her in the room as she remained blindfolded. He alleged that she could secure early release from prison if she gave information on the names and the activities of individuals that the authorities were “interested in”. When she refused to give the requested information, the man allegedly threatened that she would not see her child or husband again, and following this, sexually assaulted Ms. Magdy.

On 19 January 2021, before leaving the prison to be brought to a pre-trial renewal hearing at Terrorism Circuit Court No. 3, Ms. Magdy was reportedly forced to remove all of her clothes, including her underwear, and was physically assaulted. It is reported that she was then dragged by a police officer into the prison van from the room in which she was searched and assaulted.

During the hearing on 19 January, she told the court of the sexual assaults and ill-treatment she had just endured, as well as the incidents of intimidation and sexual assault on 29 November 2020. Before proceeding with the hearing, the judge reportedly responded that the court would investigate the complaints and that he would communicate with the General Lawyer at the SSSP to emphasise the importance of the investigation into the complaints.

On 27 January 2021, when a family member visited Ms. Magdy in prison, she was reportedly unable to walk and had to be assisted by two police officers in and out of the room. Ms. Magdy suffered from uterine bleeding which is believed to be related to a forced genitalia examination she was allegedly subjected to. The bleeding may also be related to an operation she had to

remove a uterine tumour in 2017. Her situation would be requiring immediate medical attention, which she has reportedly not yet received.

On 31 January 2021, Ms. Magdy's lawyer submitted complaints to the General Prosecutor of the SSP, the General Prosecutor in Banha, the Minister of Interior, the head of Al-Qaluibiyya Security Directorate and the director of Al-Qanater female prison. The complaint requested an investigation into the violence and threats made against Ms. Magdy, as well as the causes of the uterine bleeding. The lawyer's request was subsequently rejected.

On 1 February 2021, the Ministry of Interior of Egypt published a statement denying allegations that Ms. Magdy had been ill-treated or suffered from poor health.

#### *Hoda Abdel Moneim Hassan*

Since her detention on 1 November 2018, Ms. Hoda Abdel Moneim Hassan has not been permitted to receive visits, make phone calls or send and receive letters to her family. She does not have any access to her lawyer except at detention renewal hearings and must get special permission from the judge to speak with her lawyer for one minute at the end of such sessions.

According to information received, Ms. Hassan's health has deteriorated during her time in detention. She suffers from kidney issues, high blood pressure, and deep vein thrombosis in her left leg. She is previously suspected of having a pulmonary embolism, which was left untreated.

On 26 January 2020, Ms. Hassan reportedly suffered symptoms consistent with a heart attack, for which she was sent to the prison hospital. Despite her poor condition, she was sent back to prison the same day.

On 27 January 2020, Ms. Hassan was transferred back to the prison hospital. A specialist doctor recommended she undergo an urgent echocardiogram, however this procedure never took place.

Prison visits were suspended for all Egyptian detainees from March 2020 until mid-August 2020 out of public health considerations for the COVID-19 virus. Upon the resumption of visits. Upon the resumption of visits to Al-Qanater prison, Ms. Hassan's family made multiple requests to visit her. After getting verbal confirmation to visit the prison on 12 September 2020, they were told the visit had been cancelled when they arrived to the prison they were not permitted to visit Ms. Moneim, and could only leave medication and money, which would be passed on to her.

On 22 November 2020, Ms. Hassan was transferred to Al-Manial hospital after suffering from severe pain. She was informed that one of her kidneys had failed and the other was not functioning properly. Ms. Hassan's family were not informed by prison authorities about the examinations that she underwent as a result.

In December 2020, Ms. Hassan's family submitted a formal complaint to the Public Prosecutor and Attorney General to ask that Ms. Hassan be resent to the doctor, however this request was turned down. Ms. Hassan had reportedly not been receiving appropriate medication.

On 6 December 2020, during her pre-trial detention renewal session, Ms. Hassan reportedly had difficulty walking and showed signs that she was in significant pain. She informed the judge that the prison clinic was ill equipped to meet her medical needs.

Ms. Hassan's pre-trial detention continues to be renewed every 45 days despite her having spent over the legal limit of two years without trial.

#### *Ramy Kamel*

Mr. Ramy Kamel has reportedly been detained in solitary confinement in prison since he was first imprisoned in November 2019. In August 2020, Tora prison stopped importing medication required by Mr. Kamel for his asthma and high blood pressure. He was reportedly informed that the prison doctor would be on leave for three months and until he returned, Mr. Kamel would not receive the medication.

During the time that Mr. Kamel was denied this medication, his health reportedly further deteriorated. Since his imprisonment in November 2019, he has lost roughly a third of his weight. He suffers regular asthma attacks, which, together with high blood pressure, puts him in a high-risk category for COVID-19.

In mid-December he was permitted to resume receiving his medication, though he still reportedly suffers from poor health. Mr. Kamel's pre-trial detention continues to be renewed every 45 days. In mid-December he was permitted to resume receiving his medication. Though he remains in solitary confinement, he is allowed to attend detention renewal hearings where he has access to his lawyers.

#### *Ahmed Samir Abdel-Hai Ali*

On 15 December 2020, Mr. Ahmed Samir Abdel-Hai Ali returned home to Egypt for his winter break from university. Upon arrival at Sharm Elsheikh International Airport, he was stopped and questioned by airport police before being permitted to proceed to arrivals.

On 23 January 2021 at 2 a.m., seven armed officials from the Central Security Forces broke into Mr. Abdel-Hai Ali's home in the First Settlement of Cairo while his family was sleeping. Without presenting a warrant, they searched the entire home, photographed the identity cards of all those present and took the footage from two security cameras installed in the building.

Mr. Abdel-Hai Ali, who was outside of Cairo at the time of the raid, was ordered to report to the National Security Office at the Fifth Settlement Police Station on 1 February 2021. He arrived with one family member, who was to wait for him while he was brought in for questioning. He was interrogated by National Security police officers without the presence of his lawyer. Mr. Abdel-Hai Ali did not re-appear following the interrogation and was disappeared for six days. The police at the station denied any knowledge of his whereabouts. His family's messages to the General Prosecutor requesting information on his whereabouts did not receive any response.

Mr. Abdel-Hai Ali was disappeared for six days, until 6 February 2021, when he appeared before the Supreme State Security Prosecution. He was charged with "joining a terrorist organisation", "publishing false news" and "using a personal account on the internet to publish false news" under Case No. 65/2021.

During the hearing Mr. Abdel-Hai Ali alleged that members of the National Security Police beat and slapped him, in an attempt to have him confess to being a member of a terrorist organisation. Following his interrogation, he was reportedly transferred from the Fifth to the First Settlement Police Station to be detained. Following this, he was transferred to the National Security Headquarters in the El-Abaseya neighbourhood of Cairo where he was held until his court hearing.

While we do not wish to prejudge the accuracy of the allegations, we wish to express our profound concern over the physical and mental integrity of Ms. Solafa Magdy, Ms. Hoda Abdel Moneim Hassan and Mr. Ramy Kamel while in prison and the potentially imminent risk to their life. We are particularly concerned by the harsh and arbitrary treatment, or neglect that they face. While defending human rights, including those of the Coptic minority, should never be perceived as a threat to national security and thus prosecuted, we recall that those charged with terrorism related offences are entitled to the same standard of care as other inmates as long as they remain in prison. The suffering experienced by these individuals from not being provided with adequate medical care may amount to a violation of the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment; codified in article 7 of the International Covenant on Civil and Political Rights (ICCPR) ratified by Egypt on 14 January 1982 and 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 raise particularly urgent concern over the physical assault, sexual assault, genitalia inspection, uterine bleeding and partial incapacitation of Ms. Solafa Magdy. While we are encouraged to hear that the court followed up on her complaints, we would like to appeal for an immediate investigation into the alleged crimes, especially as we are seriously concerned that the Ministry of Interior denied the allegations. We are further concerned about the allegations that courts have also recently sought to further criminalise her human rights work by filing further charges against her. We are deeply concerned that, reportedly, these new charges are being levied against her in order to create conditions for the extension of her pre-trial detention beyond the

two-year legal limit in Egyptian Criminal Proceedings Code. Based on the allegations contained in this letter, we are seriously concerned by her continued detention, to the detriment of her physical and psychological integrity. In that regard, we would like to reiterate to your Excellency's Government the obligations under Article 7 of the International Convention on the Elimination of Discrimination against Women (CEDAW), ratified on 18 September 1981, which provides that States shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country, including the right to participate in non-governmental organizations and associations concerned with the public and political life of the country.

We further recall Egypt's obligations under article 12 (right to health) of the International Covenant on Economic Social and Cultural Rights, ratified by Egypt in January 1982. Accordingly, States have the obligation to refrain from denying or limiting equal access for all persons, including prisoners or detainees, to health services (Committee on Economic, Social and Cultural Rights, 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) and to particularly ensure continuity of treatment and care (Rule 24.2). We would also like to underline the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) adopted by the General Assembly in resolution 65/229, providing guidance for specific characteristics and needs for women in prison. The Bangkok Rules stress that the principle of non-discrimination requires States to address the unique challenges that women prisoners face. It further takes into account their gender-specific needs and provide comprehensive standards for the treatment of women prisoners and offenders. The Bangkok Rules add that "gender-specific health-care services" should be provided to women prisoners (Rule 10).

We would also like to bring to your Excellency's Government's attention the international standards regarding the protection of the rights of persons belonging to minorities, in particular article 27 of the ICCPR and the 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, which refers to the obligation of States to protect the existence and the identity of minorities within their territories and to adopt the measures to that end (article 1) as well as to adopt the required measures to ensure that persons belonging to minorities can exercise their human rights without discrimination and in full equality before the law (article 4).

We are also concerned by allegations that, following the unwarranted search of his home and during the six days in which his whereabouts were not made public, Mr. Ahmed Samir Abdel-Hai Ali was arrested and allegedly ill-treated in the custody of National Security police. We reiterate that the prohibition of torture is absolute in international law and can therefore never be justified under any circumstances, including in public emergencies or internal political instability, as codified by article 2 of the CAT. In paragraph 7c of Human Rights Council Resolution 16/23 States are urged, "To ensure that no statement established to have been made as a result of torture is invoked as evidence in any proceedings".

Article 9 of the ICCPR prohibits arbitrary detention, this fundamental guarantee is considered to be non-derogable (CCPR/C/GC/35, para. 66). For a deprivation of liberty not to be arbitrary under article 9, it must follow appropriate arrest and search procedures and shall be followed by immediate access to legal assistance and prompt presentation before judicial authorities. In addition, under article 9.3 of the Covenant, pre-trial detention shall not be the general rule but used only in limited and specific cases, when required by the individual circumstances and for the shortest period of time. The Human Rights Committee has established in its General Comment N° 35 on article 9 of the ICCPR that an arrest or detention as punishment for the legitimate exercise of the rights as guaranteed by the Covenant, including freedom of opinion, expression, assembly and association, is arbitrary (CCPR/C/GC/35, para. 17).

In addition, the Committee has also established that enforced disappearances violate numerous substantive and procedural provisions of the Covenant and constitute a particularly aggravated form of arbitrary detention. We would further like to draw your attention to the United Nations Declaration on the Protection of All Persons from Enforced Disappearance. Most notably article 2, which states that any person deprived of liberty shall be held in an officially recognized 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). Please also note that prolonged solitary confinement shall be prohibited under rule 43 of the Mandela Rules.

We would further like to refer to Human Rights Council resolution 22/6, which urges States to ensure that measures to combat terrorism and preserve national security are in compliance with their obligations under international law and do not hinder the work and safety of individuals, groups and organs of society engaged in promoting and defending human rights.

We would also 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.

Finally, we would like to refer your Excellency's Government to Articles 19 and 21 of the ICCPR which guarantee the rights of every individual to freedom of opinion and expression and freedom of association, respectively. We further refer 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, 2 and 6. Similarly, we refer to the General Assembly resolution 68/181,



adopted on 18 December 2013, on the protection of women human rights defenders. Specifically, we would like to refer to articles 7, 9 and 10, whereby States are called upon to, respectively, publicly acknowledge the important role played by women human rights defenders, take practical steps to prevent threats, harassment and violence against them and to combat impunity for such violations and abuses, and ensure that all legal provisions, administrative measures and policies affecting women human rights defenders are compatible with relevant provisions of international human rights law.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide details on the results of the investigation requested by the judge at Ms. Magdy's pre-trial renewal hearing into the physical and sexual violence and threats made against Ms. Solafa Magdy. If no investigation had taken place, please explain why.
3. Please provide details on the steps taken to ensure Ms. Solafa Magdy is afforded the necessary medical care for her gravely deteriorating health. If she has not been receiving treatment, please explain how this is consistent with your obligations under international law.
4. Please provide information on the legal and factual basis for the additional charges filed against Ms. Solafa Magdy in case No. 855/2019, clarify if and when she has been guaranteed unrestricted access to legal assistance and how this is consistent with Egypt's obligations under international law. Indicate how the terrorism related charges comply with United Nations Security Resolution 1373, and a strict understanding of the definition of terrorism as elucidated by international law norms including but not limited to United Nations Security Council Resolution 1566 (2004). If her detention were to be inconsistent with international law, please provide information about the date of her release.
5. Please provide information on the circumstances under which Ms. Magdy was transferred to court on 30 August 2020, including whether she had access to her lawyer throughout the hearing and all subsequent court sessions.

6. Please provide information as to why Ms. Hoda Abdel Moneim Hassan has not been permitted to receive family visits and legal assistance since her detention in November 2018.
7. Please provide information on the measures taken to ensure that Ms. Hassan has been provided with appropriate medical treatment for her numerous conditions, with timely provision of medication and transfer to hospitals outside of prisons for treatments which cannot take place at the prison clinic.
8. In light of the absence of Mr. Kamel's doctor for three months, please provide details on measures in place to ensure that he and all prisoners are provided with continuity of treatment and care while in places of detention.
9. Please provide details about any investigations into the alleged enforced disappearance of Mr. Ahmed Samir Abdel-Hai Ali. What remedies were afforded to the family when his whereabouts was not known for six days? If no investigation was conducted kindly explain why.
10. Please provide information on the legal and factual basis for the charges against Mr. Ahmed Samir, including if and when he has been granted unrestricted access to legal assistance and how his activities amount to terrorist offences in compliance 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). If his detention were to be inconsistent with international law, please provide information about the date of his release.

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 responsible of the alleged violations.

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

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

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

Elina Steinerte  
Vice-Chair of the Working Group on Arbitrary Detention

Tae-Ung Baik  
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Irene Khan  
Special Rapporteur on the promotion and protection of the right to freedom of opinion  
and expression

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

Fernand de Varennes  
Special Rapporteur on minority issues

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

Dubravka Šimonovic  
Special Rapporteur on violence against women, its causes and consequences

Elizabeth Broderick  
Chair-Rapporteur of the Working Group on discrimination against women and girls