

Mandates of the Special Rapporteur on the situation of human rights defenders; 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 independence of judges and lawyers; 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 5/2021

16 June 2021

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; 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 independence of judges and lawyers; 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 43/16, 45/3, 43/4, 42/16, 44/8, 40/16 and 43/20.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **arbitrary detention of 12 human rights defenders, under investigation for the alleged commission of crimes carrying potentially lengthy prison sentences, and related allegations of grave ill-treatment and poor conditions of detention. Three of these individuals were allegedly targeted for their cooperation or attempted cooperation with the UN, its representatives and mechanisms in the field of human rights.**

The following information makes reference to various provisions and sanctions included in the Egyptian Penal Code, 1937, the Anti-Terrorism Law, 2015 and the Anti-Cybercrime Law, 2018. Concerns as to the compatibility of Egypt's legislative counter-terrorism framework with international human rights law and standards have previously been raised with your Excellency's Government by Special Procedures mandate holders on several occasions (see recently EGY 13/2020 and 4/2020). Concerns as to the alleged erosion of due process guarantees in cases involving human rights defenders and others accused of crimes established in the above-mentioned legislation have also been raised with your Excellency's Government in the past, along with concerns as to the conditions of detention in which human rights defenders have been held prior to being brought to trial, including in relation to their right to health in the context of the Covid-19 pandemic (see EGY 10/2020; EGY 2/2021).

The 2020 report of the Secretary-General on cooperation with the UN referred to multiple United Nations actors having identified alleged acts of intimidation and reprisals, in the context of an erosion of civic space, including the targeting of human rights defenders and civil society organizations. In particular, in the months leading up to and following the November 2019 UPR of Egypt, the Government allegedly

arrested, detained, and targeted smear campaigns against individuals who had engaged in the UPR process, some who were either portrayed as, or formally accused of, belonging to “terrorist organizations”. In October and December 2019, the Assistant Secretary-General for Human Rights addressed patterns of intimidation and reprisals to the Government in writing. (AHRC/45/36, Annex I paras.40-41).

The 2020 report of the Secretary-General also referred to Egyptian legislation impacting individual and civil society groups’ ability to cooperate with the UN, which has been addressed by multiple UN actors. As a consequence of the approval in October 2019 of the NGO Law 149/2019 requiring Ministerial approval for organizations to “join, affiliate, participate, cooperate and engage with foreign organizations in activities” (art.19), some independent civil society organizations based in Egypt exercised self-censorship and decided not to travel to Geneva to engage in the 2019 UPR process for fear of reprisals (A/HRC/45/36, Annex II para. 50-51).

In 28 February 2020, we raised concern that Law 149/2019 “employ[s] similar language to restrict the funding of and action by NGOs in the interest of national security” and that in tandem with other laws, it “restricts the rights of human rights defenders and those voicing dissent” and “constitutes a disproportionate interference” (EGY 4/2020). In January 2021, the implementing regulations (or bylaws) on Law 149 were published by Prime Ministerial Decree.

According to the information received:

Concerning Mohamed Ramadan

Mr. Ramadan is a human rights defender and lawyer. He has represented victims of torture, other human rights defenders, political prisoners, workers and residents of informal settlements in Alexandria. He is also a former member of the Arabic Network for Human Rights Information. Concerns as to the alleged arbitrary arrest and detention of Mr. Ramadan were previously raised with the government by Special Procedures mandate holders on 6 May 2019 (see EGY 5/2019) to which no reply was received.

On 12 April 2017, Mr. Ramadan was sentenced in absentia to 10 years in prison followed by 5 years of house arrest on charges of insulting the President, misuse of social media and incitement to violence, under multiple articles of the Anti-Terrorism Law. A retrial was ordered in July 2017, however, this was subsequently suspended pending a decision by the Supreme Constitutional Court as to the constitutionality of the articles of the Anti-Terrorism Law under which he was sentenced. The human rights defender was released in this case in August 2017.

On 10 December 2018, Mr. Ramadan was arrested by state security officers in plainclothes and taken to the NSA headquarters in Alexandria. He was detained incommunicado until the following day, when he was presented at a branch of the Montazah Public Prosecution in Alexandria and his preventive detention was ordered for 15-days in case no. 16576/2018, wherein he was accused of membership of a terrorist organisation (punishable under art. 12 of the Anti-Terrorism Law and/or art. 86 bis of the Penal Code), spreading false news (arts. 80D and/or 112 bis and/or 188 of the Penal Code) and provoking

social unrest. He was subsequently held at the NSA headquarters until 8 January 2019, when he was transferred to Borg el-Arab prison in Alexandria.

Following his first appearance before the public prosecution services, Mr. Ramadan's preventive detention was renewed repeatedly until 2 December 2020, when his conditional release was ordered by the Alexandria Criminal Court. This order, however, was not complied with, and on 8 December 2020 the human rights defender was brought before the Supreme State Security Prosecution (SSSP), where he was attached to a new case, no. 467/2020, accused of joining a banned group while in custody (art. 12 of the Anti-Terrorism Law and/or art. 86 bis of the Penal Code). He is currently detained at Tora Investigation Prison. On 2 May 2021, he was transferred to a poorly ventilated section of the prison in reported response to requests by the human rights defender for medical care to treat pain in his knee joints.

Concerning Mohamed El-Baqer

Mr. El-Baqer is a human rights defender, lawyer and Director of the Adalah Centre for Rights and Freedoms, which promotes civil and political rights in Egypt. Concerns as to the alleged arbitrary arrest and detention of the human rights defender were previously raised with the government by Special Procedures mandate holders on 23 October 2019 and 29 July 2020 (see EGY 11/2019 and 10/2020), to which no replies have been received.

On 29 September 2019, Mr. El-Baqer was arrested while attending an interrogation of a client at the premises of the SSSP. His preventive detention was ordered by the SSSP on the same date, reportedly after he was questioned in relation to his engagement with the Universal Periodic Review, and without his being allowed to examine the case file concerning him. He was accused of joining a terrorist group (punishable under art. 12 of the Anti-Terrorism Law and/or art. 86 bis of the Penal Code), disseminating false information (art. 80D of the Penal Code and/or 102 bis and/or 188 of the Penal Code) and misuse of social media (art. 27 of the Anti-Cybercrime Law) in case no. 1356/2019.

Mr. El-Baqer was initially held at an unknown location, before being transferred to Tora Maximum Security Prison II on 1 October 2019, where he was allegedly subjected to degrading ill-treatment and faced arbitrary restrictions on his access to hygiene products. His detention was periodically renewed until 18 February 2020, when the human rights defender's release was ordered by the Tora Assize Court. This decision, however, was overturned on 20 February 2020, upon appeal by the prosecutor. Mr. El-Baqer has since been accused in a new case, no. 855/2020, of charges of membership of a terrorist organisation and criminal conspiracy to commit a terrorist crime (arts. 12 and 30 of the Counter-Terrorism Law). His detention was renewed for 45 days in case no. 1356/2019 on 7 April 2021.

On 23 October 2019, a number of mandate holders raised concern about Mr. El-Baqer's arrest, ill-treatment and criminal charges against him indicating that he may have been targeted specifically in reprisal for the NGO's submissions to Egypt's UPR. The case of Mr. El-Baqer was included in the 2020 report of the Secretary-General (A/HRC/45/36, Annex I paras. 45-46) on cooperation with the UN on allegations that he was targeted for his

engagement with the UPR of Egypt.

Concerning Ezzat Ghoneim, Aisha El Shatr, Mohamed Abo Horira and Hoda Abdel Moneim

Mr. Ghoneim is a lawyer and human rights defender. He has worked with victims of torture and enforced disappearances and on fair trial guarantees. He is the Director of the Egyptian Coordination for Rights and Freedoms (ECRF).

Ms. El Shatr, Ms. Moneim and Mr. Horira are human rights defenders and board members of the ECRF.

Concerns relating to the arrest and alleged arbitrary detention of the four human rights defenders were previously raised with your Excellency's Government by Special Procedures mandate holders on 28 May 2019 (see EGY 6/2019). Concerns as to the situation of Mr. Ghoneim were also raised in a prior communication, sent on 26 April 2018 (see EGY 6/2018), and an opinion of the Working Group on Arbitrary Detention (82/2018), wherein the Working Group determined Mr. Ghoneim's detention arbitrary. Concerns as to Ms. Moneim's conditions in detention, and in particular restrictions on her access to health care while detained, were raised with the government by Special Procedures mandate holders recently (see EGY 2/2021). To date, no replies have been received to the above-mentioned communications.

On 1 March 2018, Mr. Ghoneim was arrested by state security officers while traveling home in Giza. He was disappeared for four days, before being presented before the SSSP on 5 March 2018 and attached to case no. 441/2018, accused of joining an unspecified terrorist group (punishable under art. 12 of the Anti-Terror Law and/or art. 86 bis of the Penal Code) and promoting its ideas (art. 28 of the Anti-Terror Law), publishing false news and supplying international institutions with false information (art. 80D of the Penal Code and/or 102 bis and/or 188 of the Penal Code), before being ordered into preventive detention at Tora Prison for 15 days. His lawyers were not permitted to examine the relevant file against him in connection with these proceedings.

Despite his conditional release being twice ordered in the case, in early September 2018 and 17 June 2019, on neither occasion was Mr. Ghoneim's release brought about, and on 28 July 2019 he was presented before the SSSP for attachment to a second case, no. 1118/2019, on further charges of joining a terrorist group, pending a conclusion in the initial case against the human rights defender. His release in the 2018 case was since ordered on two further occasions by the Cairo Criminal Court, however, on both instances the decision was overturned upon appeal by the prosecution. Mr. Ghoneim is currently detained at Al-Qanater Men's Prison, where he was held incommunicado for approximately five months between October 2018 and February 2019. He is prevented from receiving family visits and contacting or meeting his lawyer. On 29 May 2021, the human rights defender was accused in a third case, no.1552/2018 to which his colleagues from the ECRF are also attached.

On 1 November 2018, Ms. El Shatr, Ms. Moneim and Mr. Horira were each arrested by security forces at various locations in Cairo. They were subsequently forcibly disappeared until 21 November 2018, when they were respectively presented at the SSSP in case no. 1552/2018, and remanded in preventive detention under investigation for joining an unspecified terrorist organisation (art. 12 of the Anti-Terrorism Law and/or art. 86 bis of the Penal Code) and receiving foreign funds in order to carry out the aims of a terrorist group (art. 13 of the Anti-Terrorism Law). During their periods of enforced disappearance, Ms. El-Shatr and Mr. Horira were allegedly subjected to physical and psychological ill-treatment amounting to torture. The human rights defenders have seen their pre-trial detention periodically renewed since their first appearances before the SSSP.

Ms. El Shatr's currently being held incommunicado at Al-Qanater Women's Prison, with her rights to visit and communication with her lawyer denied. In August and September 2019, she embarked on a hunger strike in protest at the conditions in which she was being detained, allegedly including being held in solitary confinement in a narrow cell with no bathroom. Her health has deteriorated significantly while in detention, and she was twice transferred to an external hospital in critical condition in October 2019, after having been diagnosed with a serious blood condition.

Ms. Moneim is also currently being held in extremely poor conditions at Al-Qanater Women's Prison, where her health similarly having severely deteriorated since her detention. She has been prevented from receiving any visits from her family or lawyer at the prison, where her cell is reportedly poorly ventilated, unclean, and infested with insects, and faces arbitrary restrictions on her access to sunlight.

Mr. Horira is currently being held at Tora Prison, where he has been prevented from receiving family visits or being visited by his lawyer since his initial detention, with restrictions also placed on basic items being delivered to him in prison. He has since been attached to two further cases, no. 930/2019, wherein he is accused of joining a terrorist organisation and publishing false news, and case no. 571/2020, where he faces similar accusations.

Concerning Ibrahim Ezz El-Din

Mr. El-Din is a human rights defender and researcher at the ECRF, with whom his work has focused on the right to housing and cases of forced eviction. Concerns as to his alleged arbitrary arrest, detention and enforced disappearance were previously raised with the government by Special Procedures mandate holders on 29 July 2019 (see EGY 10/2020), to which no response has been received.

On 12 June 2019, Mr. El-Din was arrested by plain clothes police officers in Cairo's Mokattam suburb as he made his way home from work. He was forcibly disappeared for 167 days, during which time he was allegedly held in inhumane conditions and subjected to torture aimed at eliciting information from him about the ECRF. On 28 November 2019, he was presented before the SSSP, where his preventive detention was ordered pending investigation on charges of joining a terrorist group (punishable under art. 12 of the Anti-

Terrorism Law and/or art. 86 bis of the Penal Code), disseminating false information (arts. 80D and/or 102 bis and/or 188 of the Penal Code) and misuse of social media (art 27 of the Anti-Cybercrime Law) in case no. 488/2019.

On 27 December 2020, Mr. El-Din's release was ordered by the Cairo Criminal Court, and he was transferred to the Samanoud police station, in his home governorate, where he was detained pending the clearance of his release by the NSA. His release order, however, was not executed, and on 2 January 2021, the SSSP attached the human rights defender to a new case, no. 1018/2020, on further accusations of membership of a terrorist group. While Mr. El-Din's lawyers were present at the hearing on this date, they were not permitted to examine the case files or the evidence against the human rights defender prepared.

Mr. El-Din suffers from asthma, increasing his vulnerability of exposed to Covid-19 in detention. He is currently detained at Liman Tora Prison.

Concerning Ibrahim Metwally

Mr. Ibrahim Metwally is a lawyer, human rights defender and coordinator for the Association of the Families of the Disappeared in Egypt, an association which he created following the disappearance of his son in 2013. Concerns as to the situation of Mr. Metwally, including on reported reprisals against him for his cooperation with the UN, were previously raised by Special Procedures mandate holders on three occasions (see EGY 14/2017, 12/2019 and 10/2020), of which the most recent were communicated on 20 July 2020. A response by the government has been received to one of these communications (EGY 14/2017). Mr. Metwally was also the subject of an opinion issued by the Working Group on Arbitrary Detention, wherein the Working Group found his detention to be arbitrary and noted that his detention amounts to an act of retaliation for cooperation with the UN, and considered it the appropriate remedy that the Government release Mr. Metwally immediately and provide him compensation and other reparations (A/HRC/WGAD/2019/41, paras. 34, 40, 46, 51, 56). The Working Group on Arbitrary Detention, noted that “the present opinion is only one of many other opinions issued in the past five years in which the Working Group has found the Government to be in violation of its international human rights obligations,” and “that this indicates a systemic problem with arbitrary detention in Egypt” (para. 53).

On 10 September 2017, Mr. Metwally was arrested at Cairo Airport as he was boarding a flight to Geneva, Switzerland, to meet with the Working Group on Enforced or Involuntary Disappearances. He was subsequently disappeared and subjected to ill-treatment and torture until his presentation before the SSSP on 12 September 2017, where he was accused in case no. 900/2017 of founding an illegal organisation, conspiracy with foreign entities and spreading false information (punishable under arts. 12, 13 and 28 of the Anti-Terrorism Law), each of which was directly linked to his human rights work and interaction with UN human rights mechanisms. His preventive detention was ordered, and he was placed in solitary confinement in a high-security section of the Tora Prison Complex. His detention was thereafter periodically renewed until the first substantive hearing in his case on 14 October 2019,

where he was found not guilty by the Cairo Criminal Court, who ordered his immediate release. This order, however, was never effectively executed, and between 15 October 2019 and 23 October 2019, he was transferred between various State and National Security offices, before being brought before the SSSP on 5 November 2019 and attached to a new case, no. 1470/2019, accused of membership of a terrorist group and financing a terrorist group (arts. 12 and 13 of the Anti-Terrorism Law). He was then placed in preventive detention in Tanta Prison, Ggarbiya Governorate.

On 26 August 2020, the Cairo Criminal Court ordered Mr. Metwally's conditional release in case no. 1470/2019, however, this decision was not complied with, and on 6 September 2020, Mr. Metwally was brought before the SSSP and attached to a third case, no. 786/2020, accused of leadership of a terrorist group formed while in detention, communicating with foreign agents to harm State security, and using the internet for terrorist purposes (punishable under arts. 12, 14 and 29 of the Anti-Terrorism Law), as well as establishing an illegal organisation and publishing false news and rumours (arts. 86 bis and 188 of the Penal Code). He is currently being held in Maximum Security Prison II within the Tora Prison complex.

The case of Mr. Metwally was included in the 2020, 2019 and 2018 reports of the Secretary General on cooperation with the UN on allegations of enforced disappearance and torture for his attempted cooperation with the Working Group on Enforced and Involuntary Disappearances (A/HRC/45/36, Annex II paras. 44-46; A/HRC/42/30, Annex II, paras. 42-44; A/HRC/39/41 Annex I, paras. 32-35).

Concerning Ramy Kamel Saied Salib

Mr. Salib is a human rights defender and head of the Maspero Youth Foundation, an organisation advocating for the rights of the Coptic minority in Egypt. Concerns related to the alleged arbitrary arrest and detention of the human rights defender, as well as potential reprisals against him for his engagement with international human rights mechanisms, were raised with the government by Special Procedures mandate holders on two previous occasions (see EGY 12/2019 and 10/2020). A reply by the government has been received to the first of these communications. Serious concerns as to the deterioration of Mr. Salib's health in detention were also raised with the government by Special Procedures mandate holders recently (see EGY 2/2021), to which a reply has not yet been received.

Mr. Salib was arrested on 23 November 2019 and disappeared for 24 hours before being presented before the SSSP the next day, where he was attached to case no. 1475/2019, accused of joining a terrorist group, funding a terrorist group with the intention of carrying out destructive acts (punishable under arts. 12 and 13 of the Anti-Terror Law and/or art. 86 bis of the Penal Code), spreading false news, negatively using social media outlets and spreading rumours and false news to disturb public order. No charge sheet was presented to his lawyers at the hearing, and he was subsequently remanded in preventive detention at Tora Prison. His detention has since been periodically renewed. The human rights defender has been held in solitary confinement since his initial hearing, with a substantial impact on his mental health. Mr. Salib suffers

from asthma and high blood pressure, raising his vulnerability to Covid-19. From August to mid-December 2020, he was denied access to medication necessary to manage his health issues, with the absence of the prison doctor provided as the justification for this ban.

The case of Mr. Salib was included in the 2020 report of the Secretary-General on cooperation with the UN on allegations that his arrest, detention and torture was to prevent his participation at the twelfth session of the Forum on Minority Issues, held in Geneva in November 2019 (A/HRC/45/36, Annex I, paras. 47-48).

Concerning Mahienour El-Masry

Ms. El-Masry is a lawyer and human rights defender from Alexandria, known for her legal working defending the rights of workers, women and refugees.

On 22 September 2019, Ms. El-Masry was representing a client at the SSSP. Upon leaving the premises to make a phone call, she was forced into a van by state security officers and taken to an unknown location. Later on the same date, she was presented before the SSSP and attached to case no. 488/2019, under investigation for cooperating with a terrorist group and publishing false news endangering public safety, reportedly in relation to her participation in protests in March 2019 following the train crash at Ramses' Station in Cairo. Her preventive detention at Al-Qanater Women's Prison was ordered for a period of 15 days on the same date, with her detention was periodically renewed by the SSSP and the Cairo Criminal Court thereafter, with renewals occurring in 2020 taking place without the presence of the human rights defender or her lawyer.

On 30 August 2020, Ms. El-Masry was brought before the SSSP and attached to a second case, no. 855/2020, accused of joining an illegal organisation (punishable under art. 12 of the Anti-Terror Law and/or art. 86 bis of the Penal Code) and organising meetings while detained in order to spread false news and disrupt national security.

Ms. El-Masry is currently being held in Al Qanater Women's Prison in connection with case no. 488/2019. The potential timeframe for her pre-trial detention under case no. 855/2020 will only begin following a conclusion in the first case against her. The woman human rights defender is permitted to receive visits from her family once a month. These take place under strict surveillance by the prison authorities. She is prevented from receiving books in prison, while there are harsh restrictions on medical supplies and clothes delivered to her by her family. Access to water is limited at the prison, with prisoners forced to pay for mineral water due to concerns about pollution of the available potable water.

Concerning Amr Imam

Mr. Imam is a human rights defender and lawyer at the Arabic Network for Human Rights Information.

On 16 October 2019, Mr. Imam was arrested at his home by police officers and disappeared for approximately 35 hours before being presented before the SSSP, where he was attached to case no. 488/2019, accused of joining a terrorist group (punishable under art. 12 of the Anti-Terrorism Law and/or art. 86 bis of the Penal Code), publishing false news (arts. 80D and/or 112 bis and/or 188 of the Penal Code) and misusing social media (art. 27 of the Anti-Cybercrime Law), and ordered into preventive detention at Tora Al-Mazraa Prison. Prior to his arrest, he had publicly stated his intention to begin a hunger strike to denounce alleged human rights violations by the Egyptian security forces, including cases of abduction, enforced disappearance and torture. Since his initial appearance at the SSSP, the human rights defender's preventive detention has been periodically renewed.

On 26 August 2020, Mr. Imam was brought before the SSSP for investigation and attachment in a second case, no. 855/2020, accused of joining an unspecified terrorist group and providing financial support and supplies to it, with the aim of committing terrorist crimes (punishable under arts. 12 and 13 of the Anti-Terrorism Law). The potential timeframe for his pre-trial detention under case no. 855/2020 will only begin following the lapsing of the 2-year limit for preventive detention in his 2019 case, as established in article 143 of the Code of Criminal Procedure, 1950.

Since his arrest, Mr. Imam has been held in solitary confinement at the Tora prison complex. He has developed pain in his spine as a result of not being provided a mattress in his cell. He is currently permitted to receive family visits once per month, with their attempts to provide clothes, medicine and books for him arbitrarily refused.

Concerning Walid Ali Saleim Mohammed Hamada

Mr. Hamada is a lawyer and human rights defender known for his work on cases of enforced disappearance.

On the evening of 23 October 2018, Mr. Hamada was arrested by police officers as he left his office in Alexandria. No arrest warrant or reasons justifying the arrest of the human rights defender were provided. Mr. Hamada was immediately brought to his home, which was searched by a group of police and national security officers. He was then forcibly disappeared for approximately one month, before being presented before the SSSP on 27 November 2018, where he was attached to case no. 1175/2018, accused of belonging to an unspecified illegal group, and ordered into preventive detention at Tora Prison. During this period of enforced disappearance, Mr. Hamada was kept permanently blindfolded and handcuffed, and allegedly subjected to acts of torture including electrocution and severe beatings aimed at eliciting a confession from him. Following his transfer to Tora Prison, Mr. Hamada was held in a small cell without ventilation or access to hygienic facilities.

Following his first appearance at the SSSP, Mr. Hamada's preventive detention was periodically renewed until 15 December 2020, when his release was ordered and he was transferred to Montazah Thalys police station in Alexandria, where his release was to be finalized. While awaiting this

finalisation, however, the human rights defender was informed that he had been sentenced in absentia to three years imprisonment in two cases dating from 2014 and 2015 (case no. 8330/2014 and 29990/2015), on charges of belonging to a banned group with the aim of harming national security and state institutions (art. 86 bis of the Penal Code). He was further informed that he would have to attend re-trials in each of these cases, before being forcibly disappeared for a second time.

On 2 January 2021, Mr. Hamada was brought before the Alexandria Criminal Court for his re-trial in case no. 29990/2015. He was found innocent by the court, who ordered his release. This order, however, was not complied with, and Mr. Hamada was detained incommunicado at an unknown location until 25 February 2021, when he was presented before a branch of the Montazah Public Prosecution. During this period, the human rights defender's re-trial in case no. 8330/2014 took place in his absence, with the Alexandria Criminal Court finding him guilty.

On 25 February 2021, the Montazah Public Prosecution attached Mr. Hamada to a new case, no. 132/2021, wherein he was accused of belonging to an unspecified illegal group, before ordering his preventive detention at Montazah Awal police station. On 9 March 2021, the Montazah Public Prosecution ordered his release on bail in this case, however, this order was not complied with, and on 13 March 2021, Mr. Hamada was brought before the Mina Albasal Public Prosecution in a new case, no. 120/2021, on an identical accusation of belonging to an unspecified illegal group. He was subsequently remanded in preventive detention at Mina Al Basal police station, only for his release to be ordered shortly afterwards, before he was accused and his preventive detention ordered in a new case (no. 620/2021) by a further branch of the public prosecution services in Alexandria.

Mr. Hamada has since been accused in two further cases by different branches of the Alexandria public prosecution services (case no. 7398/2020 and 13191/2020), wherein he has been remanded in preventive detention under investigation on accusations identical to those brought against him in the previous cases. He is currently detained at Borg El-Arab prison in Alexandria. As of the drafting of this communication, his detention in case no. 13191/2020 was last renewed for 15 days on 10 May 2021. Since he was first detained, the human rights defender has only been permitted to meet his lawyer during the hearings concerning him before the public prosecution services. The case file against Mr. Hamada has only been made available to his lawyer during these hearings, while he has not been permitted to make a copy to study outside of these proceedings.

While we do not wish to prejudge the accuracy of the information received, we express our serious concern that the above detailed allegations may represent the current and ongoing systematic use of Egypt's counter-terrorism and criminal law frameworks to sanction the legitimate act of defending human rights through the criminalization and arbitrary detention of human rights defenders. We are gravely concerned that this legislation is being used to impinge impermissibly on the rights to freedom of opinion, expression and of peaceful assembly as protected by the ICCPR.

While the precise charges connected to the accusations against the above-mentioned human rights defenders have not been confirmed as of the drafting of this communication, we express particular concern at the aggravated sentences, in some cases reaching life imprisonment or death, which the twelve human rights defenders may face. In this regard, we wish to highlight our serious concern, as conveyed to your Excellency's government in previous communications by Special Procedures mandate holders, as to the apparent direct conflation, in the application of Egypt's counter-terrorism and criminal laws, of promoting and protecting human rights with terrorist activity.

We wish to further express specific concern as to the extremely lengthy periods of arbitrary pre-trial detention to which the above-mentioned human rights defenders have been subjected to, along with the allegations that these periods of detention have been arbitrarily extended through the attachment of the human rights defenders to new cases wherein they face similar accusations as initially brought against them.

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 detailed information as to the factual and legal bases for the accusations in each individual case brought against the above-mentioned human rights defenders, as well as the respective orders for their preventive detention, including an explanation of the consistency of these bases with international human rights law and standards.
3. Please provide detailed information as to any current or prior restrictions on receiving family visits or legal assistance, which may have been imposed in the case of any of the above-mentioned human rights defenders, as well as the legal and factual bases for any such restrictions and information as to their conformity with international human rights law and standards.
4. Please provide specific information on the conditions in which each of the above-mentioned human rights defenders is currently being held, as well as how these conditions conform with international standards. Please include information as to the measures put in place to ensure access for each individual to adequate and appropriate medication and health care and an update on the health status of Ms Moneim, Ms. El Shatr, and Ms. Salib.

5. Please provide detailed information as to the legal and factual bases for the alleged detention of Mr. Ramy Kamel Saied Salib and Mr. Amr Imam in solitary confinement, along with the conformity of these alleged actions with international human rights law and standards.
6. Please provide details of any investigations which have been carried out concerning the allegations of torture and enforced disappearance relating to Ms Aisha El Shatr, Mr. Mohamed Abo Horira, Mr. Ibrahim Ezz El-Din, Mr. Ibrahim Metwally and Mr. Walid Ali Saleim Mohammed Hamada.
7. Please provide information on any specific measures put in place by your Excellency's Government to ensure that human rights defenders in Egypt are able to carry out their legitimate human rights work in a safe and enabling environment without fear of acts of intimidation, harassment or retaliation of any sort. If no such steps have been taken, please indicate an appropriate forum wherein we may engage with your Excellency's Government as to possible measures that could be put in place to provide such support effectively.

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

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.

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

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

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

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

Tlaleng Mofokeng
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

Fionnuala Ní Aoláin
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freedoms while countering terrorism

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punishment

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would respectfully like to refer to Egypt's human rights obligations related to judicial guarantees and deprivation of liberty under articles 7, 9, 10, 14, 15, 19 and 21 of the International Covenant on Civil and Political Rights, ratified by Egypt on 14 January 1982. In particular, article 9 (1) of the ICCPR establishes that no one shall be deprived of their liberty except on such grounds and in accordance with such procedure as established by law. Article 9 (2) and (3) specify that anyone who is arrested shall be informed, at the time of the arrest, of the reasons for such arrest and be brought promptly before a judge for the purpose of legal assessment and challenge of the detention. Article 14 (3) stipulates that, in the determination of any criminal charge, everyone should have adequate time and means to communicate freely with counsel of choice and to effectively prepare their defense. Furthermore, the right to have access to a lawyer without delay and in full confidentiality is also enshrined in the Basic Principles on the Role of Lawyers (Principles 7 and 8) and in the UN Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court (A/HRC/30/37, Principle 9 and Guideline 8).

We also respectfully refer to Egypt's obligations in regard to the right to freedom of opinion and expression, as protected in article 19 of the ICCPR. Freedom of opinion (article 19 (1)) is absolute, while freedom of expression (article 19 (2)) is subject to limitation only in accordance with paragraph 3 of the provision. The right to peaceful assembly is similarly enshrined in article 21 of the Covenant. Any restriction to the rights under articles 19 (2) or article 21 must pursue a legitimate aim, in accordance with a law that is sufficiently clear, and conform to the requirements of necessity and proportionality. We underline that under article 19 (3) of the ICCPR, the prohibition of false information is not in itself a legitimate aim for restricting freedom of expression (A/HRC/47/25, §40). As repeatedly underlined in previous communications, we further emphasize that attacks against individuals, such as through arbitrary detention, torture and ill treatment, for the exercise of freedom of expression and of peaceful assembly is incompatible with the Covenant.

We would also like to remind your Excellency's Government that the prohibition of torture and other cruel, inhuman or degrading treatment or punishment under international law is absolute, non-derogable and has become a norm of jus cogens which is reflected in numerous international human rights instruments, including the Universal Declaration on Human Rights, the ICCPR and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), acceded to by Egypt on 25 June 1986.

We further wish to remind your Excellency's Government of its obligations under article 12 of the International Covenant on Economic, Social and Cultural Rights, ratified by Egypt on 12 January 1982. In light of article 12, which guarantees the right of all people to the highest attainable standard of physical and mental health, States have the obligation to refrain from denying or limiting equal access for all persons, including prisoners or detainees, to health services (see Committee on Economic, Social and Cultural Rights, General Comment 14, para 34).

In direct connection to the above-mentioned rights and obligations, we wish to refer to the UN Standard Minimum Rules for the Treatment of Prisoners, also known as the “Nelson Mandela Rules”, adopted by General Assembly resolution 70/175. We would like to make particular reference to Rule 1 of the rules, which states that all prisoners shall be treated with the respect due to their inherent dignity and value as human beings, and that all prisoners shall be protected from torture and other cruel, inhuman or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification. We would also like to refer to rules 15, 16, 17 and 18, relating to standards of sanitation and cleanliness in places of detention and access to items necessary to maintain personal hygiene, rules 24, 25 and 27, concerning the State responsibility for the provision of health-care to those in prison, rule 43, concerning the prohibition of indefinite or prolonged solitary confinement and the placing of prisoners in dark cells, rule 45, which stipulates that solitary confinement shall only be used in exceptional cases as a last resort, and even in such cases, for as short a time as time as possible, subject to independent review, and rule 58, which states that prisoners shall be allowed to communicate with family and friends at regular intervals. We also wish to highlight rules 111 to 120, on prisoners under arrest or awaiting trial.

We would further like to draw your attention to the United Nations Declaration on the Protection of All Persons from Enforced Disappearance. In particular, we would like to make reference to article 2 of the Declaration, which states that no State shall practice, permit or tolerate enforced disappearance, and article 7, which holds 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. Furthermore, article 10 (1) of the Declaration establishes that any person deprived of liberty shall be held in an officially recognized place of detention, article 10 (3) that an official up-to-date register of all persons deprived of their liberty shall be maintained in every place of detention.

We wish in addition to respectfully remind your Excellency’s Government of the relevant provisions of the United Nations Security Council resolutions 1373 (2001), 1456(2003), 1566 (2004), 1624 (2005), 2178 (2014), 2242 (2015), 2341 (2017), 2354 (2017), 2368 (2017), 2370 (2017), 2395 (2017) and 2396 (2017); as well as Human Rights Council resolution 35/34 and General Assembly resolutions 49/60, 51/210, 72/123 and 72/180. All these resolutions require that States ensure that any measures taken to combat terrorism and violent extremism, including incitement of and support for terrorist acts, must comply with all of their obligations under international law.

We would finally like to recall the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, in particular articles 1 and 2 which state that everyone has the right to promote and 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, as well as to articles 5(a) and (b), 6(b) and (c) and 12, paras 2 and 3. In this regard, we also wish to refer to the 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.