

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

Ref.: AL EGY 12/2021  
(Please use this reference in your reply)

5 November 2021

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Working Group on Arbitrary Detention; Working Group on Enforced or Involuntary Disappearances; 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 situation of human rights defenders; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 43/4, 42/22, 45/3, 41/12, 42/16, 43/16, 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 continued renewal of the pretrial detention of a number of journalists and human rights defenders, which in all cases, this detention exceeds the legal limit for which an individual can be held in pretrial detention under Egyptian law. Moreover, we have received equally worrisome information in relation to the physical and psychological integrity of these individuals and information concerning their trials.

Mr. **Alaa Abdel Fattah** is a prominent blogger and a software developer. He is the co-founder of a well-known blog aggregator, Manalaa, which promotes free speech and human rights. As a member of the "No to Military Trials for Civilians" advocacy group, he has been vocal in denouncing human rights violations allegedly committed by the security forces and military, and the use of military trials for civilians. Mr. Alaa Abdel Fattah has previously been arrested and detained several times, and in 2014 was sentenced in absentia and without trial to 15 years' imprisonment on charges of organizing an illegal protest and assaulting a police officer. On appeal, Mr. Alaa Abdel Fattah was sentenced to five years' imprisonment and five years' probation, and was released in March 2019 upon the completion of this prison sentence. Mr. Alaa Abdel Fattah was arrested again on 20 September 2019, and has remained in pretrial detention since. He is currently detained in Tora Maximum Security Prison 2.

Mr. **Ezzat Ghoniem** is a human rights defender and a lawyer, defending victims of torture and enforced disappearances, and is the Director of the Egyptian Coordination for Rights and Freedoms (ECRF). Mr. Ezzat Ghoniem was arrested on 1 March 2018. His alleged case of enforced disappearance was transmitted by the

WGEID to the Government of Egypt on 9 October 2018 and subsequently clarified based on information provided by the Government on 4 March 2019. Mr. Ghoniem is linked to three separate cases on charges of joining an unspecified terrorist group and promoting its ideas, publishing false news and supplying international institutions with false information (case no. 441/2018); further charges of joining a terrorist group, pending a conclusion in the initial case (no. 1118/2019); and further allegations of joining an unspecified terrorist organisation and receiving foreign funds in order to carry out the aims of a terrorist group (no. 1552/2018). For approximately five months between October 2018 and February 2019, Mr. Ezzat Ghoniem was held incommunicado in Al-Qanater Men's Prison, where he is currently detained.

Ms. **Hoda Abdel Moneim** is a lawyer, a woman human rights defender and a former member of the governmental National Council for Human Rights. She is currently being held in pretrial detention in Al-Qanater Women's Prison with no access to her lawyer or family members. Ms. Hoda Abdel Moneim was arrested on 1 November 2018 and forcibly disappeared until 21 November 2018, when she was brought before the Supreme State Security Prosecution (SSSP) and linked to case no. 1552/2018 on charges of joining an unspecified terrorist organisation and receiving foreign funds in order to carry out the aims of a terrorist group. Her alleged case of enforced disappearance was transmitted by the WGEID to the Government of Egypt on 9 November 2018. The health of Ms. Hoda Abdel Moneim, who is 61 years old, has deteriorated significantly since she was first detained in 2018. In January 2020, she reportedly suffered symptoms consistent with a heart attack, and despite a prison doctor recommending she undergo an urgent echocardiogram, the procedure was never done. In November 2020, she suffered from kidney failure and was informed by a doctor that her other kidney was also not functioning correctly.

Ms. **Aisha al-Shater** is a woman human rights defender and a board member of the ECRF. She is currently being held incommunicado in Al-Qanater Women's Prison since also being arrested on 1 November 2018, and was forcibly disappeared until 21 November 2018. Her alleged case of enforced disappearance was transmitted by the WGEID to the Government of Egypt on 9 November 2018 before being clarified based on information provided by the Government on 4 March 2019. Whilst disappeared, Ms. Aisha al-Shater was reportedly subjected to physical and psychological ill-treatment amounting to torture. She is denied her rights to visit and communication with her lawyer, is reportedly subjected to long periods in solitary confinement and her health has significantly deteriorated since being detained in 2018. In October 2019, she was diagnosed with aplastic anaemia and bone marrow failure, and on two occasions during that month was admitted to hospital for medical treatment. Her family, who have not been permitted to see Ms. Aisha al-Shater since she was arrested, have stated they will pay for treatment for her in a private hospital, to which prison authorities have reportedly refused. Her family have also been denied access to her medical records and information on her condition.

Mr. **Patrick George Zaki** is a human rights defender and researcher on human rights and gender for the Egyptian Initiative for Personal Rights (EIPR). Mr. Zaki is an Egyptian national, but until the time of his arrest on 7 February 2020, he had been resident in Italy, studying for a postgraduate degree in Gender and Women's studies at the Bologna University. Mr. Patrick Zaki has been held in pre-trial detention in Tora prison for 19 months and since he was initially arrested has reportedly been subjected to ill-treatment amounting to torture and has little access to his lawyers or family members.

Mr. Abdel Fattah has been the subject of five previous communications sent by Special Procedures mandate holders to your Excellency's Government (EGY 13/2011 sent on 22 December 2011, EGY 16/2013 sent on 3 December 2013, EGY 17/2013 sent on 6 December 2013, EGY 11/2019 sent on 23 October 2019 and EGY 12/2020 sent on 28 September 2020). We thank your Excellency's Government for its responses dated 27 December 2013, 30 December 2013 and 21 January 2014, however we regret that no response has been received for the most recent communications EGY 11/2019 and EGY 12/2020.

Mr. Ezzat Ghoniem, Ms. Hoda Abdel Moneim and Ms. Aisha al-Shater have been the subject of two previous communications sent by Special Procedures mandate holders to your Excellency's Government (EGY 6/2019 sent on 28 May 2019 and EGY 5/2021 sent on 16 June 2021). Concerns relating to the detention Mr. Ezzat Ghoniem specifically were raised with your Excellency's Government in a previous communication, EGY 6/2018 sent on 26 April 2018. Special Procedures mandate holders also communicated their specific concern regarding the health and conditions in prison of Ms. Moneim in a communication sent to your Excellency's Government on 17 February 2021 (see EGY 2/2021). We regret that no replies were received from your Excellency's Government to any of the four abovementioned communications.

Mr. Patrick George Zaki has been the subject of four previous communications to your Excellency's Government sent on 31 March 2020 (EGY 6/2020), 29 July 2020 (EGY 10/2020), 25 November 2020 (EGY 15/2020) and 24 December 2020 (EGY 19/2020). We regret that no replies were received from your Excellency's Government to any of the four abovementioned communications.

The arrest and detention of Mr. Alaa Abdel Fattah in 2013 was deemed arbitrary in Opinion No. 6/2016 by the Working Group on Arbitrary Detention during its 75<sup>th</sup> session, and the Working Group requested his immediate release and reparation.

Mr. Ghoneim was previously the subject of an opinion issued by the Working Group on Arbitrary Detention, Opinion No. 82/2018, which deemed his detention arbitrary and requested his immediate release and that he be accorded an enforceable right to compensation and other reparations.

According to the information received:

*Concerning Mr. Alaa Abdel Fattah*

On 20 September 2019, Mr. Alaa Abdel Fattah was arrested at the El-Dokki Police station whilst fulfilling his probation obligations and brought before the SSSP and questioned on allegations of belonging to a terrorist organization and spreading false news.

Since this arrest, Mr. Alaa Abdel Fattah's pre-trial detention has been routinely extended every 45 days, with no apparent indication as to when his trial may take place. He has been detained in Tora Maximum Security Prison 2, where he has reportedly been subjected to ill-treatment by prison authorities, including physical assault, threats and blindfolding, and held in poor conditions. Mr. Alaa Abdel Fattah was reportedly denied access to books

and other reading material, blankets in the winter and not allowed go outside for exercise, and efforts by his family to deliver medicine, vitamins and letters were repeatedly refused by prison authorities. To protest the refusal of Egyptian authorities to release him as a pretrial detainee, Mr. Alaa Abdel Fattah went on hunger strike from 12 April – 18 May 2020.

On 12 September 2021, Mr. Alaa Abdel Fattah's mother, went to Tora prison to deliver supplies and letters to him and receive a letter from him in return, a weekly routine since June 2020. The officer on duty at the time reportedly told her that there was no letter from her son, without offering any explanation. She waited several hours outside the prison in the hope of obtaining an explanation from the officers, but ultimately to no avail.

On 13 September 2021, Mr. Alaa Abdel Fattah was due to appear before the Terrorism Circuit Court for a custody remand hearing, however he was reportedly held in a secluded cell below the court room, separate to the other detainees at the hearing and not visible to his lawyer or the judge. Mr. Alaa Abdel Fattah was not presented before the judge and once the hearing had concluded, was transported back to Tora prison. His lawyer requested that Mr. Alaa Abdel Fattah be returned so that he could see him, which the judge granted and he was brought back to the Court.

Mr. Alaa Abdel Fattah's mental well-being is reportedly seriously concerning as he reportedly repeated to his relatives that he was considering taking his life. He also allegedly asked his lawyer to inform his mother to "take his condolences".

On 28 September 2021, Mr. Alaa Abdel Fattah's family filed a complaint with the prosecutor for the case, requesting that they be permitted to visit him and that he be transferred to another prison due to the alleged targeting and ill-treatment he has been subjected to in Tora prison.

On 29 September 2021, the court ruled to renew Mr. Alaa Abdel Fattah's pre-trial detention, exceeding the two-year legal limit an individual can be held in pre-trial detention for, as stipulated by article 143 of the Egyptian Criminal Procedures Code (CPC).

On 18 October 2021, Mr. Alaa Abdel Fattah and two other human rights defenders in pretrial detention were referred to the Emergency State Security Misdemeanour Court in Cairo's Fifth Settlement, on the new charge of "spreading false news". The new case against Mr. Alaa Abdel Fattah, docketed as No. 1228/2021, is reportedly identical to Case No. 1356, for which he has already been held in pre-trial detention for two years. During the hearing, Mr. Alaa Abdel Fattah and his lawyer learned for the first time that the charge had been brought against him in response to his resharing of a tweet about the death of a prisoner in the summer of 2019, who reportedly died as a result of ill-treatment in Tora Maximum Security Prison 2. Mr. Alaa Abdel Fattah's lawyer had only been informed of the new case and that it would go to trial two days previous. The prosecution refused to share the official charge sheet with the lawyers, and during the hearing, the court denied a request to allow the lawyers to photocopy the case files or consult with their clients alone. The case file is reportedly around 1,500 pages long.

Mr. Alaa Abdel Fattah, who was transported to the hearing in an armoured truck, reportedly addressed the judge, stating that his prolonged pretrial detention was in violation of Egyptian law, and that the prosecution had not questioned him in relation his case in 23 months. Mr. Alaa Abdel Fattah also criticised the poor detention conditions he is currently subjected to in prison, including the denial of reading materials and exercise time outside of his cell. His lawyer also requested that Mr. Alaa Abdel Fattah be released from pretrial detention immediately, and failing this, that he be granted access to his client in prison and also access to the case file.

The case was adjourned to 1 November 2021, to allow the lawyers access to the case files. During the second hearing on this date however, the lawyers' request for a copy of the case file was again denied. The hearing was adjourned a second time to 8 November 2021. During this second hearing, Mr. Alaa Abdel Fattah appeared to be in a poor mental state, telling his family he believed he would remain in detention, and asked that his son not be brought to the court sessions or to the prison.

*Concerning Mr. Ezzat Ghoniem, Ms. Hoda Abdel Moneim and Ms. Aisha al-Shater*

On 23 August 2021, an indictment was issued for Mr. Ezzat Ghoniem, Ms. Hoda Abdel Moneim and Ms. Aisha al-Shater in case no. 1552/2018, which includes 31 defendants in total. All defendants in the case are charged with leadership, membership, or support of a terrorist organisation. Mr. Ezzat Ghoniem, Ms. Hoda Abdel Moneim and Ms. Aisha al-Shater have been additionally indicted for documenting alleged rights violations via the ECRF social media accounts on Twitter, Facebook and YouTube and with the intention of advocating the use of force and violence against state institutions and undermining public safety.

They have also been indicted for publishing “false news and statements about the internal affairs of the country” via the ECRF Facebook, Twitter and YouTube accounts, which allegedly had the effect of “weakening the resolve of the state, disturbing public security, causing terror among people, and harming public and national interests.”

On 11 September 2021, the trial of Mr. Ezzat Ghoniem, Ms. Hoda Abdel Moneim and Ms. Aisha al-Shater began for case no. 1552/2018 before one of the Emergency State Security Courts.

On 13 September 2021, Ms. Hoda Abdel Moneim and Ms. Aisha al-Shater appeared before the court. Both women reportedly appeared visibly fatigued, with Ms. Hoda Abdel Moneim being transported to and from the court from prison in an ambulance, due to her weakened state and reported lack of sufficient medical treatment for the kidney failure she has suffered from since November 2020. The trials for both Ms. Hoda Abdel Moneim and Ms. Aisha al-Shater were postponed by the court until 11 October 2021.

*Concerning Mr. Patrick Zaki*

On 13 September 2021, Mr. Patrick Zaki was indicted by the SSSP on charges of “spreading false news inside and outside the country” according to articles 80 (D) and 102 (bis) of the Penal Code, which carry a maximum possible sentence of five years’ imprisonment if convicted.

The charges against Mr. Patrick Zaki are reportedly in relation to an article he published in July 2019 on the independent media site Daraj, detailing his reactions, as a Christian, to events regarding the Coptic community in Egypt. Mr. Patrick Zaki is also facing charges of “incitement to protest without permission from the relevant authorities with the aim of undermining state authority” (article 18 of the Protest law), “calling for the overthrow of the state” (article 87 of the Criminal Code), “managing a social media account that aims to undermine the social order and public safety” (article 27 of Cybercrime law) and “incitement to commit violence and terrorist crimes” (article 28 of the Anti-Terrorism law), but is yet to be indicted.

On 14 September 2021, after spending 19 months in pretrial detention, the trial of Mr. Zaki began before the Mansoura II State Security Misdemeanors Emergency Court, the rulings by which are not subject to appeal. The hearing was adjourned to 28 September 2021.

On that day, Mr. Patrick Zaki’s lawyer requested to delay the hearing so he could read the case files, which she had been denied an official copy of until the day of the hearing. Granting this request, the hearing was postponed to 7 December 2021. If convicted, Mr. Zaki faces up to five years in prison.

Without wishing to prejudge the accuracy of the above-mentioned allegations, we wish to express our grave concern for the physical and psychological integrity of the bloggers, lawyers and human rights defenders Mr. Alaa Abdel Fattah, Mr. Ezzat Ghoniem, Ms. Hoda Abdel Moneim and Ms. Aisha al-Shater whilst imprisoned, the conditions they are reportedly subjected to in prison, and the apparent renewal of their pre-trial detention on a periodic and arbitrary basis. This concern is compounded by the use of counterterrorism legislation to criminalise the exercise of the freedoms of expression as well as of association by these individuals, and characterize their documentation of rights violations and discussion of human rights issues as a national security threat. The criminalisation of these individuals in apparent retaliation for exercising their rights to freedom of expression and of association to criticise State authorities and discuss human rights violations and judicial independence does not appear to meet the strict tests of necessity and proportionality to warrant a legitimate restriction of these freedoms, as established by international human rights law and standards.

Whilst we would like to reiterate that the discussion of and sharing of information about human rights issues should never be considered as a threat to national security, we recall that those charged with terrorism related offences are entitled to the same standard of care in prison as all other inmates. We are seriously troubled by the information received that the abovementioned individuals have been denied access to necessary medical care, which may amount to a violation of the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment. In this connection, we would like to reiterate that

the State has a duty of care to individuals in their custody, as established by article 10 of the ICCPR, to ensure humane conditions of detention and respect for the dignity of individuals deprived of their liberty.

We are issuing this appeal to urge you to preserve the alleged victims' rights from irreparable harm and without prejudging a possible court ruling or legal determination. It is relief *pendente lite*.<sup>1</sup>

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 information on the results of investigations opened into the different alleged cases of enforced disappearances, recourses and remedies provided to the victims, as well as information concerning the prosecution of alleged perpetrators.
3. Please provide information as to the steps taken to ensure Mr. Alaa Abdel Fattah receives the necessary support and treatment to guarantee both his physical and psychological integrity, whilst detained.
4. Please provide information on the legal and factual basis for the renewal of Mr. Alaa Abdel Fattah's pretrial detention, which has now surpassed the absolute legal limit as established in the Egyptian CPC; and considering that the pretrial detention is a measure of Ultima Ratio as it undermines the presumption of innocence guaranteed by article 14, paragraph 2 of the International Covenant on Civil and Political Rights (ICCPR).
5. Please provide information as to the legal and factual basis for the allegations of membership of a terrorist organisation against Mr. Ezzat Ghoniem, Ms. Hoda Abdel Moneim and Ms. Aisha al-Shater consistent with the 19 sectoral conventions on terrorism and UN Security Council Resolution 1566.
6. Please provide information on the legal and factual basis for the continued renewal of the pretrial detention of Mr. Ezzat Ghoniem, Ms. Hoda Abdel Moneim and Ms. Aisha al-Shater since 2018, far surpassing the legal limit.
7. Please provide information on the legal and factual basis for the continued renewal of the pretrial detention of Mr. Patrick Zaki.

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<sup>1</sup> Article 41 of the Statute of the ICJ "Provisional protection": Part III, Section D (Incidental proceedings), Sub-section 1.

8. Please provide information as to why Ms. Hoda Abdel Moneim has not been permitted to receive family visits and legal assistance since her detention in November 2018.
9. Please provide information on the measures taken to ensure that Ms. Hoda Abdel Moneim 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.
10. Please provide information on the condition of detention for the above-mentioned individuals, including details about family visits, items delivered to them by their families and communication with their lawyers. In the case that visits by family members or lawyers remain denied to these individuals following measures taken to prevent the spread of the COVID-19 pandemic in Egypt, please specify the precise legal basis for these restrictions, and what alternative means of contacting family and legal counsel have been made available for them.
11. Please provide information on any measures taken to revise provisions under criminal law to ensure their compatibility with the rights to freedom of expression and of association, including provisions criminalizing the spreading of false information, the misuse of social media and the incitement to protest.
12. Please indicate what measures have been taken to ensure that human rights defenders, including lawyers, civil society and activists, can operate in an enabling environment and can carry out their legitimate activities without fear of harassment, stigmatization or criminalization of any kind.
13. Please, provide information in details about what legal measures have been adopted by your Excellency's Government in order to guarantee articles 5, 6, 7, 8, 9, 10 and 11 of the Universal Declaration of Human Rights.
14. Please provide information in details of how your Excellency's Government's counter-terrorism efforts comply with the United Nations Security Council resolutions 1373 (2001), 1456(2003), 1566 (2004), 1624 (2005), 2178 (2014), 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, 72/180 and 73/174 in particular with international human rights law, refugee law, and humanitarian law contained therein.

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 prevent any irreparable harm to the life and the integrity of the five individuals concerned, 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 a joint communication 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. This communication 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.

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

Irene Khan

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

Miriam Estrada-Castillo

Vice-Chair of the Working Group on Arbitrary Detention

Luciano Hazan

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

Clément Nyaletsossi Voule

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

Tlaleng Mofokeng

Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Mary Lawlor

Special Rapporteur on the situation of human rights defenders

Fionnuala Ní Aoláin

Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Nils Melzer

Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to articles 7, 9, 10, 14, 19 and 22 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Egypt on 14 January 1982, which guarantee that no one should be subjected to torture or to cruel, inhuman or degrading treatment as punishment, the right to liberty and security of person, that all persons deprived of their liberty shall be treated with humanity and respect, the right to a fair trial, the right to freedom of expression and the freedom to seek, receive and impart information and ideas of all kinds, and the right to freedom of association with others. Such rights are also provided for by articles 3, 9, 10, 19 and 20 of the Universal Declaration of Human Rights (UDHR).

In particular, we wish to refer to article 9 of the ICCPR, which prohibits arbitrary detention, a fundamental guarantee considered to be non-derogable (CCPR/C/GC/35, para. 66). In paragraph 17 of its General Comment 35, the Human Rights Committee also established that arrest or detention as punishment for the legitimate exercise of the right to freedom of opinion and expression, assembly and association, is arbitrary. Paragraph 1 of article 9 stipulates 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. In addition, article 9 (3) establishes that 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.

We also wish to make specific reference to Egypt's obligations under article 19 of the ICCPR, which provides for the right to freedom of opinion (1), an absolute right, and the right to freedom of expression (2), subject to limitation in strict accordance with paragraph 3 of the provision. The right to freedom of expression includes the freedom to seek, receive and impart information and ideas of all kinds, which not only applies to information that is favourable, but also information that may shock or offend. Any restriction to the rights under 19 (2) must pursue a legitimate aim, in accordance with a law that is sufficiently clear, and conform to the requirements of necessity and proportionality. As established by the Human Rights Committee in its General Comment 34, any State party seeking to invoke a legitimate ground for restriction of freedom of expression on the basis of a perceived threat to national security or public order, must demonstrate in specific and individualized fashion the precise nature of the threat and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat (CCPR/C/GC/34, para. 35). We also wish to 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 mentioned above and 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 is incompatible with the Covenant.

Furthermore, we would like to recall that article 22(1) of the ICCPR guarantees to all the right to freedom of association with others. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others, in accordance with article 22(2). The Human Rights Council has emphasized that States have the obligation to respect and fully protect these rights online as well as offline (A/HRC/RES/38/7). The General Assembly has also called upon all States to “ensure that the same rights that individuals have offline, including the rights to freedom of expression, of peaceful assembly and of association, are also fully protected online, in accordance with human rights law (A/RES/73/173).

The Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule, recalled in a report that all States governed by the rule of law have an obligation to eliminate obstacles that impair or restrict access to justice (A/HRC/47/24, para. 2). He further indicated that “[a]ccess to justice, the rights to freedom of peaceful assembly and association, and the strengthening of civic space are inextricably linked” (A/HRC/47/24, para. 20) and highlighted that “barriers to access to justice should never be placed as deterrence measures undermining the essence of other rights” (A/HRC/47/24, para. 22). The Special Rapporteur on the rights to freedom of peaceful assembly and of association further stressed that “everyone has the right to legal assistance by counsel of their choice at any time during custody or detention, including immediately after their apprehension, and such access is to be provided without delay” (A/HRC/47/24, para. 40). Moreover, the Human Rights Committee has established in its General Comment N° 35 on article 9 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 another report, the Special Rapporteur on the rights to freedom of peaceful assembly and of association also called upon States “[t]o ensure that associations – registered and unregistered – can seek, receive and use funding and other resources from natural and legal persons, whether domestic, foreign or international, without prior authorization or other undue impediments, including from individuals; associations, foundations or other civil society organizations; foreign Governments and aid agencies; the private sector; the United Nations and other entities” (A/HRC/23/39, para. 82 (b)). He called upon States to “recognize that undue restrictions to funding, including percentage limits, is a violation of the right to freedom of association and of other human rights instruments, including the International Covenant on Economic, Social and Cultural Rights” (A/HRC/23/39, para. 82 (c)), and to “recognize that regulatory measures which compel recipients of foreign funding to adopt negative labels constitute undue impediments on the right to seek, receive and use funding” (A/HRC/23/39, para. 82 (d)).

We further draw attention to the provisions of 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. Article 13 and 14 of the Declaration also set the obligation to conduct investigations into all alleged cases of enforced disappearances and prosecute alleged perpetrators, whilst article 19 requires States to guarantee that victims of enforced disappearances and their family obtain redress, adequate compensation and as complete a rehabilitation as possible.

We further recall Egypt's obligations under article 12 of the of the International Covenant on Economic Social and Cultural Rights, ratified by Egypt in January 1982, which guarantees the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. 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 also wish to refer your Excellency's Government to 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, and which stipulate that no exceptional circumstances, including internal political instability or any other public emergency, may be invoked as a justification of torture, and that each State Party shall undertake to prevent other acts of cruel, inhuman or degrading treatment of punishment which do not amount to torture, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official. Furthermore, we wish to refer to articles 12 and 13, which state that when there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction, State parties will conduct a prompt and impartial investigation, and ensure that the same is guaranteed for any individual who alleges he has been subjected to torture. Steps shall also be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

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.

We would further like to refer to the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression to the 47<sup>th</sup> session of the Human Rights Council on the topic of disinformation and the threats it poses to the enjoyment of human rights, democratic institutions and development processes. In this report, the Special Rapporteur notes that the past decade has seen a notable increase in legislation prohibiting “false news” of various forms on the internet and social media platforms, and that most of these laws fail to meet the three-pronged test of legality, necessity and legitimate aims set out in article 19 (3) of the ICCPR. The Special Rapporteur observes that such “false news” laws “often do not define with sufficient precision what constitutes false information or what harm they seek to prevent, nor do they require the establishment of a concrete and strong nexus between the act committed and the harm caused... Often, the prescribed punishment is excessively harsh and disproportionate, and can have a chilling effect on freedom of expression.”<sup>2</sup> With particular reference to the abovementioned allegations, the Special Rapporteur further notes that “the vague and overly broad nature of such laws allows Governments to use them against journalists, political opponents and human rights defenders.”<sup>3</sup>

Finally, we would 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. Article 6 of the Declaration also provides that everyone has the right to freely publish, impart or disseminate to others, information and knowledge on all human rights and fundamental freedoms (b), and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms, and to draw public attention to those matters (c).

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<sup>2</sup> [A/HRC/47/25](#), para. 54

<sup>3</sup> [A/HRC/47/25](#), para. 55