

**Mandates of the Special Rapporteur on freedom of religion or belief; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on minority issues and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism**

Ref.: AL EGY 14/2021  
(Please use this reference in your reply)

16 November 2021

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on freedom of religion or belief; Working Group on Arbitrary Detention; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on minority issues and Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, pursuant to Human Rights Council resolutions 40/10, 42/22, 45/3, 43/4, 41/12, 42/16, 43/8 and 40/16.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the arrest, enforced disappearance and continued detention of Mr. **Reda Abdulrahman Ali Mohamed**, a former teacher, and member of the Quranist minority belief movement in Egypt.

One of the principal beliefs of Quranism is that the Quran should be the sole basis for Islamic law and guidance, and therefore it contests the religious authority of the Hadith literature, as well as the authority of the scholars and the clergy to determine and interpret the scope of the Quranic teachings.

According to the received information:

On 22 August 2020, National Security Forces raided Mr. Reda Abdulrahman's home in Abu Harith village, and arrested him without showing an arrest warrant. The law enforcement officers arrested also another twelve members of his family by raiding their respective homes located in the same village. Contrary to Mr. Abdulrahman, all the other family members were released few days later.

Mr. Abdulrahman was subjected to enforced disappearance for forty-six days (twenty-three days in the National Security premises in Kafr Saqr and thirteen days in the National Security premises in Zarang). He was interrogated without the presence of a lawyer for his relationship with the Quranist movement in Egypt and with the members of his family holding an important role in the creation and development of the movement in the country.

On 24 August 2020, Mr. Abdulrahman's family sent official telegraphs to the public prosecutor and the Minister of Interior informing them about his arrest and disappearance, but they never received any response.

On 6 October 2020, he appeared for the first time before the Kafr Saqr Prosecution and he was questioned without the presence of a lawyer. He was charged with establishing and joining a terrorist organisation and with plotting to target individuals and facilities of the Egyptian army and police. The arrest report was dated 4 October 2020, which was not the actual arrest date (22 August 2020). The prosecution opened the case against him No. 3418/2020 before the Emergency State Security Misdemeanour Court.

He was transferred to Kafr police station and was held in solitary confinement for four days, and subsequently moved to a very small and crowded cell of the same police station, without a mattress to sleep on. The poor detention conditions affected his health, and his appeals for medical treatment were not taken into consideration by the police station administration, which even refused the delivery of medication by his spouse. He is only allowed for a 10-minute meeting with his spouse, behind a wired fence, once a month.

Mr. Abdulrahman's pre-trial detention has been periodically renewed, with the last time being on 5 September 2021, when the State Security Emergency Misdemeanour Court ordered for a 45-day renewal of his detention, pending further investigation.

While we do not wish to prejudge the accuracy of the received information, we are seriously concerned at the reported arrest, enforced disappearance, continued detention, and judicial harassment suffered by Mr. Reda Abdulrahman, as well as the reported serious violations of due process perpetrated by the relevant State authorities. We are deeply concerned at the criminalisation of Mr. Abdulrahman's right to freely and publicly manifest and express his religious or other beliefs and his freedom to exercise this right in community with others, around commonly shared understandings of religious precepts and teachings. It is even more alarming that the prosecution used anti-terrorist provisions to build the case against Mr. Abdulrahman, without having reportedly completed the investigation procedure, and that the authorities have continuously extended his pre-trial detention. In particular, concerns over the practice of multiple extensions of pre-trial detentions of individuals under investigation have been already expressed in previous letters addressed to your Excellency's Government (case nos. EGY 4/2020 and EGY 10/2021).

Furthermore, we wish to express our serious concern at the dire pre-trial detention conditions of Mr. Abdulrahman and at the refusal by the administration of the Kafr police station to provide him with adequate medical treatment for his regressing health condition, all of which constitute violations of international human rights norms and principles, including the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment and the Standard Minimum Rules for the Treatment of Prisoners ("Mandela Rules").

Furthermore, it is deeply disturbing that Mr. Abdulrahman was allegedly subjected to enforced disappearance for forty-six days and that the state authorities had purposefully neglected his family's appeals to receive information regarding his fate and whereabouts.

We are issuing this appeal in order to safeguard the rights of Mr. Reda Abdulrahman Ali Mohamed from irreparable harm and without prejudicing any eventual legal determination.

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 the factual and legal grounds for the arrest, detention and prosecution of Mr. Reda Abdulrahman, and the reasons for continuously extending his pre-trial detention.
3. Please explain how the prosecution of Mr. Abdulrahman and the criminalisation of his rights to freedom of opinion, expression, thought, conscience, religion or belief, as well as freedom of peaceful assembly and association is compatible with Egypt's obligations under the international human rights law.
4. Please provide detailed information on the measures undertaken to investigate the case of his enforced disappearance and whether your Excellency's Government has launched an investigation to identify and prosecute those responsible. If there has been no investigation, or if it has been inconclusive, please explain the reasons. Please also provide information on remedies provided to him and his family in connection with the harm suffered as a result of his alleged enforced disappearance.
5. Please provide information about any investigation conducted in relation to the reported dire detention conditions suffered by Mr. Abdulrahman. If no inquiry or investigation has been conducted or if it has been inconclusive, please explain the reason why.
6. Please provide information on the measures undertaken to ensure Mr. Abdulrahman's physical and mental integrity while in detention and his appropriate access to timely and adequate health care.

We would appreciate receiving a response within 60 days. Past 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.

We would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the

Government, the Working Group on Arbitrary Detention may also transmit specific cases relating to the circumstances outlined in this communication through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the present communication and to the regular procedure.

While awaiting a reply, we urge that all necessary interim measures be taken to prevent any irreparable damage to the life and personal integrity of Mr. Abdulrahman, 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.

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

Ahmed Shaheed  
Special Rapporteur on freedom of religion or belief

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

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

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

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

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

## **Annex**

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

In connection with the above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation above.

We would like to refer your Excellency's Government to the International Covenant on Civil and Political Rights (ICCPR), ratified by Egypt on 14 January 1982, and in particular articles 2, 6, 7, 9, 10, 14, 18, 19, 21, 22, 26 and 27, which provide for the right to life, prohibition of torture and other inhumane or degrading treatment, liberty and security of person, the right to an effective remedy by the competent national tribunals for acts violating their fundamental rights, the right to an independent and impartial judicial process with due process guarantees, freedom of thought, conscience, religion or belief, freedom of expression, freedom of association and peaceful assembly, the principle of non-discrimination, guarantees of humane treatment while in detention, the rights of persons belonging to minorities and the protection against arbitrary arrest or detention. All these provisions should be read in conjunction with article 2.3 of the ICCPR guaranteeing everyone's right to an effective remedy.

We would like to refer to article 9 of the Universal Declaration on Human Rights and the ICCPR, which enshrine the right to liberty and security of person. Article 9 of the ICCPR establishes in particular that no one shall be deprived of his or her liberty except on such grounds and in accordance with such procedure as are established by law. Article 9 (4) also entitles everyone detained to challenge the legality of such detention before a judicial authority. In its General Comment No 35, the Human Rights Committee has found that arrest or detention as punishment for the legitimate exercise of the rights as guaranteed by the Covenant is arbitrary, including freedom of opinion and expression (art. 19), freedom of assembly (art. 21), freedom of association (art. 22) and freedom of religion (art. 18). It has also stated that arrest or detention on discriminatory grounds in violation of article 2, paragraph 1, article 3 or article 26 is also in principle arbitrary.

Furthermore, article 14 of the ICCPR guarantees individuals' right to a fair trial and public hearing by a competent, independent and impartial tribunal established by law. Article 14(3) specifically protects one's right to be informed promptly and in detail of the charges against them, the right to have adequate time and facilities for the preparation of their defence, and the right to communicate with counsel of their choosing. The right to legal counsel is also enshrined in Principle 17 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

We draw attention to the provisions of the United Nations Declaration on the Protection of All Persons from Enforced Disappearance. In particular, we 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. Moreover, pursuant to article 19 of the Declaration States must guarantee that victims of enforced disappearance and their family obtain redress and adequate compensation, including the means for as complete a rehabilitation as possible, for the harm suffered.

In addition, article 6 of the ICCPR imposes obligations on States to particularly protect the lives and bodily integrity of individuals deprived of their liberty, including through the provision of the necessary medical care and appropriate regular monitoring of their health (Human Rights Committee, in its General Comment No. 36 (CCPR/C/GC/36)). Moreover, under Article 12 of the International Covenant on Economic, Social and Cultural Rights, ratified by Egypt on 14 January 1982, States also have an obligation to refrain from denying or limiting equal access for all persons, including prisoners or detainees, to health services.

We would like to further refer to the United Nations Standard Minimum Rules for the Treatment of Prisoners (“the Mandela Rules”), adopted in General Assembly resolution 790/175, and in particular to Rules 24 to 35 regarding States responsibility to provide health care for prisoners, including access to medication and treatment facilities, and examinations for signs of torture. We would like to remind that Rule 3 stipulates that the prison system shall not aggravate the suffering inherent to deprivation of liberty. Rule 27 in particular establishes that clinical decisions may only be taken by health-care professionals and may not be overruled or ignored by non-medical prison staff.

Article 18 (1) of the ICCPR that stresses “Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom [...] either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.” Human Rights Committee General Comment No. 22 further explains that “[t]he freedom to manifest religion or belief in worship, observance, practice and teaching encompasses a broad range of acts.

In addition, we wish also to recall that while the manifestation of religion or belief may be restricted as per Article 18(3) of the ICCPR, to protect public safety, order, health, morals and the fundamental rights and freedoms of others, any such limitation must fulfil a number of obligatory criteria of legality, proportionality and necessity, including being non-discriminatory in intent or effect and constitute the least restrictive measure.

We moreover refer to article 19 of the ICCPR, which guarantees the right of everyone to freedom of opinion and expression, which includes “freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice”.

In its General Comment No. 34 on the right to freedom of opinion and expression, the Human Rights Committee has found that restrictions of the right to freedom of opinion and expression that a government seeks to justify on grounds of

national security and counter-terrorism should adhere to the principle of proportionality and necessity, be designed and implemented in a way that respects the universality of human rights and the principle of non-discrimination, and should never be used to prosecute human rights defenders (CCPR/C/GC/34).

We, once again, wish to reiterate the principle enunciated in Human Rights Council Resolution 12/16. The Resolution calls on States to refrain from imposing restrictions which are not consistent with article 19(3), including: discussion of government policies and political debate; reporting on human rights; engaging in peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups.

We further would like to recall that articles 21 and 22 of the ICCPR guarantee the rights of peaceful assembly and of association, and note that “no restrictions may be placed on the exercise of this right other than those imposed in conformity with the 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.”

We would also like to refer to Human Rights Council resolution 24/5 in which the Council “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions of the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law” (OP2, emphasis added).

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

Furthermore, we would like to recall that the General Assembly, in its resolution 63/181 paragraph 9 (j) urges States “To ensure that all public officials and civil servants, including members of law enforcement bodies, the military and educators, in the course of fulfilling their official duties, respect all religions or beliefs and do not discriminate for reasons based on religion or belief, and that all necessary and appropriate education or training is provided.”

With respect to the use to counter terrorism and extremism justifications to restrict the legitimate exercise of freedom of expression, we would like to underline

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

We also recall 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 must ensure that any measures taken to combat terrorism and violent extremism, including incitement of and support for terrorist acts, comply with all of their obligations under international law, in particular international human rights law, refugee law, and humanitarian law.

Furthermore, Article 27 of the ICCPR establishes that in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities have the right, in community with the other members of their group, “to enjoy their own culture, to profess and practice their own religion, or to use their own language”.

We wish to refer to the 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted in General Assembly resolution 47/135, which refers to the obligation of States to protect the existence and the identity of minorities within their territories and to adopt 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 (article 4). Article 2 further establishes that persons belonging to minorities have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely, without any interference or any form of discrimination and provides for the effective participation of minorities in cultural, religious, social, economic and public life, as well as in decision-making processes on matters affecting them.