

Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the independence of judges and lawyers

Ref.: UA EGY 3/2022
(Please use this reference in your reply)

25 May 2022

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the independence of judges and lawyers, pursuant to Human Rights Council resolutions 43/16, 43/4 and 44/8.

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 arbitrary detention of human rights lawyer, Mr. Youssef Mansour.

Mr. **Youssef Mansour** is a lawyer, formerly with the Arab Network for Human Rights Information, a non-governmental organisation that shut down in January 2022. He was the defence lawyer of [REDACTED], also known as [REDACTED], who was sentenced in December 2021 to four years in prison.

According to the information received:

On 24 March 2022, around 30 security personnel, who arrived in police and civilian cars, arrested Mr. Youssef. Some were armed, some were in civilian clothing, and they produced no arrest warrant but told Mr. Youssef "we are affiliated with the government," and gave him three minutes to get ready.

It is reported that Mr. Mansour was forcibly disappeared for two days, during which his family had no information about his whereabouts. In addition, his official arrest document was dated 25 March 2022, one day later than his actual arrest. He later told his lawyers that he had been held at the Interior Ministry's National Security Agency in Cairo, and was questioned about his social media postings.

On Friday 25 March 2022, he was moved to al-Basatin police station, also without the knowledge of his family or lawyer.

On 26 March 2022, Mr. Mansour appeared before the Supreme State Security Prosecutor (SSSP) in Case No. 330/2022 on accusations of spreading false news inside Egypt and outside. Mr. Mansour was questioned about Facebook postings he had made regarding the prison conditions of his client, [REDACTED]. Mr. Mansour had mentioned in his posts that the prison service sector had refused to implement official family and lawyer visiting permits to Mr. [REDACTED] held in the maximum security facility within the Tora Prison

complex south of Cairo, known as Scorpion 2. He was ordered to be held in pre-trial detention pending investigations.

Mr. Mansour was accompanied by two lawyers during the interrogation, and was allowed to meet privately with them for a few minutes after the interrogation and before he was returned to his place of detention. His lawyers were reportedly not permitted to view the charge sheet or the evidence held against him.

Mr. Mansour has since been held in al-Basatin Police Station, and his pre-trial detention has been renewed twice for 15 days each time.

According to Mr. Mansour's lawyers, the accusations in Case 330/2022 under which he is held are based on anti-terrorist Law No. 94 of 2015, and on Penal Code No. 95 of 1937 (updated) and they include the crimes of joining a terrorist group, which carries the death penalty, or long-term detention; incitement to commit a terrorist crime, punishable by up to one year in prison; and the dissemination of false news and statements harmful to the national interest, punishable by up to five years in prison and/or a fine of up to LE 500 (€ 25).

Without wishing to prejudge the accuracy of the information received, we express serious concern as to the prosecution of Mr. Mansour as a result of the legitimate exercise of his professional functions as a human rights lawyer and his related use of social media. We are also concerned about the restriction of his right to freedom of opinion and expression, provided by article 19 of the International Covenant on Civil and Political Rights, which Egypt acceded to in January 1982.

If confirmed, these allegations would be in breach of the guarantees that lawyers are entitled to in order to perform their professional functions without any threat, intimidation, harassment or interference, and without suffering, or being threatened with, prosecution or any administrative or disciplinary sanctions for actions undertaken in accordance with professional duties and ethical standards. In particular, international standards provide that lawyers should not be subject to civil, criminal or disciplinary liability for statements made in good faith in written or oral pleadings or in their professional appearances before the judicial authority.

We respectfully recall that judicial oversight of detention is also a fundamental safeguard of personal liberty and essential towards ensuring that detention has a legal, factual and legitimate basis. Under article 9(3) of the International Convention on Civil and Political Rights (ICCPR), anyone deprived of his or her liberty, must be brought before a judge promptly after their arrest or detention so that an independent and impartial determination of the legality and legitimacy of that deprivation can be made. This provision is aimed at preventing arbitrary detention.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

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

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

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information on the legal and factual basis for the accusations against Mr. Mansour under Case 330/2022, and any measures that have been taken to ensure that the legal basis is used in a manner compliant with international human rights conventions.
3. Please provide information on how the authorities have allowed Mr. Mansour to challenge the legality of his arrest and detention, including by allowing him to be brought promptly before a judge.
4. Please provide information concerning his access to family visits, to receive additional food and other items such as hygiene and medicine.
5. 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 carry out their legitimate activities without fear of criminalization if any kind.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

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

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

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

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

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