

**Mandates of the Special Rapporteur on the situation of human rights defenders; the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the rights to freedom of peaceful assembly and of association**

Ref.: AL EGY 7/2022  
(Please use this reference in your reply)

4 August 2022

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the rights to freedom of peaceful assembly and of association, pursuant to Human Rights Council resolutions 43/16, 42/22, 43/4 and 41/12.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged intimidation and retaliation against Mr. **Abdelrahman Mahmoud**, also known as Abdelrahman Ayyash in relation to his work on the human rights situation in Egypt.

Mr. Ayyash is a human rights researcher with The Freedom Initiative, a U.S.-based non-governmental organisation where he has been covering human rights violations in Egypt. He is also a fellow at Century International, a branch of the Century Foundation, a New York-based think tank, where he focuses on political Islam. Prior to his current position, he was Assistant Human Rights Researcher in the Middle East North Africa division at Human Rights Watch from 2018-2021. He also wrote on migrant issues for the Huffington Post, and later on political detainees in Egyptian prisons for the Paris-based Arab Reform Initiative.

Mr. Ayyash's family members have been questioned and threatened and his father, Mr. Mahmoud Mohamed Ali Shalata, was summoned to police headquarters at least three times in relation to his son's human rights activism in 2009 and 2011, and again after Mr. Ayyash left Egypt in 2013.

According to the information received:

On 2 July 2022, Mr. Ayyash posted a thread of tweets analysing the structure of the Muslim Brotherhood, which was retweeted several times.

On 4 July 2022, at around 3 am, four police officers with the National Security Agency raided Mr. Ayyash's family home in the city of Mansoura, asked about Mr. Ayyash and his whereabouts, confiscated his father's mobile telephone and arrested him. They allowed him to bring his medication, and led him in a police car to the national security premises where he was kept for 20 hours before being transferred to the Mansoura First Police Station. He was held for another 12 hours, and his family had no information about his whereabouts for the duration of the 32 hours.

On 5 July 2022, Mr. Shalata was brought before the general prosecution, in presence of his lawyer. He was asked if he was a member of the Muslim

Brotherhood (MB), and showed pages of a book by the MB founder, Hassan al-Banna, which they said was in his possession. He denied being a member of the MB and denied ownership of the al-Banna pages. He was charged with joining a terrorist group, under Case No. 6778/2022, and was ordered detained for 15 days pending investigation. He was then transferred to Aga Police Station in Mansoura.

On 6 July 2022, Mr. Shalata's family visited him at the prison for a few minutes and delivered his medication and clothing. He was reportedly held in a crowded, poorly ventilated cell. He suffers from diabetes, hypertension, and herniated discs and his family are afraid that the detention conditions might worsen his health.

On 18 July 2022, Mr. Shalata's pre-trial detention was renewed for another 15 days.

Mr. Shalata has previously been the subject of security agency harassment and threats in relation to his son's overseas work.

In the early hours of January 26-27, 2021, police raided his house and confiscated his mobile phone and identity documents. The police officer asked him what Mr. Ayyash was doing in the U.S., and why he hadn't returned to Egypt in a long time. They searched Mr. Shalata's mobile phone and read messages between him and Mr. Ayyash on the Messenger app. The raid occurred two days after Mr. Ayyash participated as part of a panel of experts in an event in Washington D.C. organised by the Project on Middle East Democracy (POMED), a non-profit organisation, marking the tenth anniversary of the Egyptian uprising "Ten years since Tahrir Square, Egypt then and now."

Mr. Ayyash's father travelled to Saudi Arabia with his family one week after the raid, and remained there for five months during which time armed police agents allegedly attempted to raid his house, and found it empty.

In 2009 and 2011, Mr. Shalata was questioned by security agents about his son's activism in ongoing protest demonstrations at the time.

Without prejudging the accuracy of these allegations, we express our deep concern at the intimidation and harassment that may constitute acts of retaliation against human rights defender Mr. Ayyash, including the intimidation, interrogation and arrest of members of his family, which appear to be directly linked to his legitimate work as a human rights defender and to his activities with international non-governmental organisations.

Furthermore, we express our concerns regarding the targeting of Mr. Ayyash and his family for the legitimate exercise of his right to freedom of opinion and expression, as well as of association, provided by articles 19 and 22 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by Egypt on 14 January 1982. We would also like to draw the attention of your Excellency's Government to the UN Declaration on Human Rights Defenders, Article 5 (c), which provides for the right to communicate with non-governmental or intergovernmental organizations, among other rights.

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.

We are issuing this appeal in order to safeguard the rights of Mr. Ayyash from irreparable harm and without prejudicing any eventual legal determination. It is relief *pendente lite*.<sup>1</sup>

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, in particular on what legal grounds the father of Mr. Ayyash has been detained.
2. Please explain how the alleged acts conducted as a retaliation in connection to the human rights work of Mr. Ayyash are compatible with your Excellency's Government's obligations under the ICCPR to protect and respect the right to freedom of association and freedom of expression.
3. Please indicate what measures have been taken to ensure that human rights defenders, such as Mr. Ayyash, can operate in an enabling environment and can carry out their legitimate activities without fear of harassment, stigmatization or criminalization of any kind, or retaliation for their cooperation with international non-governmental organisations and think-tanks.

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 having transmitted an allegation letter to the Government, the Working Group on Arbitrary Detention may also transmit the case 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 allegation letter and the regular procedure.

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.

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<sup>1</sup> Article 41 ICJ Statute 'Interim Protection': Part III, Section D (Incidental Proceedings), Subsection 1.

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

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

Mumba Malila  
Vice-Chair of the Working Group on Arbitrary Detention

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

## **Annex**

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

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the principles and international standards applicable to this communication. The above-mentioned allegations appear to be in violation of articles 19 and 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Egypt acceded on 14 January 1982.

Article 19 of the ICCPR guarantees that everyone shall have the right to hold opinions without interference, and the right to freedom of 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 one's choice. As interpreted by the Human Rights Committee in General Comment No. 34 (CCPR/C/GC/34), such information and ideas include, inter alia, political discourse, commentary on one's own and on public affairs, cultural and artistic expression, and discussion of human rights (paragraph 11) as well as expression of criticism or dissent. Restrictions to freedom of expression can only be imposed if adhering to the strict criteria of legality, necessity and proportionality established in article 19 (3) of the Covenant. As interpreted by the Human Rights Committee, article 19 (3) may never be invoked to justify the muzzling of any advocacy of human rights (*idem*, paragraph 23).

Article 22 of the ICCPR guarantees the right of everyone 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.

We would like to refer your Excellency's Government to article 9 of the UDHR, prohibiting arbitrary detentions, and article 9 of the ICCPR, enshrining the right to liberty and security of person. The latter 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. As indicated by the Human Rights Committee as well as the jurisprudence of the Working Group on Arbitrary Detention, detention due to the peaceful exercise of rights such as the right to freedom of expression and the right to freedom of association is arbitrary.<sup>2</sup>

We would also like to recall that the Special Rapporteur on the situation of human rights defenders noted in a report to the Human Rights Council (A/64/226) that the only legal grounds upon which an interference with the freedom of association that is prescribed by law can be justified is if it meets the test as outlined by article 22, paragraph 2 of the ICCPR.

Moreover, we would like to draw the attention of your Excellency's Government to the principles enunciated by Human Rights Council resolution 24/5, and in particular operative paragraph 2, which "reminds States of their obligation to respect and fully protect the [right] of all individuals to... associate freely, online as well as offline... including human rights defenders... seeking to exercise or to promote

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<sup>2</sup> CCPR/C/GC/34 para. 23.

these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the [right] to freedom of... association are in accordance with their obligations under international human rights law.”

We would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to 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.

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 5 (c), which provides for the right to communicate with non-governmental or intergovernmental organizations;
- article 6 point a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms;
- article 6 points b) and c), which provides for the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights;
- article 9, paragraph 4, point a), which provides for the right to unhindered access to and communication with international bodies;
- article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.