

**Mandates of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; 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**

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(Please use this reference in your reply)

12 July 2023

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Working Group on Arbitrary Detention; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on extrajudicial, summary or arbitrary executions; 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 49/10, 51/8, 45/3, 44/5, 52/9 and 50/17.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning criminal proceedings before the Egyptian First Terrorist Circuit Court and the Emergency State Security Court (Third Terrorist Circuit), respectively.

The first case, known as the "Helwan Brigade case", concerns the alleged violations of due process and fair trial guarantees resulting from a mass trial, in which ten people were sentenced to death, following torture and other ill-treatment and arbitrary pre-trial detention. It also involves allegations of enforced disappearances over a period of time prior to the trial. Specifically, the disappearances concern **Mr. Magdy Muhammed Ibrahim Ibrahim**, **Mr. Mahmoud Attia Ahmed Abdulghany**, **Mr. Abdulwahab Mostafa Muhammed Mostafa**, **Mr. Abdullah Nader El-Sharqawy** and **Mr. Musab Abdulhamid Khalifa**.

The second case, known as the "Joker case", concerns the alleged enforced disappearance and violation of due process and fair trial guarantees during arrest, detention, and the indictment against **Mr. Ahmed Al-Sayed Goda**, **Mr. Ibrahim Mohamed Ibrahim**, **Mr. Ahmed Magdy Farag Mohamed**, **Mr. Ahmed Samir Mohamed Al-Sayed** and **Mr. Farag Mohamed Abdulmoneam**. One of these persons, **Mr. Ibrahim Mohamed Ibrahim** was reportedly tortured.

Third, we would like to draw the attention of your Excellency's Government to the alleged violations of due process and fair trial standards during the arrest, detention, and indictment of **Mr. Mohamed Bakry Helmy Ahmed**, **Mr. Wael Mohamed Ahmed Radwan**, **Mr. Nader Ibrahim Mohamed Ali**, **Mr. Essam Fawzy Othman Hassan**, **Mr. Akram Azmy Abdulaziz** and **Mr. Sayed Ramadan Hassan**. These persons were also forcibly disappeared over a period of time for expressing their critical opinions regarding the current Egyptian economic conditions through social media platforms. Among them, **Mohamed Bakry Helmy Ahmed** was allegedly tortured or otherwise ill-treated.

Finally, we would like to draw your attention to the alleged enforced disappearance, arbitrary arrest and detention, over a period in time of Mr. **Ahmed Atef Ahmed Abdelrahim Baghdadi**, Mr. **Mahmoud Hamed Ahmed Mansou**, Mr. **Tariq Mohamed Fahim Rizk** and Mr. **Ali Abbas Mohamed Barakat**; and the alleged torture or otherwise illtreatment of Mr. **Tariq Mohamed Fahim Rizk** and Mr. **Ali Abbas Mohamed Barakat**.

We refer to the previous communications EGY 4/2020 and EGY 13/2020 concerning respectively the Egypt's Anti-Terrorism Law and Terrorism Circuit Courts. We acknowledge receipt of the detailed replies provided by your Excellency's Government in relation to the former, we regret that no response has been provided to EGY 13/2020. We draw to the attention of your Excellency's Government to the previous communication JOL EGY 4/2020 concerning the amendments of the Anti-Terrorism Law, Terrorist Entities Law, Association Law, Protest Law and associated decrees and their incompatibility with international human rights standards. While acknowledging the detailed reply provided, we reiterate our concerns in relation to the use of extensive periods of pre-trial detention, misuse of listing procedures and broad and vague terms in the Anti-Terrorism Law, and continued non-compliance with international standards on fair trial and due process.

According to the information received:

*The Helwan Brigade case*

Between 14 August 2014 and the beginning of 2015, 149 Egyptian citizens were arrested and accused under State Security case No.621/2014, whilst another 66 were accused in absentia, in relation to an operation by the Government targeting the so-called "Helwan Brigade" after a video was uploaded on YouTube depicting masked men armed with assault rifles threatening to target the police in Helwan district, Cairo governorate.

On 19 February 2015, the case was referred by the Public Prosecutor to the Cairo Criminal Court and subsequently registered under case no. 4459/2015. The first trial session was held in August 2015. On 30 January 2022, the Cairo Criminal Court decided to refer the files of 10 of the defendants to the Grand Mufti for an opinion on the application of death penalty. On 29 June 2022, the Cairo Criminal Court sentenced the 10 defendants to death, including three of them in absentia. Among them were Mr. Magdy Muhammed Ibrahim Ibrahim, Mr. Mahmoud Attia Ahmed Abdulghany, Mr. Abdulwahab Mostafa Muhammed Mostafa and Mr. Abdallah Nader El-Sharqawy. The defendants were charged under articles 40, 41, 86 bis A and 102 B of the criminal code with participation in terrorist acts, killing several police officers, the possession of explosives, vandalising a vehicle belonging to the Helwan Police Station, and sabotaging the Helwan Traffic Unit building.

The defendants' lawyers have been unable to submit an appeal to the Court of Cassation due to the alleged inaction of the Prosecutor's office. According to Egyptian law, the prosecutor is required to send a letter containing the court's verdict to the Prisons Authority that consequently will allow the defendants' lawyers to appeal against said verdict. The defendants' lawyers submitted communications to the Public Prosecutor claiming that the Prosecutor did not send the aforementioned letter to the Prisons Authority, as the period allowed

to apply before the Court of Cassation has already expired (within 60 days of the issuance of the verdict).

*Concerning Mr. Magdy Muhammed Ibrahim Ibrahim's alleged detention, enforced disappearance, and torture*

Mr. Magdy Muhammed Ibrahim Ibrahim is a 42-years-old Egyptian citizen, who before his arrest worked as a merchant and lived in the Helwan district. On 24 August 2014, he was arrested and forcibly disappeared as he was held in an unknown location, where he remained for 3 days and during which he was subjected to beatings and electrocution. On 27 August 2014, he was questioned by the State Security Prosecution in the absence of his lawyer and accused under State Security case no.621/2014 (registered under no. 321/2015). During the first interrogating session, Mr. Ibrahim confessed to possessing a weapon without a license, filming a video inciting the killing of police officers, and shooting at police officers during the dispersal of demonstrations held in the Arab Al-Walda district (Helwan, Cairo) on 3 May 2014. Excessive use of force during these demonstrations by police officers using tear gas, cartridges and firearms was reported. Mr. Ibrahim's confession was obtained through torture by National Security officers, who also threatened him to rape his wife. Mr. Ibrahim subsequently complained of forced confession before the Prosecutor who decided not to investigate the claim. Since August 2017, the defendant has been banned from receiving family and lawyer visits in Tora Maximum Security Prison (Scorpion Prison) where he is currently detained.

*Concerning Mr. Mahmoud Attia Ahmed Abdulghany's alleged detention, enforced disappearance, and torture*

Mr. Mahmoud Attia Ahmed Abdulghany is a 37-years-old Egyptian citizen, who before his arrest worked as a freelancer and lived in the Helwan district. On 30 September 2014, National Security Agents raided his house and arrested him. Mr. Abdulghany was forcibly disappeared for 7 days, i.e. until 8 October 2014, during which his parents were not informed of his fate and whereabouts. During this period, he was subjected to psychological and physical torture. He was electrocuted in his genitals, hung by his hands, beaten, and threatened with the arrest of his family by National Security Agents, who forced him to confess to possessing a weapon without a license, participating in violent demonstrations, and killing a Police Officer. Mr. Abdulghany's lawyer reportedly informed the judge that those confessions were obtained through torture, but the judge disregarded his allegations. On 8 October 2014, Mr. Abdulghany was brought before the State Security Prosecution which accused him as part of the State Security case no.621/2014 (registered later under case no. 321/2015). During the interrogating session, Mr. Abdulghany was reportedly asked about his political affiliation, his opinion regarding the ousting of the former President Muhammed Morsi and whether he had taken part in the opposition demonstrations. Based on the information available to us, during the first investigation session, it appears that the Prosecutor disregarded Mr. Abdulghany's request to perform a forensic medicine examination so as to detect injuries resulting from the torture he had been subjected to. On 20 October 2014, during the second interrogating session, Mr. Abdulghany's lawyer informed the prosecutor that

the defendant's confessions had been obtained under threats and intimidation by the National Security forces. Mr. Abdulghany was held in prolonged solitary confinement and banned from the daily hour of exercise in Tora Maximum Security Prison (Scorpion Prison). Since August 2017, he has been banned from family and lawyer visits.

*Concerning Mr. Abdulwahab Mostafa Muhammed Mostafa's alleged detention, enforced disappearance, and torture*

Mr. Abdulwahab Mostafa Muhammed Mostafa is a 42-years-old Egyptian citizen, who at the time of his arrest was a shopkeeper and lived in the Helwan district. In September 2014, he was reportedly arrested at his workplace and taken to Helwan Police Station. On 16 September 2014, Mr. Abdulwahab was reportedly brought before the State Security Prosecution and accused under State Security case no.621/2014 (registered later under no. 321/2015). Although unaware of the exact date of his arrest, Mr. Abdulwahab allegedly informed the Prosecutor that the arrest record had been forged as he was arrested before the date reported. Nonetheless, the Prosecutor allegedly disregarded this point. Based on the information received, Mr. Abdulwahab was allegedly forcibly disappeared for a few days. In October 2014, while in prison, he was tortured and his leg injured. On 21 October 2014, during the fourth interrogating session, his request to order a medical forensic examination has been dismissed by the Prosecutor. Since August 2017, Mr. Abdulwahab has been banned from receiving family and lawyer visits in Tora Maximum Security Prison (Scorpion Prison).

*Concerning Mr. Abdullah Nader El-Sharqawy's alleged detention, enforced disappearance, and torture*

On 15 June 2014, Mr. Abdullah Nader El-Sharqawy was arrested after his brother was killed during clashes between the police and the protesters. The protests took place on 2 May 2014 in front of Al-Sadat Mosque (Helwan, Cairo). The clashes started at around noon and lasted for at least 3 hours. He was subjected to enforced disappearance for two months and was kept at an unknown place where he was subjected to severe torture such as electric shocks and hanging from the ceiling by his arms and legs. Mr. El-Sharqawy's family sent telegraphs to the Public Prosecutor and the Ministry of Interior to know his fate or whereabouts, but allegedly no response was provided. After two months, Mr. El-Sharqawy was brought before the Prosecutor and accused under the case of Helwan Brigades and charged with the killing of a policeman. Witnesses indicated that his face was covered in bruises at the hearing. Mr. El-Sharqawy is currently detained at Badr III Correction and rehabilitation center. He was allowed to receive a family visit on 28 May 2023, which was indicated as the first visit he received since August 2017. According to persons associated with him, Mr. El-Sharqawy's health is deteriorating as he suffers from severe knee pain and is not allowed to receive clothes.

*Concerning Mr. Musab Abdulhamid Khalifa's alleged detention, enforced disappearance, and torture*

Mr. Musab Abdulhamid Khalifa is a 32 years-old Egyptian citizen, who before his arrest was a university student who lived in the Helwan district. On 22 June 2014, Mr. Khalifa was arrested by several National Security agents and was taken from his friend's farm in Behira governorate. He was taken to Lazoghly National Security Premises where he was forcibly disappeared for two days, during which he was severely tortured. On 24 June 2014, Mr. Khalifa was brought before the State Security Prosecution, which accused him under State Security case no.621/2014 (later registered with no. 321/2015) and questioned him in the absence of his lawyer. During the first interrogation session, he confessed that, together with other individuals, he had taken part in the murder of the officer. However, during the second interrogation session, Musab denied all his previous confessions and reported that he had been subjected to severe torture in the Lazoughly National Security Premises. He reported that, while he was subjected to enforced disappearance, National Security officers blindfolded him and threatened him with torture if he would not confess before the Prosecutor. When Mr. Khalifa informed one of the officers (who pretending to be the prosecutor) that he had been threatened and tortured, he was tortured again with the aim to force him to confess the killing of an officer. In addition, Mr. Khalifa asked for a forensic examination to investigate the allegations of torture, but the Prosecutor disregarded his request. In the fourth interrogation session, Mr. Khalifa testified that, during the first interrogation the Prosecutor threatened him with detention in a military prison if he did not confess. However, the Prosecutor reportedly disregarded his reports of torture and ill-treatment. On 20 September 2014, the forensic doctor reported that Mr. Khalifa had injuries across both his hands, but that it was difficult to determine the gravity of the injuries due to the delays in ordering a forensic examination. Since 2017 Mr. Khalifa has been banned from family and lawyer visits in Tora Maximum Security Prison (Scorpion Prison) where he is currently detained.

*The "Joker case"*

In the second half of September 2019, many public demonstrations took place in different parts of Egypt. As a result, the Egyptian Security Services inspected the mobile phones or scores of political activists and human rights defenders and arrested an estimated 2,000 citizens who were then accused under State Security cases. Between the end of 2020 and the beginning of 2021, Mr. Ahmed Al-Sayed Goda, Mr. Ibrahim Mohamed Ibrahim, Mr. Ahmed Magdy Farag Mohamed, Mr. Ahmed Samir Mohamed Al-Sayed and Mr. Farag Mohamed Abdulmoneam were accused (together with other 97 defendants) by the Emergency State Security Court (ESSC) under case no. 653/2021 (known in the Egyptian media as the "Joker case") and were charged with various terrorism offences.

*Concerning Mr. Ahmed Al-Sayed Goda's alleged and enforced disappearance*

Mr. Ahmed Al-Sayed Goda is a 25-years-old Egyptian citizen, who, before his arrest was a student and lived in Arba'in street, Suez governorate. In November 2019, some plainclothes National Security Agents raided and

searched Mr. Goda's house and he was taken to the National Security premises of Suez governorate. Mr. Goda was subjected to enforced disappearance for 60 days, during which he was kept in an unofficial detention centre. During this time, he was questioned about the September 2019 demonstrations and whether he had taken part in them. Mr. Goda's family sent telegraphs to the Minister of Interior and the Public Prosecutor to ask about his fate and whereabouts but received no response. On 28 January 2020, Mr. Goda was brought before the State Security Prosecution where he was accused under case no. 1375/2019 ("Joker case") and charged with joining a terrorist group, publishing fake news, participating in demonstrations and possessing edged weapons. It was also reported that the Prosecutor disregarded the enforced disappearance. In December 2021, the Prosecutor referred Mr. Goda's case to the Emergency State Security Criminal Court (terrorist circuit no. 3) under case no. 653/2021. Mr. Goda is currently detained in Tora Farm Prison, exceeding the maximum length of pre-trial detention of 2 years under Egyptian law.

*Concerning Mr. Ibrahim Mohamed Ibrahim's alleged detention, enforced disappearance, and torture*

Mr. Ibrahim Mohamed Ibrahim is a 23 years-old Egyptian citizen, who at the time of his arrest was a merchant and lived in Madina Munawra Street, Suez governorate. On 24 December 2019, National Security Agents – some of them were in uniform, others in plainclothes – raided and searched Mr. Ibrahim's place of residence and arrested him. Mr. Ibrahim was taken to the National Security Premises of the Suez governorate where he was beaten and questioned about the September 2019 demonstrations. Subsequently, he was subjected to enforced disappearance for 33 days, following which it became known that he was driven to Security Forces Camp in Jabl Al-Ahmar. On 27 January 2020, Mr. Ibrahim was brought before the State Security Prosecution where he was accused under case no. 1375/2019 and charged with participation in a demonstration of five people, use of force and violence against public officials, endangering and disrupting public transportation, committing terrorist acts, and possessing explosives. In December 2021, the Prosecutor referred Mr. Ibrahim's case to the ESSC (terrorist circuit no. 3) under case no. 653/2021. He is currently detained in Tora Farm Prison, exceeding the maximum length of pre-trial detention of 2 years under Egyptian law.

*Concerning Mr. Ahmed Magdy Farag Mohamed's alleged detention and enforced disappearance*

Mr. Ahmed Magdy Farag Mohamed is a 22-years-old Egyptian citizen. Before his arrest, Mr. Mohamed was a student who lived in Arba'in street, Suez governorate. On 22 December 2019, some plainclothes National Security Agents arrested Mr. Mohamed and took him from his place of residence without an arrest warrant. Mr. Mohamed was taken to the National Security Premises in the Suez governorate where he was questioned about the September 2019 demonstrations. Subsequently, he was subjected to enforced disappearance for more than a month, whereafter it was discovered that he was driven to Security Forces Camp in Jabl Al-Ahmar. On 29 January 2020, Mr. Mohamed was brought before the State Security Prosecution where he

was accused under case no. 1375/2019 and charged with participation in a demonstration of five people, use of force and violence against public officials, and possessing explosives. In December 2021, the prosecution referred Mr. Mohamed's case to the ESSC (terrorist circuit no. 3) under case no. 653/2021. He is currently detained in Tora Farm Prison, exceeding the maximum length of pre-trial detention of 2 years under Egyptian law.

*Concerning Mr. Ahmed Samir Mohamed Al-Sayed's alleged detention and enforced disappearance*

Mr. Ahmed Samir Mohamed Al-Sayed is a 21-years-old Egyptian citizen, who before his arrest was a student and lived in Ganayn district, Suez governorate. On 25 December 2019, some plainclothes National Security Agents arrested Mr. Al-Sayed from his place of residence without an arrest warrant. Mr. Al-Sayed was taken to the National Security Premises in the Suez governorate where he was questioned about the September 2019 demonstrations. Subsequently, he was subjected to enforced disappearance for more than a month, whereafter it became known that he was driven to Security Forces Camp in Jabl Al-Ahmar. On 27 December 2019, Mr. Al-Sayed's family sent telegraphs to the Public Prosecutor asking about his fate and whereabouts, but no response was provided. On 27 January 2020, Mr. Al-Sayed was brought before the State Security Prosecution where he was accused under case no. 1375/2019 and charged with participation in a demonstration of five people, use of force and violence against public officials, endangering and disrupting public transportation, committing terrorist acts and possessing explosives. In December 2021, the Prosecutor referred Mr. Al-Sayed's case to the Emergency State Security Criminal Court (terrorist circuit no. 3) under case no. 653/2021. He is currently detained in Tora Farm Prison, exceeding the maximum length of pre-trial detention of 2 years under Egyptian law.

*Concerning Mr. Farag Mohamed Abdulmoneam's alleged detention and enforced disappearance*

Mr. Farag Mohamed Abdulmoneam is a 19-years-old Egyptian citizen who at the time of his arrest was a student and lived in Ganayn district, Suez governorate. On 20 December 2019, some plainclothes National Security Agents arrested Mr. Abdulmoneam from his place of residence without an arrest warrant. Mr. Abdulmoneam was taken to the National Security Premises in the Suez governorate where he was questioned about the September 2019 demonstrations. Subsequently, he was subjected to enforced disappearance for about 44 days, following which it was discovered he was driven to Security Forces Camp in Jabl Al-Ahmar. On 2 February 2020, Mr. Abdulmoneam was brought before the State Security Prosecution and accused under case no. 1375/2019 with charges of participation in a demonstration of five people, use of force and violence against public officials, endangering and disrupting public transportation, committing terrorist acts and possessing explosives. In December 2021, the Prosecutor referred Mr. Abdulmoneam's case to the ESSC (terrorist circuit no. 3). He is currently detained in Tora Farm Prison, exceeding the maximum length of pre-trial detention of 2 years under Egyptian law.

*Terrorism charges against six nationals for expressing their opinion on social media platforms:*

According to the information received, Egypt is facing a range of socio-economic challenges, including record high inflation, which is impacting the level of enjoyment of economic, social, and cultural rights, especially for the most vulnerable groups. These challenges have resulted in rising food and commodity prices, lowered salaries, and rapid currency devaluations, alongside various forms of peaceful protest and expressions of opinion, including on social media. It has been alleged that several individuals expressing opinions on the economic situation have been arrested, whilst others were threatened with arrest under Law no. 175/2018 regarding anti-cyber and information technology crimes and the Counter-terrorism Law no. 94/2015. Among them were Mr. **Mohamed Bakry Helmy Ahmed**, Mr. **Wael Mohamed Ahmed Radwan**, Mr. **Nader Ibrahim Mohamed Ali**, Mr. **Essam Fawzy Othman Hassan**, Mr. **Akram Azmy Abdulaziz** and Mr. **Sayed Ramadan Hassan**.

*Concerning Mr. Mohamed Bakry Helmy Ahmed's alleged detention, enforced disappearance, as well as torture, cruel, inhuman, and degrading treatment*

Mr. Mohamed Bakry Helmy Ahmed is a 25-year-old Egyptian citizen who at the time of his arrest was an employee of an Egyptian company and lived in the 6th of October City, Giza governorate. On 25 January 2023, Mr. Ahmed was arrested by several National Security Agents from his place of residence (6th of October city, Giza governorate). He was subjected to enforced disappearance for 6 days, following which it was discovered he was reportedly taken to the National Security Premises in Al- Sheikh Zayed Police Station. He was questioned about a video on Tiktok in which he criticized the Egyptian authorities' policies for the deteriorating economic conditions that Egyptians face. Mr. Ahmed was also threatened with electric shocks by a National Security Agent. On January 31, 2023, Mr. Ahmed was brought before the State Security Prosecution where he was accused under case no. 184/2023 and charged with joining and funding a terrorist group, misusing social media and publishing false news. Mr. Ahmed testified that he forcibly disappeared and threatened with torture. Despite this, the Prosecutor reportedly ordered his detention for 15 days pending investigations. According to the information received, the arrest report – which was submitted by the National Security Agency – was falsified as it was dated 31 January 2023, rather than the alleged date of arrest.

*Concerning Mr. Wael Mohamed Ahmed Radwan's alleged detention and enforced disappearance*

Mr. Wael Mohamed Ahmed Radwan is a 48-year-old Egyptian citizen who at the time of his arrest worked and lived in Al-Malka Street, Faisal district, Giza governorate. On 24 December 2022, Mr. Radwan was arrested by National Security Agents from a street nearby his place of residence. He was subjected to enforced disappearance for 40 days, following which it became known he was taken to the National Security department in Giza Police Station. On 4 February 2023, Mr. Radwan was brought before the State Security Prosecution where he was accused under case no. 184/2023 and charged with

joining and funding a terrorist group, publishing false news, and misusing social media. Mr. Radwan was interrogated about a video on Tiktok in which he allegedly criticized Egypt's economic conditions and (then) current inflation. The Prosecutor ordered his imprisonment for 15 days pending investigations despite Mr. Radwan had testified about the falsification of his arrest report and his enforced disappearance.

*Concerning Mr. Nader Ibrahim Mohamed Ali's alleged detention and enforced disappearance*

Mr. Nader Ibrahim Mohamed Ali is a 24-year old Egyptian citizen who at the time of his arrest lived in Bani-Mazar centre, Minya governorate and was a security officer at a bank. On 19 January 2023, Mr. Ali was arrested near his workplace in Rehab city, Cairo governorate. He was forcibly disappeared for 16 days during which time he was blindfolded for most of the time. Subsequently, it became known that he was reportedly taken to the National Security department of the 5<sup>th</sup> Settlement Police Station. On 4 February 2023, Mr. Ali was brought before the State Security Prosecution which accused him under case no. 184/2023 and charged him with joining a terrorist group, publishing false news and misusing social media. Mr. Ali was interrogated about his alleged participation in a Facebook and telegram group called "reach your voice" through which many people criticize the Egyptian currency deterioration and the resulting economic conditions. Mr. Ali and his lawyer informed the prosecution that the arrest report was forged as the defendant had been subjected to enforced disappearance for more than two weeks. However, the Prosecution ordered Mr. Ali's pretrial detention for 15 days pending investigations.

*Concerning Mr. Essam Fawzy Othman Hassan's alleged detention and enforced disappearance*

Mr. Essam Fawzy Othman Hassan is a 44-year-old Egyptian citizen, born on 28 April 1978. At the time of his arrest Mr. Essam lived in Al-Safa Street, Al-Salam district, Ismailia governorate. On 9 February 2023, some plainclothes National Security Agents raided his place of residence and arrested Mr. Hassan without showing an arrest warrant. Subsequently, he was subjected to enforced disappearance for 6 days, following which it was discovered that he was reportedly taken to Ismailia Security Directorate where On 14 February 2023, Mr. Essam was brought before the State Security Prosecution where he was accused under case no. 184/2023 and charged with joining a terrorist group, publishing false news and misusing social media. Mr. Hassan was interrogated about a video he published on his YouTube Channel, titled "Uncle Othman", in which he talks about the effects that the current Egyptian economic conditions have on his personal life. The Prosecution reportedly failed to investigate Mr. Hassan's enforced disappearance and forged an arrest report and ordered his continued detention for 15 days pending investigations.

*Concerning Mr. Akram Azmy Abdulaziz's alleged detention and enforced disappearance*

Mr. Akram Azmy Abdulaziz is a 49-year-old Egyptian citizen who at the time of his arrest was an accountant and lived in Nabwia Mousa street, Moharmbek district, Alexandria governorate. On 28 December 2022, Mr. Abdulaziz went to the Manshya court in Alexandria governorate holding a sign saying, "The trial of the Prime Minister, who is the reason for the deterioration of the economy". A few minutes later, the Police reportedly arrested Mr. Abdulaziz and took him to an unknown place where he remained for 3 days under enforced disappearance. On 1 January 2023, Mr. Abdulaziz was brought before the State Security Prosecution that accused him under case no. 2515/2022 and charged him with joining a terrorist group, misusing social media and publishing false news. The Prosecution failed to investigate the violations he was subjected to.

*Concerning Mr. Sayed Ramadan Hassan's alleged detention and enforced disappearance*

Mr. Sayed Ramadan Hassan is a 45-year-old Egyptian citizen and a former Police guard who at the time of his arrest lived in Al-Khanka district, Qalubia governorate. On 24 January 2023, Mr. Ramadan Hassan was arrested by National Security Agents. He was taken to an unknown place of detention where he forcibly disappeared for 14 days. On 6 February 2023, Mr. Ramadan Hassan was brought before the State Security Prosecution and charged with joining a terrorist group, publishing false news and misusing social media under case no. 95/2023. The Prosecutor searched Mr. Sayed's Facebook account to check his posts and asked him about a post related to the arrest of people who were talking about price increases. The Prosecutor also dismissed the allegations concerning the enforced disappearance to which Mr. Ramadan Hassan was subjected to for two weeks.

*Arbitrary detention, enforced disappearance and torture of four individuals under terrorism charges between 2016 and 2021:*

*Concerning Mr. Ahmed Atef Ahmed Abdelrahim Baghdadi's alleged detention and enforced disappearance*

Mr. Ahmed Atef Ahmed Abdelrahim Baghdadi is a 24-year-old Egyptian citizen who at the time of his arrest was a secondary school student, residing in Al-Qalihat Center, Juhayna, Sohag Governorate. On 30 August 2016, Mr. Baghdadi was arrested by National Security Agents from the Al-Hilal Pharmacy in the Fifth Settlement. The agents searched his place of residence in the Fifth Settlement without showing a search warrant. Mr. Baghdadi was subjected to enforced disappearance from 30 August to 27 December 2016. He reported that he was detained at the National Security headquarters in Abbasiya and that no episodes of torture or threats by the security agents had occurred. He also reported that the investigation against him concerned his alleged communication with members of Islamic State of Iraq and Syria (ISIS), his allegiance to the armed group of the Hasm movement and the fact he had allegedly received combat training to assassinate some military leaders, as well as funding from abroad. Persons associated with Mr. Baghdadi sent

telegraphs to the Attorney General, the Minister of Interior, the National Council for Human Rights, and the Juhayna Prosecution, who summoned one of the persons associated with the detainee four months after his enforced disappearance to report the arrest incident. Mr. Baghdadi reportedly appeared before the Supreme State Security Prosecution under case no. 64/2016 and was transferred to Tora Maximum Security Prison 2. According to persons associated with him, the prison has a torture room where detainees are tortured as a punitive measure by prison officers. During his detention in Scorpion Prison, Mr. Baghdadi was held in solitary confinement several times and was prevented from family visits and regular exercise. The detainee was acquitted in the case no. 647/2016 but, after this, he was added to a pending case belonging to the Sohag Prosecution office and sentenced to a year in prison in January 2021. After serving the sentence, he was not released, instead he was allegedly subjected to a second enforced disappearance by National Security agents in Sohag from April to 31 July 2021. He appeared before the Supreme State Security Prosecution under case no. 2015/2021. Furthermore, after he was acquitted in the case no. 647/2016, persons associated with him were threatened by security personnel.

*Concerning Mr. Mahmoud Hamed Ahmed Mansour's alleged detention and enforced disappearance*

Mr. Mahmoud Hamed Ahmed Mansour is a 36-year-old Egyptian citizen who before his arrest was an entrepreneur living in the Cairo governorate.

On 5 November 2021, State Security forces in military uniforms searched his house and arrested Mr. Mansour without showing a warrant. Mr. Mansour was allegedly subjected to enforced disappearance from 5 November to 7 December 2021. He reported that he was detained in Al-Maasara. His disappearance was not reported to the authorities.

On 9 February 2022, Mr. Mansour was presented to the Nasr City Misdemeanour Court and he was sentenced to 6 months imprisonment. After the expiration of his sentence, the decision to release him was not implemented and, on 7 July 2022, he was charged with joining and financing a terrorist group under case no. 1222/2022 by the Supreme State Security Prosecution. He is currently being held in pre-trial detention pending the trial of his case.

*Concerning Mr. Tariq Mohamed Fahim Rizk's alleged detention, enforced disappearance and torture, cruel, inhuman, and degrading treatment*

Mr. Tariq Mohamed Fahim Rizk is a 59-year-old Egyptian citizen who, at the time of his arrest, was the Head of the Department of Public Health in al Mjaz in the Department of Veterinary, Manouf. He lived in Manouf Center, in the Manoufia governorate. Mr. Rizk was also a former member of the Muslim Brotherhood who, in his capacity as a member, ran for the local elections in 2008 and was arrested and detained for two and a half months in Burj Al Arab prison in Alexandria. In November 2013, he was arrested again and remained in pretrial detention for five months. He was sentenced to 6 months imprisonment, but his family paid bail and he was released on 23 March 2014. It has been alleged that, in 2018, State security forces raided Mr. Rizk's house

twice in order to arrest him but did not find him until June of the same year, when they arrested him. Mr. Rizk was held in pretrial detention for a month before being released without a trial.

Since then, he was summoned every month for interrogation by State Security in Manouf until the most recent arrest in 2021. On 23 November 2021, Mr. Rizk was summoned for an interrogation at the State Security headquarters in Manouf. Later, on the same day, a person associated with Mr. Rizk received a call to pick up his motorbike and, once he arrived at the State security headquarters, he asked about Mr. Rizk whereabouts but received no answer. The officers said they needed to interrogate Mr. Rizk for longer, without specifying the reasons. Mr. Rizk was subjected to enforced disappearance from 23 November 2021 to 7 December 2021. His lawyer later reported he was detained in the State Security headquarters in Shabin Al-Kum. The police report did not mention the enforced disappearance period and stated that Mr. Rizk was arrested a day before he appeared before the Public Prosecution of Manouf. Mr. Rizk was charged with joining a terrorist group under case no. 2055/2021. The Public Prosecution ordered his pretrial detention pending investigation and then subsequently ordered his release on 16 December 2021. While being transferred to the State Security headquarters in Shabil Al Kum, he was subjected to enforced disappearance for four days and reappeared before the Supreme State Security Prosecution on 20 December 2021, to be charged with joining a terrorist group under case no. 2055/2021.

On 7 December 2021, his family saw him while he was in the center of Shabin Al-Kum. During his enforced disappearance, it is alleged that Mr. Rizk underwent physical and psychological torture from agents of the State security headquarters in Shabin Al-Kum. He was beaten up and electrocuted on different parts of his body and forced to confess crimes for which he had been charged. However, the content of Mr. Rizk's confession is unknown, as no copy of the document was provided to the family or his lawyer. It has been reported that the renewal session was for a large group of men. In addition, the defendant's lawyer was not allowed to visit him in the detention facilities. Mr. Rizk remained in detention for two months between 20 December 2021, and 20 February 2022 in the Manouf department before being transferred to Abu Zabal Prison 2, where the conditions of detention are better than the deportation cells of the State Security headquarters or police. He is currently still detained at Abu Zabal Prison 2. He is receiving one monthly visit through a glass barrier, each lasting 10 minutes. He is being held in a shared cell of 4x4 meters with around 40 men, which has no proper ventilation or adequate hygiene facilities.

*Concerning Mr. Ali Abbas Mohamed Barakat's alleged detention, enforced disappearance and torture, cruel, inhuman, and degrading treatment*

Mr. Ali Abbas Mohamed Barakat is a 59-year-old Egyptian human rights lawyer. At the time of his arrest, he lived in Tamalay Menouf, Monoufiya. On 18 December 2016, State Security officers stormed inside Mr. Barakat's office in Nasr City, Cairo where they physically assaulted and arrested him without showing a warrant. They proceeded to search his office, damaging work documents and materials and illegally seizing files containing cases

Mr. Barakat was working on. Mr. Barakat was transported in one of the State Security officers vehicles. He was subjected to enforced disappearance for one month, from 18 December 2016 to 18 January 2017. It has been alleged that he was detained for two days at the headquarters of the National Security in Nasr City and then taken to the State Security headquarters of Shebin Al-Kom. While being forcibly disappeared, he was subjected to severe torture with beatings and electrocution in all areas of his body, including genital parts. He was threatened with “raping his spouse” and “killing his son” to force him to confess. In Shebin Al-Kom, in response to his request to see a doctor, he was put in solitary confinement and subjected to physical and psychological torture (i.e., beating, insulting, and threatening). On 18 January 2017, he was brought before the Public Prosecution, and was unable to move or speak because of the severe torture he had been subjected to. He suffered a stroke that paralyzed his right side, after which he was taken to the hospital. He lost significant weight and was treated for a torn shoulder tendon. The police report did not mention the period of enforced disappearance and indicated the arrest date on the day of his presentation before the prosecution. His family first saw him on 19 January 2017 at the Prosecution office of Shebin Al Kom in Monufia. He was charged with joining and funding the Muslim Brotherhood under case no. 10693 of 2015 and detained in the Shebil Al Kom public prison pending investigation. His lawyer represented him during the first interrogation before the prosecution and at every renewal session. His pretrial detention was renewed for one year before he was tried on 17 December 2017 under case no. 56/2016 at Shebil Al-Koum court. During his trial, Mr. Barakat’s lawyer reported the severe torture his client underwent while forcibly detained and forcibly disappeared and during his pretrial detention. However, the court dismissed the request to investigate such allegations and sentenced Mr. Barakat to 10 years imprisonment.

He was also charged in case no. 184/2017 for joining and funding a terrorist group, while he was detained pending investigation. This case was referred to as case no. 1/2016 before the Shebil AlKoum court. The judge sentenced him to 3 years imprisonment. On 1 March 2018, he was transferred to Wadi Al Natroun Annex Prison.

After Mr. Barakat’s lawyer appealed the two sentences, the ten years imprisonment sentence was reduced to 7 years, whereas the second sentence remained the same. Neither the numbers of the appeal nor the dates were reported. However, it has been reported that the possible date is 8 August 2019, as Mr. Barakat was transferred back to Shebil Al-Koum prison at that time, until August 23, 2019. On this date, he was sent back to the Wadi Al Natroun Annex prison, where he was detained until June 2022. Before his detention, Mr. Barakat suffered from many severe and chronic diseases that required special medical care, including diabetes, chronic high blood pressure, late-stage cirrhosis, and oesophageal varicose veins. His alleged conditions of detention and the failure of authorities to provide him with adequate medical care have posed an imminent threat to his life. He requested several times to be examined by a doctor. When the prison administration accepted his request, they did not follow up with the doctor’s recommendations of doing more tests and just provided him with painkillers. Furthermore, he was denied clothes, blankets, family visits, exercise, and reading and held in an overcrowded cell with poor hygiene standards. On 23 February 2019, Mr. Barakat’s lawyer

obtained a ruling from the Court of Administrative which has not been implemented so far. On 22 May 2022, he was acquitted of all the charges issued against him. Yet, the security services refused to release him and he was transferred from the detention facility in the Wadi al-Natroun annex to the Bandar Shebin al-Kom police station. From 22 June 2022, he forcibly disappeared again and appeared before the Supreme State Security Prosecution in Cairo on 7 July 2022. It has been alleged that his family was not informed of the latest charges or the case number. He is currently detained in pre-trial detention at Al-Qanater men's prison.

While we do not wish to prejudge the accuracy of these allegations, we continued raise alarm at the reported violations of due process and **fair trial guarantees; arbitrary detention; absence of judicial oversight; enforced disappearance; torture, cruel, inhuman and degrading treatment; and restrictions of the rights to freedom of peaceful assembly, freedom of opinion and expression** of the numerous individuals mentioned in the present communication. The potential imposition of the death penalty further exacerbates our concerns. If confirmed, these allegations would amount to multiple severe violations of the fundamental rights to personal security, integrity, due process and life. We express our most profound concerns that these cases are not isolated but appear to be part of a systematic pattern of misuse of counter-terrorism and national security legislation, which undermine individuals' fundamental rights and the rule of law in Egypt. In line with our communication EGY 4/2022 we reiterate our earlier concerns about the amendments of the Anti-Terrorism Laws and associated decrees.

In this connection, we also reiterate our concerns expressed in the communication [JAL EGY 8/2021](#) about the amendment of the Anti-Terrorism Law that further broadens the definition of terrorism and provides for harsher sentences for those accused of terrorism-related crimes, including life sentences and capital punishment. Although there is no agreement on a multilateral treaty on terrorism which would *inter alia* legally define terrorism, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism has stressed throughout, and for years, that States should ensure that national counter-terrorism legislation is limited to the countering of terrorism as properly and precisely defined on the basis of the provisions of international counter-terrorism instruments and is strictly guided by the principles of legality, necessity and proportionality. Such a position is consistent with Security Council resolutions addressing the use of counter-terrorism by Member States. This is closely related to the important "principle of legal certainty" which requires that criminal laws are sufficiently precise so it is clear what types of behaviour and conduct constitute a criminal offence and what would be the consequence of committing such an offence. The same Special Rapporteur has previously highlighted the dangers to the rule of law and the protection of human rights of overly broad definitions of terrorism in domestic law that do not comply with international treaty obligations ([A/73/361](#)).

On this basis, the **definition of terrorism** in national legislation should be guided by the model definition proposed in Security Council resolution 1566 (2004) and also by the Declaration on Measures to Eliminate International Terrorism and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, which were approved by the General Assembly. The seriousness of, and punishment for, a criminal conviction must be proportionate to the culpability of the perpetrator. No one should be convicted of participating in a

terrorist act, or facilitating or funding terrorism, unless it can be shown that that person knew or intended to be involved in terrorism acts as defined under national law. For these reasons, the Special Rapporteur the promotion and protection of human rights and fundamental freedoms while countering terrorism encourages states to use precise and defined terminology when it comes to counter-terrorism norms so as to comply with the principles of legal certainty, legality and proportionality. Furthermore, we respectfully remind your Excellency's Government that any measures taken to combat terrorism and violent extremism, including incitement of and support for terrorist acts, must comply with all their obligations under international law. The Experts highlight that the targeting of civil society including lawyers under the guise of counter-terrorism is entirely inconsistent with the human rights obligations of Member States.

**Incommunicado detention** prevents prompt intervention of a lawyer, prompt presentation before a judge, which reduces the risk of ill-treatment when someone is taken into custody, and inherently violates article 9 paragraph 3 of the International Covenant on Civil and Political Rights (ICCPR) ([CCPR/C/GC/35, para 35](#)). Depending on its duration and other facts, incommunicado detention may also violate other rights under the ICCPR, including articles 6, 7, 9, 10, 14 and 16, read alone and in conjunction with article 2(3). States parties have a duty to facilitate access to counsel for detainees in criminal cases from the outset of their detention.

With regard to **enforced disappearance**, we draw your attention to the United Nations Declaration on the Protection of All Persons from Enforced Disappearances articles 9 -13. In this regard, we are seriously concerned that the authorities consistently fail to immediately inform the families about the whereabouts of the detainees, their physical and psychological integrity and the conditions. We wish to recall that the failure to acknowledge a deprivation of liberty by State agents or the refusal to acknowledge detention are constitutive elements of an enforced disappearance, regardless of the duration of the deprivation of liberty or concealment concerned. Also, by apprehending and detaining individuals, including activists and human rights defenders, the State assumes responsibility for their lives and physical integrity. Due to the heightened duty of care, States must take the necessary measures to protect the lives of all individuals deprived of their liberty. We are further drawing your Excellency's Government's attention to the absolute and non-derogable prohibition of enforced disappearances (articles 2 and 7) which has attained the status of *jus cogens*.

In this connection, we underscore again our deep concerns - expressed in EGY 4/2020 - in relation to the **Terrorism Circuit Courts** (hereinafter TCCs) framework and its practices, namely the systematic imposition of pre-trial detention, the conduction of mass trials in humiliating conditions and often in the absence of the lawyers or the defendants themselves, the restrictions on the ability of lawyers to carry out their functions effectively and, a general lack of transparency. In this regard, we are deeply concerned by the modalities in which Egypt's Terrorist Circuit Courts have conducted the trials against Mr. Magdy Muhammed Ibrahim Ibrahim, Mr. Mahmoud Attia Ahmed Abdulghany, Mr. Abdulwahab Mostafa Muhammed Mostafa, Mr. Abdullah Nader El-Sharqawy, Mr. Ahmed Al-Sayed Goda, Mr. Ibrahim Mohamed Ibrahim, Mr. Ahmed Magdy Farag Mohamed, Mr. Ahmed Samir Mohamed Al-Sayed, Mr. Farag Mohamed Abdulmoneam, Mr. Mohamed Bakry Helmy Ahmed, Mr. Wael Mohamed Ahmed Radwan, Mr. Nader Ibrahim Mohamed Ali, Mr. Essam Fawzy Othman Hassan, Mr. Akram Azmy Abdulaziz and

Mr. Sayed Ramadan Hassan.

Considering the **special features of the Terrorist Circuit Courts (TCC)**, we recall that the Human Rights Committee in general comment no. 32 has highlighted that although the ICCPR does not prohibit the trial of civilians in special courts, it requires that such trials are in full conformity with the requirements of article 14 and that its guarantees cannot be limited or modified because of the military or special character of the court concerned ([CCPR/C/GC/32, para 22](#)). On these grounds, we reiterate our concern expressed in the previous communication [JOL EGY 4/2020](#) in relation to the exceptionality of the State Security Emergency Courts which is underscored by the lack of any judicial appeal process of its decisions.

The Committee also stressed the importance to take all necessary measures to ensure that such trials take place under conditions which genuinely afford the full guarantees stipulated in article 14 of the ICCPR. Furthermore, national authorities should provide evidence that such trials are necessary and justified by objective and serious reasons and that the regular civilian courts do not have the competence to undertake trials related to a specific category of criminal offences.

In addition, the General Assembly has stressed the importance of developing and maintaining effective, fair, humane, transparent and accountable criminal justice systems which provide individuals with a fair and public hearing and has urged states, while countering terrorism, to ensure due process guarantees in accordance with their obligations under international law ([A/RES/73/174, para. 9](#); [A/RES/72/180, para. 5\(s\)](#)). We also to respectfully remind your Excellency's Government that the Human Rights Committee has clarified that the right to take proceedings before a court is non-derogable even during a state of emergency ([CCPR/C/GC/35, para 67](#)). Furthermore, those who have been victims of violations on account of derogating measures retain the rights to an effective domestic remedy under article 2 paragraph 3 of the ICCPR. The judicial oversight of derogations is necessary to preserve the rule of law, protect non-derogable rights and prevent arbitrariness.

With regard to the **duration of pre-trial detention** in the case of TCCs (EGY 8/2021) the legal practice in Egypt seems to indicate that there is no upper limit in practice to the time that an individual may be held in pre-trial detention, which is inconsistent with the applicable international law. Under article 9(3) of ICCPR anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. The Human Rights Committee has clarified in general comment no. 35 (see the Annex) that this requirement applies without exceptions and that, although the meaning of "promptly" may vary on the basis of the circumstances of the case, 48 hours is ordinarily sufficient to transport the individual and to prepare for the judicial hearing. Any delay longer than 48 hours must remain exceptional and be justified under the circumstances.

Furthermore, the Committee stated that not only the public prosecutor cannot be deemed as having judicial power, but detainees shall be brought physically before the judge/competent authority as their physical presence at the hearing gives the opportunity for inquiry into the treatment that they received in custody, hence representing an important safeguard for the right to security of person and the prohibition against torture and cruel, inhuman or degrading treatment. We also recall that the Committee has further explained that the person held in pre-trial detention is

entitled to trial within a reasonable time or to release. In view of the Committee, extremely prolonged pretrial detention may also jeopardize the presumption of innocence under article 14(2). Whether the delays become necessary, the judge must reconsider alternatives to pretrial detention.

Bearing in mind that pre-trial detention is the detention between the time of arrest and the time of judgment of first instance ([CCPR/C/GC/35, para 37](#)), we are deeply concerned about the extensive period of pre-trial detention of the individuals mentioned above.

As regards the **Helwan** Brigade case, on the basis of the information received, since the time of the arrest of the persons concerned in 2014, we are seriously concerned that they were only convicted at first instance in 2022 in trials that do not appear to provide essential judicial guarantees. Moreover, we express our concern regarding the fact that the individuals' request to carry out a forensic examination to assess the allegations of torture has been dismissed by the public prosecutor and not by the competent judicial authority. Furthermore, Mr. Magdy Muhammed Ibrahim Ibrahim, Mr. Mahmoud Attia Ahmed Abdulghany, Mr. Abdulwahab Mostafa Muhammed Mostafa and Mr. Abdullah Nader El-Sharqawy had been reportedly detained for a year in the absence of a prompt review of their cases by a competent judge. We are deeply concerned that they have been sentenced to death on the grounds of confessions that may have been obtained through torture, and that the national authorities reportedly failed to investigate the allegations of torture during the period of their pre-trial detention, as well as those concerning their initial enforced disappearance.

With regard to the **death penalty** the current legislative framework and legal proceedings in Egypt regulating the imposition of the death penalty appear to contravene international standards in that they impose the death penalty for crimes which do not reach the threshold of the "most serious crimes" as required by article 6(2) of the International Covenant on Civil and Political Rights (ICCPR), which Egypt ratified on 14<sup>th</sup> January 1982.

We also recall that the death penalty has long been regarded as an extreme exception to the fundamental right to life. Article 6(2) of the ICCPR provides that in countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes.

As regards the **Joker case**, on the basis of the information received, since the time of their arrest in 2019, the five individuals have reportedly been subjected initially to an enforced disappearance, followed by a prolonged, unlawful and arbitrary pattern of arrest and pre-trial detention. Furthermore, we express our concern regarding the fact that in the case of Mr. Ahmed Al-Sayed Goda the allegations of enforced disappearances have been dismissed by the Public Prosecutor and not by the competent judicial authority.

Finally, as regards the cases of Mr. Mohamed Bakry Helmy Ahmed, Mr. Wael Mohamed Ahmed Radwan, Mr. Nader Ibrahim Mohamed Ali, Mr. Essam Fawzy Othman Hassan, Mr. Akram Azmy Abdulaziz, Mr. Sayed Ramadan Hassan, Mr. Ahmed Atef Ahmed Abdelrahim Baghdadi, Mr. Mahmoud Hamed Ahmed Mansour, Mr. Tariq Mohamed Fahim Rizk and Mr. Ali Abbas Mohamed Barakat, according to the information received since the time of their arrest, the defendants

have been reportedly subjected to enforced disappearances, arbitrary pre-trial detention and for Mr. Mohamed Bakry Helmy Ahmed, torture and cruel, inhuman or degrading treatment. We stress to your Excellency's Government the absolute and non-derogable prohibition of enforced disappearance and of torture and other cruel, inhuman or degrading treatment or punishment, which have attained the status of *jus cogens*.

Therefore, taken into account the information received on the aforementioned cases, we consequently **recommend the Government take the necessary legislative measures in order to both review the TCCs framework and ensure its compliance with Egypt's obligations under international law** and take steps to ensure the decisions taken against the defendants do not violate your Excellency's Government international obligations.

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 the above-mentioned individuals from irreparable harm and without prejudicing any eventual legal determination.

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 as to the legal and factual basis for the arrest and detention of all 20 defendants, as well as the conviction of the four defendants. In particular, provide detailed information on the terrorism related charges for which they have been convicted and explain how the principles of legality, necessity and proportionality were respected.
3. Kindly provide additional information on how the counter-terrorism measures adopted comply with United Nations Security resolution 1373 and a strict understanding of the definition of terrorism as elucidated by international law norms including but not limited to United Nations Security Council resolution 1566 (2004) and the model definition of terrorism provided by the mandate of the Special Rapporteur for the promotion and protection of human rights and fundamental freedoms while countering terrorism.
4. Please provide information on the pre-trial detention and its judicial oversight and explain how such a measure is consistent with the human rights obligations undertaken by engaged by your Excellency's Government.

5. Please provide information on the existing and foreseen measures to guarantee the rights to the freedom of expression and opinion, as well as the freedom of peaceful assembly. Please explain how such measures are consistent with the obligations engaged by your Excellency's Government, particularly with regard to the International Covenant on Civil and Political Rights (ICCPR).
6. Please provide information on the safeguards provided by your Excellency's Government to ensure the fair trial and due process rights of the individuals mentioned above, including the right to access to a lawyer, the right not to be compelled to confess guilt or to testify against themselves, the right to communicate with the outside world (i.e., family and lawyer) and the right to be brought promptly before a judge after their arrest.
7. Please provide information on the investigation into the allegations of enforced disappearance and torture of the defendants and explain the steps taken to ensure the accountability of any person(s) responsible. In case no investigation has been conducted, please provide the reasons therefore.
8. Please provide evidence on the measures taken by your Excellency's Government to ensure that the defendants' families knew about their whereabouts and that they had been sentenced to death.

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.

Further, we would like to inform that after having transmitted the information contained in the present communication 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.

Given the critical nature of the concerns raised once again in this letter, and their devastating implications for the exercise of rights by Egyptians citizens, that should be protected by the State, we urge Your Excellency's Government to review all these cases at the light of Egypt's obligations under the conventions it ratified to ensure the consistency of policy and practices with international norms relating to counterterrorism and security matters. Given the importance of the matter, that has been repeatedly brought to the attention of the Government, we reserve the right to share publicly these concerns so as to inform the wider public. Any public statement on our part will indicate that we have been in contact with your Excellency's Government to clarify the issues.

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

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

Matthew Gillett  
Vice-Chair on communications of the Working Group on Arbitrary Detention

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

Morris Tidball-Binz  
Special Rapporteur on extrajudicial, summary or arbitrary executions

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 your Excellency's Government to articles 6, 7, 9, 10, 14,, 16 19 and 21 read alone and in conjunction with article 2(3) of the International Covenant on Civil and Political Rights (ICCPR), ratified by Egypt on 14 January 1982, which guarantee that no one shall be arbitrarily deprived of his life, no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment, no one shall be subjected to arbitrary arrest or detention, everyone has the right to liberty and security of person, to be promptly brought before a judge or other officer authorized by law, to a trial within a reasonable time or to release, to challenge the lawfulness of his detention, to a fair and public hearing before an independent and impartial tribunal without undue delay and with legal assistance of their choosing, to freedom of opinion and expression and to freedom of peaceful assembly.

We would furthermore like to refer to article 9 of the ICCPR, which provides that no one shall be subjected to arbitrary arrest or detention or deprived of their liberty except on such grounds and in accordance with such procedure as are established by law. In this regard, we wish to emphasize that in accordance with the jurisprudence of the Working Group on Arbitrary Detention, a detention is arbitrary when it is clearly impossible to invoke any legal basis justifying the deprivation of liberty such as when a person is kept in detention despite a release order having been issued or after the completion of his or her sentence. We would like to remind your Excellency's Government that incommunicado detention, which prevents prompt presentation before a judge, inherently violates article 9(3) of the Covenant (CCPR/C/GC/35, para 35). Depending on its duration and other facts incommunicado detention may also violate other rights under the Covenant, including articles 6, 7, 10 and 14. States parties should permit and facilitate access to counsel for detainees in criminal cases from the outset of their detention. We also recall that in accordance with the jurisprudence of the Working Group on Arbitrary Detention, enforced disappearances constitute a particularly aggravated form of arbitrary detention. Further, we wish to remind the Government of Your Excellency that according to the jurisprudence of the Working Group on Arbitrary Detention and general comment no. 35, arrest or detention of an individual as punishment for the legitimate exercise of the rights guaranteed by the ICCPR, including freedom of opinion and expression, is arbitrary.

We would also like to refer to paragraphs 32, 33 and 34 of general comment no. 35 according to which any person arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power without exceptions. It is inherent to the proper exercise of judicial power that it be exercised by an authority which is independent, objective and impartial in relation to the issues dealt with. Accordingly, a public prosecutor cannot be considered as an officer exercising judicial power under paragraph 3. Furthermore, while the exact meaning of "promptly" may vary depending on objective circumstances, delays should not exceed a few days from the time of arrest. In the view of the Committee, 48 hours is ordinarily sufficient to transport the individual and to prepare for the judicial hearing; any delay longer than 48 hours must remain absolutely exceptional and be justified under the circumstances. Longer detention in

the custody of law enforcement officials without judicial control unnecessarily increases the risk of ill treatment. Laws in most States parties fix precise time limits, sometimes shorter than 48 hours, and those limits should also not be exceeded. [...] Any delay longer than 48 hours must remain absolutely exceptional and be justified under the circumstances.

In addition, the Committee stated that the individual deprived of liberty must be brought to appear physically before the judge or other officer authorized by law to exercise judicial power. The physical presence of detainees at the hearing gives the opportunity for inquiry into the treatment that they received in custody and facilitates immediate transfer to a remand detention centre if continued detention is ordered. It thus serves as a safeguard for the right to security of person and the prohibition against torture and cruel, inhuman or degrading treatment. In the hearing that ensues, and in subsequent hearings at which the judge assesses the legality or necessity of the detention, the individual is entitled to legal assistance, which should in principle be by counsel of choice.

Following from the above, we also make reference to general comment no. 36 (2018) on article 6 of the ICCPR, which states, *inter alia*, that extreme forms of arbitrary detention that are themselves life-threatening, in particular enforced disappearances, violate the right to personal liberty and personal security and are incompatible with the right to life (para. 57), and that enforced disappearance constitutes a unique and integrated series of acts and omissions representing a grave threat to life, and States parties must take adequate measures to prevent the enforced disappearance of individuals, and conduct an effective and speedy inquiry to establish the fate and whereabouts of persons who may have been subject to enforced disappearance. (Para.58).

In regards to enforced disappearances, we draw your Excellency's Government's attention to the United Nations Declaration on the Protection of All Persons from Enforced Disappearances, which establishes that no State shall practice, permit or tolerate enforced disappearances. The Declaration also proclaims that each State shall take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction. We further recall that the Declaration sets out the necessary guarantees to be offered by the State. In particular, articles 9, 10, 11 and 12 relate to the rights to a prompt and effective judicial remedy to determine the whereabouts of persons deprived of their liberty; to access of competent national authorities to all places of detention; to be held in an officially recognized place of detention, and to be brought before a judicial authority promptly after detention; to accurate information on the detention of persons and their place of detention being made available to their family, counsel or other persons with a legitimate interest; and to the maintenance in every place of detention of official up-to-date registers of all detained persons.

We also make reference to the Working Group's study on Enforced disappearance and economic, social and cultural rights (A/HRC/30/38/Add.5), in particular paragraph 33-37 which highlights the chilling effect of the disappearance of journalists and human rights defender and states are called on to, "ensur[e] the existence of and respect for cultural diversity and the existence of space where multiple opinions, positions and interpretations of history can find their expression in the public sphere diminishes the level of vulnerability of those questioning in one way or another mainstream ideas and positions, and so prevents against targeting of human

rights defender” (para 49). With regard to article 14 of the ICCPR we would like to recall paragraph 22 of the general comment 32 according to which: “The provisions of article 14 apply to all courts and tribunals within the scope of that article whether ordinary or specialized, civilian or military. The Committee notes the existence, in many countries, of military or special courts which try civilians. While the Covenant does not prohibit the trial of civilians in military or special courts, it requires that such trials are in full conformity with the requirements of ICCPR article 14 and that its guarantees cannot be limited or modified because of the military or special character of the court concerned. The Committee also notes that the trial of civilians in military or special courts may raise serious problems as far as the equitable, impartial and independent administration of justice is concerned. Therefore, it is important to take all necessary measures to ensure that such trials take place under conditions which genuinely afford the full guarantees stipulated in article 14. Trials of civilians by military or special courts should be exceptional, i.e. limited to cases where the State party can show that resorting to such trials is necessary and justified by objective and serious reasons, and where with regard to the specific class of individuals and offences at issue the regular civilian courts are unable to undertake the trials”.

We also recall resolution 73/174, paragraph 9 where the General Assembly stressed the importance of developing and maintaining effective, fair, humane, transparent and accountable criminal justice systems in a manner that fully respects the rights to equality and non-discrimination in the administration of justice, to a fair and public hearing by a competent, independent and impartial tribunal, to a review of detention and to the presumption of innocence and other fundamental judicial guarantees, such as due process, in accordance with their obligations under international law, including international human rights law, international humanitarian law and international refugee law. The General Assembly in resolution 72/180, paragraph 5(s) has further urged States, while countering terrorism, to ensure due process guarantees, consistent with all relevant provisions of the Universal Declaration of Human Rights, and their obligations under the ICCPR, the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977, and the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto in their respective fields of applicability.

In addition, we would like to recall that the Human Rights Committee in general comment 35, paragraph 67 has clarified that: [...] In order to protect non-derogable rights, including those in articles 6 and 7, the right to take proceedings before a court to enable the court to decide without delay on the lawfulness of detention must not be diminished by measures of derogation.”

As regards the absolute prohibition of torture, we would like to recall also articles 2, 15 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), ratified by Egypt on 25 June 1986.

We also wish to bring to the attention of your Excellency’s Government article 14 of the ICCPR, which enshrines the right to a fair trial and due process. In particular, article 14 (1) of the ICCPR sets out a general guarantee of equality before courts and tribunals and the right of every person to a fair and public hearing by a competent, independent, and impartial tribunal established by law. Further, article 14 (3) of the ICCPR guarantees the right of any individual charged with a criminal offence to have adequate time and facilities for the preparation of their defence, to communicate with counsel of their own choosing, to be tried without

undue delay, to defend themselves through legal assistance of their own choosing, and not to be compelled to testify against themselves or to confess guilt.

We would also like to refer to article 12(1) of International Covenant on Economic, Social and Cultural Rights, ICESCR according to which everyone has the right to the enjoyment of the highest attainable standard of physical and mental health.

We would also like to refer your Excellency's Government to articles 3 and 10 of the Universal Declaration of Human Rights which respectively state that "everyone has the right to life, liberty and security of person", "everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him".

Furthermore, we bring your Excellency's Government attention to the "principle of legal certainty" under international law which requires that criminal laws are sufficiently precise so it is clear what types of behaviour and conduct constitute a criminal offence and what would be the consequence of committing such an offence. This principle recognizes that ill-defined and/or overly broad laws are susceptible to arbitrary application and abuse. We 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 their obligations under international law. As the General Assembly noted in the United Nations Global Counter-Terrorism Strategy (resolution 60/288), effective counter-terrorism measures and the protection of human rights are not conflicting goals, but complementary and mutually reinforcing. We recall the model definition of terrorism advanced by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, which provides clear guidance to States on appropriate conduct to be proscribed and best practice. As explained by the former Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism in his report (E/CN.4/2006/98, para 37), the model definition includes acts that have the following cumulative characteristics:

- a) Acts, including against civilians, committed with the intention of causing death or serious bodily injury, or the taking of hostages, and
- b) Irrespective of whether motivated by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature, also committed for the purpose of provoking a state of terror in the general public or in a group of persons or particular persons, intimidating a population, or compelling a Government or an international organisation to do or to abstain from doing any act, and
- c) Such acts constituting offences within the scope of and as defined in the international conventions and protocols relating to terrorism.

We also recall paragraph 22 of the general comment no. 32 of the Human Rights Committee, according to which: "The provisions of article 14 apply to all

courts and tribunals within the scope of that article whether ordinary or specialized, civilian or military. The Committee notes the existence, in many countries, of military or special courts which try civilians. While the Covenant does not prohibit the trial of civilians in military or special courts, it requires that such trials are in full conformity with the requirements of article 14 and that its guarantees cannot be limited or modified because of the military or special character of the court concerned. The Committee also notes that the trial of civilians in military or special courts may raise serious problems as far as the equitable, impartial and independent administration of justice is concerned. Therefore, it is important to take all necessary measures to ensure that such trials take place under conditions which genuinely afford the full guarantees stipulated in article 14. Trials of civilians by military or special courts should be exceptional, i.e. limited to cases where the State party can show that resorting to such trials is necessary and justified by objective and serious reasons, and where with regard to the specific class of individuals and offences at issue the regular civilian courts are unable to undertake the trials”.

Finally, we would like to refer to articles 4, 5, 6 and 7 of the African Charter on Human and Peoples’ Rights (African Charter), ratified by Egypt on 20 March 1984, which guarantee respectively that every human being shall be entitled to respect for his life and the integrity of his person, all forms of exploitation and degradation of man, particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited, shall have the right to liberty and to the security of his person and shall have the right to have his cause heard.

In his report focussing on the opportunities and challenges facing the rights to freedom of peaceful assembly and of association in the digital age, the Special Rapporteur on the rights to the freedom of peaceful assembly and of association reminds States that “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 report also states that “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]” (A/HRC/41/41, para. 10).