

**Mandates of the Special Rapporteur on the situation of human rights defenders; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism**

Ref.: AL EGY 8/2024  
(Please use this reference in your reply)

8 January 2025

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; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the independence of judges and lawyers and Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, pursuant to Human Rights Council resolutions 52/4, 51/8, 54/14, 51/21, 53/12 and 49/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the use of repeated and similar national security and counter-terrorism related charges against human rights defenders in detention**, including Ms. Aisha al-Shater, who is serving a long-term sentence, and Ms. Hoda Abdel-Moneim and Mr. Ibrahim Metwally, who have been held in pre-trial detention for years. We also would like to bring to the attention of your Excellency's Government **the alleged poor prison conditions in which the human rights defenders are detained and their continued lack of access to appropriate healthcare**.

The three human rights defenders have been subjected to long-term pre-trial detention beyond the legal limit of two years, as a result of the addition of new cases with nearly identical charges, in a practice commonly known as "rotation".

Ms. **Aisha al-Shater** is a woman human rights defender and a board member of the Egyptian Coordination for Rights and Freedoms (ECdRF). She was arrested in November 2018 and forcibly disappeared for three weeks, during which she was subjected to physical and psychological ill treatment amounting to torture. Ms. Al-Shater's enforced disappearance was previously registered under the humanitarian procedure of the Working Group on enforced or involuntary disappearances. She has been serving a long-term prison sentence. She was reportedly subjected to long periods of solitary confinement. Her health has significantly deteriorated in prison, and she has allegedly not received appropriate medical attention and healthcare [REDACTED].

Ms. **Hoda Abdel-Moneim** is a lawyer, a woman human rights defender, a board member of the ECdRF, and a former member of the National Council for Human Rights. She was arrested on 1 November 2018 and reportedly forcibly

disappeared until 21 November 2018, when she was brought before the Supreme State Security Prosecution (SSSP). Ms. Abdel-Moneim's enforced disappearance was previously registered under the humanitarian procedure of the Working Group on enforced or involuntary disappearances. In prison, her health deteriorated significantly, and she reportedly did not receive appropriate medical attention and healthcare [REDACTED].

Mr. **Ibrahim Metwally** is a lawyer, human rights defender and coordinator for the Association of the Families of the Disappeared in Egypt, an association which he created following the enforced disappearance of his son in 2013. Mr. Metwally was arrested on 10 September 2017 and reportedly forcibly disappeared for 20 days before being brought before the SSSP. His case was previously registered under the humanitarian procedure of the Working Group on enforced or involuntary disappearances. He has been held in pre-trial detention for over seven years. His health has deteriorated since his detention in 2017, including as a result of the torture he reportedly experienced and has not received adequate medical treatment or care for his conditions [REDACTED].

*Background regarding the cases of Ms. Aisha al-Shater and Ms. Hoda Abdel-Moneim*

On 13 September 2021, the joint trial of Ms. **al-Shater** and Ms. **Abdel-Moneim** began before the Terrorism Circuit at the Emergency State Security Court (ESSC) in case No. 1552/2018. Defence lawyers attended the hearing, during which they were allowed to read the indictment sheet for the first time. Both human rights defenders were charged with leadership, membership, or support of a terrorist organization, receiving foreign funds in order to carry out its aims, and promoting its ideas, under articles 2 and 3 of the Anti-terrorism law and articles 86 and 86 bis of the Egyptian Penal Code, and publishing false news on the ECdRF social media pages which would "disturb public security and harm national interest, and supplying international institutions with false information". Their pre-trial detention was repeatedly renewed on a periodic and arbitrary basis for three years.

On 5 March 2023, the ESSC sentenced Ms. Abdel-Moneim to five years in prison, backdated to her arrest in October 2018, on the charge of joining an unspecified terrorist organization. She was acquitted of the charge of receiving foreign funds in order to carry out its aims. Ms. al-Shater was sentenced to ten years in prison. The two human rights defenders were put on the list of terrorists for five years after the end of their prison terms, which places them under a travel ban and subjects them to an asset freeze. They were held in Al-Qanater women's prison until their transfer in June 2023 to 10<sup>th</sup> Ramadan Prison, a new establishment built on the outskirts of Cairo.

On 31 October 2023, Ms. Abdel-Moneim completed her five-year sentence in case No. 1552/2018 and was due to be freed on 1 November 2023. That same day, Ms. Abdel-Moneim was summoned by the SSSP, in the presence of her lawyer. She was informed of two new charges against her and that her name had also been added to an earlier SSSP case, No. 730/2020. The charges included that of joining an unspecified terrorist organisation, which is identical to the charge she had served the sentence for, and that of receiving foreign funds in order to carry out its aims, a

charge of which she had already been acquitted. She was ordered to remain in pre-trial detention on the new charges for 15 days, then 45 days, renewable.

Concerns regarding the cases of Ms. Hoda Abdel-Moneim and Ms. Aisha al-Shater have been raised in four previous joint communications sent by Special Procedures mandate holders to your Excellency's Government, including [EGY 2/2023](#), [EGY 12/2021](#), [EGY 5/2021](#), and [EGY 6/2019](#). We thank your Excellency's Government for its [reply](#) to EGY 2/2023, received on 2 August 2023. We regret that no replies have been received to the three remaining communications.

Ms. Abdel-Moneim has also been the subject of a previous communication sent by Special Procedures mandate holders to your Excellency's Government ([EGY 2/2021](#)). Special Procedures mandate holders also communicated their specific concern regarding the health and conditions in prison of Ms. Abdel-Moneim in a communication sent to your Excellency's Government on 22 January 2024 ([EGY 7/2023](#)). We regret not receiving a reply to these communications. Information about Ms. Abdel-Moneim's lengthy pre-trial detention beyond the legal limit of two years was included in the report of the Special Rapporteur on the situation of human rights defenders focusing on the long-term detention of human rights defenders (A/76/143, para. 113-117).

In addition, Special Procedures mandate holders expressed their concern regarding the incompatibility of Egypt's Terrorism Circuit Courts (hereinafter TCCs) with international due process guarantees in a communication to your Excellency's Government ([EGY 13/2020](#)) sent on 2 October 2020, as well as a communication regarding Egypt's anti-terrorism law ([EGY 4/2020](#)) sent on 28 February 2020. We thank your Excellency's Government for the [response](#) to EGY 4/2020, received on 10 March 2021, and regret that no reply was received to EGY 13/2020.

#### *Background regarding the case of Mr. Ibrahim Metwally*

On 10 September 2017, Mr. Metwally was arrested at Cairo Airport as he was boarding a flight to Geneva, Switzerland, to meet with the Working Group on Enforced or Involuntary Disappearances. He was subsequently forcibly disappeared and was subjected to ill-treatment and torture until his presentation before the SSSP on 12 September 2017, where he was accused in case No. 900/2017 of founding an illegal organisation, conspiracy with foreign entities and spreading false information, punishable under articles 12, 13 and 28 of the Anti-Terrorism Law. Each of the accusations seems directly linked to his human rights work and interaction with UN human rights mechanisms. He was placed in preventive detention.

In October 2019, the Cairo Criminal Court ordered Mr. Metwally's conditional release in case No. 900/2017. However, he was not released, and in November 2019 the SSSP attached him to a new case, No. 1470/2019, with the charges of membership and financing of a terrorist organisation. He was placed in preventive detention in the State Security Headquarters of Kafr al-Sheikh, close to his family home, and then moved to Tanta Prison.

In late August 2020, the Cairo Criminal Court ordered his conditional release in case No. 1470/2019. He was not released and in early September 2020, the SSSP

related Mr. Metwally to a third case, No. 786/2020, accusing him of leadership of a terrorist group formed while in detention, communicating with foreign agents to harm State security, and using the internet for terrorist purposes, which are punishable under articles 12, 14 and 29 of the Anti-Terrorism Law, as well as for establishing an illegal organisation and publishing false news and rumours under articles 86 bis and 188 of the Penal Code. He was held in pre-trial detention in Maximum Security Prison II within the Tora Prison Complex, south of Cairo.

Concerns as to the case of Mr. Metwally, including on reported reprisals against him for his cooperation with the UN, were previously raised by Special Procedures mandate holders on four occasions, including in [EGY 5/2021](#), [EGY 10/2020](#), [EGY 12/2019](#) and [EGY 14/2017](#). We thank your Excellency's Government for its [reply](#) to EGY 14/2017, dated 8 November 2017, and regret not receiving a reply to the remaining three communications.

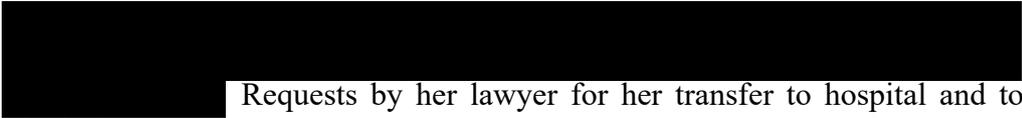
Mr. Metwally was also the subject of an opinion issued by the Working Group on Arbitrary Detention, wherein the Working Group found his detention to be arbitrary noting that his detention amounts to an act of retaliation for cooperation with the UN ([A/HRC/WGAD/2019/41](#)).

According to the information received:

*Regarding the case of Ms. al-Shater:*

On 18 November 2024, Ms. al-Shater was interrogated by the SSSP regarding a second case, No. 800/2019 State Security, in which she was charged with joining and financing a terrorist organisation. The charge of joining an unnamed terrorist organisation is identical to that for which she is currently serving a ten-year sentence in case No. 1552/2018. She is currently serving her sentence in 10<sup>th</sup> Ramadan Prison.

On 9 December 2024, case No. 800/2019 was referred to the Cairo State Security Criminal Court.

 Requests by her lawyer for her transfer to hospital and to obtain her medical records have been denied. As of late 2024, Ms. al-Shater has been allowed regular family visits, but none by her lawyer.

*Regarding the case of Ms. Hoda Abdel-Moneim:*

On 17 November 2024, Ms. Abdel-Moneim was interrogated regarding a third case, No. 800/2019 State Security, and was charged with joining and financing an unnamed terrorist organisation. The charge of joining an unnamed terrorist organisation is identical to the charge made against her in case No. 730/2020 on 1 November 2023, and to the charge against her in case No. 1552/2018 for which she had completed a five-year sentence on 31 October 2023.

On 5 November 2024, Ms. Abdel-Moneim's pre-trial detention was renewed for 45 days in the second case, No. 730/2020. She is held in 10<sup>th</sup> Ramadan Prison and is allowed regular family visits but none by her lawyer.

On 9 December 2024, the first hearing in Ms. Abdel Moneim's case No. 730/2020 was held by Cairo State Security Criminal Court and was conducted online. Case No. 800/2019 was referred to the same court on the same day. At the time of writing, a hearing has not been set.

In early 2024, Ms. Abdel-Moneim was moved briefly to the prison medical centre before being sent back to her cell. She has continued to be denied adequate medical treatment required for the severity of her condition, and requests by her lawyer for her transfer to hospital and to obtain her medical records have been rejected.

[REDACTED] Prison authorities have not provided her with adequate medical treatment or transfer to a hospital when needed. They have also denied her family access to her medical records for possible independent consultation.

*Regarding the case of Mr. Ibrahim Metwally:*

Mr. Metwally was moved in 2022 to Badr 3 Prison in 2022, a new establishment on the outskirts of Cairo. He is being held in pre-trial detention for the third case against him, No. 786/2020, culminating in a total of four years of pre-trial detention for similar cases, in contradiction with Egyptian law which places a limit of two years of pre-trial detention.

In November 2024, Mr. Metwally was interrogated by the SSSP on charges related to the first case, No. 900/2017. No trial date has been set, and no date for his interrogation in the second and third cases he is facing have been set.

His health has deteriorated since his detention in 2017, including as a result of the torture he reportedly experienced. He has not received adequate medical treatment or care for his conditions [REDACTED]. Despite a prison doctor recommending surgery [REDACTED], prison authorities did not allow it, and he has instead been provided with pain killers. In June 2023, he was allowed the first family visit since his arrest in 2017. He is not allowed visits by his lawyer.

Without wishing to prejudge the accuracy of the information received, we express serious concern that Ms. Abdel-Moneim, Ms. al-Shater and Mr. Metwally were presented with new charges, which are nearly identical to the previous charges they faced, and that as a result, they are kept in prolonged pre-trial detention. The charges brought against Ms. Abdel Moneim are identical to those she has served a sentence for, and those brought against Ms. al-Shater are identical to those she was convicted of and is currently serving a sentence for. We are concerned by what

appears to be a violation of protection from double jeopardy in the use of the same charge against Ms. Abdel Moneim and Mr. Metwally three times, and twice against Ms. al-Shater. These cases involve apparent violations of the principle of *non bis in idem* under article 14(7) of the International Covenant on Civil and Political Rights (ICCPR) ratified by Egypt on 14 January 1982, which guarantees that individuals may not be tried or punished twice for the same act in respect of which they have already been finally convicted or acquitted.

It is worth noting that the practice of using identical or similar charges in new cases by combining them with new accusations has been previously used against human rights defenders. This method was the subject of two previous communications sent by Special Procedures mandate holders to your Excellency's Government, [EGY 7/2023](#) and [EGY 5/2021](#), which addressed the extremely lengthy periods of arbitrary pre-trial detention through the attachment of the human rights defenders to new cases wherein they face similar accusations as initially brought against them. In its concluding observations of Egypt's last review in March 2023, the UN Human Rights Committee expressed concern at the practice of "rotation", used to extend pre-trial detention of human rights defenders, among others (CCPR/C/EGY/CO/5, para. 31).

In line with our previous communications ([EGY 1/2022](#) and [EGY 4/2020](#)), we also reiterate our concerns about the vagueness of the counterterrorism and national security legislation in Egypt. We note with concern that this legislation is reportedly being misused to target, inter alia, human rights defenders critical of the Government. We underscore to your Excellency's Government that counter-terrorism legislation should be sufficiently precise to comply with the principle of legality recognised under article 15 of the ICCPR so as to prevent its use to unjustifiably target human rights defenders, civil society, journalists, or other persons on political, religious or other grounds.

We are further concerned about allegations concerning Ms. Abdel Moneim's, Ms. al-Shater's and Mr. Metwally's poor health condition and the apparent lack of adequate medical care and treatment provided to the three human rights defenders, as well as about the reported inaccessibility of their medical records by their lawyer or family. We are seriously troubled by the information received that the human rights defenders have reportedly been subjected to enforced disappearance, mistreated and/or tortured while in custody and denied appropriate access to the necessary medical care that they have applied for, which may amount to a violation of the absolute and non-derogable prohibition of enforced disappearance and against torture and other cruel, inhuman or degrading treatment or punishment. In this connection, we would like to reiterate that the State has a duty of care to individuals in their custody, as established by article 10 of the ICCPR, to ensure humane conditions of detention and respect for the dignity of individuals deprived of their liberty. We emphasize that those charged with terrorism-related offences are entitled to the same standard of care in prison as all other inmates. We also further make reference to the Working Group on enforced or involuntary disappearances General Allegation letter transmitted after its 131<sup>st</sup> Session in September 2023, which raises concerns reported obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance in Egypt.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the legal and factual basis for the new prosecutions of Ms. Abdel-Moneim, Ms. al-Shater, and Mr. Metwally. Please clarify the safeguards granted to them from the outset of their prosecution and throughout judicial proceedings to ensure a fair trial according to due process standards, and their confidential access to lawyers. In particular, please indicate the manner in which these actions comply with the principle of non bis in idem.
3. Please provide information on the measures taken by your Excellency's Government to ensure Ms. Abdel-Moneim's, Ms. al-Shater's and Mr. Metwally's right to the highest standard of physical and mental health through access to medical assistance and treatment, and the steps to ensure that the condition of their detention meet the international human rights standards enunciated in the Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules), including the provision of adequate medical care where necessary.
4. Please provide information on the measures taken to investigate the allegations of enforced disappearance and torture endured by Ms. Abdel-Moneim, Ms. al-Shater, and Mr. Metwally, to identify perpetrators, prosecute and, where appropriate, sanction them. If no investigations have been carried out, please explain why.

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

While awaiting a reply, we urge that all necessary interim measures be taken to avoid any irreparable damage to the life and personal integrity of Ms. Abdel-Moneim, Ms. al-Shater, and Mr. Metwally, especially bearing in mind their health condition, to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider

public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Further, we would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit 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.

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

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

Ganna Yudkivska  
Vice-Chair of the Working Group on Arbitrary Detention

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

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

Margaret Satterthwaite  
Special Rapporteur on the independence of judges and lawyers

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

## **Annex**

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

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to articles 6, 7, 9, 10, 14, 16, 19 and 22, 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 should be subjected to torture or to cruel, inhuman or degrading treatment as punishment, the right to liberty and security of person, that all persons deprived of their liberty shall be treated with humanity and respect, the right to a fair trial, the right to freedom of expression and the freedom to seek, receive and impart information and ideas of all kinds, and the right to freedom of association with others. Such rights are also provided for by articles 3, 9, 10, 19 and 20 of the Universal Declaration of Human Rights (UDHR).

We further recall Egypt's obligations under article 12 of the International Covenant on Economic Social and Cultural Rights, ratified by Egypt in January 1982, which guarantees the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. Accordingly, States have the obligation to refrain from denying or limiting equal access for all persons, including prisoners or detainees, to health services (Committee on Economic, Social and Cultural Rights, general comment 14 para. 34). Further, the UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules), adopted unanimously by the UN General Assembly (A/RES/70/175), establish States' responsibility to provide healthcare for prisoners (rules 24 to 35) and to particularly ensure continuity of treatment and care (rule 24. 2).

We would also like to refer to Human Rights Council resolutions 12/2, 24/24, 36/21, 42/28, 48/17 and 54/24 reaffirming the right of everyone, individually or in association with others, to unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights. In these resolutions, the Human Rights Council urges States to refrain from all acts of intimidation or reprisals, to take all appropriate measures to prevent the occurrence of such acts. This includes the adoption and implementation of specific legislation and policies as well as the issuance of appropriate guidance to national authorities in order to promote a safe and enabling environment for engagement with the United Nations on human rights, and to effectively protect those who cooperate with the United Nations. The Council also urges States to ensure accountability for reprisals by providing access to remedies for victims and preventing any recurrence. It calls on States to combat impunity by conducting prompt, impartial and independent investigations, pursuing accountability, and publicly condemning all such acts.

We would further like to refer to Human Rights Council resolution 22/6, which urges States to ensure that measures to combat terrorism and preserve national security are in compliance with their obligations under international law and do not hinder the work and safety of individuals, groups and organs of society engaged in promoting and defending human rights.

We would like to draw to the attention of you Excellency's Government 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. Article 6(b) and (c) of the Declaration provides that everyone has the right to freely publish, impart or disseminate to others' views, information and knowledge on all human rights and fundamental freedoms, and to study, discuss, form and hold opinions on the observance of these rights. We would also like to refer to article 11 which states that everyone has the right to the lawful exercise of his or her occupation or profession. Article 12, paragraphs 2 and 3, provide that the State shall take all necessary measures to ensure the protection by the competent authorities 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.

Furthermore, we would like to refer your Excellency's Government to recommendations in the report of the Special Rapporteur on the situation of human rights defenders focusing on the long-term detention of human rights defenders (A/76/143), in which the Special Rapporteur emphasized that States should desist from jailing human rights defenders for their legitimate human rights work, stop subjecting them to long terms in detention, and ensure their legal rights, including prompt access to their lawyers and their family (paragraph 158(a), (e) and (i)).

We would like to remind your Excellency's Government of the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment as codified in articles 2 and 16 of the CAT, to which Egypt acceded on 25 June 1986. Article 1 of the CAT prohibits "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity."

We further wish to recall that international human rights law and standards require States to treat all persons under any form of detention or imprisonment with humanity and with respect for the inherent dignity of the human person (article 5, African Charter on Human and Peoples' Rights; principle 1, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and General Assembly resolution 43/173 of 9 December 1988). With regard to solitary confinement, we would like to recall the revised United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), adopted by General Assembly resolution 70/175 (A/RES/70/175), which prohibits indefinite and prolonged solitary confinement (rule 43 with rule 44), and restricts its use for as short

time as possible as a measure of last resort, to be used only in exceptional circumstances (rule 45). Due to the prisoner's lack of communication and the lack of witnesses, solitary confinement enhances the risk of other acts of torture or ill-treatment.

With regard to the alleged enforced disappearance, 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*. We also 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. Furthermore, the Working Group's General comment on women affected by enforced disappearances (A/HRC/WGEID/98/2), its report on Standards and public policies for an effective investigation of enforced disappearances (A/HRC/45/13/Add.3, paras. 60-68), and its study on Enforced disappearance and economic, social and cultural rights (A/HRC/30/38/Add.5, paras. 23-32), highlight the particular vulnerability of women and human rights defenders, 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" (A/HRC/30/38/Add.5, para. 49).

With respect to the alleged violations of the right to a fair trial, we remind your Excellency's Government that in its general comment 32 (2007) on article 14, the Human Rights Committee stressed that the right to equality before the courts and tribunals and to a fair trial is a key element of human rights protection and serves as a procedural means to safeguard the rule of law. (CCPR/C/GC/32, para. 2). Article 14 of the ICCPR, ratified by Egypt, provides *inter alia* for the principle of equality before competent, independent, and impartial courts and tribunals, the presumption of innocence, the provision of adequate time and facilities for the preparation of the defense, and the right of accused persons to communicate with counsel of their own choosing. The guarantees of a fair trial may never be made subject to measures of derogation that would circumvent the protection of non-derogable rights (CCPR/C/GC/32, para. 6). We further recall your Excellency's Government that paragraph 7 of resolution A/HRC/RES/42/18 affirms the need to ensure "access to independent and adequate legal representation" in the context of countering terrorism. And where the detainee has access to counsels, such access must be meaningful

[\(EGY 4/2020\)](#).

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 counterterrorism legislation is limited to the countering of terrorism as properly and precisely defined on the basis of the provisions of international counterterrorism 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. (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.