

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 the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

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15 September 2025

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 the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the independence of judges and lawyers and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 58/14, 51/8, 54/14, 52/9, 59/4, 51/21, 53/12 and 52/7.

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 Messrs. **Faisal Ahmed Mohamed Radwan, Al-Taher Mohamed Abdulaziz Masood, Ibrahim Yehia Ibrahim Mohamed Abuhag, Mostafa Awany Ali Soliman, Mahmoud Salah Mohamed Abulfad, Asser Mohamed Zahr Al-Deen Abdulwarth, Essam Ahmed Mahmoud Al-Hadad, Gehad Essam Ahmed Mahmoud Al-Hadad, Anas Mohamed Mohamed Ibrahim Al-Beltagy, Mostafa Gamal Awad El Sayed, Mohamed Osama Mohamed El Desouky Abu El Ata, Abdelfatah Zaky Elbastawisy Elseidy, Hisham Jaafar, Hossam Othman, and Tawfiq Ghanem**. Their cases have allegedly involved arbitrary detention, enforced disappearance, torture and ill-treatment in detention, and denial of both due process and a fair trial (including double jeopardy), in apparent violation of Egypt's obligations under international human rights law, including the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

According to the information received:

Mr. Faisal Ahmed Mohamed Radwan

Mr. Faisal Ahmed Mohamed Radwan is a 39-year-old Egyptian citizen. Prior to his arrest, he worked as an interior painter and resided in the Suhag governorate.

Mr. Radwan was first arrested on 14 May 2015, when National Security agents – both in uniform and plainclothes – raided his home without presenting an arrest warrant. He was brought before a military court and sentenced to five years' imprisonment on charges of joining a terrorist group. Following the completion of that sentence, he was again accused and sentenced to a further three years' imprisonment in 2020.

After serving this second sentence, Mr. Radwan was brought before the Supreme State Security Prosecution (SSSP) in 2023, charged once again with joining a terrorist group, and placed in pre-trial detention. On 18 September 2024, the prosecution ordered his release; however, he was subjected to enforced disappearance for nearly four months, allegedly held in the National Security premises in Suhag. On 27 January 2025, he reappeared before the SSSP and was charged in case No. 6026/2025 with joining a terrorist group and misusing social media. The SSSP reportedly disregarded that he had been subjected to enforced disappearance. Mr. Radwan is currently held in pre-trial detention in Minya Prison II.

Mr. Al-Taher Mohamed Abdulaziz Masood

Mr. Al-Taher Mohamed Abdulaziz Masood is a 31-year-old Egyptian citizen from the Behira governorate. He used to work as a medical laboratory technician.

He was first arrested on 5 February 2024 by National Security agents from his workplace in Behira Hospital, without being shown an arrest warrant, and was charged with joining a terrorist group. On 18 February 2025, the prosecution ordered his release; however, Mr. Masood was subjected to enforced disappearance for more than three weeks, allegedly in the National Security premises in Behira. On 16 March 2025, he was brought before the SSSP and charged again in case No. 1125/2025 with joining and funding a terrorist group. His testimony regarding his period of enforced disappearance was reportedly disregarded. Mr. Masood remains in pre-trial detention in Borg Al-Arab Prison.

Mr. Ibrahim Yehia Ibrahim Mohamed Abuhag

Mr. Ibrahim Yehia Ibrahim Mohamed Abuhag is a 35-year-old Egyptian citizen who lived in Al-Arish city, North Sinai governorate. He used to work as a driver. Mr. Abuhag was first arrested on 12 May 2017 by National Security agents – some masked, some uniformed, some in plainclothes – who raided and searched his home in Arish city without presenting a warrant. He was forcibly disappeared for 20 days, allegedly at the Third Arish Police Station. On 6 June 2017, he was brought before the military prosecution, charged with joining a terrorist group, and later sentenced in 2020 by a military court to seven years' imprisonment in case No. 137/2018. The prosecution reportedly disregarded that he had been subjected to enforced disappearance.

At the end of 2024, following the completion of this sentence, Mr. Abuhag was subjected to enforced disappearance once again for two months. On 16 February 2025, he was brought before the SSSP and charged in case No. 32/2025 with

joining and funding a terrorist group. He is currently held in pre-trial detention in Abu Zaabal Prison.

Mr. Mostafa Awany Ali Soliman

Mr. Mostafa Awany Ali Soliman is a 33-year-old Egyptian citizen from Alexandria governorate and a former engineering student.

He was first arrested on 8 June 2014 by National Security agents at his university and subjected to enforced disappearance and torture, including through beatings and electrocution, in the Alexandria Security Directorate. He was later charged with joining a terrorist group and sentenced to ten years in prison. In 2022, the Court of Cassation acquitted him; however, on 11 September 2022, he was again charged with the same offence before the Second Montazah Prosecution and placed in pre-trial detention. Though a release order was issued in February 2023, he was immediately re-detained under a new case before the Third Montazah Prosecution on identical charges, and again held in pre-trial detention.

Despite another release order in September 2023, Mr. Soliman was once again subjected to enforced disappearance until October 2023, when he reappeared before the First Montazah Prosecution and was charged with the same offence. In March 2025, the Prosecution issued a fourth release order, yet he was forcibly disappeared until 6 April 2025, when he was brought before the Dakhila Prosecution and charged again with joining a terrorist group in case No. 3797/2025.

Most recently, on 4 May 2025, Mr. Soliman was again issued a release order, but was subjected to enforced disappearance for 25 days in the National Security premises in Abbis. On 29 May 2025, he was brought before the SSSP and charged again with joining a terrorist group in case No. 1602/2025. Mr. Soliman is currently held in pre-trial detention.

Mr. Mahmoud Salah Mohamed Abulfadl

Mr. Mahmoud Salah Mohamed Abulfadl is a 35-year-old Egyptian citizen who lived in the Behira governorate. He used to work as an optometrist.

He was first arrested on 20 September 2022 by National Security agents in plainclothes, who raided his home without a warrant. He was brought before the SSSP and charged with joining a terrorist group. In September 2023, his release was ordered, but instead of being freed, he was re-charged under the same accusation and held in pre-trial detention until March 2025, when the Prosecution again ordered his release.

On 25 March 2025, Mr. Abulfadl was charged for a third time with joining a terrorist group, in case No. 1125/2025. He remains in pre-trial detention in Borg Al-Arab Prison. It is reported that the Prosecution disregarded the fact that Mr. Abulfadl has been detained multiple times on identical charges.

Mr. Asser Mohamed Zahr Al-Deen Abdulwarth

Mr. Asser Mohamed Zahr Al-Deen Abdulwarth is a 23-year-old Egyptian citizen. At the time of his arrest, he was a 15-year-old student living in the Giza governorate.

On 12 January 2016, National Security agents raided his residence and arrested him without presenting a warrant. He was reportedly subjected to enforced disappearance in the National Security premises in Al-Sheikh Zayed for 33 days. During this time, Mr. Abdulwarth was allegedly subjected to severe torture, including electric shocks, suspension by the wrists, blindfolding, and beatings, to coerce a confession linking him to an attack in Cairo on 7 January 2016. Mr. Abdulwarth was also the subject of a communication from the Working Group on Enforced or Involuntary Disappearances ([A/HRC/WGEID/109/1](#)).

Mr. Abdulwarth was subsequently brought before the SSSP and charged with joining a terrorist group and participating in demonstrations in case No. 45/2016, known as the “Three Pyramids Case”. His interrogation took place in the absence of legal counsel, and the arrest report was incorrectly backdated to 12 February 2016. The Prosecution reportedly disregarded both the month-long enforced disappearance and the forged documentation. In October 2019, he was sentenced by a terrorism circuit court to ten years’ imprisonment. In January 2022, the Court of Cassation acquitted him.

Despite his acquittal, on 13 February 2022, while finalizing his release procedures at the First October Police Station, Mr. Abdulwarth was subjected to a further period of enforced disappearance. On 5 March 2022, he was brought before the Haram Prosecution and charged with joining a terrorist group and possessing publications in case No. 8739/2022. The arrest report was allegedly falsified to indicate a 4 March arrest date. Although the Prosecution initially ordered his release under precautionary measures, the South Giza Criminal Court reversed this on 13 April 2022 and placed him in pre-trial detention in Badr I Prison.

Following a court-ordered release on 13 September 2023, Mr. Abdulwarth was transferred again to the October Police Station to complete the formalities of his release but was re-arrested by National Security agents and again forcibly disappeared for more than a month. On 22 October 2023, he re-appeared before the Prosecution and was charged once more with joining a terrorist group, under case No. 4285/2023 (Second Al-Sheikh Zayed).

In June 2024, the Prosecution decided to release Mr. Abdulwarth. However, he was again forcibly disappeared for a few days in unknown National Security premises before being brought before the 6th of October prosecution and accused of the same charges under case No. 5806/2024. He is currently held in pre-trial detention in Central Giza Prison (also known as “Kilo 10.5” Prison).

Mr. Essam Ahmed Mahmoud Al-Hadad

Mr. Essam Ahmed Mahmoud Al-Hadad is a 71-year-old Egyptian citizen, the former Foreign Affairs Advisor to former President Mohamed Morsi, and a resident of Alexandria.

Mr. Essam Al-Hadad was arrested without a warrant by the Republican Guard on 3 July 2013 and subjected to enforced disappearance allegedly in the Republican Guard Club premises for over five months. On 21 December 2013, he was transferred to Tora Maximum Security Prison (Scorpion), where he was held in prolonged solitary confinement. He was not brought before a prosecutor but was directly referred to trial on 23 December 2013 and charged with disclosing defence secrets, financing terrorism via charitable organizations, and espionage for a foreign State. On 16 June 2015, he was sentenced to life imprisonment, which was later reduced to 10 years.

Despite completing his sentence in December 2023, Mr. Essam Al-Hadad was not released. Instead, he was re-accused under case No. 2215/2021 by the SSSP for allegedly leading and funding an illegal organization and placed in pre-trial detention in Badr I Prison. Mr. Essam Al-Hadad was recently referred to the court in case No. 2215/2021.

He has reportedly been denied family visits since October 2016 and was held in solitary confinement for nearly a decade across multiple facilities, including Scorpion and Tora Liman Prisons. During this period, he was forced to sleep on the floor and denied adequate food, family-provided supplies and medical care despite his deteriorating health. He underwent hernia surgery in June 2023 but was returned to prison on the same day. He reportedly requires cardiac catheterization, which has been denied despite multiple requests. He has suffered from hypertension and had a heart attack in October 2016.

Mr. Essam Al-Haddad is reportedly held in Badr Medical Hospital as his health condition has deteriorated to a critical point. He is still prohibited from receiving any visits.

Mr. Gehad Essam Ahmed Mahmoud Al-Hadad

Mr. Gehad Al-Hadad, 43, is the son of Mr. Essam Al-Hadad and a former spokesperson for the Muslim Brotherhood. He usually resides in Cairo's Masr Al-Qadima district.

On 17 September 2013, Central Security Forces raided his residence in Nasr City, confiscated personal belongings, and arrested him without presenting a warrant. Mr. Gehad Al-Hadad was charged in case No. 56458/2013 (espionage) and case No. 2214/2014 (membership in an illegal group and participating in a criminal agreement whose purpose is the destruction of public facilities). Although acquitted by the Court of Cassation in 2019, he was never released. Instead, he was charged under case No. 1400/2019 and placed in pre-trial detention. Mr. Gehad Al-Hadad was recently referred to the court in cases Nos 1400/2019, 786/2020, and 2121/2021.

Since his arrest, Mr. Gehad Al-Hadad has reportedly been held in solitary confinement in degrading and inhumane conditions, including a lack of ventilation, insect-infested cells, and complete isolation from the outside world. He was denied exercise, reading materials, and basic medical care. He has suffered severe, untreated knee cartilage damage and anaemia due to malnutrition. Medical evaluations in 2017 and 2018 reportedly recommended urgent surgery, which was not carried out. His family submitted multiple complaints to national authorities, but none was investigated. Mr. Gehad Al-Hadad is currently detained in Badr III Prison, still in solitary confinement and without access to family visits or medical treatment, and with no possibility to exercise. He has gone on a hunger strike to protest his detention conditions.

Mr. Anas Mohamed Mohamed Ibrahim Al-Beltagy

Mr. Anas Mohamed Al-Beltagy is a 29-year-old Egyptian citizen and the son of a senior Muslim Brotherhood leader. He resided in Nasr City, Cairo, and was a university student at the time of his arrest.

He was arrested on 30 December 2013 from a friend's home by National Security agents dressed in plain clothes, who reportedly did not have an arrest warrant. Although not the target of the initial raid, he was identified due to his family affiliation. Following his arrest, he was allegedly tortured at Nasr City Police Station, including through beatings, electrocution, blindfolding, and psychological abuse.

Mr. Al-Beltagy was charged in several successive cases between 2013 and 2020, including case No. 62043/2013 (inciting violence, weapons possession, joining a terrorist group, and inciting violence), the "Marriott Cell" case No. 1145/2014 (joining the banned Muslim Brotherhood organization and participating in anti-army demonstrations), and case No. 26343/2016. He was sentenced in several of these cases but later acquitted. Despite acquittals and release orders, Mr. Al-Beltagy was repeatedly re-arrested or forcibly disappeared, including during 75 days in 2018, after which he was charged in case No. 640/2018 (joining a terrorist group and spreading false news about the political and economic conditions in the country with the intent of disturbing public peace and undermining confidence in state institutions), and later in case No. 1470/2019 (joining and financing the banned Muslim Brotherhood group). Mr. Al-Beltagy was recently referred to the court in case No. 1470/2019.

Mr. Al-Beltagy has reportedly spent prolonged periods in solitary confinement in Scorpion, Badr III, and Badr I prisons, where he has been denied visits, medical care, and access to essential supplies. He was also subjected to further torture, including electric shocks and being forced to witness the torture of other detainees. Mr. Al-Beltagy is currently detained in 10th of Ramadan prison, where he is prevented from receiving visits and denied the ability to exercise.

Mr. Mohamed Osama Mohamed El Desouky Abu El Ata

Mr. Mohamed Osama Mohamed El Desouky Abu El Ata is an Egyptian citizen born on 8 May 1997. He usually resides in Gharbia Governorate 16.

On 29 December 2019, national security agents and police officers stormed his house in Alexandria and arrested him. He was subjected to enforced disappearance for a week in the national security headquarters in Alexandria. On 2 January 2020, his family sent a telegraph complaint to the Attorney General concerning his enforced disappearance. The complaint remained unanswered.

On 4 January 2020, he appeared in the prosecution's office and was charged with joining a terrorist group under case No. 58/2020. He remained in pre-trial detention for 10 months in Abu Zaabal prison. Despite a court-ordered release dated 5 October 2020, he was never released and was charged again with joining a terrorist group under case No. 2215/2021.

He remained in pretrial detention for almost four years, beyond the two-year statutory limit, until the case was referred to court on 15 January 2025. Mr. El Ata is currently on trial and remains detained in Abu Zaabal prison.

Mr. Mostafa Gamal Awad El Sayed

Mr. Mostafa Gamal Awad El Sayed is an Egyptian photographer born on 25 April 1994. He usually resides in Helwan, Cairo Governate.

Mr. El Sayed was first arrested on 6 June 2015 and held in pretrial detention for four years and six months in Tora Prison, charged in case 422/2025 (State Security). On 30 January 2019, his release was ordered and he was transferred to Helwan police station, where he was subjected to enforced disappearance in the Helwan national security headquarters for six months. His family's 28 February 2019 complaint to the Attorney General remains unanswered.

On 13 June 2019, Mr. El Sayed reappeared and was charged with joining a terrorist and banned group, blocking roads, restricting people's freedom of movement, unlawful assembly, and deliberately disrupting public transportation under case No. 1968/2020 (Criminal Total Helwan, also known as 777/2020 (State Security Criminal Helwan), and 840/2019 (State Security). The enforced disappearance was not recorded.

In December 2019, Mr. El Sayed was released under police probation. On 1 February 2024, he was sentenced to 10 years imprisonment under case No. 1968/2020. Under the anti-terrorism law, no appeal can be made and the sentence is therefore final. On 8 May 2024, he was arrested again. He is currently held in Wadi el-Natrun prison.

Mr. El Sayed's health is reportedly severely deteriorating. Required medication is not available in the prison and the prison administration continues to deliberately withhold medical treatment despite him suffering from urinary

reflux affecting his left kidney, with bleeding ongoing to this day.

In 2019, the Working Group on Enforced or Involuntary Disappearances sent a communication to the Government of Egypt regarding Mr. El Sayed's enforced disappearance. The Government responded on 16 August 2024, after 5 years, indicating: "Mr. Mostafa Gamal Awad El Sayed, previously indicted under case No. 422/2015 Higher State Security (joining a terrorist organization), has been released on 30 January 2019. On his alleged crimes he has been previously indicted under joining of a terrorist group and planning to commit terrorist acts to disturb public safety, inciting panic among civilians, causing damage to public interests, disrupting the provisions of the law and the constitution and not allowing state institutions from carrying out their responsibilities to invoke chaos".

Mr. Abdelfatah Zaky Elbastawisy Elseidy

Mr. Abdelfatah Zaky Elbastawisy Elseidy is an Egyptian citizen born on 10 June 1988. He resides in Gharbia Governorate and used to work as a sales representative in France.

On 15 August 2024, Mr. Elseidy arrived at Cairo International Airport returning from France after residing there for six years. He was stopped and detained by airport security and national security agents without a warrant and without being informed of the reason for the arrest. Mr. Elseidy was brought before the SSSP on 17 August 2024 and was charged with joining an unidentified terrorist group under case No. 3388 of 2023. He is currently held in pretrial detention at Al-Ashir General Prison, Rehabilitation 6.

Mr. Elseidy's family-appointed lawyer sent a complaint to the Attorney General, noting that Mr. Elseidy was arrested illegally, with no warrant, absent any situation of flagrante delicto, as defined under the Egyptian Criminal Procedure Code. The complaint further claimed that Mr. Elseidy was held in pretrial detention illegally, absent any evidence of a link to any terrorist organization or group, and that Mr. Elseidy is not opposed to the Government. In response, the Attorney General's office merely stated that: "After review, it appears that the accused is in pretrial detention under case No. 3388 of 2023".

Mr. Hisham Jaafar, Mr. Tawfiq Ghanem, and Mr. Hossam Othman

On 12 January 2017, the Official Gazette published Decision No. 5/2017 of the Cairo Criminal Court in relation to case No. 653/2014, which listed 1,538 individuals as terrorists. The list included the names of three journalists: Messrs. Hisham Jaafar, Tawfiq Ghanem, and Hossam Othman. They were allegedly included for purported links to the Muslim Brotherhood, including accusations of membership, support, or providing assistance to a political party. The Court of Cassation overturned this decision in July 2018.

However, later that year, the Cairo Criminal Court issued another decision, No. 5/2018, again listing the three individuals as terrorists for a period of five years under case No. 620/2018. This designation was extended for an additional

five years in April 2023. In May 2024, the Court of Cassation overturned the decision, but the prosecution has neither removed the name from the lists nor referred a request to list the name to the Criminal Court in execution of the Court of Cassation's ruling. Although the Criminal Court decided to remove 716 individuals from the list on 23 November 2024, none of the three journalists were among them and the consequences of the listing remain in force.

Mr. Hisham Jaafar

Mr. Jaafar is a prominent journalist who was arrested in October 2015 without a warrant and without being provided any reasons for his arrest. He was reportedly subjected to enforced disappearance for four days in an undisclosed location, during which he was blindfolded and handcuffed. He was subsequently brought before the SSSP and charged with joining an illegal group and attempting to disrupt the provisions of the Constitution and law through terrorist means. Mr. Jaafar was held in pre-trial detention for over three years without trial, with his detention being renewed every 45 days. He was released in April 2019. Mr. Jaafar is currently working as a freelancer with Masr 360 and Al-Jazeera newspapers. Before his arrest, he was the head of Mada for Media Development.

Mr. Hossam Othman

Mr. Othman was a journalist at Mada for Media Development. He was arrested in 2014 and accused in case No. 653/2014, after which he was later released. However, he remained on the terrorist list under court decisions issued in 2017, 2018, and 2023. In December 2020, Mr. Othman passed away. Despite his death, his inclusion on the terrorist list has had lasting consequences for his family, including the inability to access his assets or receive his pension benefits, which they would normally be entitled to.

Mr. Tawfiq Ghanem

Mr. Ghanem is a journalist and media executive. He was the Editor-in-Chief of the Arabic section of Anadolu Agency and was arrested in May 2021. He was reportedly subjected to enforced disappearance for five days before being brought before the SSSP. He was accused under case No. 238/2021 of joining a terrorist group. Mr. Ghanem remains in pre-trial detention in Badr I prison, where he lacks access to medical care required for his pre-existing health conditions.

It should also be noted that, according to new regulations, all pre-trial detention renewal hearings in Egypt are conducted by remote communication, thereby not allowing for any direct contact between defendants and the prosecution, and in many cases, even between defendants and their own legal counsel.

Without wishing to prejudge the accuracy of the information received, we express our deep concern at the above allegations of arbitrary arrest and detention, repeated re-prosecution under identical or similar charges (“case recycling” or “rotation”), prolonged pre-trial detention beyond the two-year statutory limit, enforced

disappearance, torture and other cruel, inhuman or degrading treatment or punishment (including forced confessions), lack of procedural safeguards and fair trial guarantees (including the use of falsified arrest dates and interrogation without legal counsel), the use of exceptional courts, and the application of broad and vague terrorism-related charges, including to punish the peaceful exercise of fundamental freedoms. We are also concerned about the allegations of prolonged solitary confinement, denial of access to medical care and family visits, poor conditions of detention, and the apparent lack of accountability for torture and enforced disappearance and punitive consequences of counter-terrorism-related measures, including on the family members of deceased individuals. We also note with concern that several of the individuals targeted are journalists, and that the accusations brought against them could be related to their journalistic work.

Should they be confirmed, the allegations could amount to violations of several human rights contained in the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), which Egypt ratified on 14 January 1982. These include the rights: to life; not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment; to liberty and security of person; to freedom from arbitrary arrest or detention; to be treated with humanity and with respect for the inherent dignity of the human person; to a fair trial before an independent and impartial tribunal; to recognition everywhere as a person before the law; to freedom of opinion and expression; and to peaceful assembly and association, as enshrined in articles 6, 7, 9, 10, 14, 16, 19, 21 and 22 respectively of the ICCPR, read alone and in conjunction with article 2(3) on the right to an effective remedy. These also include the rights enshrined in articles 2(2) and 12 related to the enjoyment of the highest attainable standard of physical and mental health. We further recall Egypt's obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), acceded to by Egypt in 1986, the Convention on the Rights of the Child (CRC), ratified by Egypt on 6 July 1990, and the United Nations Declaration on the Protection of All Persons from Enforced Disappearance. In relation to the reported continued inclusion of deceased individuals on terrorist lists and the resulting harm to their families, including the denial of pension rights and access to property, we highlight Egypt's obligations under article 17 of the ICCPR prohibiting arbitrary interference with privacy, family and property, read in conjunction with the right to non-discrimination and equality under articles 2(1) and 26 of the ICCPR (in connection with marital or family status).

Arbitrary arrest and prolonged pre-trial detention

We express serious concern that many of the individuals named above, including one minor at the time of the arrest, were reportedly arrested without reasonable suspicion of a crime or the presentation of a judicial warrant, without being promptly informed of the reasons for their arrest or of any charges, and were held in prolonged pre-trial detention, often beyond the maximum two-year period prescribed under Egyptian law, contrary to article 9 of the ICCPR and article 37 of the CRC. In a number of cases, individuals were brought before a prosecutor only after being held for days, weeks or months in unacknowledged detention.

These practices appear to contravene Egypt's obligations under article 9 of the ICCPR, which guarantees the right to liberty and security of person and prohibits arbitrary arrest or detention. In particular, article 9(2) requires that anyone who is arrested shall be informed, at the time of arrest, of the reasons for their arrest, and shall be promptly informed of any charges against them (see also article 14(3) of the Arab Charter on Human Rights and principle 10 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment). We recall that in general comment No. 35, the Human Rights Committee emphasized that the right to be informed of the reasons for arrest is an essential safeguard against arbitrary arrest and detention, and must be provided immediately upon apprehension, not delayed until interrogation or formal charging (paras. 24-27). The Committee further stated that persons must be brought promptly before a judge and have access to legal counsel from the outset of detention (para. 35).

The prolonged and repetitive use of pre-trial detention without individualized judicial review also violates article 9(3) of the ICCPR, which requires that anyone arrested on a criminal charge be brought promptly before a judge, and affirms that detention pending trial should not be the general rule. Pre-trial detention must be exceptional, subject to regular judicial oversight, and based on individualized assessments of necessity and proportionality.

These concerns also engage article 14 of the ICCPR, which guarantees the right to a fair and public hearing, the presumption of innocence, and the right to be tried without undue delay. Prolonged detention without trial, particularly when paired with repeated case "recycling", undermines these rights. As the Human Rights Committee has emphasized in general comment No. 35, pre-trial detention must not be used as a form of punishment and must be subject to strict judicial scrutiny throughout its duration. We note that Special Procedures mandate holders have previously expressed concerns regarding the detention of Messrs. Essam and Gehad Al-Haddad in [EGY 20/2013](#) and [EGY 9/2019](#). While we thank the Government for its replies,¹ we regret that the concerns raised, including regarding the conditions of detention, do not appear to have been addressed to date. We further note that the Working Group on Arbitrary Detention has found the detention of both individuals to be arbitrary (opinions Nos. [39/2013](#) and [42/2019](#)), requesting that they be immediately released and afforded an enforceable right to compensation and other reparation. We urge your Excellency's Government to comply with these requests.

Enforced Disappearance

With regard to the alleged enforced disappearances, if confirmed, these would amount to violations of articles 6, 7, 9 and 16 of the ICCPR, read alone and in conjunction with article 2(3). We recall the absolute and non-derogable prohibition of enforced disappearances (articles 2 and 7) which has attained the status of jus cogens. In this respect, general comment No. 36 on article 6 of the ICCPR states 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

¹ Reply to EGY 20/2013: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=32422>
Reply to EGY 9/2019: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35072>

threat to life. 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). 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. The Declaration sets out the necessary guarantees to be offered by the State, in particular, articles 9, 7 and 9 to 13. We wish to reiterate the joint statement of the Committee on Enforced Disappearances and the Working Group on Enforced or Involuntary Disappearances on so-called "short-term" enforced disappearances, which affirms that duration is not a constitutive element of enforced disappearance under international human rights law. Regardless of the duration of an enforced disappearance, it produces serious harm and consequences for the disappeared and their families, and also presents practical challenges as regards seeking protection as well as defence of their rights.

Torture, other cruel, inhuman or degrading treatment and punishment and conditions of detention

We are deeply troubled by credible reports of torture and ill-treatment, including through electric shocks, beatings, stress positions, blindfolding, and psychological abuse. In addition, we note the prolonged and punitive use of solitary confinement against Messrs. Essam Al-Hadad, Gehad Al-Hadad, and Anas Al-Beltagy, as well as the reported poor detention conditions including denial of food, clean water, hygiene, medical attention and exercise, which may amount to inhuman or degrading treatment. These allegations raise serious concerns under articles 7 and 10 of the ICCPR, articles 1, 2, 4, 11 and 16 of the CAT, as well as articles 2(2) and 12 of the ICESCR.

We further emphasize that article 10(1) of the ICCPR requires that all persons deprived of liberty be treated with humanity and respect for the inherent dignity of the person. We are further concerned by allegations of severe and chronic medical conditions left untreated in detention, in particular in the cases of Messrs. Essam, Gehad Al-Hadad, and El Sayed. These individuals were reportedly denied access to specialist care despite urgent and ongoing medical needs. Denial of medical care, including during prolonged solitary confinement, may also amount to cruel, inhuman or degrading treatment in violation of article 7 of the ICCPR and article 16 of the CAT. They are also in contradiction with articles 2(2) and 12 of the ICESCR.

In this context, we reiterate the State's duty of care to all persons deprived of their liberty, including those accused of terrorism-related offences, as established under article 10 of the ICCPR. All detainees are entitled to equal standards of health care, including underlying determinants of health, as well as humane treatment, regardless of the nature of the charges against them.

Case recycling and the principle of non bis in idem

We are alarmed at the reported widespread and systematic use of "case recycling" or "rotation" of cases in relation to multiple individuals in this

communication, whereby detainees are re-arrested or kept in detention under new case numbers and identical or similar charges after their release has been ordered by the judiciary, they have completed their sentence or have been acquitted.

This practice appears to be employed deliberately to avoid enforcing judicial release decisions, to extend pre-trial detention beyond the two-year statutory limit, and to maintain individuals in detention without conviction or final judgment. In many of the cases, new charges closely resemble or are identical to those in prior cases, and are based on similar conduct and evidence. The practice appears to violate the principle of *ne bis in idem*, enshrined in article 14(7) of the ICCPR, which prohibits trying or punishing a person again for an offence for which they have already been finally acquitted or convicted. These repeated charges and detentions not only deprive individuals of their liberty but in some cases, including involving political activists or journalists, may be intended to punish or deter peaceful and lawful dissent, in violation of the rights to freedom of expression, peaceful assembly and association under articles 19, 21 and 22 of the ICCPR.

Moreover, the apparent absence of any substantive new evidence in many of these recycled prosecutions, the routine use of similar or identical terrorism-related charges, and the lack of individualized judicial review all point to a manipulation of legal procedures to achieve the *de facto* indefinite detention, including of political opponents, journalists, and critics. The Working Group on Arbitrary Detention has repeatedly found that this practice is incompatible with the right to liberty and security of person under article 9 of the ICCPR, including effective judicial supervision.² It also undermines the right to a fair trial under article 14, and the right to an effective remedy under article 2(3).

We also recall the concerns previously expressed by several Special Procedures mandate holders – including in [EGY 5/2021](#), [EGY 7/2023](#) and [EGY 8/2024](#) – that case recycling may constitute an abuse of judicial process and violate the principle of legal certainty, in particular where courts consistently fail to examine the lawfulness of detention or the validity of new charges. In its concluding observations on Egypt’s last review in March 2023, the Human Rights Committee also expressed concern at the practice of “rotation”, used to extend pre-trial detention beyond the statutory limit, including “as a punitive measure against dissenting voices, journalists, human rights defenders and political opponents” (CCPR/C/EGY/CO/5, para. 31).³ We echo the call of the United Nations High Commissioner for Human Rights, on 26 August, for Egypt to end the practice of “rotation” or case recycling.⁴

Violation of fair trial guarantees and due process

We express concern that many of the individuals were allegedly denied access to legal counsel, were interrogated without a lawyer present, in some cases were tried before military or exceptional courts, and that confessions obtained under torture were admitted in evidence. We do not believe that the use of military courts to try civilians is justified in present circumstances, and these courts do not appear to meet the

² See e.g. Opinions Nos. 53/2022 and 60/2022.

³ See also A/HRC/59/16.

⁴ OHCHR, [Türk calls on Egypt to end “rotation” practice that facilitates prolonged arbitrary detentions, 26 August 2025.](#)

requirements of judicial independence and impartiality and fair trial (see general comment No. 32, para. 22). These practices appear to violate article 14(1), (2), (3)(b), (d) and (g) of the ICCPR, which guarantee the right to a fair and public hearing by a competent, independent and impartial tribunal, the presumption of innocence, and protection against self-incrimination, as well as article 15 of the CAT.

We are further concerned by the use of remote communication systems for pre-trial detention renewal hearings, where detainees appear via video link and may be denied direct communication with the prosecution or legal counsel. In many cases, hearings reportedly lack meaningful interaction or the opportunity to challenge continued detention. This practice risks undermining the right to legal assistance under article 14(3)(b) of the ICCPR. It also raises concerns under article 9(3) of the ICCPR, which requires effective judicial control over detention.

Terrorist listing and its impact on families

We express concern at the continued inclusion of Mr. Othman on Egypt's terrorist list despite his death in 2020. This designation has reportedly deprived his surviving family members of the right to access his pension and property. Such measures may constitute a violation of article 17 of the ICCPR, which protects against arbitrary interference with the family and property, as well as articles 2(1) and 26, which guarantee non-discrimination and equal protection before the law (including based on marital or family status). We are also concerned at the 2018 decision to include Messrs. Jaafar and Ghanem on a terrorist list, which was extended for an additional five years in April 2023. In this regard, we reiterate concerns previously expressed ([EGY 4/2020](#), [EGY 3/2023](#), [EGY 7/2023](#), [EGY 2/2024](#)) about how Egypt's law and practice on terrorist listings do not comply with international human rights law and best practice standards.⁵

Abuse of counter-terrorism framework

The individual cases raised above appear to reflect a broader, systemic pattern in which Egypt's counter-terrorism and national security framework is used to silence dissent, suppress civil society, and curtail fundamental rights, rather than being properly limited to proportionately addressing legitimate security concerns. Provisions such as "joining a terrorist group," "spreading false news," or "misusing social media" continue to be formulated in vague, overly broad, and legally undefined terms, and are systematically applied against peaceful critics, journalists, students, human rights defenders and ordinary citizens in what appears to be an intensified crackdown against fundamental freedoms. This risks having a chilling effect on the exercise of protected rights and freedoms.

Such legislation fails to meet the standards of legal certainty, necessity and proportionality required under international human rights law, and facilitates arbitrary detention, prolonged pre-trial custody, denial of due process, and the chilling of the exercise of protected rights and freedoms. The repeated use of identical charges against individuals who have already been acquitted, released, or are nearing the domestic legal maximum for pre-trial detention further illustrates how counter-terrorism laws are used

⁵ See [A/HRC/16/51](#), paras. 33-35.

to sustain de facto indefinite detention without trial or conviction.

We reiterate concerns previously raised in communications [EGY 7/2020](#), [EGY 4/2021](#), [EGY 5/2023](#), and [EGY 1/2024](#) that provisions of Law No. 94 of 2015 on Combating Terrorism and Law No. 8 of 2015 on Terrorist Entities lack legal precision and are routinely applied in ways that circumvent judicial safeguards and criminalize peaceful political activity. We regret that, to date, these concerns have not been meaningfully addressed. We once again urge the Government of Egypt to bring its national legislation into full compliance with its obligations under international law, and to ensure that counter-terrorism measures are not used to undermine civil liberties, restrict political opposition, or punish protected expression or legitimate activities.

Journalism and freedom of expression

The Human Rights Committee asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that “all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress” (para. 23). Additionally, the Committee emphasizes that “the penalization of a media outlet, publishers or journalist solely for being critical of the government or the political social system espoused by the government can never be considered to be a necessary restriction of freedom of expression” (para. 43).

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 allegations described above.
2. Please provide the legal and factual basis for the repeated arrests and detentions of the above-mentioned individuals, particularly in cases involving prior acquittals or orders of release. In this regard, please explain how such practices comply with Egypt’s obligations under articles 9 and 14 of the ICCPR, including the principle of *non bis in idem* under article 14(7) and effective independent judicial review of detention.
3. Please explain the steps that your Excellency’s Government is taking or plans to take to ensure that the practice of recycling cases or “rotation” of cases is ended, in line with the requirements of articles 9 and 14 of the

ICCPR.

4. Please provide information on any investigations conducted into the alleged enforced disappearances of the individuals named above, and explain why these allegations were not considered by the Supreme State Security Prosecution. Please indicate how the practice of unacknowledged detention and falsification of arrest records is compatible with Egypt's obligations under the ICCPR, in particular articles 7, 9, and 10, and the Declaration on the Protection of All Persons from Enforced Disappearance. Please indicate what steps have been taken to give effect to the right of disappeared persons and their families to truth, justice and reparation.
5. Please provide information on the measures taken to ensure that all detainees, including those accused of terrorism-related offences, are protected from torture and ill-treatment and are granted access to adequate medical care, family visits, and legal counsel. Please explain how prolonged solitary confinement, denial of medical care, and incommunicado detention comply with articles 7 and 10 of the ICCPR and articles 1, 2, 15 and 16 of the CAT. Please indicate what steps have been taken to ensure that all allegations of torture and ill-treatment are investigated promptly, thoroughly and impartially, and that perpetrators are held accountable as required by article 12 of CAT. If such investigations into torture have been carried out please indicate whether they have been done in accordance with the [Istanbul Protocol](#) on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
6. Please explain what steps will be taken to provide immediate access to adequate medical care to any individual who requires it, as well as to ensure they enjoy underlying determinants of health, including appropriate access to food and nutrition, where appropriate, among others.
7. Please clarify the legal basis for the use of counter-terrorism legislation in cases involving free expression including criticism of government policies, peaceful assembly or association, and explain how such application is consistent with the principles of legal certainty, necessity and proportionality required for any restrictions to these rights under articles 19, 21 and 22 of the ICCPR.
8. Please detail the factual and legal basis for the inclusion of Mr. Othman, Mr. Jaafar and Mr. Ghanem on a terrorist list and explain the legal and administrative consequences of terrorist listings, including, in the case of Mr. Othman, the reported impact on his family members following his death. Please clarify how such designations and their collateral effects on families are compatible with articles 17, 2(1) and 26 of the ICCPR, as well as international due process standards. Please indicate whether these individuals will be removed from the list.

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 harm to the life and personal integrity of Messrs. Faisal Ahmed Mohamed Radwan, Al-Taher Mohamed Abdulaziz Masood, Ibrahim Yehia Ibrahim Mohamed Abuhag, Mostafa Awany Ali Soliman, Mahmoud Salah Mohamed Abulfad, Asser Mohamed Zahr Al-Deen Abdulwarth, Essam Ahmed Mahmoud Al-Hadad, Gehad Essam Ahmed Mahmoud Al-Hadad, Anas Mohamed Mohamed Ibrahim Al-Beltagy, Mostafa Gamal Awad El Sayed, Mohamed Osama Mohamed El Desouky Abu El Ata, Abdelfatah Zaky Elbastawisy Elseidy, Hisham Jaafar, and Tawfiq Ghanem, 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.

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.

We would also like to inform your Excellency's Government that, given the allegations of enforced disappearance, the Working Group on Enforced or Involuntary Disappearances may decide to transmit those cases not already transmitted through its humanitarian procedure. We urge the Government to respond separately to the present communication and to the humanitarian procedures.

Given the critical nature of the concerns raised once again in this letter, and their serious 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 in the light of Egypt's international obligations to ensure the consistency of policy and practices with international norms relating to counter-terrorism and human rights matters.

Given the importance of the matter, that has been repeatedly brought to the attention of your Excellency's Government, 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 and the wider public should be alerted to the potential implications of the above-mentioned allegations. 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.

Ben Saul

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

Gabriella Citroni

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

Irene Khan

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

Gina Romero

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

Tlaleng Mofokeng

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

Margaret Satterthwaite

Special Rapporteur on the independence of judges and lawyers

Alice Jill Edwards

Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to relevant international human rights law standards.

Right to liberty and security of person

Article 9 of the ICCPR provides that everyone has the right to liberty and security of person, no one shall be subjected to arbitrary arrest or detention, and no one shall be deprived of their liberty except on such grounds and in accordance with such procedure as are established by law. 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 the sentence.

Article 9(2) of the ICCPR provides that anyone arrested must be informed of the reasons for the arrest at the time of the arrest, and of the charges against them promptly (see also article 14(3) of the Arab Charter on Human Rights and principle 10 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment).

Article 9(3) of the ICCPR requires that anyone arrested or detained on a criminal charge be brought promptly before a judge, that is within the 48 hours following the arrest (general comment No. 35, para. 33). Any longer delay unnecessarily increases the risk of ill-treatment and must therefore remain absolutely exceptional and be justified under the circumstances (*ibid.*). As noted by the Human Rights Committee, “[i]t 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” and consequently, “a public prosecutor cannot be considered as an officer exercising judicial power under paragraph 3” (para. 32). Article 9(3) further provides that “[i]t shall not be the general rule that persons awaiting trial shall be detained in custody”. Detention pending trial must remain the exception rather than the rule and “be based on an individualized determination that it is reasonable and necessary taking into account all the circumstances, for such purposes as to prevent flight, interference with evidence or the recurrence of crime” (para. 38).

Article 9(4) of the ICCPR guarantees the right to take proceedings before a court, in order for that court to decide without delay on the lawfulness of the detention and order the person's release if the detention is not lawful. Access to a lawyer, including immediately after arrest, is an essential safeguard of the right to challenge the legal basis of one's detention.

In accordance with general comment No. 35 and the standards of the Working Group on Arbitrary Detention, 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, freedom of peaceful assembly and freedom of association, is arbitrary.

Prohibition on enforced disappearance

The prohibition of enforced disappearances is a peremptory norm of *jus cogens*, which establishes obligations applicable *erga omnes*.

Enforced disappearances amount to violations of articles 6, 7, 9 and 16 of the ICCPR, read alone and in conjunction with article 2(3). Moreover, they entail a violation of article 7, read alone and in conjunction with article 2(3) of the ICCPR with regard to the relatives of a disappeared person. The absolute prohibition of enforced disappearances is also enshrined in articles 2 and 7 of the United Nations Declaration on the Protection of All Persons from Enforced Disappearance, adopted by General Assembly resolution 47/133 on 18 December 1992. The Declaration sets forth States' obligations to prevent and eradicate this practice. In particular, articles 2 and 3 provide that no State shall practice, permit or tolerate enforced disappearances and 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. The Working Group on Arbitrary Detention has reiterated that enforced disappearances constitute a particularly aggravated form of arbitrary detention.

Furthermore, articles 9-13 of the Declaration spell out 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 ensure that all involved in the investigations are protected against ill-treatment, intimidation or reprisal. Article 14 further establishes that States should take any lawful and appropriate action to bring to justice persons presumed to be responsible for acts of enforced disappearance. Furthermore, article 19 of the Declaration establishes that victims or family relatives have the right to obtain redress, including adequate compensation.

The joint statement of the Committee on Enforced Disappearances and the Working Group on Enforced or Involuntary Disappearances on so-called "short-term" enforced disappearances affirms that duration is not a constitutive element of enforced disappearance under international human rights law. Regardless of the duration of an enforced disappearance, it produces serious harm and consequences for the disappeared and their families, and also presents practical challenges as regards seeking protection as well as defence of their rights.

The Working Group on Enforced and Involuntary Disappearances' study on Enforced disappearance and economic, social and cultural rights (A/HRC/30/38/Add.5), highlights the chilling effect of the disappearance of journalists and human rights defenders (paras. 33-37).

Prohibition on torture and cruel, inhuman or degrading treatment or punishment and conditions of detention

The absolute prohibition against torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right under international law, codified in article 7, read alone and in conjunction with article 2(3) of the ICCPR and, at least, articles 1, 2, 15 and 16 of the CAT. Attached to the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment are obligations to criminalize and investigate all acts of torture or other cruel, inhuman or degrading treatment or punishment, to prosecute suspects, to punish those responsible and to provide remedies to victims. In line with the principles enshrined in the CAT, States should establish all acts of torture as offences under domestic law (article 4); exercise jurisdiction over said offences (article 5); receive complaints and examine them promptly and impartially (article 13); and investigate those allegations promptly and impartially (article 12). Prosecutors and courts have a duty to refuse evidence obtained, or suspected of having been obtained, through torture or other illicit means (article 15). Victims are to be protected from reprisals or intimidation during said investigations (article 13) and they have an enforceable right to fair and adequate compensation including the means for as full rehabilitation as possible (article 14). At no time shall torture be used to extract information or a confession (article 1), and any statement which has been obtained via such methods, shall be excluded from any proceedings except against a person accused of torture as evidence that the statement was made (article 15).

Article 10 of the ICCPR requires 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 (see also 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). With regard to solitary confinement, rules 43-45 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), adopted unanimously by General Assembly resolution 70/175, prohibit indefinite and prolonged solitary confinement and restrict its use for as short time as possible as a measure of last resort, to be used only in exceptional circumstances. 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. In addition, rule 58 of the Nelson Mandela Rules provides that prisoners must "be allowed, under necessary supervision, to communicate with their family and friends at regular intervals", including through visits.

Right to a fair trial and due process

The right to a fair trial and due process enshrined in article 14 of the ICCPR includes the right of everyone charged with a criminal offence to have adequate time and facilities for the preparation of the person's defence and to communicate with counsel of the person's own choosing (paragraph b) and to "be tried without undue delay" (paragraph c). In its general comment No. 32, the Human Rights Committee noted that "[t]he right to communicate with counsel requires that the accused is granted prompt access to counsel" (para. 34). In that regard, principle 9 and guideline 8 of the United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court

provide that the right to legal assistance is applicable at any time during the detention, including immediately after apprehension. All persons apprehended must be promptly advised of this right and access to legal counsel must be provided without delay.

Article 14(3)(g) guarantees the right not to be compelled to testify against oneself or to confess guilt. This safeguard necessarily implies that no evidence obtained under duress or in violation of article 7 of the ICCPR may be used at trial (paras. 41 and 60).

Article 14(7) provides that “[n]o one shall be liable to be tried or punished again for an offence for which [they] ha[ve] already been finally convicted or acquitted in accordance with the law and penal procedure of each country.”

The provisions of article 14 apply to all courts and tribunals whether ordinary or specialized, civilian or military and trials of civilians in military or special courts must fully conform with the requirements of article 14 (general comment No. 32, para. 22). The Human Rights Committee has raised concern that trials of civilians before such courts may not comply with the equitable, impartial and independent administration of justice and should therefore be exceptional, limited to cases where it can be shown 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” (para. 22).

The General Assembly in resolution 72/180, paragraph 5(s), has urged States to ensure due process guarantees while countering terrorism, consistent with all relevant provisions of the Universal Declaration of Human Rights and 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.

Right to privacy

Article 17 of the ICCPR guarantees that “[n]o one shall be subjected to arbitrary or unlawful interference with [their] privacy, family, home or correspondence, nor to unlawful attacks on [their] honour and reputation.”

In its general comment No. 16, the Human Rights Committee noted that “States parties are under a duty themselves not to engage in interferences inconsistent with article 17 of the Covenant and to provide the legislative framework prohibiting such acts by natural or legal persons” (para. 9).

Freedom of expression and opinion

Article 19 of the ICCPR guarantees the right to freedom of opinion and expression, which includes the right “to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media”. This right applies online as well as offline and protects the freedom of the press as one of its core elements. In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including “political discourse, commentary on one’s own and

on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse” (para. 11).

The Committee further asserted that there is a duty on States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that “all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress” (para. 23). Additionally, according to the Committee “the penalization of a media outlet, publishers or journalist solely for being critical of the government or the political social system espoused by the government can never be considered to be a necessary restriction of freedom of expression” (para. 43).

Further, Human Rights Council resolution 12/16 called on States to refrain from imposing restrictions that are not consistent with article 19(3), including: discussion of government policies and political debate; reporting on human rights; engaging in peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups.

Restrictions on the right to freedom of expression must be compatible with the requirements set out in article 19(3), that is, they must be provided by law, pursue a legitimate aim among those listed by the ICCPR, and be necessary and proportionate to achieve such aim. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant. The Special Rapporteur on freedom of expression and opinion has highlighted that “criminal law should be used only in very exceptional and most egregious circumstances of incitement to violence, hatred or discrimination,” in the efforts to counter disinformation (A/HRC/47/25, para. 89). As stated by the Special Rapporteur on the situation of human rights defenders, counter-terrorism legislation with penal sanctions should not be misused against individuals peacefully exercising their rights protected under international law, including to freedom of expression, peaceful assembly and association (A/HRC/RES/25/18). An attack on a person because of the exercise of the right to freedom of opinion or expression, including arbitrary arrest, torture, threats to life and killing, cannot be compatible with article 19 (general comment No. 34, para. 23).

Freedom of peaceful assembly and association

Article 21 of the ICCPR guarantees the right of peaceful assembly and states that “[n]o restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.” In its general comment No. 37, the Human Rights Committee noted that “the right of peaceful assembly imposes a corresponding obligation on States parties to respect and ensure its exercise without discrimination. This requires States to allow

such assemblies to take place without unwarranted interference and to facilitate the exercise of the right and to protect the participants” (para. 8). The Committee further emphasized that while the right to freedom of peaceful assembly may in some cases be restricted under the conditions listed in article 21, “[r]estrictions on peaceful assemblies must thus not be used, explicitly or implicitly, to stifle expression of political opposition to a government” (para. 49).

In addition, article 22 of the ICCPR protects the right to freedom of association, including the rights of everyone to associate with others and to pursue common interests. Freedom of association is closely linked to the rights to freedom of expression and to peaceful assembly and is of fundamental importance to the functioning of democratic societies and can only be limited through necessary and proportionate restrictions that serve a legitimate public purpose that is consistent with international standards.

In its resolution 24/5, the Council reminded States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline.⁶

Further, the Special Rapporteur on the rights to freedom of peaceful assembly and of association has affirmed that access to justice is an integral element of the protection of the rights to freedom of peaceful assembly and of association, and obstructed justice for violations related to the exercise of these rights undermines their essence (A/HRC/47/24, paras. 22 and 72). In a report on advancing accountability and ending impunity, the Special Rapporteur found that broad and ambiguous security-related legislation have been misused and instrumentalized by States as tools to suppress and crack down on activists and protesters, and legitimize abuses by States (A/HRC/53/38, para. 18).

Right to health

As per articles 2(2) and 12 of the ICESCR, States parties recognize the right of everyone, including prisoners, to the enjoyment of the highest attainable standard of physical and mental health and shall take steps to achieve the full realization of this right, including those necessary for the creation of conditions which would assure to all medical service and medical attention in the event of sickness. The Committee on Economic, Social and Cultural Rights interprets the right to health as “an inclusive right extending not only to timely and appropriate health care but also to the underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions” among others (general comment No. 14, para. 11). States are also under the obligation to respect the right to health by refraining from denying or limiting equal access for all persons, including prisoners (para. 34). The Nelson Mandela Rules establish States’ responsibility to provide healthcare for prisoners and to ensure continuity of treatment and care (rules 24 to 35).

Furthermore, the former Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, indicated

⁶ See also A/HRC/26/29, para. 22.

that “[i]n contexts of confinement and deprivation of liberty, violations of the right to health interfere with fair trial guarantees, the prohibition of arbitrary detention and of torture and other forms of cruel, inhuman or degrading treatment, and the enjoyment of the right to life” and that [v]iolations of the right to health emerge as both causes and consequences of confinement and deprivation of liberty” (A/HRC/38/36, para. 18). In addition the former Special Rapporteur indicated that “[b]earing in mind the goal of progressive realization of the right to health, measures are needed to ensure its realization in closed settings, including a plan to end forced confinement in hospitals” (para. 24). He also stressed that “for the right to health to be enjoyed in detention centres, health-care facilities, goods and services must be available, accessible, acceptable and of good quality” (para. 34). In addition, the Special Rapporteur urged States to “[f]ully abide by, and implement, the Nelson Mandela Rules, in particular as regards the provision of health care in prisons” (A/HRC/26/29, para. 98(a)).

Rights of children

The Convention on the Rights of the Child similarly protects the rights of children, including the rights to be free from unlawful or arbitrary detention and from torture or other cruel, inhuman or degrading treatment or punishment and to be treated with humanity and respect for the inherent dignity of the human person, in a manner which takes into account the needs of persons of the individual’s age (article 37); to a fair trial and due process (article 40); to freedom of expression (article 13); and to freedom of peaceful assembly and association (article 15). In all actions concerning children, the best interests of the child must always be the primary consideration, as set forth in article 3. As noted by the Human Rights Committee: “[c]hildren should not be deprived of liberty, except as a measure of last resort and for the shortest appropriate period of time, taking into account their best interests as a primary consideration with regard to the duration and conditions of detention” (general comment No. 35, para. 18).

Respect for human rights while countering terrorism

Although no universal treaty generally defines “terrorism”, States should ensure that counter-terrorism legislation is limited to criminalizing conduct which is properly and precisely defined on the basis of the international counter-terrorism instruments,⁷ the General Assembly’s Declaration on Measures to Eliminate International Terrorism (1994), and Security Council resolution 1566 (2004).⁸ Based on these authoritative sources, the model definition of terrorism advanced by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism provides clear “best practice” guidance by identifying conduct that is genuinely terrorist in nature and precisely defining the elements (A/HRC/16/51, para. 28).

The principle of legal certainty under article 15 (1) of the ICCPR requires that criminal laws be sufficiently precise so that it is clear what types of behaviour and conduct constitute a criminal offence and the legal consequences of committing such an offence. This principle seeks to prevent ill-defined and/or overly broad laws which are open to arbitrary application and abuse to target civil society on political or other

⁷ See https://treaties.un.org/Pages/DB.aspx?path=DB/studies/page2_en.xml.

⁸ A/RES/49/49, annex, para. 3.

unjustified grounds.⁹

Many resolutions of the United Nations General Assembly, Security Council and Human Rights Council reaffirm that any measures taken to combat terrorism and violent extremism must comply with the obligations of States under international law, in particular international human rights law, refugee law and international humanitarian law.¹⁰ Counter-terrorism measures must conform to fundamental requirements of legality, proportionality, necessity and non-discrimination. The wholesale adoption of security and counter-terrorism regulations without due regard for these principles can have exceptionally deleterious effects on the protection of fundamental rights, particularly for minorities, historically marginalized communities, and civil society.

States must 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.¹¹

Terrorist listings

The designation of “terrorist” individuals or organizations must meet the requirements of due process and judicial protection under international human rights law, as set out by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (A/HRC/16/51, para. 35). Specifically:

- (a) there must be reasonable grounds to believe that the person or entity has knowingly engaged in terrorism, as properly defined according to international standards, including the requirement of legality;
- (b) the listed person or entity must be promptly informed of the listing and its factual grounds, the consequences of such listing and the applicable procedural rights;
- (c) there must be a right to apply for de-listing and to have it reviewed within a reasonable time, and a right to judicial review of any resulting decision, in both cases affording due process, including sufficient disclosure of evidence and access to a lawyer;
- (d) the listed individual or entity must be afforded the right to make a fresh application for de-listing or lifting of sanctions in the event of a material change of circumstances or the emergence of new evidence relevant to the listing;
- (e) listings must lapse automatically after 12 months unless renewed afresh; and

⁹ [A/70/371](#), para. 46(b).

¹⁰ 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); Human Rights Council resolution 35/34; and General Assembly resolutions 49/60, 51/210, 72/123 and 72/180, among others.

¹¹ See [A/HRC/RES/22/6](#), para. 10(a); [A/70/371](#), para 46(c).

- (f) reparation, including compensation, must be available for any wrongful listing.