

Mandates of the Working Group on Arbitrary Detention; 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 situation of human rights defenders; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

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Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention; 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 situation of human rights defenders and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 24/7, 25/2, 24/5, 25/18 and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged arbitrary detention of human rights defender, Mr. **Ahmed Abdallah Abou Elela Abdallah**.

Mr. **Ahmed Abdallah Abou Elela Abdallah**, born on 1 October 1979, is a human rights defender, co-founder and board director of the Egyptian Commission for Rights and Freedoms (ECRF), a human rights organization based in Cairo since 2013.

Concerns regarding the arrests and use of force during the April 2016 demonstrations, as well as concerns on the arrest of Mr. Abdallah Abou Elela Abdallah were addressed in a previous communication sent to your Excellency's Government on 4 May 2016 (case no. EGY 6/2016). We regret that no response has been received.

According to the new information received:

On 25 April 2016, Mr. Abdallah Abou Elela Abdallah was arrested at approximately 3:00 a.m. by security forces at his residency in fifth settlement district, amid a sweep of arrests in Cairo, Alexandria and other governorates following earlier demonstrations in April 2016 against the President's policies, including the transfer of the islands of Tiran and Sanafir to Saudi Arabia. Allegedly, the security forces also searched his home and confiscated some of his belongings and papers. He was then transferred to the New Cairo police station 1.

During the time of transfer when Mr. Abdallah asked repeatedly to be shown the arrest warrant, he was hit on his neck with a weapon each time by a member of the security forces. He was brought in front of the Prosecutor on the afternoon of 25 April 2016. Until then, he did not know the reasons for the arrest. It was later known to Mr. Abdallah that, on 19 April 2016, the East Cairo Prosecution had issued an arrest warrant against him in relation to protests in April 2016.

On 27 April 2016, the East Cairo Prosecution decided to extend Mr. Abdallah's incarceration for 15 days under ten different accusations under case No. 10 698/2016 at the Court of minor offences in Ain Shams. The accusations include: incitement to use force to overthrow the Government and change the state Constitution and the republican system; use of violence and threats to force the President to refrain from exercising his statutory powers and duties entrusted to him by the Egyptian Constitution; belonging to a terrorist group; indirectly promoting acts of terrorism through the world wide web; the use of a world wide website to promote ideas calling for the commission of terrorist acts in a bid to deceive the public; incitement to public gathering that shall jeopardize security and public peace and shall influence the authorities and harm public assets, for the purposes of terrorism; incitement to protest with the aim of jeopardizing security and public order, influencing the function of public services, blocking roads, and attacking citizens for terrorist purposes; dissemination of news, information and false rumors that disrupt public security and damage the relationship between people and the public interest; and possession of leaflets calling for overthrowing the regime and changing the constitution.

To date, Mr. Abdallah has not been indicted or brought before any court for trial on the substance of the accusations against him. He has only been brought before courts for the renewal of his preventive detention. The most recent of which was on 20 July 2016 as a court ordered the renewal of his detention for another 45 days. Mr. Abdallah will challenge this decision at a higher court.

Mr. Abdallah has been detained in an overcrowded cell in the New Cairo police station 1, with 8 people in an approximately 8 square meters cell. On 21 June 2016, Mr. Abdallah started a hunger strike in protest of his continued detention. The hunger strike ended on 20 July 2016.

While we do not wish to prejudge the accuracy of these allegations, concerns have been raised that the arrest, detention and ill-treatment of Mr. Abdallah Abou Elela Abdallah may be related to his work as human rights defender and his legitimate exercise of his rights to freedom of expression and freedom of association and freedom of assembly. Further concerns have been raised that Mr. Abdallah is at risk of being held in preventive detention indefinitely. Finally, serious concerns have been raised regarding the safety of human rights defenders in Egypt and the general chilling effect that the criminalization of expression has on civil society as a whole.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of the above-mentioned person is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee his right not to be deprived arbitrarily of their liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights, and articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Egypt on 14 January 1982. We would furthermore like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other ill-treatment as codified in articles 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and refer to the Committee against Torture and the Human Rights Committee that have consistently found that conditions of detention can amount to inhuman and degrading treatment.

We would moreover like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of expression in accordance with fundamental principles as set forth in article 19 of the ICCPR. Paragraph 3 of article 19 sets out the requirement that any restrictions to the right to freedom of expression must be necessary, proportionate and prescribed by law. We express concern at the criminalization of expression through the application of national security provisions to target speech that is dissenting or critical. While national security is a legitimate basis for restricting the right to freedom of expression under article 19(3), it is not enough to simply claim it as a justification to pursue illegitimate purposes such as silencing critical voices. The state has to demonstrate that it is necessary to do so to achieve a legitimate objective. We reiterate the statement by the Human Rights Committee in General Comment 34 that article 19(3) may never be invoked as a justification for the muzzling of any advocacy of human rights (CCPR/C/G/34).

Furthermore, we would like to remind the State of its obligation under article 21 and 22 of the ICCPR, regarding freedom of peaceful assembly and association, respectively, as well as to recall resolution 24/5 of the Human Rights Council reminding the 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, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law".

With regard to the alleged connection of the detention of Mr. Abdallah to his human rights work, we wish to refer your Excellency's Government to 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 articles 1, 2, 6 and 12. We would also like to cite Human Rights Council resolution 22/6, which urges States to ensure that measures to 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. (OP 10).

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

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

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

1. Please provide any additional information and any comment you may have on the above mentioned allegations.
2. Has a complaint been lodged in relation to the aforementioned allegations of ill-treatment and arbitrary detention?
3. Please provide information concerning the legal grounds for the detention of Mr. Abdallah Abou Elela Abdallah, and how these are compatible with Egypt's obligations under international human rights law. In particular, please explain how Mr. Abdallah's exercise of his right to freedom of expression amounts to violent incitement and the justification for the ten different accusations brought against him under case No. 10 698/2016.
4. Please provide any information regarding the scheduling of an upcoming trial for the aforementioned case No. 10 698/2016 against Mr. Abdallah Abou Elela Abdallah.
5. Please provide information on any measures taken to guarantee the physical and psychological integrity of Mr Abdallah Abou Elela Abdallah, and in particular information about his health status.
6. Please provide information about measures taken to ensure that human rights defenders in Egypt are able to carry out their work in a safe and enabling environment without fear of threats or acts of retaliation, intimidation or persecution of any sort.

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

After having transmitted an urgent appeal to the Government, the Working Group on Arbitrary detention may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such appeals — which are of a purely humanitarian nature — in no way prejudice any opinion the Working Group may render. The Government is required to respond separately for the urgent action procedure and the regular procedure.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

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Vice-Chair-Rapporteur of the Working Group on Arbitrary Detention

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