



International Network for Economic, Social & Cultural Rights  
Red Internacional para los Derechos Económicos, Sociales y Culturales  
Réseau international pour les droits économiques, sociaux et culturels  
الشبكة العالمية للحقوق الاقتصادية و الاجتماعية و الثقافية

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TO:

Hon. Abdel Fattah el-Sisi, President of Egypt

CC:

Mr. Ahmed el-Zend, Minister of Justice of Egypt

Mr. Sedki Sobhi, Minister of Defence of Egypt

Mr. Michel Forst, UN Special Rapporteur on the situation of human rights defenders

Mr. Ben Emmerson, UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Mr. David Kaye, UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

UN Working Group on Arbitrary Detention

RE: Arbitrary arrest of journalist and human rights defender Mr. Hossam Bahgat

9 November, 2015

Your Excellency,

The International Network for Economic, Social and Cultural Rights (ESCR-Net) is the largest global network of organizations and activists devoted to achieving economic, social and environmental justice through human rights, consisting of over 270 organizational and individual members in 70 countries.

We write to express our deep concern regarding the treatment of Mr. Hossam Bahgat, human rights defender and investigative journalist, founder of the human rights organization, Egyptian Initiative for Personal Rights, and chairperson of the Board of ESCR-Net. We have received reports that Mr. Bahgat was summoned to appear for questioning at the military intelligence headquarters in Cairo on Sunday, 8 November 2015, and subsequently detained in connection with several articles that he published about the Egyptian army. Mr. Bahgat has reportedly been charged by the military prosecutor on charges related to publishing "false information that harms national interests" under a counter-terrorism law that criminalizes journalists who publish information that differs from the accounts of the Ministry of Defence. We understand that Mr. Bahgat was not permitted to have his phone or be accompanied by a lawyer during his interrogation.

ESCR-Net condemns the arbitrary arrest of Mr. Bahgat and the serious violation of his human rights, particularly his right to freedom of expression. We note that this arrest is reflective of an ongoing practice of harassment, arrest and incarceration of journalists and human rights defenders through the application of widely criticized anti-terrorism legislation, with the apparent purpose of silencing dissenting views and political debate.

Chris Grove  
Director

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As a party to the International Covenant on Civil and Political Rights (ICCPR), Egypt has guaranteed the right of everyone to liberty and security of person, and protection against arbitrary arrest or detention. Egypt also has the obligation to ensure that anyone arrested or detained shall be entitled to trial within a reasonable time or to release, with the application of all fair trial guarantees including a fair and public hearing by a competent, independent and impartial tribunal established by law. Egypt must also ensure that all persons deprived of their liberty shall be treated with humanity and with respect for their inherent dignity.

In addition, as a party to the African Charter on Human and Peoples' Rights, Egypt has the duty to guarantee the independence of the courts. We note that the African Commission on Human and Peoples' Rights, through its Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, explicitly forbids the jurisdiction of military courts over civilians in any circumstances.

The ICCPR also establishes the right of everyone to hold opinions without interference and the right to freedom of expression, including the freedom to seek, receive and impart information all kinds. Further, we recall Egypt's commitment to uphold the standards established by the UN Declaration on the Rights of Human Rights Defenders, including taking all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, adverse discrimination, pressure or any other arbitrary action as a consequence of his or her actions to defend and promote human rights.

Accordingly, we urgently appeal to Your Excellency to:

- 1) Ensure the immediate and unconditional release of Mr. Bahgat and ensure that all charges against him by the military prosecutor are dropped;
- 2) In the event that Mr. Bahgat continues to be detained for any period, take immediate steps to ensure the protection of all of his rights while in custody, including, among others, communication with counsel of his own choosing.
- 3) Guarantee the right to free expression and opinion in Egypt for all people, including journalists;
- 4) Ensure that human rights defenders working in Egypt enjoy all the protections guaranteed to them by the standards of international human rights law; and
- 5) Cease the practice of military jurisdiction over civilians, in recognition that such practice is contrary to the obligation to ensure fair trial guarantees, including a fair and public hearing by a competent, independent and impartial tribunal established by law.

Finally, we request that you keep us informed of measures taken in this regard.



Chris Grove, Director  
On behalf of ESCR-Net