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**Human Rights Council
Working Group on Arbitrary Detention****Opinions adopted by the Working Group on Arbitrary
Detention at its 105th session, 23 March – 1 April 2026****Opinion No. 19/2026 concerning Abdel Khaleq Farouq (Egypt)***

1. The Working Group on Arbitrary Detention was established in resolution 1991/42 of the Commission on Human Rights. In its resolution 1997/50, the Commission extended and clarified the mandate of the Working Group. Pursuant to General Assembly resolution 60/251 and Human Rights Council decision 1/102, the Council assumed the mandate of the Commission. The Council most recently extended the mandate of the Working Group for a three-year period in its resolution 51/8.

2. In accordance with its working methods¹, on 2 December 2025, the Working Group transmitted to the Government of Egypt a communication concerning Abdel Khaleq Farouq. The Government has replied to the communication. The State is a party to the International Covenant on Civil and Political Rights.

3. The Working Group regards deprivation of liberty as arbitrary in the following cases:

(a) When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of his or her sentence or despite an amnesty law applicable to him or her) (category I);

(b) When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the Covenant (category II);

(c) When the total or partial non-observance of the international norms relating to the right to a fair trial, established in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character (category III);

(d) When asylum seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy (category IV);

(e) When the deprivation of liberty constitutes a violation of international law on the grounds of discrimination based on birth, national, ethnic or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, disability, or any other status, that aims towards or can result in ignoring the equality of human beings (category V).

* Miriam Estrada Castillo did not participate in the discussion of the case.

¹ A/HRC/36/38.

1. Submissions

(a) Communication from the source

4. Mr. Abdel Khaleq Farouq is an Egyptian political economist and researcher born on 26 January 1957, who resides in El Shorouk City, Cairo. Prior to the 2011 Egyptian revolution, he held senior positions at the Al-Ahram Centre for Political and Strategic Studies, the Egyptian Prime Minister's Office, the Egyptian Insurance Supervisory Authority, and the Central Agency for Organization and Administration. He has authored more than twenty books on economic governance, corruption, and public policy.

5. The source reports that Mr. Farouq was previously arrested in 2018 following the publication of his book titled *Is Egypt Truly a Poor Country?*, and accused of possessing and publishing materials containing false information. Although he was released after eight days, the criminal case against him remained open and the book was subsequently banned.

6. At the time of his most recent arrest, Mr. Farouq worked as an independent researcher and writer, and had recently published articles on Facebook criticizing the Government's economic policies, the New Administrative Capital project, and certain businessmen close to the authorities. The articles in question included *General Sisi and the Theft of the Century: the Administrative Capital as a Model*; *Did General Sisi Receive Payment for his Stance in the Gaza Holocaust?*; and a series entitled *The Theft of the Century*, published two days before his arrest.

(i) Arrest and initial detention

7. According to the source, on 20 October 2024 at approximately 11:00 p.m., approximately ten National Security Agency (NSA) officers in civilian clothing raided Mr. Farouq's home. The officers did not present an arrest warrant, nor did they inform Mr. Farouq of the reasons for his arrest. They conducted a search of the premises, including Mr. Farouq's office, and seized draft publications, two flash drives, mobile telephones, and laptops without producing a search warrant or a property seizure warrant. Mr. Farouq was then taken to an undisclosed location, which he later identified to the Prosecutor in his lawyer's presence as a NSA facility.

8. On 21 October 2024, NSA officers brought him before the Supreme State Security Public Prosecution (SSSP) in Cairo, in case no. 4937 of 2024. Mr. Farouq was interrogated for six hours in the presence of his lawyer, with questioning centered on his publications and research work, in particular articles critical of the President of Egypt. Neither Mr. Farouq nor his lawyer was granted access to the case file at any stage of the interrogation.

9. Following the interrogation, the SSSP charged Mr. Farouq with "joining a terrorist organization" pursuant to article 86 *bis* of the Criminal Code and article 12 of Law no. 94 of 2015 (the Anti-Terrorism Law), and "spreading fake news" pursuant to article 102 *bis* of the Criminal Code. The SSSP remanded him in pre-trial detention at the 10th of Ramadan Prison, providing only the generic justification that detention was necessary "to complete the investigations and ensure national security".

(ii) Pre-trial detention

10. Between 28 October 2024 and 18 February 2025, the SSSP conducted eight pre-trial detention renewal hearings via videoconference, on 28 October, 11 November, 25 November, 9 December, and 23 December 2024, and 6 January, 20 January, 3 February, and 18 February 2025. At each hearing, Mr. Farouq attended remotely from prison while his lawyer was physically present in court. At each hearing, the SSSP extended detention by 15 days using the same generic formula. At no point was Mr. Farouq's lawyer granted access to the case file, nor were individualized reasons provided for any renewal.

11. On 12 and 18 March 2025, the Third Circuit of the Felonies Court extended Mr. Farouq's pre-trial detention for an additional 45 days on each occasion.

(iii) *Conditions of detention*

12. Since the beginning of his detention, Mr. Farouq's health deteriorated markedly as a result of the impact of detention on his pre-existing conditions of diabetes, high blood pressure, kidney disease, and prostate problems. The prison authorities initially refused his family's requests to deliver medication, relenting only on 18 November 2024, almost one month after his arrest. Mr. Farouq was reportedly transferred to a wing of the prison without washing facilities and in which no other prisoner was held, subjecting him to effective solitary confinement for approximately 23 hours per day.

13. On 6 January 2025, during a renewal hearing, Mr. Farouq complained about denial of access to sunlight, denial of exercise, and inadequate medical care, and announced he would begin a hunger strike. On 13 January 2025, he suffered a heart attack and was transferred to the prison hospital. Requests by his family to the Attorney General for his transfer to a private hospital at his own expense received no response. On 20 January 2025, the SSSP renewed his detention while requesting that he produce evidence of his earlier complaint regarding conditions. At the hearing of 3 February 2025, Mr. Farouq again complained about his conditions and identified a specific NSA officer as responsible for his ill-treatment.

(iv) *Trial and conviction*

14. On 25 September 2025, Mr. Farouq was brought without prior notice before the Misdemeanour Court of El Shorouk in New Cairo to stand trial. The authorities had also failed to notify his lawyers; the latter only learned of the hearing by chance, as they happened to be at the courthouse on an unrelated matter. Mr. Farouq's case was re-registered as no. 4527 of 2025. At this hearing, Mr. Farouq raised his harsh detention conditions, including denial of medical treatment following two heart attacks in detention, and the approximately 23 hours per day locked in his cell. The court ignored these complaints.

15. On 2 October 2025, a second hearing took place before the same court. The defence again requested access to the case file, but the judge ignored the request and proceeded to hear the Prosecution's arguments over the defence's objections, and refused to permit defence submissions. After the hearing, the judge left the courthouse without publicly pronouncing a judgment, in violation of article 303 of the Code of Criminal Procedure. On 4 October 2025, Mr. Farouq's lawyers attended the courthouse and learned that Mr. Farouq had been convicted of "spreading false news inside and outside of Egypt" under article 102 *bis* of the Criminal Code and sentenced to five years' imprisonment.

(v) *Appeal*

16. Mr. Farouq exercised his right of appeal. On 16 October 2025, his lawyers again requested access to the case file at the first appeal hearing before the New Cairo Misdemeanour Court of Appeal. The court adjourned proceedings on multiple occasions to allow access to the file, but the court clerk refused to provide copies. Only a partial set of documents was provided on 6 November 2025. A subsequent request for missing documents on 20 November 2025 was refused. On 25 December 2025, the Court of Appeal dismissed the appeal and upheld the conviction and sentence. A further appeal before the Court of Cassation is reported to be pending.

(vi) *Legal analysis*

17. The source submits that Mr. Farouq's detention is arbitrary under categories I, II, III, and V of the Working Group's methods of work.

18. Under **category I**, the source alleges that Mr. Farouq's arrest was conducted without an arrest warrant being presented, without reasons being given, and following overnight detention at an undisclosed NSA facility. It submits that the charges of "joining a terrorist organization" and "spreading fake news" are defined with insufficient clarity and foreseeability to meet the requirements of article 9(1) of the Covenant, relying on General Comment No. 35, paragraph 22. It further contends that the SSSP's repeated renewal of pre-trial detention with generic justifications lacks the individualized necessity assessment required by article 9(3) of the Covenant, and that the SSSP does not constitute an independent judicial authority within the meaning of article 9(3), as the Working Group has previously

determined.² Pre-trial detention was thus not subject to genuine independent judicial authorization or review, in violation of articles 9(3) and (4) of the Covenant.

19. Under **category II**, the source submits that Mr. Farouq's arrest and detention were a direct response to his exercise of freedom of expression on matters of public interest. It relies on the close temporal proximity between the publication of his critical articles and his arrest two days later, the focus of the interrogation exclusively on his publications, and the seizure of his manuscripts and digital devices. It notes that the categories of speech at issue — commentary on economic policy, governance, and the conduct of public officials — attract the highest level of protection under article 19 of the Covenant and General Comment No. 34. The source submits that the vague provisions invoked to restrict Mr. Farouq's expression fail the requirements of legality, necessity, and proportionality under article 19(3) of the Covenant.

20. Under **category III**, the source alleges: failure to inform Mr. Farouq in detail of the charges (art. 14(3)(a) ICCPR); systemic denial of access to the case file during pre-trial detention renewal hearings, at trial, and on appeal, in violation of articles 14(3)(b) and 14(5) of the Covenant; the absence of any meaningful opportunity to make defence submissions at trial; the non-public pronouncement of judgment in violation of article 14(1) of the Covenant and domestic procedural law; and conditions of detention that severely impaired Mr. Farouq's ability to participate in his own defence, compounding violations of the equality of arms principle. The source submits that these violations, in aggregate, are of a gravity sufficient to render his detention arbitrary under category III.

21. Under **category V**, the source submits that Mr. Farouq's arrest and detention are part of a broader documented pattern of targeting academics, journalists, writers, lawyers, and political opponents of the Egyptian Government, as established in previous Working Group opinions.³ It argues that detention for the exercise of civil and political rights raises a strong presumption of discriminatory treatment based on political opinion, in violation of articles 2(1) and 26 of the Covenant.

(b) Response from the Government

22. On 2 December 2025, the Working Group transmitted the allegations from the source to the Government of Egypt under its regular communications procedure. The Working Group requested the Government to provide it, by 2 February 2026, with detailed information about Mr. Farouq and clarify the legal provisions justifying his detention, as well as its compatibility with Egypt's obligations under international human rights law, and in particular with regard to the treaties ratified by the State. Moreover, the Working Group called upon the Government of Egypt to ensure physical and mental integrity of Mr. Farouq.

23. The Government requested the extension, which was granted. The Government replied to the Working Group's communication on 27 February 2026. It submitted the following:

24. Concerning the lawfulness of the arrest, the Government states that Mr. Farouq was apprehended pursuant to a judicial warrant duly issued by the Public Prosecution in connection with case no. 4527 of 2025, and that all procedures for entering and searching the residence were carried out in accordance with article 54 of the Egyptian Constitution. It states that there was no enforced disappearance or unlawful detention at an undisclosed location.

25. On judicial safeguards, the Government contends that the Public Prosecution, as an integral part of the judiciary under article 189 of the Egyptian Constitution, provides judicial protection over detention, and that Mr. Farouq was "brought before the Public Prosecutor immediately following his apprehension" on 20 October 2024. It states that he was questioned in the presence of his private lawyer and presented with the evidence against him, including technical reports and electronic publications.

26. Concerning the trial, the Government states that at the hearing of 2 October 2025, the court granted the defence's request for a postponement to review the case files, "completely refuting" the allegation that the court ignored the request to access the file. It states that Mr. Farouq exercised his right of appeal; that his lawyers filed a recusal motion at the appeal stage; and that the appeal was dismissed on 25 December 2025 after proceedings it

characterizes as fair and impartial. The Government states that the Egyptian judiciary is independent and that all conditions of fairness were met.

27. On conditions of detention and healthcare, the Government states that Mr. Farouq receives full medical care in accordance with Law no. 14 of 2022 on correctional and rehabilitation centres, that his vital signs are within normal ranges, and that his general condition is stable. It states that placement in a specific location within a correctional facility is subject to classification criteria and is not a form of punishment, and that any isolation may be for medical or security reasons to protect the detainee. It states that Mr. Farouq receives regular family visits, daily exercise, meals, and access to washing and hygiene facilities appropriate to human dignity.

28. Replying to the source's arguments on violation of the right to freedom of expression, the Government acknowledges that article 19(3) of the Covenant permits restrictions necessary to protect national security or public order, and asserts that Mr. Farouq was prosecuted not for "writing economic articles" but for specific criminal offences, namely the publication and broadcasting of false news, statements and rumours via his Facebook account that were liable to harm the national interest and disturb public security. It states that "technical reports" proved that what he published contained false information with no basis in reality, and that such conduct falls within the scope of incitement and the spreading of falsehoods, which it notes are punishable in most democratic legal systems.

29. The Government requests that the Working Group dismiss the communication as unfounded.

(c) Additional comments from the source

30. The Governments observations were submitted to the source, which provided their further observations on 17 March 2026.

31. The source notes that the Government does not contest the allegation that NSA officers failed to provide Mr. Farouq with the arrest warrant or inform him of the reasons for his arrest at the time. It further notes that Mr. Farouq's lawyer did not see any copy of the warrant until 6 November 2025, during the appeal proceedings. The failure to present the warrant at the relevant time rendered the arrest arbitrary under article 9(1) of the Covenant regardless of whether the warrant had been issued.

32. The source further dismisses the Government's contention that the SSSP's involvement provided judicial protection as inconsistent with the requirements of article 9(3) of the Covenant. It notes that, on the Government's own account, Mr. Farouq was brought before no authority other than the SSSP following his arrest. The SSSP does not possess the characteristics of independence necessary to satisfy article 9(3), as detailed in the source's previous submissions.

33. Concerning overnight detention, the source observes that the Government claims Mr. Farouq was brought before the Prosecution "immediately" following his arrest on 20 October 2024, but the Government's own account indicates that his first appearance before the SSSP took place on 21 October 2024. The Government provides no explanation for his whereabouts during the intervening hours, which the source submits were spent at an undisclosed NSA facility.

34. The source further clarifies, speaking about access to the case file at trial, that while the Misdemeanour Court at the hearing of 2 October 2025 granted a postponement to enable access to the file, the court clerk subsequently refused to provide it. At the following hearing, the court proceeded with the prosecution's arguments over the defence's objection, and the judge left without a public pronouncement of the verdict. Mr. Farouq's lawyer therefore had no access to the case file during any stage of the first instance proceedings.

35. The source also notes that access to the case file was denied throughout the appeal proceedings until partial access was provided on 6 November 2025; that missing documents were never supplied despite a further request; and that the appeal was dismissed on 25 December 2025, meaning Mr. Farouq was convicted and his conviction upheld without ever having had full access to the evidence against him.

36. The source then submits that the Government has failed to respond to the specific allegations regarding the month-long denial of medication, the failure to respond to requests to the Attorney General, or the reasons why Mr. Farouq was placed in a wing of the prison without other inmates or washing facilities. The source notes that the Government's general and unparticularized response calls into question whether it is engaging with the Working Group's communication in good faith.

37. The source finally submits that the Government's invocation of article 19(3) fails to address the core submission that vague criminal provisions targeting political commentary cannot constitute a lawful restriction on expression, and that the prosecution was directly related to the political nature and critical content of Mr. Farouq's writings rather than to any specific false statement.

2. Discussion

38. The Working Group thanks the source and the Government for their submissions.

39. In determining whether the deprivation of liberty of Mr. Farouq' is arbitrary, the Working Group has regard to the principles established in its jurisprudence to deal with evidentiary issues. The source has presented a prima facie case for breach of international requirements constituting arbitrary detention. The Government has responded to the communication, and the Working Group has had the benefit of further comments from the source. The burden of proof must be understood as shared: where the source has established a credible and specific case, the Government bears the burden of refuting those allegations with factual and legal specificity.

(a) Category I

40. The source submits that Mr. Farouq's deprivation of liberty violates category I by reason of: (i) the failure to present an arrest warrant or give reasons at the time of arrest; (ii) overnight detention at an undisclosed NSA facility; (iii) the insufficiency of the legal basis for his pre-trial detention, including the vagueness of the charges and the lack of individualized reasons; and (iv) the absence of independent judicial authorization and review of his continued detention.

41. The Working Group notes at the outset that the Government does not contest that NSA officers failed to show Mr. Farouq the arrest warrant at the time of his arrest on the evening of 20 October 2024, nor that his lawyer did not obtain a copy until 6 November 2025 — more than a year later. Article 9(2) of the Covenant requires that anyone arrested be informed at the time of arrest of the reasons for the arrest and promptly informed of any charges. The Egyptian Constitution equally requires, under article 54, that anyone whose freedom is restricted be immediately informed of the reasons. The failure to communicate the reasons for arrest, or to provide or show the warrant at the relevant time, is uncontested and constitutes a violation of article 9(2) of the Covenant, independently rendering the initial deprivation of liberty without a lawful basis.

42. Regarding the overnight detention at an undisclosed NSA facility, the Working Group notes the Government's claim that Mr. Farouq was brought before the Prosecution "immediately" after his arrest on 20 October 2024. However, the Government's own account establishes that Mr. Farouq's first appearance before the SSSP took place on 21 October 2024 — the following day. No explanation is offered for his whereabouts during the intervening period, notwithstanding Mr. Farouq's statement to the Prosecutor that he had been held at an NSA facility. Detention at an undisclosed location, even for a brief period, places a detainee outside the protection of the law and is incompatible with articles 9(1) and (4) and 16 of the Covenant². The Working Group finds this allegation unrefuted and credible.

43. In respect of the allegation of vagueness of the charges, the Working Group recalls that vaguely and broadly worded provisions that cannot qualify as *lex certa* violate the due

² Opinion No. 45/2021, para. 61; Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Principles 12.1(d) and 16.1; article 139, Egyptian Code of Criminal Procedure

process of law underpinned by the principle of legality in article 11(2) of the Universal Declaration of Human Rights, and that the Human Rights Committee has found that detention pursuant to proceedings incompatible with article 15(1) of the Covenant is necessarily arbitrary within the meaning of article 9(1).³ The Working Group has previously examined articles 80(d), 86 *bis*, and 102 *bis* of the Egyptian Penal Code and the anti-terrorism law in the light of the principle of legality, and found that these provisions "cannot qualify as *lex certa*" and "may be used to deprive individuals of their liberty without a specific legal basis".⁴ It further observed that the requirements of *lex praevia*, *lex stricta*, *lex certa* and *lex scripta* "must be construed more strictly in proportion to the severity of the prescribed punishment", and that laws vaguely and broadly worded "may have a deterrent effect on the exercise of the rights and freedoms of individuals, as they have the potential to cause abuse, including the arbitrary deprivation of liberty"⁵. Furthermore, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism expressed its concern, shared by the Working Group in its Opinion No. 14/2020, about the amendments to the 2015 anti-terrorism law that could result in more, not less, abuse and a chilling effect⁶.

44. Absent any significant comment from the Government in this respect, the Working Group sees no reason to depart from those findings in the present case. The definition of "terrorist crimes" under article 2 of Law no. 94 of 2015 encompasses any act that harms "national unity", "social peace", "the interests or security of the community", or "freedoms and rights guaranteed by the Constitution and the law" — sweeping formulations that remain undefined in the text of the law and are incapable of providing fair notice to a person whose conduct consists of economic analysis and political commentary. Article 102 *bis* of the Criminal Code, which became the basis of Mr. Farouq's conviction, likewise criminalizes the dissemination of information that damages the "dignity or prestige" of the country, terms that are equally undefined and susceptible to arbitrary application. Deprivation of liberty pursuant to such charges does not rest on a legal basis that satisfies article 9(1) of the Covenant.

45. The Working Group further notes that the SSSP repeatedly renewed Mr. Farouq's detention over a period of approximately five months, using at every instance an identical formula referring to the need to "complete the investigations and ensure national security". Article 9(3) of the Covenant requires that pre-trial detention be justified on the basis of an individualized assessment of the necessity and proportionality of continued custody, taking into account the specific circumstances of the detainee.⁷ The invocation of national security in generic terms, without any analysis of the specific risks posed by Mr. Farouq's release, without any consideration of alternatives to custody, and with no reference to his individual circumstances, does not meet this standard. The source's allegation that no individualized reasoning was ever provided has not been contested by the Government with specificity.

46. Furthermore, article 9(3) of the Covenant requires that anyone detained on a criminal charge be "brought promptly before a judge or other officer authorized by law to exercise judicial power". The Working Group has previously found, in the context of Egyptian proceedings, that the SSSP does not qualify as an independent judicial authority within the meaning of this provision⁸. The Government's argument that the Public Prosecution constitutes a part of the judiciary under article 189 of the Constitution does not resolve this question, since the functional independence of the reviewing authority — including its separation from the prosecutorial function — is what article 9(3) demands. The SSSP both issued the arrest warrant, conducted the interrogation, preferred the charges, and authorized

³ General Comment No. 35 (2014), para. 22; see also article 15(1) of the Covenant.

⁴ Opinion No. 14/2020 (Egypt), paras. 57–58. The Working Group examined in that opinion the compatibility with the principle of legality of, inter alia, articles 80(d), 86 *bis*, and 102 *bis* of the Penal Code and the anti-terrorism law, and concluded that those provisions cannot qualify as *lex certa* and may be used to deprive individuals of their liberty without a specific legal basis, in violation of article 11(2) of the Universal Declaration of Human Rights and article 15(1) of the Covenant.

⁵ *Ibid.*, para. 58-59

⁶ *Ibid.*, para. 59; OHCHR, "Egypt's updated terrorism law opens the door to more rights abuses, says UN expert", news release, 9 April 2020

⁷ General Comment No. 35, para. 38; Body of Principles, Principle 39.

⁸ Opinion No. 45/2021, para. 80.

all renewals of pre-trial detention in this case. It cannot simultaneously be considered independent for the purpose of the judicial review of the detention it has ordered. Mr. Farouq was accordingly never brought before a genuinely independent judicial authority during the entirety of his pre-trial detention extending from October 2024 to at least March 2025.

47. The absence of independent judicial review also frustrated Mr. Farouq's right to bring proceedings to challenge the lawfulness of his detention under article 9(4) of the Covenant. The consistent denial of access to the case file during renewal hearings — a matter the Government does not dispute with any particularity — meant that neither Mr. Farouq nor his lawyer could effectively contest the stated grounds for detention, rendering any review process illusory.

48. In light of the foregoing, the Working Group finds that Mr. Farouq's deprivation of liberty lacks a sufficient legal basis and is arbitrary under category I, in violation of articles 9(1), (2), (3) and (4) of the Covenant and articles 3 and 9 of the Universal Declaration of Human Rights.

(b) Category II

49. The source submits that Mr. Farouq's arrest and continued detention are a direct consequence of his exercise of the right to freedom of expression through his writings on economic and political affairs, including criticism of the President of Egypt and government policy.

50. The Working Group begins by observing the tight temporal connection between Mr. Farouq's publication of critical articles and his arrest. He was arrested on the evening of 20 October 2024, two days after publishing a series of articles highly critical of the President and economic policies. The search of his home targeted his draft manuscripts and digital devices. His six-hour interrogation before the SSSP centered exclusively on his publications and research. The charges, though formally framed in criminal law terms, relate entirely to the content of what he wrote.

51. The Government does not engage with the substance of this argument. It asserts only that Mr. Farouq was prosecuted for specific criminal offences under national law and that "technical reports" proved his publications contained false information. It does not identify which publications were false, in what respect, or what "technical reports" were relied upon. The Working Group has before it no evidence that any of Mr. Farouq's published analyses were factually false, as opposed to being critical of or unwelcome to the Government.

52. The Working Group recalls that the right to freedom of expression under article 19 of the Covenant and article 19 of the Universal Declaration of Human Rights encompasses the right to seek, receive, and impart information on economic and political affairs, including criticism of government policy and of public officials. The Human Rights Committee has confirmed that this right extends to commentary of the kind that may "disturb" public officials or those in power, and that it applies to written communication, including books and articles published in traditional and online media.⁹ Academic and economic analysis on matters of public concern — which is Mr. Farouq's professional output — warrants the highest level of protection as expression on matters of public interest¹⁰.

53. Any restriction on freedom of expression must meet the three-part test under article 19(3) of the Covenant: it must be provided by law with sufficient precision, it must pursue a legitimate aim, and it must be necessary and proportionate. The Working Group has already found above that the relevant provisions of Egyptian law are insufficiently precise to constitute a lawful restriction on expression. Even if they were, the Government has provided no demonstration that criminalizing political and economic commentary — a form of expression falling at the very heart of the protection afforded by article 19 — is necessary and proportionate for the protection of national security or public order. The assertion that Mr. Farouq's articles were designed to cause "chaos" and "undermine confidence in the national economy" is a characterization that goes unsubstantiated; no court evidence is cited,

⁹ General Comment No. 34 (2011), paras. 11, 20.

¹⁰ *Ibid.*, paras. 20 and 38; A/75/261, para. 55

no specific false factual assertion identified, and no harm to any cognizable protected interest is shown.

54. The Working Group notes that this case bears the hallmarks of what the Human Rights Committee has described as detention "as punishment for the legitimate exercise of rights guaranteed by the Covenant", which is per se arbitrary under article 9(1)¹¹. Mr. Farouq was a prolific critic of the authorities whose previous arrest in 2018 arose from similar circumstances. The pattern of targeting, the timing of the arrest, the contents of the interrogation, the seizure of his manuscripts, and the nature of the eventual conviction all converge on the conclusion that his detention was the product of his expression and not of any genuinely criminal conduct.

55. The Working Group accordingly finds that the deprivation of liberty of Mr. Farouq results from his exercise of the right to freedom of opinion and expression protected by article 19 of the Covenant and article 19 of the Universal Declaration of Human Rights, and that it is arbitrary under category II.

(c) Category III

56. Given its finding that detention of Mr. Farouq was arbitrary under category II, the Working Group emphasizes that no trial should have taken place. Nevertheless, the trial took place, and therefore, the Working Group will proceed with examination of the source's submissions concerning the denial of fair trial rights.

57. The source submits that Mr. Farouq's deprivation of liberty is rendered arbitrary under category III by a series of fair trial violations of the greatest gravity, which persisted across the pre-trial, trial, and appellate stages of proceedings.

58. Concerning the source's complaint on a right to be informed of the charges in detail, the Working Group notes that throughout the pre-trial period Mr. Farouq and his lawyer were informed only of the bare statutory labels of the charges — "joining a terrorist organization" and "spreading fake news" — without any factual particularization indicating which conduct was alleged to constitute the offence, what organization he was alleged to have joined, or which specific publications were characterized as false news. This was compounded by consistent denial of access to the case file at every stage of the pre-trial detention renewal hearings. The right under article 14(3)(a) to be informed in detail of the charges requires more than the generic recitation of an offence; it requires that the accused be in a position to understand the nature and factual basis of the prosecution so as to mount an effective defence¹². This minimum standard was never met.

59. On the right to adequate facilities for the preparation of a defence, the Working Group regards as among the most serious violations documented in this case the persistent denial of access to the case file. This denial was not merely procedural; it was systematic and unbroken across the entirety of the criminal proceedings. During the pre-trial period, spanning from October 2024 to September 2025, the lawyer was denied access to the case file at every renewal hearing. On the Government's own account, a request for access was only addressed when the trial court granted a postponement at the hearing of 2 October 2025. However, as detailed in the source's observations, the court clerk thereafter refused to provide the file; at the next hearing the court proceeded despite the defence's renewed objection; and Mr. Farouq's lawyer was not permitted to make any defence submissions. The conviction was pronounced without defence counsel ever having read the charges, the evidence, or the case materials on which the Prosecution relied.

60. The Working Group observes that the Government's claim that "the court granted the request" to access the file is technically accurate but materially misleading. A court order granting access has no effect if the court clerk, an officer under the court's own supervision, refuses to give effect to it. The source's detailed account of the practical denial of file access — corroborated by the fact that the appeal court was itself compelled to grant repeated adjournments for the same purpose before eventually proceeding without full file disclosure

¹¹ General Comment No. 35, para. 17

¹² General Comment No. 32, para. 31

— has not been meaningfully refuted by the Government. The Working Group accepts the source's account.

61. Access to the case file must in principle be provided from the outset of proceedings, and that every individual deprived of liberty has the right to access material related to his or her detention¹³. That right is not absolute: disclosure may be restricted where such restriction is necessary and proportionate in pursuit of a legitimate aim, such as the protection of national security, and provided the State has demonstrated that less restrictive measures — such as the provision of redacted summaries clearly indicating the factual basis for the detention — would be unable to achieve the same result¹⁴. In the present case, the Government has not provided any justification, at any stage of the proceedings, for the consistent refusal to grant Mr. Farouq's lawyer access to the case file. No claim of necessity, no invocation of national security considerations, and no offer of alternative disclosure was made either before the domestic courts or before the Working Group. The systematic and unjustified denial of case file access to Mr. Farouq's defence counsel, from the moment of his arrest through to the conclusion of the appeal proceedings, constitutes a fundamental violation of the principle of equality of arms and of his rights under articles 10 and 11(1) of the Universal Declaration of Human Rights and articles 14(1), 14(3)(b) and 14(3)(e) of the Covenant.

62. The Working Group notes the uncontested allegation that the trial judge left the courthouse on 2 October 2025 without publicly pronouncing judgment in violation of article 14(1) of the Covenant, which requires that judgment be pronounced publicly. Mr. Farouq's lawyers were accordingly informed of the conviction only two days later when they attended the courthouse to inquire, without having heard the verdict announced, without any reasons given in open court, and without any opportunity to respond. The Working Group has already recalled that the right to a public hearing under article 10 of the Universal Declaration of Human Rights includes the right to public pronouncement of a judgment. Complete concealment from the public of the entirety of a judicial decision cannot be justified under international law¹⁵.

63. Concerning the right to an effective appeal, the Working Group finds that the same pattern of denial of access to the case file that undermined first instance proceedings also infected the appeal. Partial access was provided only on 6 November 2025, after multiple adjournments, and missing documents were never provided. Despite this, the Court of Appeal proceeded to dismiss the appeal and upheld the conviction on 25 December 2025. An appeal cannot be considered an effective remedy within the meaning of article 14(5) of the Covenant where the accused has never had access to the entirety of the evidence and case materials on the basis of which the lower court convicted him.

64. Assessing the source's submissions on conditions of detention and their impact on the right to prepare a defence, the Working Group notes the uncontested and documented deterioration of Mr. Farouq's health: the initial denial of medication for nearly a month, the effective solitary confinement in a wing without washing facilities, the heart attack on 13 January 2025, the hunger strike, and the reports of two heart attacks while in custody. The source submits that these conditions severely compromised Mr. Farouq's ability to participate in proceedings. The Government asserts that he receives adequate care, but fails to address the specific allegations with reference to any medical documentation, any explanation of why his family's medication requests were refused, or any response to the family's communications to the Attorney General.

65. The Working Group observes that the conditions of detention described — near-total isolation, denial of medication, denial of sunlight and exercise, and the heart attacks — are of a nature to raise concerns of treatment contrary to article 7 and article 10(1) of the Covenant. It finds that they cumulatively impaired Mr. Farouq's capacity to participate

¹³ Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings before a Court, Principles 12 and 13; Opinion No. 83/2021, para. 83.

¹⁴ Opinion No. 83/2021, para. 83.

¹⁵ See opinion no. 47/2025, para.77.

meaningfully in his own defence, further contributing to the arbitrary character of his continued detention.

66. The violations identified — systemic denial of case file access, absence of any defence submissions, the non-public pronouncement of judgment, and the inability to conduct a meaningful appeal — are serious and in combination constitute a non-observance of the international norms relating to the right to a fair trial, the gravity of which renders Mr. Farouq's deprivation of liberty arbitrary under category III. The Working Group accordingly finds a violation of articles 10 and 11 of the Universal Declaration of Human Rights and articles 14(1), 14(3)(a), 14(3)(b), 14(3)(e), and 14(5) of the Covenant.

(d) Category V

67. The source has submitted that Mr. Farouq was arrested, detained, and convicted as a direct consequence of his political opinions and his professional activity as an economist and writer critical of the Government. It argues that his detention forms part of a broader pattern of persecution of academics, journalists, lawyers, and political opponents in Egypt through the weaponization of anti-terrorism and false news provisions. The Working Group has found under category II that Mr. Farouq's detention resulted from his legitimate exercise of the right to freedom of opinion and expression, creating a strong presumption that the detention also constitutes a violation of international law on grounds of discrimination based on political or other views. Accordingly, the Working Group examines the allegations under category V.

68. The source argues that several indicators establish the discriminatory nature of Mr. Farouq's detention on the basis of his political opinion. First, his deprivation of liberty is part of a pattern of persecution directed against him personally, including his previous arrest in 2018 following the publication of a book critical of economic governance, a case in which the criminal proceedings were never formally closed and the book was banned. Second, the manner of his arrest — a late-night raid by NSA officers, the seizure of his manuscripts and devices, and an interrogation focused exclusively on the content of his publications — reflects the same modus operandi documented in prior Egyptian cases before this Working Group. Third, other individuals with similarly distinguishing characteristics — namely, their public expression of views critical of the Government — have been subjected to comparable treatment.

69. The Government, in its response, asserts that the law applies to all equally without discrimination based on political opinion or professional background, and that Mr. Farouq was prosecuted for specific criminal acts rather than for his identity as an economist or his political views. The Working Group notes that this response does not engage with the specific indicators of discriminatory targeting identified by the source, does not address the pattern of prior persecution of Mr. Farouq, and does not explain why NSA officers seized his draft manuscripts and interrogated him exclusively about his critical publications if the prosecution was genuinely concerned with criminally false statements rather than with the political content of his work.

70. The Working Group considers that the presumption of discrimination is strongly reinforced in Mr. Farouq's case by the convergence of several factors: his previous arrest in 2018 on materially identical charges arising from the same type of critical writing; the broader, well-documented pattern of Egyptian authorities targeting academics, researchers, journalists, and political opponents through the same legal provisions examined in this opinion; and the finding of this Working Group in multiple prior opinions that such provisions have been systematically used in Egypt to suppress legitimate dissent¹⁶. This pattern has been documented not only in Working Group opinions but also by other United Nations special procedure mechanisms¹⁷.

71. Considering the pattern of discriminatory conduct displayed by the Egyptian authorities towards Mr. Farouq on the basis of his political opinion, the Working Group finds that his arrest and detention were based on discrimination resulting from his political opinion,

¹⁶ Opinion No. 83/2021, Opinion No. 45/2021; Opinion No. 42/2021; Opinion No. 14/2020.

¹⁷ <https://www.ohchr.org/en/press-releases/2021/12/un-experts-urge-release-rights-defenders-egypt-condemn-misuse-counter>

in violation of articles 2(1) and 26 of the Covenant and articles 2 and 7 of the Universal Declaration of Human Rights. His deprivation of liberty is therefore arbitrary under category V.

(e) **Concluding remarks**

72. The Working Group notes that this opinion is one of several brought before the Working Group in recent years concerning arbitrary detention in Egypt.¹⁸ The Working Group remains concerned that this might indicate a widespread or systematic practice of arbitrary detention in Egypt, including through the unlawful practice of rotation, whereby release is ordered but never effected and new charges are brought against the person concerned.¹⁹ The Working Group underlines that States have the obligation not to engage in acts that could constitute crimes against humanity, and to prevent and punish them if they are committed.

3. Disposition

73. In the light of the foregoing, the Working Group renders the following opinion:

The deprivation of liberty of **Abdel Khaleq Farouq**, being in contravention of articles 3, 9, 10, 11 and 19 of the Universal Declaration of Human Rights and articles 9(1), 9(2), 9(3), 9(4), 14(1), 14(3)(a), 14(3)(b), 14(3)(e), 14(5), 19, 26 and 2(1) of the International Covenant on Civil and Political Rights, is arbitrary and falls within categories I, II, III and V.

74. The Working Group requests the Government of Egypt to take the steps necessary to remedy the situation of Mr. Farouq without delay and bring it into conformity with the relevant international norms, including those set out in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

75. The Working Group considers that, taking into account all the circumstances of the case, the appropriate remedy would be to release Mr. Farouq immediately and accord him an enforceable right to compensation and other reparations, in accordance with international law.

76. The Working Group urges the Government to ensure a full and independent investigation of the circumstances surrounding the arbitrary deprivation of liberty of Mr. Farouq and to take appropriate measures against those responsible for the violation of his rights.

77. The Working Group calls upon the Government of Egypt to urgently review and amend the Anti-Terrorism Law of 2015 and the relevant provisions of the Penal Code, to bring them into conformity with Egypt's obligations under articles 9, 15, and 19 of the Covenant, so as to ensure that no person may be deprived of liberty on the basis of vague and overbroad provisions; and to urgently review and amend the legislative framework governing pre-trial detention, including the provisions conferring on the Supreme State Security Prosecution the power to authorize, renew, and supervise detention, so as to ensure that any person deprived of liberty is brought promptly before a genuinely independent judicial authority — separate from and independent of the prosecutorial function — in full conformity with article 9(3) of the Covenant and the requirement that independent judicial scrutiny of the actions of the detaining authority be exercised no later than 48 hours after arrest.

78. The Working Group requests the Government to disseminate the present opinion through all available means and as widely as possible.

¹⁸ See opinions No. 23/2022, No. 34/2022, No. 53/2022, No. 60/2022, No. 12/2023, No. 20/2023, No. 31/2023, No. 36/2023, No. 40/2023, No. 70/2023, No. 8/2024, No. 17/2024, No. 20/2024, No. 23/2025, No. 25/2025, No. 29/2025, No. 32/2025 and No. 56/2025.

¹⁹ See opinions No. 23/2020, No. 23/2025, No. 23/2025, No. 29/2025 and No. 32/2025.

4. Follow-up procedure

79. In accordance with paragraph 20 of its methods of work, the Working Group requests the source and the Government to provide it with information on action taken in follow-up to the recommendations made in the present opinion, including:

- (a) Whether Mr. Farouq has been released and, if so, on what date;
- (b) Whether compensation or other reparations have been made to Mr. Farouq;
- (c) Whether an investigation has been conducted into the violation of Mr. Farouq's rights and, if so, the outcome of the investigation;
- (d) Whether any legislative amendments or changes in practice have been made to harmonize the laws and practices of Egypt with its international obligations in line with the present opinion;
- (e) Whether any other action has been taken to implement the present opinion.

80. The Working Group invites the Government to inform it of any difficulties encountered in implementing the recommendations made in the present opinion and whether additional technical assistance is required, for example through a visit by the Working Group.

[Adopted on 29 March 2026]
