



EURO-MEDITERRANÉAN HUMAN RIGHTS NETWORK
RESEAU EURO-MEDITERRANÉEN DES DROITS DE L'HOMME
الشبكة الأوروبية - المتوسطية لحقوق الإنسان



**To Permanent Representatives of
members and observers of the
UN Human Rights Council**

Geneva, 22 October 2014

RE: Universal Periodic Review of Egypt (5 November 2014)

Your Excellency,

The upcoming Universal Periodic Review (UPR) of Egypt on 5 November 2014 comes at a critical time for human rights, freedoms and independent Egyptian civil society, including rights defenders and democracy activists. As a group of organizations which have documented and spoken out against human rights violations in Egypt, we are urging your Government to use the UPR as an opportunity to challenge the authorities' crackdown.

The Government has recently reaffirmed a deadline set for 10 November 2014, just five days after the UPR of Egypt, for all civil society organizations to register with the Government under the highly repressive Law on Associations (Law 84 of 2002) or possibly face criminal charges. This law gives the authorities sweeping powers over registered civil society organizations, which is why many Egyptian human rights organizations have chosen instead to register as law firms or not-for-profit companies. The authorities have also proposed even more repressive legislation to replace the current Law on Associations which would give the authorities additional powers over NGOs' registration, funding and activities and impose heavy penalties that could reach to up to five years in prison.

In September, the authorities also imposed new penalties for existing restrictions on accepting funding or materials that may threaten Egypt's "national interest", undermine the country's territorial integrity or disturb the public peace. Offenders can be punished by up to 25 years in prison and fines running into thousands of Egyptian pounds. While ostensibly aimed at stopping the flow of money and materials to armed groups, Egyptian NGOs fear that the authorities are likely to use the new powers to target human rights organizations.

Moreover, the authorities have continued a campaign of large-scale arbitrary detention of Government critics, including journalists and human rights defenders, as well as thousands of others detained solely for their alleged membership or support of the outlawed Muslim Brotherhood movement. Many of those detained have faced torture or other ill-treatment at the hands of the security forces. The authorities have enforced the Protest Law (Law 107 of 2013), passed in November 2013, which gives security forces powers to use excessive lethal force against peaceful unauthorized protests and detain peaceful demonstrators.

The Egyptian authorities have repeatedly failed to ensure accountability for past and ongoing human rights violations by security forces, including torture and other ill-treatment, arbitrary arrests and detentions, and unlawful killings as a result of the use of excessive lethal force to disperse peaceful protests.

Our organizations are concerned that, to date, the UN Human Rights Council (HRC) has failed to send a collective message that these and the other gross human rights violations that have marred Egypt in recent years must stop. The reluctance of many delegations at the HRC to address the most urgent and severe aspects of the human rights situation in Egypt is extremely concerning. We wish to re-emphasize the need for Member and Observer States of the HRC to use the upcoming UPR of Egypt to highlight the ongoing repression and to make sound and concrete recommendations to the Government of Egypt in this regard. We urge your Government not to waste this critical opportunity to address the deteriorating human rights situation in Egypt and to act in defense of human rights, freedoms and civil society.

Some of our organizations have previously shared their individual briefing materials with the Office of the High Commissioner for Human Rights and with your delegation ahead of the UPR of Egypt. We call on your delegation to ensure that the UPR debate on Egypt, and recommendations put forward, at a minimum, address the following key issues:

1. The Government of Egypt should cease threats against human rights defenders and civil society organizations and activists, including by withdrawing the 10 November deadline for all NGOs to register under the Law on Associations (Law 84 of 2002) and retracting the draft Law on Associations presented by Egypt's Ministry of Social Solidarity on 26 June 2014. The authorities should enact legislation on associations in line with international standards and safeguard the right to association enshrined in the Egyptian Constitution, including the right to receive and dispense funding.
2. The Government of Egypt should revoke the Protest Law (Law 107 of 2013) of November 2013 and introduce new legislation that would guarantee freedom of assembly through a transparent and simple notification process, set out under Article 73 of Egypt's 2014 Constitution; allow for spontaneous peaceful gatherings; and ensure that the policing of assemblies adheres to international standards, which specify that the use of any force by police should be strictly limited to those situations where it is absolutely necessary for the achievement of a legitimate law enforcement aim, and further require that firearms may only be used when strictly necessary to protect themselves or others against the imminent threat of death or serious injury. Any new legislation should also provide for criminal responsibility and ensure accountability for the use of force that is not used when necessary and proportionate to protect an imminent threat to the life of another person, by law enforcement officials against peaceful protestors.
3. The Egyptian authorities should open a judicial investigation to determine the identity of those responsible for ordering and carrying out unlawful killings in the course of suppressing the mainly peaceful demonstrations since 3 July 2013, including the 14 August 2013 Raba'a and Nahda Square dispersals in which at least 1,000 protesters were killed. Such an investigation must be independent and impartial and carried out in line with the UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions. Where

credible information exists identifying those responsible for unlawful or excessive force, such individuals should be subject to prosecution without delay.

4. The Government of Egypt should respect and guarantee the independence of the judiciary and refrain from any undue, inappropriate or unwarranted interference in judicial matters. To this end, the courts and the Office of the Public Prosecutor should not be used as tools of repression by prosecuting and convicting individuals for the legitimate exercise of their rights.
5. The Egyptian authorities should immediately and unconditionally release all those detained solely for peacefully exercising their rights to freedom of expression, assembly and association, including those detained solely for their alleged membership of the Muslim Brotherhood. The authorities should further ensure that pre-trial detention is not a general rule but rather an exceptional measure and, to this end, cease the routine renewal by prosecutors of detention orders “pending investigation” as a punitive measure to prolong the detention without charge of activists and peaceful protesters. Pre-trial detention orders must only be used if it is established that there is a substantial risk of flight, committing a serious offence – including harm to others – or interference with the evidence or investigation or the course of justice, that cannot allayed by means short of detention.
6. The Government of Egypt should end the use of torture and other cruel, inhuman or degrading treatment or punishment, including extended solitary confinement; allow detainees requiring urgent medical attention to be transferred to appropriate medical facilities; and ensure the families of all those arrested and detained since 3 July 2013 are informed promptly of the current place of detention of their relatives, their current legal status, and any subsequent transfers to other places.

Finally, we urge your delegation to keep a close watch on the human rights situation in Egypt after the conclusions of the UPR of Egypt. The fact that the authorities’ ultimatum to NGOs is scheduled for immediately after the consideration of Egypt by the UPR Working Group is a very worrying sign that the Government intends to shrink even further the space for civil society activism and human rights reporting.

With assurances of our highest consideration,

- Amnesty International
- CIVICUS: World Alliance for Citizen Participation
- Euro-Mediterranean Human Rights Network
- Human Rights Watch
- International Commission of Jurists
- International Federation for Human Rights (FIDH)
- International Service for Human Rights