



Joint NGO Letter: Call for Strong Action on Egypt at the UN Human Rights Council

15 June, 2017

Excellency,

We remain deeply concerned by the human rights crises taking place in Egypt, and *strongly urge your delegation to ensure that the situation in the country is addressed by the UN Human Rights Council (the Council) through a resolution, or at minimum a joint statement by States at its 36th session in September 2017.*

The human rights situation in Egypt has deteriorated significantly since the last joint statement was delivered by States at the Council in March 2014 (see annex I). Repression of human rights defenders, journalists and political opposition has reached a level not seen in decades. Egyptian authorities have employed increasingly restrictive tactics to silence legitimate dissent, from legislation effectively banning independent NGOs¹ and censorship² of media outlets to enforced disappearances,³ torture, large-scale arbitrary detention⁴ for long periods, and unlawful killings.⁵ The Egyptian government has demonstrated a clear disregard for its constitutional and international obligations, across a range of civil, political, economic and social rights. The Egyptian judiciary has largely failed to hold to account those responsible for gross human rights violations in the country. In many cases the courts have served as an instrument of repression for the authorities. On 1 May 2017, the UN High Commissioner for Human Rights, Zeid Ra’ad al-

Hussein, expressed concern that the severe repression by the Egyptian government, including “a state of emergency, the massive numbers of detentions, reports of torture, and continued arbitrary arrests [...] facilitates radicalization.”⁶

The deteriorating situation in Egypt meets a number of the objective criteria identified by a cross-regional group of States at the 32nd session of the Council to identify situations that merit the attention of the Council.⁷ Egypt has failed to cooperate effectively with the Special Procedures;⁸ the government is increasingly obstructing the work of human rights defenders and the media in the country (see annex I); and Egypt has failed to engage with the Council in a meaningful, constructive way on the issue, and has been unwilling to recognize that it faces particular human rights challenges, preferring instead to punish human rights defenders for attending and engaging with its last Universal Periodic Review.⁹ The High Commissioner for Human Rights¹⁰ and the Special Procedures¹¹ have also expressed serious concern about the situation.

The deterioration of the situation in Egypt highlights the danger of the international community failing to respond to grave human rights violations. The silence of UN bodies like the Human Rights Council appears to have emboldened the Egyptian government in its campaign to silence dissent and crush independent civil society.

We therefore urge your country to apply meaningful pressure on Egypt to abide by its human rights obligations at the 36th Session of the Council through a resolution, or at minimum a joint statement by States. The survival of Egyptian independent civil society and the possibility for future democratic reform in the country hangs in the balance.

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

Amnesty International

Cairo Institute for Human Rights Studies (CIHRS)

Center for Economic and Social Rights (CESR)

CIVICUS: World Alliance for Citizen Participation

Committee to Protect Journalists (CPJ)

Human Rights Watch (HRW)

International Federation for Human Rights (FIDH), within the framework of the Observatory for the Protection of Human Rights Defenders

International Service for Human Rights (ISHR)

International Commission of Jurists (ICJ)

The Tahrir Institute for Middle East Policy (TIMEP)

World Organization Against Torture (OMCT), within the framework of the Observatory for the Protection of Human Rights Defenders

Encl.

ANNEX I: DETERIORATING HUMAN RIGHTS SITUATION IN EGYPT

Crackdown on civil society

The government's harsh crackdown on human rights defenders and organizations has reached a point that threatens to "annihilate" Egypt's independent human rights groups.¹² Egyptian activists and NGOs have increasingly faced harassment from authorities in the form of travel bans, asset freezes and closures of prominent human rights organizations.¹³

In May 2017, prosecutors summoned Mohamed Zaree, the Cairo director of the Cairo Institute for Human Rights Studies, and charged him with receiving funds from foreign entities and spending them unlawfully with the intention of harming national security and national interests.¹⁴ They released Zaree on bail of 30,000 Egyptian pounds. Zaree's arrest was the latest move by a panel of investigative judges who are investigating the foreign funding of Egyptian NGOs, in what is known as Case 173. Between December 2016 and June 2017, the investigative judges have summoned, charged and released on bail several other Egyptian human rights defenders, including Ahmed Ragheb, a lawyer and director of the National Community for Human Rights and Law; Mostafa al-Hassan, former director of the Hisham Mubarak Law Center; and women's rights defender Azza Soliman, founder of the Center for Egyptian Women's Legal Assistance. Ragheb, Zaree and Soliman have also been banned from travel.¹⁵

Hundreds of other activists, journalists and human rights defenders have been detained or harassed for simply exercising their rights to freedom of expression and association.¹⁶ Human rights defenders from at least 37 organizations¹⁷ involved in Case 173 currently face charges including "accepting foreign funding for the purpose of undermining national security and national interest," which bears a sentence of 25 years in prison.¹⁸ Human rights defenders, including Mohamed Zaree, have been targeted for engaging in the Universal Periodic Review of Egypt.¹⁹ This constitutes a clear case of reprisal, and has occurred despite Egypt's acceptance of its 2015 UPR recommendations which included pledges to ensure freedom of association for civil society organizations.²⁰ In late May 2017, Egyptian activists were harassed for attending a civil society meeting while in Italy.²¹

New "law on associations"

On 25 May 2017, Egypt passed a new law on associations that effectively criminalizes independent NGOs. According to the previous Special Rapporteur on the rights to freedom of peaceful assembly and of association, the bill "aims to destroy Egypt's foundation for peaceful, civic engagement at its very roots," and will "devastate civil society not only in the short term, but possibly for generations to come."²² Among the law's provisions is the requirement that all civil society groups obtain permission from a new regulatory authority (formed from delegates of multiple state bodies including the Interior and Defense Ministries, as well as General Intelligence) prior to the receipt or use of funding. The law also punishes anyone conducting or participating in fieldwork or public surveys with up to five years in jail. The High Commissioner for Human Rights has stated that the "repressive new NGO law was deeply damaging to human rights in Egypt,"²³ and he is "alarmed by the continuing closure or intimidation of numerous human rights NGOs, and prosecution of their staff, by the Egyptian authorities."²⁴

We, the undersigned human rights organizations, unequivocally condemn the passage of this law as an instrument that could effectively mean the end of Egypt's human rights movement and will "wipe out" independent civil society in the country by setting NGOs firmly under the

control of the government and security establishment.²⁵ If implemented in its present form, the law could be tantamount to a death certificate for much of independent civil society in Egypt.²⁶

Restriction of media and political opposition

The Egyptian government's crackdown has expanded beyond civil society to the press and political opposition. In 2016, the Committee to Protect Journalists (CPJ) listed Egypt as the third-worst country for journalists, with 25 journalists currently in detention.²⁷ In April and May, Egyptian security arrested at least 39 activists in various political parties and groups in connection with their Facebook posts.²⁸ Egypt also recently blocked access to 62 websites and satellite news channels, including those for Al Jazeera, Mada Masr, and the Muslim Brotherhood.²⁹

On 23 May 2017, Egyptian authorities summoned prominent opposition leader and rights lawyer Khaled Ali and charged him with "offending public decency" in relation to a gesture he allegedly made while celebrating a court victory during a public protest in January.³⁰ His case, like others, appears a politically-motivated attempt by the government to intimidate and disqualify legitimate political opposition prior to the 2018 presidential elections.

Austerity measures that undermine economic and social rights

There has been an alarming deterioration in economic and social rights. Latest official statistics indicate that more than a quarter of the population – more than 23 million people – lives in poverty; a third of young people are unemployed; and among children under five years old, one in five is malnourished. Yet, the government is rushing through a raft of harsh austerity measures associated with a loan from the International Monetary Fund. These measures have triggered spiraling inflation, soaring import costs, wage stagnation, shortages of affordable essential items, and escalating living costs—disproportionately hurting poorer households and amounting to an unjustified retrogression of constitutionally protected rights to health, to work, to education, and to an adequate standard of living. Efforts to protect the most marginalized from the effects of these fiscal adjustment measures have been wholly inadequate, as the chronic underfunding of social services continues.³¹

1 See, e.g., The Cairo Institute for Human Rights Studies, *Legal and Constitutional Grounds for Objections to the Parliament's Bill on Civic Associations*, Legal Memorandum, December 2016, available at [<http://www.cihrs.org/wp-content/uploads/2016/12/NGO-law-legal-memorandum-final-eng.pdf>]

2 Committee to Protect Journalists, "Egypt blocks access to 21 news websites", 26 May 2017, available at [<https://cpj.org/2017/05/egypt-blocks-access-to-21-news-websites.php>]

3 The El Nadeem Center for Rehabilitation of Victims of Violence and Torture reported 154 cases of forced disappearances in December 2016 alone. See further, El Nadeem Center for Rehabilitation of Victims of Violence and Torture, *Min Al'Ilam: Archive Al-Qahr*, December 2016, available at [<https://drive.google.com/file/d/0B2-QqOchi4gFcTIPdW9nMU5HTVkv/view>].

4 See, e.g., International Federation for Human Rights, "Egypt: Blogger Alaa Abdel Fattah is detained arbitrarily according to UN Working Group", 25 July 2016, available at [<http://www.refworld.org/docid/57961dc64.html>]

5 Amnesty International, "Egypt: Video of extrajudicial executions offers glimpse of hidden abuses by military in North Sinai", 21 April 2017, available at [<https://www.amnesty.org/en/latest/news/2017/04/egypt-video-of-extrajudicial-executions-offers-glimpse-of-hidden-abuses-by-the-military-in-north-sinai/>]

6 Reuters, "U.N. rights boss says Egypt crackdown 'facilitates radicalization'", 1 May 2017, available at [<http://www.reuters.com/article/us-egypt-rights-un-idUSKBN17X1MI>]

7 See, e.g., Ireland (Department of Foreign Affairs and Trade), Joint Statement on Human Rights Council 32nd Session Concluding statement, 8 July 2016, available at: [<https://www.dfa.ie/our-role-policies/international-priorities/human-rights/ireland-and-the-human-rights-council/irelands-statements-hrc-32nd-session/preventingrespondingtoandaddressinghumanrightsviolations-jointconcludingstatement/>]

⁸ Despite the 16 outstanding visit requests by Special Procedures, the last visit of a thematic Special Procedure took place in April 2010.

⁹ Cairo Institute for Human Rights Studies, Zaree denies charges of harming national security and appeals the investigative judge's appointment in case no. 173/2011, 24 May 2016, available at [<http://www.cihrs.org/?p=19938&lang=en>]

¹⁰ Repressive new NGO law deeply damaging for human rights in Egypt – Zeid, GENEVA (1 June 2017), <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21678&LangID=E>.

¹¹ The Office of the High Commissioner for Human Rights, Egypt NGO law: UN expert warns about growing restrictions on civil society, 11 October 2016, available at:

[<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20665&LangID=E>.]

¹² Amnesty International, Egypt: NGO law threatens to annihilate human rights groups, 30 May 2017, available at:

[<https://www.amnesty.org/en/latest/news/2017/05/egypt-ngo-law-threatens-to-annihilate-human-rights-groups/>]

¹³ See, e.g. the Office of the High Commissioner for Human Rights, Egypt steps up travel bans on rights defenders with “chilling effect”, UN expert warns, 24 November 2016, available at

[<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20924&LangID=E#sthash.IX9ayaop.dpuf>]

¹⁴ Cairo Institute for Human Rights Studies, Zaree denies charges of harming national security and appeals the investigative judge's appointment in case no. 173/2011, 24 May 2016, available at [<http://www.cihrs.org/?p=19938&lang=en>]

¹⁵ Front Line Defenders, More HRDs Targeted by Assets Freeze orders, 15 December 2016, available at [<https://www.frontlinedefenders.org/en/case/arrest-azza-soliman>]

¹⁶ See, among others, Human Rights Watch, World Report 2017: Egypt, available at [<https://www.hrw.org/world-report/2017/country-chapters/Egypt>]

¹⁷ Front Line Defenders, More HRDs Targeted by Assets Freeze orders, 15 December 2016, available at

[<https://www.frontlinedefenders.org/en/case/arrest-azza-soliman>]

¹⁸ Joint background briefing on case no. 173 against human rights NGOs, 15 Sept. 2016, available at

[<http://www.cihrs.org/?p=19002&lang=en>]

¹⁹ Cairo Institute for Human Rights Studies, “Zaree denies charges of harming national security and appeals the investigative judge's appointment in case no. 173/2011,” 24 May 2016, available at [<http://www.cihrs.org/?p=19938&lang=en>]

²⁰ Ibid.

²¹ La Repubblica, “I veleni del caso Regeni: Attivisti egiziani spiati al convegno in Italia,” 23 May 2017, available at [http://www.repubblica.it/cronaca/2017/05/23/news/i_veneni_del_caso_regeni_attivisti_egiziani_spiati_al_convegno_in_italia_166149697/]

²² The Office of the High Commissioner for Human Rights, “The Egypt NGO bill threatens to ‘devastate’ civil society, UN expert warns,” 23 November 2016, available at

[<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20920#sthash.yJESxRc.dpuf>]

²³ The Office of the High Commissioner for Human Rights, “Repressive new NGO law deeply damaging for human rights in Egypt,”

1 June 2017, available at [<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21678&LangID=E>]

²⁴ The Office of the High Commissioner for Human Rights, Press briefing note on Democratic Republic of Congo and Egypt, 20 September 2016, available at

[<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20533&LangID=E#sthash.Oyh4jRJn.PeO0yWcB.dpuf>]

²⁵ Egypt's Draft NGO Law Dismantles Civil Society, 24 November 2016, available at [<https://www.fidh.org/en/issues/human-rights-defenders/egypt-s-draft-ngo-law-dismantles-civil-society>]

²⁶ International Commission of Jurists, Repeal draconian NGO law and protect the right to freedom of association, 31 May 2017, available at: [<https://www.icj.org/egypt-repeal-draconian-ngo-law-and-protect-the-right-to-freedom-of-association/>.]

²⁷ Committee to Protect Journalists, “2016 prison census: 259 journalists jailed worldwide,” 1 December 2016, available at [<https://www.cpj.org/mideast/egypt/>.]

²⁸ Amnesty International, “Egypt: Former presidential candidate Khaled Ali facing trial amid crackdown on political activists”, 24 May 2017, available at [<https://www.amnesty.org/en/latest/news/2017/05/egypt-former-presidential-candidate-khaled-ali-facing-trial-amid-crackdown-on-political-activists/>]

²⁹ Office of the High Commissioner for Human Rights, “Repressive new NGO law deeply damaging for human right in Egypt”, 1 June 2017, available at [<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21678&LangID=E>]

³⁰ Al-Jazeera, “Egypt detains ex-presidential candidate Khaled Ali”, 24 May 2017, available at

[<http://www.aljazeera.com/news/2017/05/egypt-presidential-candidate-khaled-ali-detained-170524042956524.html>]

³¹ Center for Economic and Social Rights, Egypt's new IMF deal comes with a huge price tag for human rights, February 2017, available at [<http://www.cesr.org/egypt%E2%80%99s-new-imf-deal-comes-huge-price-tag-human-rights>]