

(Translated from Arabic)

Reply to the communication sent by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and others

Subject:

A communication was received by the Egyptian Government from 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, and the Special Rapporteur on the situation of human rights defenders, in which concern is expressed regarding the restrictions imposed on the activities of five human rights defenders and three human rights NGOs through the application of the Non-Governmental Organization Act and the freezing of their assets, in ways that are incompatible with Egypt's international human rights obligations. The following is a response to the allegations contained in the communication:

I. The rules governing the freezing of funds and assets

The Constitution establishes the rules governing the freezing of a person's assets in order to protect private property from abuse and to protect public property, the property of others and public order in the State. Thus, article 35 of the Constitution stipulates that: "Private property is protected and the right to inherit property is guaranteed. Private property may not be expropriated save in cases specified by law and by a court order. Property may not be confiscated save in the public interest and with just compensation paid in advance in accordance with the law."

Article 208 bis (a) of the Code of Criminal Procedure stipulates that: "In cases where there is sufficient evidence of the gravity of a charge concerning any of the offences defined in Chapter IV of Book II of the Criminal Code, other offences related to funds belonging to the State, public authorities and institutions, affiliated units or any other public legal entities, and offences concerning which the law requires the court to order, on its own motion, the return of the funds or the value of objects that are the subject of the offence, or compensation of the aggrieved person. If the Office of the Public Prosecutor deems it necessary to take measures of impoundment with respect to the funds of the accused person, including a ban on the disposal or management of such funds, it shall submit the matter to the competent criminal court in order to obtain an order to this effect, thereby ensuring the enforcement of any ruling that imposes a fine, restitution or compensation.

In cases of necessity or urgency, the Public Prosecutor may issue a temporary order prohibiting the accused, his spouse or his minor children from disposing of or managing their funds. The order shall include the appointment of an official to manage the impounded funds, and in all cases the Public Prosecution shall submit the order to the competent criminal court within seven days of the date on which it was issued, requesting the court to render a judgment prohibiting the disposal or management of the funds. Otherwise the order shall be deemed unenforceable.

The criminal court shall render a judgment in such cases after hearing the statements of the persons concerned within a period of not more than fifteen days from the date on which the request was submitted. The court shall decide on whether to extend the order mentioned in the preceding paragraph whenever it considers that its examination of the request should be deferred. The court judgment shall state the reasons on which it is based, and shall appoint an official to manage the impounded funds after seeking the opinion of the Office of the Public Prosecutor.

The court may, in response to a request from the Office of the Public Prosecutor, include in its judgment any funds owned by the spouse or minor children of the accused person in the injunctive order, where sufficient evidence indicates that such funds were



obtained as a result of the offence under investigation and were transferred to them by the accused person.

The appointed administrative official shall assume possession of the impounded funds and undertake the auditing process in the presence of the persons concerned and a representative of the Office of the Public Prosecutor or an expert mandated by the court. The audit shall be based on the provisions of articles 965 and 989 of the Code of Civil and Commercial Procedure.

The appointed administrative official shall properly manage and duly return the funds with the accrued revenue, in accordance with the provisions of the Civil Code applicable to agents responsible for acts of management, deposits and safekeeping and the regulations contained in the Decree issued by the Minister of Justice.”

Article 208 bis (b) stipulates that: “Any person against whom a judgment prohibiting disposal and management has been rendered may lodge a complaint with the competent criminal court after three months have elapsed since the date of the judgment. If the complaint is dismissed, the person may lodge a new complaint after three months have elapsed since the date of dismissal of the complaint.

Any person against whom a judgment prohibiting disposal and management has been rendered, and any other person concerned, may lodge a complaint against the enforcement procedures.

The complaint shall be reported to the registry of the competent criminal court. The president of the court shall schedule a hearing to consider the complaint and shall notify the complainant.

The court shall rule on the complaint within a period of not more than fifteen days from the date on which the complaint was reported.

During the case, the competent court may, on its own motion, or in response to a request from the Office of the Public Prosecutor or the persons concerned, order the termination of the order prohibiting disposal or management or amend its scope or enforcement procedures.

The order concerning disposal in the criminal case or the judgment handed down shall stipulate the steps to be followed with respect to the measures of impoundment referred to in the preceding article.

In all cases, the prohibition of disposal and management shall end upon dismissal of the criminal case, the rendering of a final judgment of innocence, or full enforcement of the financial or compensatory penalties imposed. During the enforcement of penalties involving a fine, restoration of funds or the value of offence-related objects, or compensation of the aggrieved party, as the case may be, no act that breaches the order or ruling referred to in the previous article may be invoked from the date on which they were recorded in a register that is regulated by a decree of the Minister of Justice. All persons concerned are entitled to consult the record.”

Article 208 bis (c) stipulates that; “When ordering the return of funds or the value of objects related to the offences referred to in article 208 bis (a) or compensation of the aggrieved party, the court may decide, in response to a request from the Office of the Public Prosecutor or the civil claimant, as the case may be, and after hearing the statements of the persons concerned, that the funds of the spouse and minor children of the accused person should be used to enforce the judgment, where it is established that such funds were transferred to them by the accused and were obtained through the offence of which he is convicted.”

The Minister of Justice issued Decree No. 2219 of 1999 on the rules governing the choice of an administrative agent and his duties, and organization of the record of judgments and orders, in accordance with articles 208 bis (a) and (b) of the Code of Criminal Procedure. It also regulated the Agency’s work, the management of funds and the procedures to be followed in that regard.

II. The procedures involving the complainants

According to the facts contained in the report of the fact-finding Committee on crimes involving foreign funding of non-governmental associations and organizations operating within the Arab Republic of Egypt, an investigating judge was appointed by Decision No. 320 of 2011 to look into the facts. He performed his duties and submitted five communications to the competent court, setting forth the facts and the charges brought against the accused Gamal Abdelaziz Eid Abdelsamad, his wife [REDACTED] and his minor daughter [REDACTED], the accused [REDACTED], his brother [REDACTED], and [REDACTED], the accused [REDACTED], the accused [REDACTED], and the accused [REDACTED]. He finally recommended a judgment prohibiting them from disposing of their real-estate, movable and liquid assets, in accordance with the provisions of article 208 bis of the Code of Criminal Procedure, pursuant to which the competent court might impose fines or require compensation for the offences with which they were charged, in accordance with articles 78 (a), 98 (c) and 98 (d) of the Criminal Code and articles 11, 17 (2) and 76 of Act No. 84 of 2002 concerning civil society associations and foundations. He based his request on evidence obtained from investigations conducted by the national security sector, which found that many non-governmental bodies and entities operating in the area of human rights were breaching the provisions of the Act concerning civil society associations and foundations, and that in early 2011 they had received financial remittances from foreign bodies for engaging in activities conducive to instability in the country, the spread of anarchy, security upheavals and sedition among Egyptian communities with a view to undermining national security and obstructing the Egyptian authorities. They included the following bodies:

- The Egyptian Initiative for Personal Rights and its founder [REDACTED], who broke the law and had dealings with foreign organizations and banks. He opened several accounts in different currencies in the National Société Générale Bank, and sums of money were paid into some of the accounts by foreign bodies in return for action in defiance of the State and national security, the aim being to bring about the collapse of State institutions.
- The so-called Cairo Institute for Human Rights Studies and its founder [REDACTED]. The Centre, which is not registered with the Ministry of Social Solidarity, received financial remittances from abroad, which were transferred to his brother [REDACTED] and [REDACTED]. It issued cheques to be cashed by the latter. His wife [REDACTED] received some of the money to deposit it in banks within the country and abroad. His two juvenile children [REDACTED] and [REDACTED] also benefited from the funds, as did his daughter [REDACTED] through the Metoun company in partnership with [REDACTED]. The financial transfers were made in return for activities aimed at undermining national security, spreading anarchy and instability, promoting security upheavals and sedition among different communities, and obstructing the Egyptian authorities.
- The Egyptian Centre for the Right to Education and its founder [REDACTED]. The Centre, which is not registered with the Ministry of Social Solidarity, received foreign funds in breach of the law in return for publishing statements and reports aimed at disbanding the legitimate trade union, i.e. the General Teachers' Union, and implementing projects serving a foreign agenda and foreign plans to undermine the country's security.
- The Hisham Mubarak Law Centre, which has been run by [REDACTED] since the decease of [REDACTED], is not registered with the Ministry of Social Solidarity. It received foreign funds in breach of the law in return for: holding training courses at the Centre's headquarters to train citizens and activists in how to deal with tear gas during demonstrations; involving many lawyers belonging to the Centre's staff in relevant cases; infiltrating demonstrations in order to incite the demonstrators to continue their sectarian protests with a view to damaging the economy and undermining national security; and training many activists in how to

undermine security through demonstrations in breach of the purpose for which the Centre was established. [REDACTED] trained members of the prohibited 6 April Movement and organized revolutionary socialists with a view to overthrowing the Egyptian State and demolishing its institutions, using for the purpose funds that the Centre had obtained from foreign bodies aspiring to undermine Egyptian national security.

- The Committee composed of the Banking Oversight Department of the Central Bank of Egypt produced a report in response to a request from the investigating judge based on facts witnessed by the staff of the Commercial International Bank, the Arab International Bank, the National Société Générale Bank and the National Bank of Egypt, and investigations conducted by the Money Laundering and Foreign Financing Unit and the Administrative Oversight Authority. The report produced the following results:
 - It was demonstrated through an examination of the banking operations of [REDACTED], the founder of the Arab Network for Human Rights Information, that he had obtained funds from a number of foreign bodies based abroad by opening an account in the Commercial International Bank. Many transfers were made to the account by foreign bodies and he withdrew funds from the account, according to the withdrawal receipts.
 - According to a communication, dated 31 December 2015, sent by the Money Laundering and Foreign Financing Unit to the Public Prosecutor, the Unit's financial investigations concerning the Arab Network for Human Rights Information showed that it is a company composed of individual lawyers with a tax card belonging to Gamal Abdelaziz Eid. Its activities consist of the legal profession and legal studies. It has an account with a local bank and it is not registered with the Ministry of Social Solidarity. The company obtained funds from abroad through the bank account totalling about US\$ 1.5 million from a number of countries, including the United States, Canada and Switzerland, despite the fact that it had not secured permits for collecting funds and obtaining grants from abroad. The funds were obtained from abroad to implement a foreign agenda aimed at inciting public opinion against State institutions and promoting allegations in international forums that freedoms are restricted by the country's legislative system.
 - According to a statement by the Administrative Oversight Authority, the Arab Network for Human Rights Information operates in the area of human rights, and Gamal Abdelaziz Eid is the authorized signatory. He is a member of the Kefaya Movement and he obtained funds from bodies with which relations are prohibited by the Ministry of Social Solidarity and the law enforcement agencies because they engage in activities that undermine Egyptian national security.
 - According to the report produced by the Committee composed of the Banking Oversight Department of the Central Bank of Egypt based on investigations of the six current bank accounts of [REDACTED], which were opened in the Commercial International Bank, he received funds from a number of foreign bodies for the benefit of the Cairo Institute for Human Rights Studies. He issued cheques to his brother [REDACTED], to [REDACTED] and to others. The funds paid into the Centre's accounts by foreign bodies totalled about 2,133,316 Egyptian pounds (LE), US\$ 1,707,192 and €3,262,892 from the date on which the accounts were opened in 2005 until 2014.
 - According to the report produced by the Committee composed of the Banking Oversight Department of the Central Bank of Egypt, it emerged from an investigation of banking operations conducted by Hossem El-Din Mahomed Ali Bahgat al-Fadeli at the National Société Générale Bank that he had obtained funds from abroad in United States dollars, pounds sterling,

Swiss francs and Egyptian pounds. Funds from foreign bodies were also paid into some of the accounts opened in the bank.

- According to the report produced by the Committee composed of the Banking Oversight Department of the Central Bank of Egypt, it emerged from an investigation of banking operations conducted by the so-called Egyptian Centre for the Right to Education that [REDACTED] is the founder of the entity and that he opened a United States dollar account in the National Bank of Egypt. Fifteen transfers totalling US\$ 113,122 were made to the account during the period from 1 January 2007 to 30 November 2011 and were disbursed from the account. An account was opened in the National Bank of Egypt on 30 October 2010 on behalf of the Egyptian Centre for the Right to Education and another account in United States dollars was opened on 30 March 2010. Thirty-one transfers totalling US\$ 21,312,069 were made from abroad to the first account and were disbursed with his knowledge. A sum of US\$ 1,280,167 was also transferred by money order. In addition, seven bank transfers were made in Egyptian pounds totalling LE 44,587,264 and they were disbursed with his knowledge.
- According to the report produced by the Committee composed of the Banking Oversight Department of the Central Bank of Egypt, Hisham Mubarak Law Centre opened an account on 9 December 2005. The authorized signatories were [REDACTED] and [REDACTED]. Funds were transferred from abroad by foreign bodies totalling €679,768.75, US\$ 337,031 and £958,105 during the period ending on 25 February 2014. The sums were disbursed in the form of cheques. The Office of the Public Prosecutor issued a memorandum containing a summary of the facts contained in the memoranda of the investigating judge and called for enforcement of the law. The case was considered at a number of court sittings. The first was held on 24 March 2016. The case was then deferred until 15 August 2016 and subsequently until 17 September 2016. The court considered the evidence in the presence of the Public Prosecutor and the accused, namely [REDACTED], Gamal Abdelaziz Eid and [REDACTED], each of whom was accompanied by defence counsel. The others were represented by one defence counsel except for [REDACTED] and his wife and daughters. This is all reflected in the records of the sittings of the court, which listened to their statements and their defence pleas. Their pleas were countered with the evidence and documents, the reports of the committees established to examine their accounts, the testimony of witnesses and the content of the memorandum of the Office of the Public Prosecutor.
- The court found that the investigating judge, following his appointment by Decision No. 325 of 2011 issued by the Cairo Court of Appeal to investigate the facts attributed to the accused in case No. 173 of 2011, had investigated the receipt of funds by certain institutions, associations and civil society organizations from foreign bodies, and suspicions that they had used the funds for illegal purposes. Given the risks posed by these facts, he considered that the investigation required prompt measures to shed light on the facts contained in the documents pertaining to the case referred to him. With a view to ascertaining the truth, he listened to witnesses, set up a Technical Committee, listened to its statements and informed the court that the measures were consistent with the law and that they did not breach the rights of any of the accused. The court permitted them to examine the measures taken by the investigating judge and to refute and respond to them, in accordance with article 77 of the Code of Criminal Procedure. It follows that the measures taken by the investigating judge were legitimate and in line with the provisions of article 208 bis (a) of the Code of Criminal Procedure, which may be summarized as follows:

1. The offence should be one of those defined in Chapter IV of Book II of the Criminal Code, which comprises articles 112 to 199.
2. The offence should relate to funds belonging to the State, public authorities or institutions, affiliated units or other public legal entities and the relevant provisions should be contained in the Criminal Code or specific legislation.
3. It should be an offence concerning which the law requires the court to order, on its own motion, the return of the funds or the value of objects that are the subject of the offence, or compensation of the aggrieved person.
4. The preliminary investigation of the offence should be conducted by the competent authority.
5. Sufficient evidence should be provided of the grounds for charging a person with any of the aforesaid offences. An assessment of the adequacy of the evidence should be conducted by the court when the case comes before it.
6. Measures should be taken to impound the funds of the accused. The court may, in response to a request, include in its judgment any funds owned by the spouse or minor children of the accused, where sufficient evidence indicates that such funds were obtained as a result of the offence under investigation and were transferred to them by the accused. If the court finds that such evidence exists, it must order the measures of impoundment prescribed in article 208 bis (a) of the Code of Criminal Procedure, as amended by Act No. 174 of 1998.

The court ruled that the assets of the following accused should be impounded: 1. Gamal Abdelaziz Eid Abdelsamad; 2. [REDACTED]; 3. [REDACTED]; 4. [REDACTED]; 5. [REDACTED].

It also ordered the impoundment of the assets of the entities known as the Cairo Institute for Human Rights Studies, the Egyptian Centre for the Right to Education and the Hisham Mubarak Law Centre, inasmuch as the documents, investigations and memoranda of the investigating judge had shown that the offences with which the accused were charged were offences that required the court, on its own motion, to order the return of the funds or the value of the objects, since the offences were prosecutable under Act No. 84 of 2002 concerning civil society associations and foundations, and Act No. 58 of 1937 promulgating the Criminal Code and the amendments to articles 98, 98 (d) and 98 (e). The investigations had furnished sufficient proof of the seriousness of the charges filed against the aforementioned accused, including the statements of national security officers, the results of the inquiries, the content of the report of the Central Bank of Egypt investigating Committee and the testimony of its Chair and members, the investigations of the Laundering and Foreign Financing Unit and the statement of the Administrative Oversight Authority, as set out above. The aforementioned evidence was deemed to be sufficient to prove that the accused had received funds from foreign bodies in their bank accounts in return for the establishment and management of unlicensed organizations within the country. The court was therefore entitled to prohibit all of the accused from handling the liquid funds and the funds transferred to the Cairo Institute for Human Rights Studies, the Egyptian Centre for the Right to Education and the Hisham Mubarak Law Centre, with a view to guaranteeing compliance with any ruling on the charges levelled against them involving restitution or a fine, in accordance with the content of the judgment. With regard to a request for impoundment of the real-estate assets of the aforementioned persons, the memoranda of the investigating judge and the other documents contained no reference to real-estate assets of any of the accused that the court could invoke, with full knowledge of the facts, to decline the request.

With regard to the request for impoundment of the assets of [REDACTED], the wife of Gamal Abdelaziz Eid, those of his daughter [REDACTED], those of [REDACTED], the wife of [REDACTED], those of his children [REDACTED], [REDACTED] and [REDACTED], and those of [REDACTED] and [REDACTED], the court

decided to decline the request of the investigating judge on account of the lack of evidence and documentary proof that the funds were obtained from the crime under investigation or that they were traceable to the accused whose names were mentioned in the investigations pertaining to case No. 173 of 2011. Hence, the court declined to order the impoundment of the assets of [REDACTED], [REDACTED], [REDACTED], the wife of [REDACTED], his children [REDACTED], and [REDACTED], his brother [REDACTED] and [REDACTED].

With regard to [REDACTED], Gamal Abdelaziz Eid Abdelsamad, [REDACTED], the so-called Egyptian Centre for the Right to Education, [REDACTED] and the so-called Cairo Institute for Human Rights Studies, the court decided to order to impoundment of their liquid and material assets.

The foregoing measures were therefore taken in accordance with the law and relevant international standards.

III. The legislation governing the work of civil society associations and NGOs in Egypt

We wish to state at the outset that Egypt respects citizens' right to establish political parties, civil society associations and foundations, and trade unions and federations, which may conduct their activities freely and democratically. The State guarantees their independence, since Egypt is required by many international treaties requiring to respect such rights and freedoms, for instance the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

These principles are also enshrined in the Egyptian Constitution in articles 62, 65, 74, 75, 76 and 77, which guarantee citizens' right to establish political parties, civil society associations and foundations, and trade unions, federations and professional associations. They all conduct their activities freely and democratically. The State guarantees their independence and permits their disbandment only pursuant to a judicial ruling. They may not be subjected to custodianship or interference by administrative agencies. In fact, their views are taken into account in legislation concerning trade unions. The Constitution seeks to apply standard principles to the activities of such associations provided that they do not engage in political, religious, military or quasi-military activities, in activities that are incompatible with democratic principles or in activities that are secretive. The provisions also guarantee citizens' freedom of movement, residence and migration. They may not be prohibited from leaving State territory, placed under house arrest or prohibited from residing in a specific area save by a reasoned judicial order.

It should be noted that article 12 of the International Covenant on Civil and Political Rights stipulates that everyone lawfully within the territory of a State shall have the right to freedom of movement within that territory. Article 12 (3) stipulates that the above-mentioned right shall not be subject to any restrictions except those which are provided for by law, and are necessary to protect national security, public order, public health or morals, or the rights and freedoms of others.

Act No. 84 of 2002 promulgating the Act concerning civil society associations and foundations stipulates that Egypt shall respect and comply with international treaties. It stipulates that foreign NGOs may be permitted to act as civil society associations and foundations provided that they are issued with a permit from the Ministry of Social Solidarity based on the agreement concluded by the Ministry of Foreign Affairs with such organizations.

In light of the foregoing, it may be concluded that freedom of opinion and of all forms of expression, and freedom to establish associations and trade unions are guaranteed by the Constitution and the law in line with international standards, and that they are not subjected to any type of prohibition provided that they comply with the legislation and regulations.

In this context, article 11 of Act No. 84 of 2002 concerning civil society associations and foundations stipulates that: “The association’s purposes shall not include ... engagement in political activities that are exclusively restricted to political parties, in accordance with the Political Parties Act.”

Article 17 of the Act stipulates that: “... No association shall, in any circumstances, be entitled to obtain funds from abroad from an Egyptian or a foreigner or from any foreign body or its local representatives. Nor shall the association be entitled to send any of the aforementioned items to persons or organizations abroad unless it obtains permission from the Ministry of Social Affairs.”

Article 42 stipulates that: “The association may be dissolved pursuant to a reasoned decision by the Ministry of Social Affairs ... in the following cases: use or allocation of its funds for purposes other than those for which it was established; obtaining funds from or sending funds to a foreign body in breach of article 17 of this Act; commission of a major breach of the law, public order or morals; existence of proof that the real purposes of the association consist in espousing or practising activities that are prohibited by article 11 of this Act.” Article 76 prescribes the penalties for such contraventions.

The complainants breached the aforementioned provisions of the Act by receiving transfers and funds from abroad, a large proportion of which were used to undermine national security, to promote instability in Egypt, to spread anarchy and insecurity, to promote sectarian and class-based discord and conflict among the Egyptian people, to obstruct the Egyptian authorities, and to defame the State with a view to defiling the country’s image abroad so that it was exposed to pressure from the Human Rights Council, European Union member States and international organizations. Proof of these contraventions was provided by the Committee established within the Banking Oversight Department of the Central Bank of Egypt pursuant to an order by the investigating judge to examine the operations of the entities and persons involved. Permission was granted by the Cairo Appeal Court to reveal the secret accounts, and the Committee’s report concluded that the aforementioned entities and persons had received funds and transfers from foreign bodies, as noted above. It was therefore necessary to implement the aforementioned legal provisions and to take steps to protect national security within the country.

IV. The compatibility of such measures with international human rights law

The relevant Egyptian legislation contains all the guarantees required by international treaties. Egypt respects citizens’ right to establish political parties, civil society associations and foundations, and trade unions and federations, which may conduct their activities freely and democratically. The State guarantees their independence, since Egypt is required by many international treaties to respect such rights and freedoms, for instance the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

These principles are also enshrined in the Egyptian Constitution in articles 62, 65, 74, 75, 76 and 77, which guarantee citizens’ right to freedom of movement, residence and migration. They may not be prohibited from leaving State territory, placed under house arrest or prohibited from residing in a specific area save by a reasoned judicial order. They are entitled to establish political parties, civil society associations and foundations, and trade unions, federations and professional associations. They all conduct their activities freely and democratically. The State guarantees their independence and permits their disbandment only pursuant to a judicial ruling. They may not be subjected to custodianship or interference by administrative agencies. In fact, their views are taken into account in legislation concerning trade unions. The Constitution seeks to apply standard principles to the activities of such associations provided that they do not engage in political, religious, military or quasi-military activities, in activities that are incompatible with democratic principles or in activities that are secretive. The law prohibits the arrest of any person without a warrant issued by the investigating authorities or by the competent judge where such action is required for the purposes of the investigation. Article 94 of the Constitution

stipulates that: “The rule of law is the basis of governance in the State. The State is subject to the law, and the independence, immunity and impartiality of the judiciary are essential guarantees for the protection of rights and freedoms.”

We find, on examining these regulations and measures, that they are compatible with international treaties. Thus, article 4 of the International Covenant on Civil and Political Rights stipulates that: “1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin. 2. No derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision. 3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.”

Article 12 of the International Covenant on Civil and Political Rights stipulates that everyone lawfully within the territory of a State shall have the right to freedom of movement within that territory. Article 12 (3) stipulates that the above-mentioned right shall not be subject to any restrictions except those which are provided for by law, and are necessary to protect national security, public order, public health or morals, or the rights and freedoms of others.

Article 29 of the Universal Declaration of Human Rights stipulates that: “(1) Everyone has duties to the community in which alone the free and full development of his personality is possible. (2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society. (3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.”

It follows that the regulations and legal provisions governing the activities of civil society associations in Egypt are compatible with the relevant international standards.

V. National legislative guarantees of the security and independence of lawyers and the right to perform their professional duties

The relevant Egyptian legislation ensures respect for the freedom of all citizens and for the independence of lawyers, and guarantees their right to perform their duties freely and independently, in line with the obligations of Egypt pursuant to the international treaties that it has ratified, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The Egyptian Constitution guarantees these rights in detail in article 54, which stipulates that: “All persons whose freedoms have been restricted shall be immediately informed of the grounds therefor, notified of their rights in writing, be permitted to contact their family and lawyer forthwith, and be brought before the investigating authority within 24 hours of the time of restriction of their freedom. Questioning shall not begin until a person’s lawyer is present. If he has no lawyer, a lawyer shall be appointed. Persons with disabilities shall be provided with all necessary assistance, in accordance with the procedures laid down by law. Any persons whose freedom has been restricted as well as other persons have the right of recourse to the judiciary, and a judgment shall be rendered within a week. Otherwise the petitioner shall be immediately released. The law shall regulate pretrial detention, its duration and grounds, and cases that are eligible for compensation by the State for preventive detention or for enforcement of a

penalty pursuant to a judgment that is overruled by a final judgment. In all cases, the accused may be prosecuted for crimes entailing imprisonment only in the presence of a commissioned or appointed lawyer.”

Article 55 of the Constitution stipulates that: “All persons who are arrested, detained or have their freedom restricted shall be treated in a manner that preserves their dignity. They may not be tortured, terrorized or coerced. They may not be physically or mentally harmed, or arrested and confined in places other than designated locations that meet humanitarian and health standards. The State shall provide means of access for persons with disabilities. Any violation of these provisions constitutes an offence and the perpetrator shall be prosecuted. The accused shall have the right to remain silent. Any statement that is proven to have been made by the detainee under pressure of the kind specified above, or the threat thereof, shall be considered null and void.”

Article 99 of the Constitution stipulates that: “Any assault on the personal freedom or sanctity of the life of citizens, or on other rights and freedoms guaranteed by the Constitution and the law shall constitute an offence with no statute of limitations for either criminal or civil proceedings. The injured party may file a criminal suit directly and the State shall guarantee just compensation for those who have been assaulted. The National Council for Human Rights shall inform the Public Prosecutor’s Office of any violation of these rights, and is also entitled to file an ancillary civil lawsuit on behalf of the injured party, at its request, and in accordance with the law.”

It follows that the Egyptian Constitution lays the basis for the drafting of legislation designed to ensure that the State protects personal freedom and entitles persons whose freedom is restricted to obtain compensation for pretrial detention or enforcement of a penalty pursuant to a judgment that is declared null and void. The Constitution also requires the State to provide compensation to persons whose constitutionally or legally guaranteed freedom or rights have been violated.

Article 95 of the Constitution stipulates that: “Penalties are personal. All offences and penalties shall be based on legal provisions, and penalties may be imposed only pursuant to a judicial ruling. In addition, penalties may be imposed only for acts committed after the date on which the law enters into forces.” Article 96 of the Constitution stipulates that: “The accused is innocent until proven guilty in a fair trial that guarantees the right to a defence.”

It follows that the Egyptian Constitution and legislation seek to preserve and protect the individual’s personal freedom, in a manner that is consistent with the public interest and that maintains human dignity, as the source of all rights and freedoms. The Code of Criminal Procedure imposes strict limitations on the authorities’ performance of their duties, and provides individuals with the means to prevent the use of force by the authorities, in articles 34, 35, 36, 39 (1), 40 and 41.

In addition to the aforementioned rights and guarantees, the legislature has guaranteed lawyers other rights and guarantees enshrined in article 198 of the Egyptian Constitution of 2014, which stipulates that: “The legal profession is a free profession that participates with the judiciary in achieving justice and the rule of law, and in ensuring the right to a defence. It is practised by independent lawyers and lawyers belonging to public-sector agencies. When exercising the right to a defence before the courts, all lawyers enjoy the guarantees and protection afforded to them by law, also before investigation and evidentiary authorities. The arrest or detention of lawyers while they are exercising their right to a defence is prohibited save in cases of flagrante delicto. All the foregoing shall be conducted in accordance with the law.”

Article 49 of Act No. 17 of 1983 promulgating the Act on the Legal Profession, as amended, stipulates that: “Lawyers have the right to be treated by the courts and other bodies before which they appear with the respect due to their profession. By way of exception to the provisions governing the procedures, order and offences committed in the courtroom defined in the Code of Civil Procedure and the Code of Criminal Procedure, if a lawyer, during his presence at a court hearing and while performing his duties or on account of them, breaches the rules governing order in the court or perpetrates any other act rendering him criminally liable before the Bar Association or the Criminal Code, the

president of the court shall order the preparation of a memorandum concerning the incident and refer it to the Public Prosecutor's Office and shall inform the competent branch office of the Bar Association thereof."

Article 50 of the Act stipulates that: "A lawyer may not be arrested or detained for any of the offences defined in the previous article, or for the offences of defamation, insult and libel because of writings or statements made during the performance of his professional duties described in this Act. A memorandum concerning such incidents shall be prepared and referred to the Public Prosecutor's Office and a copy shall be sent to the Bar Council and the Deputy-General with a view to initiating the proper procedures. If the lawyer's act constitutes an offence, he shall be punished pursuant to the Criminal Code. If the incident merely constituted a breach of procedure or professional duties, the case shall be referred to the Bar Council. In such cases, the hearing shall be held in camera, and the judge or members of the body before which the prohibited act took place shall not participate in the proceedings."

Article 51 of the Act stipulates that: "The lawyer may not be investigated nor may his office be searched save by a member of the Public Prosecutor's Office. The Public Prosecutor's Office shall inform the Council of the Bar Association or its branch within a reasonable period before investigating any complaint against the lawyer. If the lawyer is accused of a felony or misdemeanour related to his profession, the deputy of the Bar Association or its branch or an authorized representative may attend the investigation. The Bar Council or its branch may request copies of the investigation protocol free of charge."

Article 54 of the Act stipulates that: "Any person who attacks a lawyer or who insults him by means of hints, statements or threats during the performance of his duties or on account thereof shall be prosecuted in line with the provisions governing the perpetrator of an offence against a member of the court."

Article 55 of the Act stipulates that: "It is prohibited to sequester a lawyer's office and its content relating to the performance of his duties."

It may be concluded from the foregoing provisions that the State devotes special attention to lawyers and human rights defenders and has afforded them rights and guarantees that enable them to perform their duties freely, impartially and without fear or pursuit.

VI. With regard to the request for information concerning the legal basis for investigating the owners of the buildings:

As the memorandum does not reveal the names of the persons investigated or the numbers of the cases and records, it is not possible to respond to the claims because the persons, case numbers and records have not been specified.

VII. The legal basis for the imposition of a travel ban:

Article 59 of the Constitution stipulates that: "Every person has the right to a secure life. The State shall provide security and reassurance for citizens, and all those residing within its territory."

As already noted, article 62 stipulates that: "Freedom of movement, residence and emigration is guaranteed. No citizen may be expelled from State territory or banned from returning thereto. No citizen may be banned from leaving State territory, placed under house arrest or banned from residing in a certain area except by a reasoned judicial order for a specified period of time, and in cases specified by law."

Decisions imposing a travel ban are governed by Ministerial Decree No. 54 of 2013 establishing the regulations applicable to persons prohibited from travelling on grounds of national security considerations or the interests of an investigation. Article 1 stipulates that: "Natural persons shall be included in lists of persons subject to a travel prohibition based exclusively on a request issued by one of the following authorities: 1. The courts in their

enforceable judgments and orders, the public prosecutor, the investigating judge, the Deputy Minister of Justice on Illicit Gain ...”.

It may be concluded from the foregoing that Egypt respects citizens’ freedom of movement and that restrictions may be imposed only by specific authorities in accordance with the applicable rules and regulations.

VIII. With regard to the request in the communication for information concerning the total number of NGOs and individuals currently being investigated:

We wish to point out that no reliable answer can be provided to this question at the current time, because it depends on the outcome of the investigations and the content of the official data issued by the banks to which the funds were transferred in breach of Egyptian law and which are being examined by the committees established for the purpose. As the sums transferred by natural persons and corporations are being investigated to establish their authenticity, we are unable to provide a reliable response until the investigations have been completed and their results have been published by the responsible legal authorities.

It is clear from the foregoing that:

1. All of the complainants established and administered entities in breach of the law and were charged, pursuant to Act No. 173 of 2011, with obtaining funds from foreign bodies without the approval of the Egyptian authorities and with engaging in activities that posed a threat to national security. The case was examined by the investigating judge appointed by the Cairo Court of Appeal and proceedings were instituted against them pursuant to a legal order issued by the investigating judge in light of the interests of the investigation. The law entitled them to lodge an appeal against the proceedings with the competent authorities.
2. The investigations are being conducted by independent and impartial legal authorities, and intervention in their affairs constitutes an offence that is not subject to the statute of limitations.
3. Investigating judges are impartial and are thoroughly aware of the importance of human rights, of the international obligations incurred by the Arab Republic of Egypt in this regard under the international treaties that it has ratified, and of its moral obligations stemming from treaties that it is in the process of ratifying and from relevant United Nations declarations, norms and guidelines.
4. The order prohibiting the disposal of assets was issued pursuant to a judgment that was handed down by the competent court in case No. 173 of 2011, based on sections 107 and 108 of the Technical Committee report and sections 33, 34 and 35 of the document on foreign funding. The court had listened to the defence statements opposing the prohibition and requesting investigations in accordance with the legal conditions governing the issuance of an order prohibiting disposal.
 - In light of the foregoing, it is clear that the allegations contained in the communication are inaccurate, inasmuch as all the measures were taken in accordance with the Constitution, the legislation and international norms and treaties.