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UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of 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.

REFERENCE: AL Assembly & Association (2010-1) G/SO 214 (107-9)
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20 June 2013

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the rights to freedom of peaceful assembly and of association and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 15/21 and 16/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **conviction of 43 international NGO workers**.

The search of the offices of several local and international civil society organizations in Cairo and the subsequent prosecution of their members were the subject of two previous communications sent to your Excellency's Government on 12 January 2012, by 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, and on 24 February 2012, by the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the Independence of Judges and Lawyers, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. We wish to thank your Excellency's Government for its reply of 14 May 2012. However, we regret that our concerns remain in light of the additional information we have received.

According to the new information received:

On 4 June 2013, the Cairo Criminal Court announced the verdict concerning the 43 international NGO workers who were charged with and tried for operating an illegal entity in Egypt and receiving illegally foreign funding. 27 defendants were sentenced in absentia to five years' imprisonment. Five defendants who were present in the country were sentenced to two years' imprisonment and ordered to pay a fine of 1,000 Egyptian pounds (about USD 145). The remaining 11 workers were each given one-year suspended sentence.

Moreover, it is reported that the court ordered the closure of the offices in Egypt of the following international organizations: Freedom House, the International Republican Institute (IRI), the National Democratic Institute (NDI), the International Centre for Journalists (ICFJ) and Konrad Adenauer Foundation (KAS). The Court ordered the seizure of all assets and closure of all offices of these NGOs.

It is reported that the affected organizations have been operating in Egypt for several years without being investigated or asked to suspend their activities. While noting the explanations provided by your Government in its letter of 14 May 2012. , it is alleged that these sentences form part of a campaign aimed to unduly restrict the work carried out by civil society organizations.

Concerns are expressed that the sentences against 43 international civil society workers may be in response to the individuals' legitimate exercise of their right to freedom of association in defence of human rights. Concerns are further expressed that the sentences may be part of a broader campaign aimed at intimidating and silencing Egyptian and foreign NGOs operating in Egypt.

While we do not wish to prejudge the accuracy of these allegations, we wish to recall article 22 of the International Covenant on Civil and Political Rights, which provides that "Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests."

In this connection, we would like to refer to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that "reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law."

We would also like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels" and that "each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice".

Furthermore, we would like to bring to the attention of your Excellency's Government article 5 points b) and c) which provide that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right to form, join and participate in non-governmental organizations, associations or groups, and to communicate with non-governmental or intergovernmental organizations.

Moreover, as it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Are the facts alleged in the summary of the cases accurate? Please provide the details of the associations concerned.
2. Has an appeal been lodged by or on behalf of the concerned associations' members?
3. Please provide information concerning the legal grounds for this decision and how these measures are compatible with international norms and standards as stated, inter alia, in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.
4. Please indicate what measures have been taken to ensure that the right to freedom of association is respected and enjoyed without undue limitations.

We would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the Egyptian and foreign NGOs operating in Egypt are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

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

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and
of association

Margaret Sekaggya
Special Rapporteur on the situation of human rights defenders