

**NATIONS UNIES
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**PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME**

**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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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 General Assembly resolution 60/251 and to Human Rights Council resolution 15/21 and 16/5.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning the **search of the offices of several national and international civil society organizations in Cairo.**

According to the information received:

On 29 December 2011, teams of investigators and prosecutors accompanied by uniformed military and security forces raided the offices of numerous national and international non-governmental organizations (NGOs) working in Egypt under the accusation of "receiving funding from foreign countries". The organizations affected include, inter alia, the Arab Center for Independence of Justice and Legal Professions (ACIJP), the Budgetary and Human Rights Observatory, the National Democratic Institute (NDI), the International Republic Institute (IRI), Freedom House, Konrad Adenauer Stiftung and the House of the New Future Center for Legal and Human Rights Studies.

It is reported that the warrants authorized investigators and prosecutors to confiscate all papers, documents, publications and devices which may have been used to commit the crimes being investigated. Staff members of the affected organizations were warned from using their cell phones, laptops and computers, and were isolated from contact with the outside world during the search. It is also reported that the authorities restricted access to the entire building where the ACIJP has its office, preventing people from entering and exiting the building.

It is further reported that warrants have been issued to search and investigate a total of 17 organizations, being accused of "receiving funding from foreign countries." It is alleged that this forms part of a campaign against civil society organizations, and more specifically human rights groups, which commenced in June 2011 and which is reportedly led by the Supreme Council for Armed Forces (SCAF).

Concern is expressed that these investigations may prevent associations, particularly those working on human rights issues, from playing their key role as observers during the current electoral period. Concern is further expressed that such investigations may be part of a broader campaign initiated in July 2011, aimed at delegitimizing, intimidating and silencing Egyptian and foreign NGOs operating in Egypt.

Without expressing at this stage an opinion on the facts of the case, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee the respect of the rights to freedom of association, in accordance with article 20 of the Universal Declaration of Human Rights (UDHR) and article 22 of the International Covenant on Civil and Political Rights (ICCPR).

In this connection, we would 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 the following provisions of the Declaration:

- article 5, point a) which establishes that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels, to meet or assemble peacefully;

- article 9, paragraph 4, states that "(a) (...) everyone has the right, individually or collectively, in conformity with applicable international instruments and procedures, to unhindered access to and communication with international bodies with general or

special competence to receive and consider communications on matters of human rights and fundamental freedoms," and

- article 13, (b) and (c) which stipulate that everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedom, through peaceful means.

We would also like to bring to the attention of your Excellency's Government the following provisions contained in the 2006 report of the Special Representative of the Secretary General on human rights defenders to the Commission on Human Rights: "In accordance with article 13 of the Declaration, the Special Representative has recommended that Governments must allow access by human rights defenders, in particular NGOs, to foreign funding as a part of international cooperation, to which civil society is entitled to the same extent as Governments. The only legitimate requirements imposed on defenders should be those in the interest of transparency" (E/CN.4/2006/95, para. 31).

Furthermore, we appeal to your Excellency's Government to take all necessary steps to ensure the respect of the right to freedom of association, as recognized in article 22 of the ICCPR, which states 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 addition, we would like to draw your Excellency's Government's attention to the Resolution 15/21 of the Human Rights Council in which the Council "calls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely [...] including persons espousing minority or dissenting views or beliefs and human rights defenders [...] seeking to exercise or to promote these rights."

Moreover, 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. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and 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 a complaint been lodged by or on behalf of the concerned associations?
3. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to these cases.

4. Please provide information concerning the legal grounds for these searches 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.
5. Please indicate what measures have been taken to ensure that the legitimate right to defend human rights peacefully is guaranteed and respected.

We would appreciate a response within sixty days. We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the reports we will submit to the Human Rights Council for its consideration.

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