

Mandates of 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

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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; 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 25/2, 24/5, and 25/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning allegations on the **growing restrictions on civil society and the increased targeting of human rights defenders in the context of the implementation of the NGO law and through the use of travel bans.**

The Egyptian Democratic Academy (EDA) is a youth organisation working to promote the values of democracy, human rights and political participation as well as promoting values of freedom of opinion and expression, openness and political and religious tolerance. **Mr. Hossameldin Ali** and **Mr. Ahmed Ghonim** are President and Vice-President of the EDA, respectively. **Ms. Esraa Abdel Fattah** is a coordinator at the EDA and co-founder of the **April 6 Youth Movement**. She is known for her efforts to promote workers' rights and democracy.

The Cairo Institute for Human Rights Studies (CIHRS) promotes the principles of human rights and democracy in terms of policy and practice and conducts human rights advocacy at the national, regional and international level to combat restrictions on the exercise of the fundamental rights to freedom of expression, association, assembly and peaceful protest. **Mr. Bahey el-Din Hassan** is general director of the CIHRS.

The **Foundation of victims of abduction and enforced disappearance** provides legal assistance to victims of violence, assaults, abductions and forced disappearances. It also monitors cases of human rights violations, especially against marginalised groups and religious and ethnic minorities.

The **Egyptian Commission for Rights and Freedoms** is an organisation that works in to peacefully defend human rights in Egypt. **Mr. Mohamed Lotfy** is executive director of the Egyptian Commission of Rights and Freedoms.

Concerns relative to the provisions and implementation of law on Non-Governmental Organisations (Law 84/2002) were addressed in two previous allegation letters sent to your Excellency's Government 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 on 17 November 2011, reference A/HRC/19/44, case no. EGY 12/2011 and on 29 August 2014 see A/HRC/28/85, case no. EGY 11/2014. This followed the initial implementation of the law in 2011 during which many international and national organisations were forced to close.

Following the announcement that a new law on NGOs was being prepared to replace the 84/2002 NGO law, allegations letters had also been sent to your Excellency's Government respectively by 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, on 12 February 2013, see A/HRC/23/51, case no. EGY 4/2013; as well as 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 and the Special Rapporteur on violence against women, its causes and consequences on 20 March 2013, see A/HRC/24/21, case no. EGY 5/2013. While we acknowledge the responses from the Government to three of the four communications, which were received on 17 and 21 January 2012 and on 19 May 2013 and 8 November 2014, we encourage the Government to provide detailed answers that are specific to the questions raised therein and remain concerned at the undue restrictions on the peaceful work of civil society organisations and human rights defenders and the disproportionate sanctions for non-compliance with this highly restrictive law. (see also A/HRC/28/63/Add.1, paras. 485-500)

The case of the Egyptian Democratic Academy

According to the information received:

In September 2014, the Egyptian Democratic Academy successfully registered as a non-governmental organisation, as stipulated in Article 6 of Law 84/2002.

On 8 March 2015 two members of the Egyptian Democratic Academy were officially summoned by an investigative judge. The allegations against the organisation reportedly relate to a breach of the NGO law registration. They were questioned about the establishment of the NGO, the content of their work and about their trips abroad and their contact with international organisations and

embassies in Cairo. The judge also requested to see all documentation related to the administration of the NGO, including funding reports.

In April 2015, the judge assigned a committee of experts from the Ministry of Social Solidarity to look into the organisation's foreign funding and determine if the organisation complies with its mandate as a civic association.

Furthermore, on 5 December 2014, Mr. Hossameldin Ali and Mr. Ahmed Ghonim were stopped at Cairo International Airport and informed that this was due to a travel ban, which had been issued against them. They were later informed that the travel ban had been issued in connection with an on-going judicial investigation into alleged illegal foreign funding of NGOs which began in 2011 (case no. 173/2011). However, neither defender has been summoned for interrogation or officially notified of the travel ban. On 13 January 2015, police officers at Cairo International Airport stopped Ms. Esraa Abdel Fattah from boarding a flight to Germany, and informed her that this was due to a judicial travel ban issued against her. Ms. Abdel Fattah had not received prior notification of the travel ban. To date, the travel ban against the four members of the Egyptian Democratic Academy has not been lifted and the investigation into its compliance with the NGO law is on-going.

The case of the Cairo Institute for Human Rights Studies

According to the new information received:

On 28 May 2015, the general director of the CIHRS Mr. Bahey el-Din Hassan addressed the European Parliament Subcommittee for Human Rights session about the general human rights situation in Egypt.

On 9 June 2015, a committee of experts from the Ministry of Social Solidarity inspected the CIHRS offices following an order issued by the investigating judge in the case examining foreign funds received by Egyptian NGOs (case no. 173/2011), under which EDA is also being investigated. CIHRS's staff who were present at the time were requested to provide documentation relating to the administration of the NGO, including its registration documents, founding contract and statute, as well as its financial accounts, and funding contracts for the past four years. The members of the committee of experts are reported to have refused to provide a copy of the judge's order for the inspection. However, staff were permitted to read it. The order states that the committee of experts is to examine the CIHRS' activities as a civic association in accordance with Law 84/2002.

In recent months, staff from the Cairo Institute for Human Rights Studies who have been traveling abroad on missions have been stopped by airport authorities upon their arrival and departure from the country, and have regularly been questioned about their work and reasons for travelling abroad.

The case of the Foundation of victims of abduction and enforced disappearance

According to the information received:

In September 2014, the registration application of the Foundation of victims of abduction and enforced disappearance was rejected without any justification given. It is alleged that the National Security Bureau blocked their registration as a result of the work that the organisation carries out.

The organisation has challenged this decision in court as no reason was officially given for not being able to register. On 1 July 2015, the court is due to rule on this case.

The case of the Egyptian Commission for Rights and Freedoms

According to the new information received:

The Egyptian Commission for Rights and Freedoms took the decision to register as an NGO under the name “Egyptian Movement for Rights and Freedoms Foundation”. However, its application was denied without reason given. The Commission later learnt through informal means that the refusal was based on security grounds, specifically related to two persons listed as founders of the organization.

The case of Mr. Mohamed Lotfy

According to the information received:

On 2 June 2015, Mr. Mohamed Lotfy was stopped at Cairo airport from where he tried to travel to Germany to speak in a panel discussion and at the German Parliament on the human rights situation in Egypt. He was informed by a plainclothes police officer that he was denied boarding for security reasons. His passport was confiscated and he was held in the airport by the police for three hours. He was informed that he would be contacted by the National Security Service (NSS), which would explain the situation to him and return his passport. He was also informed that he would be summoned for interrogation by the NSS at a later date. To date, there is no evidence of any official travel ban or warrant issued against him.

Grave concern is expressed at the allegations indicating increasing restrictions put on civil society and human rights defenders resulting from the implementation of the NGO laws and at the increasing use of travel bans to restrict the movement of human rights activists to travel abroad. Further grave concern is expressed at the increasingly restricted space for civil society through the arbitrary use of the NGO law against organisations who seek to carry out peaceful and legitimate human rights activities or who seek to express dissenting views, in the context of the drafting of a new NGO law

that would replace the 84/2002 NGO Law. We reiterate that the NGO Law 84/2002 still requires the necessary amendments to be in conformity with international human rights norms and standards and therefore urge your Excellency's Government to take the necessary steps to reform the law, as pledged during the Universal Periodic Review of Egypt in 2010.

In connection with the above alleged facts and concerns, please refer to the **Reference to International Law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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 therefore be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.

2. Please provide full details on the measures taken to amend the NGO laws in order to put it in conformity with Egypt's obligations under international human rights law.

3. Please provide information concerning the legal grounds for the investigations into the abovementioned organisations and how these measures are compatible with international human rights norms and standards.

4. Please provide information concerning the legal grounds for the travel bans issued for Ms. Esraa Abdel Fattah, Mr. Ahmed Ghonim, Mr. Hossameldin Ali, and Mr. Mohamed Lotfy and the questioning of members of CIHRS when they travel abroad in their capacity as human rights defenders, as well as how these measures are compatible with international human rights norms and standards.

5. Please indicate what measures have been taken to ensure that the rights to rights of freedom of opinion and expression and of peaceful assembly and of association are respected and that the physical and psychological integrity of those exercising these rights is guaranteed.

6. Please kindly indicate what measures have been taken to ensure that human rights defenders in Egypt are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.

We would appreciate receiving a response within 60 days.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the

investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

David Kaye

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Maina Kiai

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

Michel Forst

Special Rapporteur on the situation of human rights defenders

Annex
Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your attention to the International Covenant on Civil and Political Rights, ratified by Egypt on 14 January 1982, in particular to articles 19, 21 and 22 which guarantee the rights to freedom of opinion and expression, the right to freedom of peaceful assembly and the right to freedom of association respectively.

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, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right 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.

Furthermore, we would like to bring to the attention of your Excellency's Government:

article 5 b) and c) which provides for the right to form, join and participate in non-governmental organizations, associations or groups and for the right to communicate with non-governmental or intergovernmental organizations;

article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration;

article 13, point b) and c), which provides for the right to solicit, receive, and utilize resources for the purpose of peacefully promoting and protecting human rights and fundamental freedom;

In this context, we would also like to refer to Human Rights Council resolution 22/6, which calls upon States to ensure that procedures governing the registration of civil society organizations are transparent, accessible, non-discriminatory, expeditious and inexpensive, allow for the possibility to appeal and avoid requiring re-registration and are in conformity with international human rights law.