

**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**

REFERENCE: UA  
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Excellency,

We have the honour to address you in our capacity 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 the alleged prevention and dispersal of protests, including through the excessive use of force, as well as the continued targeting of human rights defenders and civil society organisations.

The human rights defenders, protestors and lawyers targeted include, inter alia, Mr. **Bahey el-Din Hassan** (Director of the Cairo Institute for Human Rights Studies), Mr. **Mostafa al-Hassan** (Director of the Hisham Mubarak Law Center), Mr. **Abdel Hafez Tayel** (Director of the Egyptian Center for the Right to Education), Mr. **Hossam Bahgat** (journalist and founder of the Egyptian Initiative for Personal Rights), Mr. **Gamal Eid** (founder of the Arabic Network for Human Rights Information), Ms. [REDACTED] (women human rights defender), Ms. **Mozn Hassan** (Executive Director of Nazra Feminist Studies), Mr. **Ahmed Abdullah** (Chair of the Egyptian Commission for Rights and Freedoms), Mr. [REDACTED] (labour lawyer), Mr. **Malek Adly** (human rights lawyer and Director of the Egyptian Centre for Economic and Social Rights) and Mr. **Amr Badr** (human rights defender and Editor-in-Chief of Yanair news portal).

Mr. Bahey el-Din Hassan was the subject of a communication sent on 12 June 2015, see A/HRC/31/79 (EGY 10/2015); Mr. Mostafa al-Hassan and Mr. Malak Adly were the subject of a communication sent on 4 February 2011 (EGY 5/2011) regarding their arrest at a protest, and the subsequent enforced disappearance of Mr. Al-Hassan; Mr. Hossam Bahgat was the subject of a communication sent on 10 November 2015, see A/HRC/31/79 (EGY 16/2015); and Ms. [REDACTED] was the subject of a communication sent on 2 July 2014, see A/HRC/28/85 (EGY 10/2014). We acknowledge the replies of your Government received on 28 November 2014 and 18 August 2015 but regret that replies were not received to most of the communications sent.

NGO Law (84/2002) was the subject of joint allegation letters sent on 23 February 2016 (EGY 3/2016); 17 November 2011 (see A/HRC/19/44, case no. EGY 12/2011); 12 February 2013 (see A/HRC/23/51, case no. EGY 4/2013); 20 March 2013 (see A/HRC/24/21, case no. EGY 5/2013); 29 August 2014 (see A/HRC/28/85, case no. EGY 11/2014); and 12 June 2015 (case no. EGY 10/2015 (Corr.1)). We acknowledge receipt of replies from your Excellency's Government of 17 and 21 January 2012, 19 May 2013, 8 November 2014 and 18 August 2015, however we remain concerned in light of continued allegations of violations.

According to the information received:

#### *Protests in April 2016*

On 15 April 2016, protests against the Government's decision to acknowledge Saudi Arabian sovereignty over the islands of Sanafir and Tiran took place across Egypt but were dispersed by security forces.

The largest protests with thousands of people took place in central Cairo. During the protests in Cairo, security forces clashed with protestors and arrested 14 protestors. Some protestors gathered at the Journalists Syndicate in Cairo. On the evening of the same day at the protests in Cairo, an agreement was negotiated with security forces to allow protestors to exit the Journalists Syndicate. Despite this agreement, security forces fired tear gas into the crowd and used force against protestors, arresting some of those who remained in the area. At other demonstrations on 15 April 2016 in the Ibrahima District of Alexandria and Mansoura's Central Square, security forces used tear gas to disperse protestors and arrested at least 25 individuals.

After the protests on 15 April 2016, campaigns were launched calling for further protests on 25 April 2016, which is a national day in Egypt known as "Sinai Liberation Day", marking the withdrawal of Israel from Sinai in 1982. From 16 April 2016 to 24 April 2016, over 90 activists were arrested in raids, reportedly in an attempt to prevent the scheduled protest for the 25 April 2016. On 24 April

2016, the President of Egypt stressed that further protests would threaten the country's security and stability. The Minister of Interior warned that additional protests would be "crossing a red line" and would be met with a prompt and strict response by security forces. The military said it was deploying security forces to secure major public buildings, "vital targets and major institutions".

On 25 April 2016, thousands of police were deployed across Cairo setting up check points, checking identification cards and turning individuals away, threatening to arrest them in an attempt to deter additional protests taking place. Security forces stopped pedestrians in Cairo, ordered them to open their mobile phones, and inspected their social media accounts for "inciting pictures" or "anti-Government publications", for which some people were arrested.

Despite these security measures, dozens gathered in Giza's Nahya District. However, security forces responded with tear gas to disperse the assembly and chased protestors into side streets. Later that afternoon, hundreds gathered in Messaha Square in Giza. Security forces once again used tear gas to disperse protestors, who re-assembled on nearby Dokki Street, where they were once again met with tear gas and multiple arrests. Later that day, protestors regrouped in Ard al-Lewa in Giza before being similarly dispersed.

Reportedly, over 380 protestors, human rights defenders and journalists were arrested on 25 April 2016 during the demonstrations. Many of those remanded in custody have been charged under counterterrorism legislation, the Protest Law, other laws regulating assemblies and national security provisions of the Penal Code.

#### *Crackdown on civil society*

On 22 March 2016, Ms. Mozn Hassan was formally accused of receiving foreign funding without authorisation. Throughout March 2016, several members of the human rights organisation, Nazra for Feminist Studies, were summoned before an investigating judge.

On 19 April 2016, Ms. [REDACTED] was informally told of a summons submitted in her name to appear before the prosecutor for printing and distributing flyers calling for protesting on 25 April 2016. On 20 and 21 April 2016, Ms. [REDACTED] voluntarily appeared before the Zeinhom Court prosecutor inquiring about the accusations. On 27 April, Ms. [REDACTED] appeared before the prosecutor and was formally charged with insulting the judiciary, after refusing to give testimony as part of her investigation, as well as for possession of flyers. Her trial will be expedited before the Urgent Misdemeanours Court and is scheduled to commence on 4 May 2016. Ms. [REDACTED] was released on bail on 28 April 2016.

Despite the ruling of an administrative court on 19 April 2016 that public associations had the right to receive foreign funding, on 20 April 2016, seven new defendants, including Mr. Bahey el-Din Hassan, two of his family members and two former colleagues, Mr. Mostafa al-Hassan and Mr. Abdel Hafez Tayel, were added to an existing criminal court case against a group of human rights defenders by the Cairo Criminal Court in Zeinoh. The existing case is against human rights defenders, Mr. Hossam Bahgat and Mr. Gamal Eid, as well as his wife and daughter. The next hearing against the 11 defendants is scheduled for 23 May 2016, where the court will review a judicial order to freeze the human rights defenders' assets, while investigating the funding of Egyptian human rights organisations under the Law on Associations and Article 78 of the Penal Code.

On 22 April 2016, Mr. [REDACTED] was arrested from his house and detained. He was blindfolded throughout his interrogation. He has been charged with "joining the banned Muslim Brotherhood", "planning to overthrow the regime" and "calling for protests against the redrawing of the maritime borders of the country". On 23 April 2016, the prosecutor ordered his pre-trial detention for an additional 15 days pending investigation for joining an unlawful group. He remains in detention at Central Security Forces Camp.

On 25 April 2016, the morning of the planned protests, Mr. Ahmed Abdullah was arrested from his house, beaten and detained. He has been charged with ten offences, inter alia, inciting violence to overthrow the government, joining a "terrorist" group, promoting "terrorism" and possession of flyers calling for the overthrow of the regime. On 27 April 2016, the East Cairo prosecution extended Mr. Abdullah's pre-trial detention for a further 15 days pending investigation.

It is also reported that an arrest warrant has been issued for Mr. Malek Adly for such charges as establishing a group to overturn the Government, calling for obstructing the President from performing his duties, inciting demonstrations and leadership of Muslim Brotherhood elements. He has not yet been arrested.

On the evening of 1 May 2016, journalists held a sit-in at the Journalists Syndicate in Cairo, when over 40 security officers raided the building and arrested two journalists of the opposition website, Bawabet Yanayer, including Mr. Amr Badr.

Serious concern is expressed about the measures reportedly used to restrict and sanction the exercise of the right to freedom of peaceful assembly and freedom of expression at the protests in April 2015, including allegedly threatening statements and intimidation, the excessive use of force, check points, arbitrary arrests, detention and

criminal prosecution. Additional concern is expressed about the laws governing freedom of peaceful assembly and freedom of association in the country.

Further concern is expressed about the targeting of civil society, including protestors, lawyers, human rights defenders and organisations. In particular, concern is expressed about the reported use of harassment, intimidation, restrictions on funding, alleged arbitrary arrest, detention and criminal charges.

Serious concern is expressed about the broader impact of the above allegations, which may have a “chilling effect” on civil society and human rights defenders, particularly on individuals exercising their rights to freedom of peaceful assembly, association and expression, such as protestors, and human rights defenders and organisations.

We would like to remind your Excellency’s Government of Articles 19, 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Egypt on 14 January 1982, which guarantee the rights to freedom of opinion and expression and freedom of peaceful assembly and association, respectively.

We also wish to refer to 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 articles 1, 2, 5, 6, 12 and 13.

We would further like to refer your Excellency’s Government to Human Rights Council resolution 24/5, in which the Council “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 are also referring your Excellency’s Government to the recent report on the proper management of assemblies, which provides that a “failure to notify authorities of an assembly does not render an assembly unlawful, and consequently should not be used as a basis for dispersing the assembly” and “dispersing an assembly also risks escalating tensions between participants and law enforcement. For these reasons, it must be resorted to only when strictly unavoidable... Failure to notify authorities of an assembly is not a basis for dispersal” (A/HRC/31/66, paras. 23, 61 and 62).

We would also like to remind you of the recommendations accepted under the second UPR cycle of Egypt to promote and protect the rights to freedom of peaceful assembly and association, and freedom of expression, as well as to bring laws and practice into compliance with international human rights norms and standards; including recommendations 166.206, 166.209, 166.210, 166.213, 166.214, 166.219, 166.220, 166.221, 166.224, 166.225, 166.228, 166.230, 166.231, 166.234, 166.236, 166.239, 166.240, 166.241, 166.244, 166.245, 166.246, 166.248 and 166.251 (see A/HRC/28/16/Add.1).

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with international instruments.

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. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information about the alleged excessive use of force and various measures used throughout April 2016 to prevent and restrict protests in the country, contrary to human rights norms.
3. Please provide information about the legal grounds for the arrest, detention, charges issued and prosecutions brought against individuals, including protestors and human rights defenders, and how such actions comply with international human rights norms and standards. In particular, please provide detailed information about the justification for using national security provisions and counterterrorism legislation against the exercise of the rights to freedom of expression and freedom of peaceful assembly.
4. Please provide information about the justification for the decision of 20 April 2016 to add seven individuals to an ongoing criminal case on the funding of a human rights organisation, despite the decision of 19 April 2016 by an administrative court on the right of organisations to receive foreign funding.

5. Please provide information about measures taken or to be taken to ensure that all persons arrested, detained or charged are guaranteed the rights to due process and a fair trial, in accordance with the standards of international human rights norms.
6. Please provide information about the measures adopted to ensure that all individuals, including human rights defenders and civil society, are able to exercise their rights to freedom of assembly and freedom of expression in the country.
7. Please provide information about the measures adopted to ensure that human rights defenders and associations are able to carry out their work in a safe and enabling environment without fear of retaliation, intimidation or harassment of any sort.

While awaiting a reply, we urge that the rights of civil society be protected and promoted in compliance with international human rights law, in particular with the relevant provisions enshrined in the International Covenant on Civil and Political Rights and the Universal Declaration on Human Rights.

We also wish to inform your Excellency's government that we will publicly express our concerns as we are of the view that the information upon which the press release is going to be based is sufficiently reliable to indicate a matter warranting immediate attention.

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.

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and expression

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