

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 **the recent escalation of attacks against independent civil society in Egypt, including the targeting of leading human rights defenders and organisations through interrogations; asset freezes; travel bans; and closure orders.**

The NGOs most recently targeted include the following: the Arab Network for Human Rights Information; the Cairo Institute for Human Rights Studies; the Egyptian Initiative for Personal Rights; Nazra for Feminist Studies; the Nadeem Center for Rehabilitation of Victims of Violence; and the United Group- Attorneys-at-law, Legal Advisors.

UN Experts have previously expressed concern about the crackdown on civil society in connection with Case No. 173 and the 84/2002 NGO Law in joint communications sent on 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); 20 June 2013 (see A/HRC/25/74, case no. EGY 9/2013); 29 August 2014 (see A/HRC/28/85, case no. EGY 11/2014); 12 June 2015 (case no. EGY 10/2015); and 23 February 2016 (case no. EGY 3/2016). We acknowledge receipt of replies from your Excellency's Government of 17 and 21 January 2012; 19 May 2013; 22 January and 8 November 2014; and 18 August 2015, however they remain unsatisfactory in light of our concerns.

According to the information received:

Interrogations

On 22 March 2016, several members of the registered association Nazra for Feminist Studies were interrogated by investigative judges after receiving a formal summons in connection with Case No. 173 - widely known as the “foreign funding case”. Between June 2015 and March 2016, several staff members of the Cairo Institute for Human Rights Studies and the ‘United Group- Attorneys-at-law, Legal Advisors’ were also summoned for interrogation. Several NGO workers were reportedly threatened with arrest warrants and prosecutions, following their refusal to appear before the investigative judges.

Freezing of assets

On 2 February 2016, an investigative judge involved in Case No. 173 allegedly issued asset freezing requests against four human rights defenders and their families, reportedly without formally notifying them.

The human rights defenders targeted include two prominent members of the Arab Network for Human Rights Information and the Egyptian Initiative for Personal Rights. They have reportedly been charged under articles 78, 98(c)(1) and 98(d) of the Egyptian Penal Code for receiving money from abroad for alleged illegal purposes, as well as under article 76(2)(a) of the 84/2002 NGO Law for working without official registration. In this connection, it is reported that the Egyptian Initiative for Personal Rights has been charged for using foreign funds for the purpose of harming national security; spreading instability; and encouraging a state of chaos, a security breakdown, rifts within society and the failure of the Egyptian regime. If convicted of these charges, both human right defenders may face fines and life imprisonment.

It was expected that the Cairo Criminal Court would make a decision regarding the freezing of assets on 24 March 2016. However, it is reported that the case has been delayed until 20 April 2016, as the prosecutor requested more time to review the evidence. The investigative judge has allegedly imposed a gag order preventing local media from reporting on the case.

Travel bans

In February 2016, travel bans were reportedly issued against two prominent members of Arab Network for Human Rights Information and the Egyptian Initiative for Personal Rights. It is alleged that, to date, arbitrary and unlawful travel bans were issued against at least ten human rights defenders in Egypt. Those affected were reportedly not provided with an official notification or reasons for the imposition of travel bans.

Closure orders

On 17 February 2016, the Egyptian Ministry of Health issued an “administrative closing order” to the Nadeem Center for the Rehabilitation of Victims of Violence and Torture on the basis that it was performing unlicensed work. The closure order was suspended pending the outcome of a meeting between representatives

of the organisation and the Ministry of Health, which took place on 22 February 2016. However, on 24 February 2016, the Ministry of Health reportedly released a public statement confirming the closure of the Nadeem Center.

It is alleged that at least 37 NGOs are currently at imminent risk of prosecutions and closures. These NGOs were identified in a 2011 fact-finding report of a Committee set up by the Ministry of Justice to investigate the receipt of foreign funding.

While we do not wish to prejudice the accuracy of these allegations, we express grave concern at the growing restrictions imposed on civil society in Egypt and the targeting of leading human rights defenders and organisations through interrogations; asset freezes; travel bans; and closure orders. We express particular concern as these NGOs appear to be targeted for peacefully carrying out their human rights activities as well as for legitimately exercising their rights to freedom of expression and freedom of association. Serious concern is expressed at the impact of the abovementioned allegations which severely restrains civil society space, intimidating and silencing organisations and human rights defenders operating in Egypt.

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.

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 any comment you may have on the abovementioned allegations.
2. Please provide information concerning the total number of NGOs and individuals currently being investigated or prosecuted in relation to the receipt of foreign funding, in connection with Case No. 173 - widely known as the “foreign funding case”, as well as the total number of those investigated or prosecuted under articles 78, 98(c)(1) and 98(d) of the Egyptian Penal Code for receiving money from abroad for alleged illegal purposes and under article 76(2)(a) of the 84/2002 NGO Law.
3. Please provide detailed information concerning the legal grounds for the investigations into the abovementioned organisations, indicating how these measures are compatible with international human rights norms and standards.
4. Please provide information concerning the legal grounds for the travel bans and asset freezing orders issued against human rights defenders, indicating how these measures are compatible with international human rights norms and standards.

5. Please provide full details on the measures taken to bring NGO laws into conformity with Egypt's obligations under international human rights law.

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

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 persons responsible for the alleged violations.

It is our intention to publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. The press release will indicate that we have been in contact with your Excellency's Government to clarify the issue/s in question.

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 to the above alleged facts and concerns, we would like to refer your Excellency's Government to the International Covenant on Civil and Political Rights, ratified by Egypt on 14 January 1982, in particular to articles 19 and 22 which guarantee the rights to freedom of opinion and expression and the right to freedom of association respectively. Any restrictions to these rights must comply with the provisions of the ICCPR, can only be imposed on legitimate grounds, and must conform to the strict tests of necessity and proportionality.

We would also 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".

In this context, we recall that Special Rapporteur on the rights to freedom of peaceful assembly and of association has underlined that the right to freedom of association equally protects associations that are not registered (A/HRC/20/27, para. 56).

We would also like to bring to the attention of your Excellency's Government 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 Recognize 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 refer to article 5(b), which provides for the right to form, join and participate in non-governmental organisations, associations or groups; and article 6, which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, as well as the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance on these rights.

Finally, we refer to article 13, which provides for the right to solicit, receive and utilize resources for the purpose of peacefully promoting and protecting human rights and fundamental freedoms.