

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:
AL EGY 1/2017

30 January 2017

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, 32/32 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 close down by Egyptian security forces of three libraries established by Mr. **Gamal Eid**, a human rights defender and director of the Arab Network for Human Rights Information, as well as the imposition of a travel ban and asset freeze against Mr. Eid in connection with case No. 173/2011.

Mr Gamal Eid was the subject of a communication sent to your Excellency's Government on 5 October 2016 (EGY 11/2016). We regret that to date no response has been received.

Concerns about the restrictions on civil society in connection with the Case No. 173 (2011) or the "Foreign Funding Case" and the 84/2002 NGO Law were raised in joint communications sent on 17 November 2011 (A/HRC/19/44, case no. EGY 12/2011); 12 February 2013 (A/HRC/23/51, case no. EGY 4/2013); 20 March 2013 (A/HRC/24/21, case no. EGY 5/2013); 20 June 2013 (A/HRC/25/74, case no. EGY 9/2013); 29 August 2014 (A/HRC/28/85, case no. EGY 11/2014); 12 June 2015 (case no. EGY 10/2015); 23 February 2016 (case no. EGY 3/2016); 24 March 2016 (case no. EGY 4/2016); and 4 May 2016 (case no. EGY 6/2016); 5 October 2016 (case no. EGY 11/2016); 18 November 2016 (case no. EGY 13/2016); 22 November (case no. EGY 14/2016 and EGY 15/2016); 9 December 2016 (case no. 16/2016).

We acknowledge receipt of the replies of your Excellency's Government dated 17 and 25 January 2012; 19 May 2013; 22 January and 8 November 2014; 18 August 2015; 10 August and 28 December 2016, but remain concerned about the situation in light of the new information received.

According to the new information received:

In November 2011, Mr. Gamal Eid won the Roland Berger Human Dignity Award. He decided to use the prize money to start six public libraries in slum areas in Egypt. The first library was opened in May 2012, the sixth in May 2016. The libraries have provided cultural and educational services to around a quarter

of a million citizens. They became popular among young people and children in these areas, where there often were few other sources of cultural activities. The libraries have children's books, drawing lessons, and music, among other resources. The libraries do not engage in political or religious affairs.

In December 2016, the authorities closed down two of the libraries by "orders of the security". No court order was provided. Ten days after the close down of the first two libraries, a third library was closed. Out of concern for the overall effort, Mr. Eid voluntarily closed the other libraries temporarily.

On 9 January 2017, Mr. Eid learned that security forces have called for investigation of the owners of the buildings that house the libraries he voluntarily closed. It has been reported that the owner of a building that hosted one of the libraries was detained for 12 hours and forced to confess that the libraries were conducting political or illegal activity. He was later released.

Prior to these events, Mr. Eid himself had also been subject to criminal prosecution. On 4 February 2016, he became subject to a travel ban, which remains in force. He is therefore unable to leave Egypt. On 16 September 2016, Mr. Eid's assets were frozen with the justification that he was receiving foreign funding. This case is still ongoing and is part of Case 173/2011. Mr. Eid has not been summoned to any investigation and the case is reported to suffer from irregularities.

The reopening of the Case No. 173 by Egyptian authorities in March 2016 continues to be a point of major concern for the Special Rapporteurs. With its reopening a considerable number of Egyptian organizations are allegedly being investigated for having illegally received foreign funding. Human rights defenders have been summoned and questioned in relation to accusations of forming illegal organizations and receiving illegal funding used to harm national security. Since an amendment to Egypt's penal code in 2014, these charges can carry a penalty of up to 25 years of imprisonment and a fine of the approximate equivalent of USD 56,300.

We express concern at the closing of the libraries as part of the continued restrictions on civil society in Egypt, and the particularly negative effect this has on children's rights to freedom of expression, including the freedom to seek, receive and impart information and ideas of all kinds, and the right to take part in cultural life. We express equal concern that no notification, court order or legal basis was provided prior to the closing of the libraries. We express concern that this may be connected to the work of Mr. Eid in defence of human rights through targeting and criminalizing the legitimate exercise of the right to freedom of expression. We reiterate our concerns at the imposition of a travel ban and asset freeze based on justifications and legislation that are incompatible with Egypt's obligations under international human rights law.

We would like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with

fundamental principles as set forth in article 19 of the International Covenant on Civil and Political Rights, ratified by Egypt on 14 January 1982. Article 19 protects everyone's right to seek, receive and impart information and ideas of all kinds, regardless of frontiers and through any media either orally, in writing or in print. As with any restriction on the freedom of expression, the closing of libraries, essential sources of information for many people, must be consistent with Article 19(3), that is, provided by law and necessary and proportionate to protect a specific legitimate government objective. We moreover would like to appeal to your Excellency's Government to recognize the right of everyone to take part in cultural life, and taking steps to achieve the full realization of this right including those necessary for the conservation, the development and the diffusion of science and culture, in accordance with article 15 of the International Covenant on Economic, Social and Cultural Rights, ratified by Egypt on 14 January 1982.

With regard to the reopening of Case No. 173, we would similarly like to recall your attention to article 22 of the ICCPR, guaranteeing the right to freedom of association.

With respect to the impact the closing of the libraries have on children, we refer to Article 13 of the Convention on the Rights of the Child, ratified by Egypt on 6 July 1990, which provides that the child shall have the right to freedom of expression, including the right to seek, receive and impart information and ideas of all kinds through any media of the child's choice. We would also like to refer to Human Rights Council 12/16, which calls upon states to enable children to exercise their right to express their views freely.

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, also known as the UN Declaration on Human Rights Defenders, in particular its articles 1,2,5 and 6.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** 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/or comment you may have on the above-mentioned allegations.
2. Please provide information about the justification and legal basis for closing down the libraries, and explain how this is compatible with international human rights law.

3. Please provide information about the legal basis for investigating the owners of the buildings housing the libraries, as well as the legal basis for detaining one of the owners.
4. Please provide information about the legal basis for the travel ban and asset freeze imposed on Mr. Eid and explain how this is compatible with Egypt's obligations under international human rights law.
5. Please provide information about measures taken to bring NGO laws into conformity with Egypt's obligations under international human rights law as well as measures 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 retaliation, intimidation or 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 appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the International Covenant on Civil and Political Rights, ratified by Egypt on 14 January 1982. Article 19 protects everyone's right to seek, receive and impart information and ideas of all kinds, regardless of frontiers and through any media. As with any restriction on the freedom of expression, the closing of libraries, essential sources of information for many people, must be consistent with Article 19(3), that is, provided by law and necessary and proportionate to protect a specific legitimate government objective. In this connection, we also appeal to your Excellency's Government to recognize the right of everyone to take part in cultural life, and to take steps to achieve the full realization of this right including those necessary for the conservation, the development and the diffusion of science and culture, in accordance with article 15 of the International Covenant on Economic, Social and Cultural Rights, ratified by Egypt on 14 January 1982.

With respect to the impact the closing of the libraries have on children, we refer to Article 13 of the Convention on the Rights of the Child, ratified by Egypt on 6 July 1990, which provides that the child shall have the right to freedom of expression, including the right to seek, receive and impart information and ideas of all kinds through any media of the child's choice. We would also like to refer to Human Rights Council 12/16, which calls upon states to enable children to exercise their right to express their views freely.

We would like further 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 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. Article 5 (a) establishes that everyone has the right, individually and in association with others, at the national and international levels: to meet or assemble peacefully and article 6 (a) provides that everyone has the right, individually and in association with others to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms.