

## **Background:**

The political changes in Egypt over the last four years have been dramatic. Sadly, there have continued to be serious human rights violations under each of the different Governments. There have been ongoing attacks and repressive measures against human rights defenders.

Lawyers, journalists, physicians, bloggers and other human rights defenders who have defended victims of torture or sought to expose violations committed by the authorities continue to be subjected to harassment including physical assault, detention and judicial proceedings.

The legal system remains restrictive. Despite Egypt being a party to the International Covenant of Civil and Political Rights, Article 184 of the Egyptian Penal Code makes it a criminal offence to “insult [...] any State Authority” including the Army. Human rights defenders are consequently under threat of arrest if they attempt to criticise any state apparatus. Legal restrictions such as those contained in the Penal Code, the Associations Law, the Assembly Law, the Anti-Terrorism and Emergency Law, have been used to curtail the work of human rights defenders.

The notorious NGOs Law 84 of 2002 is still in force. The law provides the Executive with several means and venues to exercise political control over the work of NGOs, including restricting their access to foreign funding and their ability to join international associations. It also provides the government with wide powers of dissolution. A new NGO law is currently pending and caused concern among the international community; it is expected to tighten existing restrictions for NGOs to receive foreign funding and to prevent them from working on issues and projects that are considered to be a threat to the state. The UN High Commissioner for Human Rights stated that this legislation constitutes “a potentially serious blow to the human rights aspirations of fundamental freedoms for which so many Egyptians have struggled for so long and at such cost”.<sup>1</sup> Human rights organisations have urged the new authorities in Egypt to cease the campaign against civil society actors engaging in legitimate and peaceful activities to promote democracy and human rights.

## **Summary of key concerns regarding human rights defenders in Egypt**

1. Front Line Defenders expresses its growing concern about the intensifying clamp-down on human rights defenders in Egypt, in the context of a repressive trend targeting civil society in the country as a whole. Front Line Defenders notes with alarm that the transitional authorities, as well as the markedly influential armed forces, have adopted a hard-lined 'Anti-Terrorism' discourse in an attempt to justify and legitimize a series of actions that violate the basic rights and freedoms of human rights defenders as well as political dissidents.

### **Freedom of Assembly**

2. On 24 November 2013, Law no 107 of 2013 on the Right to Public Meetings, Processions and Peaceful Demonstrations was approved by interim Egyptian President Adly Mansour. The United Nations High Commissioner for Human Rights, Navi Pillay, has called the legislation “seriously flawed”. The law bans gatherings “of a public nature” that would constitute a threat to “security” or “disrupt citizens' interests,” and requires protesters to seek prior permission from security forces.

3. In March 2013, months before the law was enacted, three of the UN's special rapporteurs described the draft as 'highly regrettable'<sup>2</sup> and urged Egyptian legislators to reject it. In a joint statement, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, on human rights defenders, and on freedom of opinion and expression, expressed serious concern that “ numerous provisions contained in the draft law may be used to hamper the legitimate work of civil society organisations, particularly those advocating human rights.”

Special Rapporteur on rights to freedom of peaceful assembly and of association, Mr Maina Kiai said the provisions would “ compromise the role of independent civil society organisations, which is

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1 <http://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=12081&LangID=E>

2 <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13190&LangID=E>

essential, particularly in times of political transition,” and that the “the draft law gives excessive power to the authorities and this may well ultimately impede associations from fulfilling their crucial function in the promotion and protection of human rights.”

In turn, the Special Rapporteur on freedom of opinion and expression, Frank La Rue added “These terms are vague, and may be arbitrarily interpreted and may thus lead to further restrictions of the right to freedom of expression.”

### **Judicial Harassment**

4. The authorities claimed the Law was intended to curb violent groups after several instances were reported in the after-math of deposing President Mohamed Morsy. However, on 26 November 2013 it was in fact a peaceful protest calling for the annulment of the law that was forcibly dispersed, wherein thirty-three protesters were detained, including human rights defender **Ms Mona Seif**, pro-democracy blogger Ms **Salma Said** and journalists Ms **Rasha Azab** and Mr **Ahmed Ragab**. The group was released several hours later. Mona Seif is founder of the 'No To Military Trials' - a movement which highlights and campaigns against the use of military trials and detention against civilians by the Supreme Council of Armed Forces (SCAF)- and was a finalist for the 2012 Front Line Award for Human Rights Defenders at Risk. She was also targeted the previous year, as on 31 May 2012, she had received a summons to appear before the Public Prosecutor in Cairo on Saturday, 2 June. She was informed that she was a suspect in the arson attack on the headquarters building of presidential candidate and former Prime Minister Mr Ahmed Shafiq. While the summons was only notified to Mona Seif on 31 May, national media publicly reported on it the day before, 30 May. Mona Seif was elsewhere on the night of 29 May, at the time when Mr Shafiq's headquarters came under attack.

5. Mr Mohamed Fahmy a human rights defender and another 'No to Military Trials' member was arrested on 26 January 2013 during a public demonstration in Opera Square in Cairo, which marked the two-year anniversary of the Egyptian Revolution. He was subsequently taken to **Abdeen Prosecution Office** in Cairo for interrogation. Mr Fahmy is also founder of Manhooba Movement, which focuses on exposing corruption within the Government and the military.

6. On 12 March 2013, Mansheya Misdemeanour Court in Alexandria sentenced prominent human rights defender Mr [Hassan Mustafa](#) to two years imprisonment on charges of allegedly assaulting a staff member of the Alexandria Prosecutor's Office, a charge which he strenuously denies. Hassan Mustafa was among the first human rights defenders in Alexandria to work on the cases of demonstrators arrested in front of the Mansheya Court on 6 April 2008. He was involved in a campaign to document all of the detainees and provide them with advocacy and support. In 2010, Hassan Mustafa joined the political and economic rights movement “**Hashd**”, which called for a demonstration in May 2010 for the right to minimum wages. He was also one of the organisers of a demonstration against police brutality in 2010 known as the “Khaled Said” case.

7. Judicial harassment also extends to the trying citizens before military tribunals falling short of fair trial standards. Human rights defender Mr Ahmad Sayed Muhammad Sayed, a member of the Arab-European Centre of Human Rights and International Law, an independent agency, established in 2003, to promote human rights and to protect people at risk in Egypt, including victims of crimes against humanity and refugees was sentenced, on 3 August 2011, to two years in prison, for allegedly “inciting citizens to assemble”, and for “attacking” the leader of Al Dakhila town council. Ahmad Sayed Muhammad Sayed. A military court in Asyut found Ahmad Sayed Muhammad Sayed guilty of the aforementioned charges and sentenced him, along with four others, to two years in prison.

### **Arbitrary Detention**

8. Prominent blogger and human rights activist Mr. Alaa Abdel Fattah received a summons shortly after their release. He was violently arrested on 28 November 2013 and remains in custody awaiting trial at the time of this submission.

9. On 5 September 2013, journalist and human rights defender Mr Ahmed Abu Deraa' was arbitrarily detained by the Egyptian Armed Forces in the North Sinai city of Areesh where he is based. Mr Abu Deraa' acts as a correspondent for independent Egyptian newspapers, including Al Masry Al Youm, and the privately owned TV network ONTV. Both media sources are known for covering protests, reporting on human rights violations, and featuring opposition voices. Following his arrest it was announced that the journalist would appear before the military court in Ismailiyah, but charges remained unclear. The journalist did in fact appear before a military trial, and was handed down a six-month suspended sentence and fine LE200 on charges of "spreading false information about the army in North Sinai." The already troubling action of pursuing journalists judicially was further exasperated by the trial being a military court, in which standards of fair trial are notoriously compromised.

10. On 3 February 2011, during the popular uprising that deposed President Hosny Mubarak, numerous human rights defenders were arrested and detained by members of the military police and unknown individuals in Cairo. The location of their detention was unknown. Those arrested include members of the Hisham Mubarak Centre for Law (HMLC), the Egyptian Centre for Economic and Social Rights (ECESR), the Front to Defend Egyptian Protesters and the \*Cairo Institute for Human Rights Studies(CIHRS), among others. On 3 February 2011, the offices of the HMLC were raided by members of the military police and up to 30 individuals arrested. A large number of lawyers and members of NGOs were gathered on the premises at the time. Among those arrested were members of the HMCL and ECESR, including their respective directors, Messrs Ahmed Seif Al-Islam Hamad and Khaled Ali, along with staff members of Amnesty International and a delegate from Human Rights Watch. In the evening of 3 February 2011, Mr Amr Sallah, a researcher for CIHRS, was arrested by unidentified officials and taken to unknown whereabouts. The offices of the HMLC and the ECESR, among others, were subjected to searches by military police and their equipment confiscated, along with the cellular phone SIM Cards of a number of staff members.

### **Restriction on mobility and intimidation**

11. On 5 September 2013, labour lawyer and human rights defender Mr [Haitham Mohamadein](#), was arbitrarily detained the same day while travelling to the city of Suez to act as legal counsel to a group of workers involved in a labour case. He was detained for several hours before being released with no charges.

### **Repression of Free Speech and Civil Society as a whole**

12. Under the current Government, the scope of arrests and intimidation is widening. Individuals who are not exclusively in the field of human rights, but remain publicly vocal about governance and democracy issues in general, have also been targeted. A case in point is prominent analyst and leading pro-democracy speaker and campaigner Mr Amr Hamzawy. On 19 January 2014 a leading liberal MP and lawmaker, Mr. Amr Hamzawy was charged by a prosecutor with insulting the judiciary. The charge was in association with a post on Twitter following a court ruling that described 3 foreign-funded NGOs operating in Egypt as threats to national security. The content of Mr. Hamzawy's 'tweet' described the ruling as lacking transparency and politicized. Mr Hamzawy is an established scholar, researcher and lecturer, who openly debated the democratic processes in Egypt and issues of governance and rule of law. Mr Hamzawy was a key supporter of the Egyptian revolution in 2011 and was the spokesman of the "Board of Wise Men" set up to conduct negotiations between protesters and the government.

13. It is worth noting that the charges were brought against Mr Hamzawy over 6 months after his message had been posted, but only one day after the military-back constitution, which grants the army sweeping power and widens the scope of military trials, was passed in a national referendum.

### **Front Line Defenders calls upon the member states of the UN Human Rights Council to urge**

**the Egyptian authorities to prioritise the protection of human rights defenders and in doing so to:**

1. Guarantee in all circumstances that all human rights defenders in Egypt are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions including judicial harassment and physical violence and ensure full respect for the UN Declaration on Human Rights Defenders.
2. Promptly provide human rights defenders at risk with adequate protective measures tailored to their individual security needs with the aim of preventing future attacks and ensure that all human rights defenders in Egypt are free to carry out their human rights activities free from persecution;
3. Ensure that an immediate, thorough and impartial investigations into all reported cases of attacks against human rights defenders is carried out, with a view to publishing the results and bringing those responsible to justice in accordance with international standards;
4. Immediately and unconditionally stop legal proceedings against Alaa Abdel Fattah and others, and drop all charges brought against them, as it is believed that their prosecution is solely related to their peaceful and legitimate human rights work.
5. Ensure that the new NGOs Law, currently discussed, is fully compliant with relevant international standards. In particular, ensure that human rights groups are free to register should they wish to do so, and to operate without hindrance;
6. Guarantee the right of women human rights defenders to engage in human rights work and take measures to ensure their protection before the law and in society;
7. Modify the domestic legislation to be in accordance with the standards and requirements contained in the international human rights instruments.
8. Implementing recommendations adopted in the previous UPR in 2010 related to human rights defenders, including one proposed by Norway stating: “ Better disseminate the Declaration on Human Rights Defenders and ensure its full observance”.
9. Fully implement the adopted UPR recommendations on human rights defenders in a transparent and participatory manner with full involvement of human rights defenders at all levels;