



The Arab Republic of Egypt

Submission to the UN Universal Periodic Review

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**Joint Submission by CIVICUS: World Alliance for Citizen Participation,
NGO in General Consultative Status with ECOSOC**

and

**Elma7 Rosa for Media,
Arts and Advocacy**

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I. Introduction

- 1.1 Elma7 Rosa for Media, Arts and Advocacy (Elma7 Rosa) is an activist-led initiative launched originally as an internet-based broadcasting station. It then developed into a news website and a documentary films channel on the Internet. On 6 October 2013, Elma7 Rosa was established as a non-profit civil society organization that operates in the fields of advertising, production, printing, and publishing.
- 1.2 CIVICUS: World Alliance for Citizen Participation is an international movement with members in more than 100 countries worldwide. Established in 1993, CIVICUS nurtures the foundation, growth and protection of citizen action throughout the world, especially in areas where participatory democracy and citizen's freedom of association are threatened.
- 1.3 Together the above mentioned organizations are known as the Coalition.
- 1.4 In this document, the Coalition outlines concerns related to the environment in which civil society and human rights defenders operate in Egypt, and discuss the threats they face in the exercise of the freedoms of expression, association and assembly.
- 1.5 The Coalition is deeply concerned by the growing repression of civil society and free speech in Egypt. Persistent imprisonment, disappearances and attacks against human rights defenders, dissenters and independent journalists have substantially curtailed civil society freedoms won during the revolution of 25 January 2011.
- 1.6 The Coalition is alarmed by the failure of the Egyptian state to protect those citizens voicing their rights to freedom of expression, association and assembly. In many instances, government officials, the police and the military are directly responsible for, and complicit in, these violations.
 - In section B, the Coalition highlights concerns relating to the lack of the freedom of expression, association and assembly.
 - In section C, the Coalition highlights concerns over detentions, disappearances and attacks against civil society members and rights defenders.
 - In section D, the Coalition highlights concerns over detentions, disappearances and attacks against journalists.
 - In section E, the Coalition makes recommendations in the areas of concerns listed.

2. Concerns regarding legal and practical restrictions on the freedoms of expression, association and assembly

- 2.1 In 1982, Egypt acceded to the International Covenant on Civil and Political Rights (ICCPR) which under Articles 19, 21 and 22 guarantees the freedoms of expression and the right to hold opinions without interference; the right of assembly and the right of association. When acceding, Egypt declared that it would abide by the ICCPR's standards "taking into consideration that they do not conflict with the provisions of Islamic Sharia."
- 2.2 Chapter II, Section II of the Egyptian Constitution, passed following the referendum held on 14–15 January 2014, guarantees the rights to freedom of opinion and expression, assembly and association. Article 65 of the Egyptian Constitution guarantees freedom of expression and opinion, article 70 guarantees press freedom, and media independence is guaranteed in article 72, while article 71 bans censorship and prison sentences for media offences. Article 50 gives citizens the right to organize public meetings, processions and peaceful demonstrations, unarmed and based on the notification regulated by law while article 51 allows the establishment of associations which may be disbanded by court order.

Freedom of Expression

- 2.3 However, despite these protections, the Egyptian Penal Code still contains overly broad provisions which curtail dissenting opinions. Under the Penal Code there are a wide range of penalties including custodial sentences which regularly relate to the exploitation of religious sentiments, they can be applied to free expression, while law no. 96 of 1996 on Regulating the Press states that journalists have a responsibility to serve the community and spread public opinion without boundaries. However it simultaneously criminalises 'breaches of national security', a phrase open to wide abusive interpretation.
- 2.4 A new draft Anti-Terrorism Law submitted to the Ministry of Justice at the beginning of 2014 has been reported to contain a number of worrying provisions restricting freedom of expression and access to information online. Under the law, undue censorship of a number of Internet sites, such as Facebook, would be permitted.

Freedom of Assembly

- 2.5 The enactment of the "Law on the Right to Public Meetings, Processions and Peaceful Demonstrations (Law 107 of 2013)" was approved by Interim President Adly Mansour on 24 November 2013. This highly restrictive law violates well-established international human rights standards including both the rights to free expression and assembly. The law's provisions endow security officials with excessive and discretionary powers to clamp down on public demonstrations and on the right to protest peacefully under the guise of protecting security and peace. Specifically, the law requires citizens to provide three days notice for any public gatherings of more than 10 people,

and for applications to include the location of the proposed assembly, march route, demands of the protest, any chants people plan to use and the names and contact information of the organizers. Those in violation of the law face potential penalties that include a one-year jail term for demonstrating in front of a place of worship, while violence during a protest can result in a seven-year prison sentence, and fines up to USD \$4,360.

- 2.6 The law has been utilized swiftly: On 26 November 2013, two days after its adoption, security forces arrested over 70 protestors in Cairo using the new law.

Freedom of Association

- 2.7 Since the 2011 uprising, NGOs have been targeted by the interim government led by the Supreme Council of the Armed Forces. By the end of 2011, the government had expelled nearly all foreign non-governmental groups.

- 2.8 The draft Law on Civic Organizations, currently being developed by a committee under the supervision of Egypt's Ministry of Social Solidarity, requires NGOs to notify the Ministry of Social Services of the amount of foreign funds received, the name of the foreign entity granting the money, and a list of activities that will be funded. While the law is being developed, the Egyptian authorities have continued to restrict the legitimate work of human rights organizations by restricting the funding, registration and activities of NGOs through the invocation of broad and ill-defined legislation. In December 2011 five foreign and local NGOs were prosecuted for allegedly receiving illegal foreign funding. Armed forces raided their offices, confiscating equipment and documents and closed down some of the offices. 43 employees from Egypt, and countries including America and Germany were then charged with operating without proper legal status. While in March 2012 a number of the foreign defendants were permitted to leave the country, on 4 June all 43 were convicted, with the foreign defendants sentenced to five years in prison in absentia, and local defendants receiving one-year suspended sentences.

- 2.9 Following the ouster of President Morsi in July 2013, his party and the political wing of the Muslim Brotherhood – 'the Freedom and Justice Party', along with all its religious and social arms, were heavily targeted. In September 2013, all activities of the Brotherhood itself, as well as of "any institution derived from or belonging to the Brotherhood" were banned. A court ruling ordered the confiscation of the group's assets through a designated committee tasked with reviewing the Brotherhood's assets. In December 2013, the government designated the Brotherhood a terrorist organization which allowed the government to then apply sections of the Penal Code relating to terrorism to the organization and to freeze further assets along with those of all its affiliated NGOs. Since the designation, over 300 people have been arrested across the country on charges of "promoting

terrorist ideologies”.¹ In March 2014, the committee established by the court transferred the management of 22 of the Brotherhood’s NGOs to a government ministry. Since the departure of President Morsi in July 2013, the government has expropriated 1,075 organizations formerly established and maintained by the Brotherhood, all of which are now managed by the committee.²

- 2.10 Non-Brotherhood civil society organizations have also been targeted following President Morsi’s removal. On 18 December 2013, security forces raided the Egyptian Centre for Economic and Social Rights, arresting six members who later reported they were beaten, and had their laptops, files and documents seized.
- 2.11 These grossly excessive legislative and policy limitations on the freedoms of expression, assembly and association have combined to reveal the space for civil society in Egypt as one that is both frightening and heavily restricted.

3. Concerns involving harassment, threats and attacks against civil society activists and human rights defenders

Article 12 of the UN Declaration on Human Rights Defenders mandates all UN member states, including Egypt, to take all necessary measures to ensure protection of human rights defenders. However, during the more than 4 years since Egypt’s 2010 Universal Periodic Review, human rights defenders and protestors have been subjected to unprecedented levels of harassment, attacks and judicial harassment with state agents being the most frequent perpetrators.

(Targeting of government critics, human rights organisations and human rights defenders)

- 3.1 The violence and harassment used against the Egyptian people during and since the 2011 uprising has been specifically aimed at government critics, human rights organizations and human rights defenders. The numbers killed during the uprising remain sorely contested and lack proper verification: a government formed fact-finding committee encountered widespread police and military manipulation and the destruction of evidence. Figures from the Ministry of Health state that 846 people were killed and 6,467 others were injured, though these figures are considered by civil society organizations to be exceptionally conservative. Many of those killed or injured were government critics and activists. The two bloodiest days of the uprising were

¹ Al Jazeera, Egypt’s anti-terror law may add to violence, 29 December 2012, <http://www.aljazeera.com/indepth/features/2013/12/brotherhood-confronts-egypt-anti-terror-law-2013122812912744161.html>

² English Ahram online, State committee seizes 22 Muslim Brotherhood affiliated NGOs, 12 March 2014, <http://english.ahram.org.eg/NewsContent/1/64/96507/Egypt/Politics-/State-committee-seizes--Muslim-Brotherhood-affilia.aspx>

28 January 2011, when police attacked protesters assembled in Tahrir Square after Friday prayers, and 2 February 2011, when hundreds of President Mubarak supporters stormed into the square on camels and horseback in an attempt to disperse the demonstrators.³

- 3.2 Following the fall of President Mubarak, several hundred revolutionaries continued to camp in Tahrir Square calling for his regime to be charged with human rights abuses. On 9 March 2011, the Supreme Council of the Armed Forces ordered security forces to disperse the peaceful protestors. The troops took female and male revolutionaries to military prisons where many were tortured. The singer Ramy Essam was tortured for 4 hours during this time inside the Egyptian Museum in Cairo. Army and military police continued to establish checkpoints on motorways during in the days following the dispersal through which to round up and detain activists.⁴
- 3.3 Christian protesters were also targeted during the “Maspiro incident” in October 2011 when thousands headed to Maspiro, the national TV building in Cairo, to protest against an attack on a Coptic church in Upper Egypt. Battles between the protestors and military resulted in the death of 25 and the injury of 329 protestors.⁵
- 3.4 On 2 May 2012, mostly Islamist demonstrators protested against military rule outside the Ministry of Defence in northeast Cairo. At least 11 people were killed and hundreds of others were injured.
- 3.5 On 25 January 2013, the second anniversary of the revolution, protests again turned violent and 10 people were killed in Suez while an additional 15 were killed in other governorates. The following month on 1 February 2013, the security forces used tear gas bombs and live ammunition on protestors during clashes outside the Etihadia presidential palace. This led to tens of injuries and the death of at least one person.
- 3.6 14 August 2014 was the most violent day in Egypt since the 2011 uprising. Hundreds of pro-Morsi supporters were rounded-up during major demonstrations, including the violent dispersals of protestors at the Rabaa al-Adawiya and al-Nahda sit-ins in Cairo. Up to 1,000 people are reported to have been killed by the security forces when armored bulldozers moved into the sit-in camps and security forces opened fire. The interim government then proceeded to impose a month long state of emergency, setting curfews and rounding up Muslim Brotherhood supporters across the country.

³ IRIN, Call for Investigation into post-revolution deaths in Egypt, 11 February 2013, <http://www.irinnews.org/report/97448/call-for-investigation-into-post-revolution-deaths-in-egypt>

⁴ Frontline, Episode: Egypt in Crisis, 13 March 2013, <http://www.thirteen.org/programs/frontline/egypt-in-crisis/>

⁵ IRIN, Call for Investigation into post-revolution deaths in Egypt, 11 February 2013, <http://www.irinnews.org/report/97448/call-for-investigation-into-post-revolution-deaths-in-egypt>

- 3.7 On 25 January 2014, the third anniversary of the revolution, security forces sought to prevent anti-government gatherings, breaking-up marches and rounding up hundreds of protesters and bystanders across the country. According to the Ministry of Interior, 1,000 people were arrested that day. As the security forces tried to clear the protests, at least 103 people were killed and hundreds injured during the violence that followed, the vast majority in Cairo and Giza.⁶ Torture in detention was also reported, including the use of electric shock treatment.
- 3.8 From January to March 2014 numerous others were arrested for peacefully exercising their right to freedom of expression. These include: Amr Hamzawy, an academic and former member of parliament, for insulting the judiciary in a Twitter comment in June 2014 for criticizing the conviction of 43 NGO representatives; Yemeni blogger and activist, Feras Shamsan, for among other charges, “spreading false news about the Egyptian authorities”; and Emad Shahin, political science professor at the American University in Cairo, for espionage and conspiring to undermine Egypt’s national security.
- 3.9 Prominent activists in detention at the time of writing include blogger Alaa Abdel-Fattah, detained since November 2013 on charges of organising an unauthorised protest; activist Ahmed Abdel Rahman; founder of online activist group ‘6 April Youth Movement’ Ahmed Maher; 6 April member Mohamed Adel, and activist Ahmed Douma. Maher, Adel and Douma. Each of these activists is serving a three-year sentence at the notorious Tora prison in Cairo for assembling without a permit.
- 3.10 It should be noted that since the uprising began over three years ago, impunity for these severe human rights violations remains rampant. Neither the interim government, the Supreme Council of the Armed Forces, nor the government of President Morsi have ensured that persons, including security personnel, who committed human rights violations have been properly investigated and brought to account. A number of incidents have not yet been thoroughly investigated because there is little political will, such as those deaths at the Rabaa al-Adawiya and al-Nahda sit-ins. Other investigations, such as those into the deaths and injuries during the 2011 uprising, have resulted in acquittals and the creation of an environment of impunity for the security forces.

(Attacks on female activists)

- 3.11 Attacks on female activists have regularly taken the form of sexual harassment in Egypt and have likely been exacerbated by the instability in the country since the 2011 uprisings. A study released in April 2013 showed 99.3

⁶ Daily News Egypt, 25 January death toll rises to 103: Independent count, 2 February 2014, <http://www.dailynewsegypt.com/2014/02/02/25-january-death-toll-rises-103-independent-count/>

percent of women in Egypt had suffered sexual harassment⁷. It should be noted that there is currently still no law criminalizing sexual harassment in the country. In March 2011 during the military clearances of Tahrir Square, a number of incidents of virginity testing of female protestors by the military were reported. The virginity tests were later justified by Field Marshall and Presidential candidate, Abdel Fattah al-Sisi as a way to protect the army from rape allegations.

- 3.12 In December 2011, activist Samira Ibrahim, who had filed a legal complaint against the military after she and at least six other female protesters were subjected to virginity checks performed by a military doctor on March 9, 2011, won her case. The Cairo Administrative Court declared the practice illegal.⁸ However the increase in sexual harassment during large public demonstrations was again noted in November 2012. Gang rapes of female activists and protestors took place in Tahrir Square and the surrounding area from 21-15 November 2012, amid weak official condemnation, and silence on the subject of most official and unofficial political parties.
- 3.13 The scope of the crimes then broadened during the demonstrations on the second anniversary of the revolution – 25 January 2013. Several cases of brutal gang rape were documented, all following a similar pattern and style with women being targeted regardless of political affiliation. Most of the women assaulted were demonstrators, volunteers with anti-sexual harassment teams operating in Tahrir Square, or passersby. 19 cases of rape and sexual assault were confirmed to have taken place on that day.
- 3.14 At least 91 women were then sexually assaulted and, in some cases raped, during the 4-day anti-Morsi protests that began on 30 June 2013 and led to his overthrow. Domestic NGOs condemned the lack of effective government response to these incidents and highlighted that incidents of sexual assault decreased after July 3 as the security presence in the streets swelled.
- 3.15 In November 2013, two 18 year old student protestors Abrar Al-Anany and Menatalla Moustafa from Mansoura University, and graduate Yousra Elkhateeb, 21, were arrested during clashes between supporters and opponents of the Brotherhood on campus. They continue to be held at Mansoura's Public Prison and are were awaiting trial at the time of writing.⁹
- 3.16 In December 2013, the sentences of 21 women, including 7 minors, in Alexandria, who held a protest opposing the removal of President Morsi in

⁷ Daily News Egypt, 99.3% of Egyptian women have suffered sexual harassment: report, 28, April 2013, <http://www.dailynewsegypt.com/2013/04/28/99-3-of-egyptian-women-experienced-sexual-harassment-report/>

⁸ The Guardian, 'Virginity tests' on Egypt protesters are illegal, says judge, 27 December 2011, <http://www.theguardian.com/world/2011/dec/27/virginity-tests-egypt-protesters-illegal>

⁹ Daily News Egypt, Hearing for Mansoura University detainees postponed, 8 February 2014, <http://www.dailynewsegypt.com/2014/02/08/hearing-mansoura-university-detainees-postponed-sunday/>

October 2013, were reduced. They had been found guilty of acts of violence and encroachment on public and private property. Those over the age of eighteen had their sentences decreased from 11 years to one, and the minors were placed on 3 months' probation.

(Attacks on Lesbian Gay Bisexual and Transgender Intersex (LGBTI) Activists)

- 3.17 Consensual same-sex conduct is not explicitly criminalised but police can arrest LGBTI persons on charges including prostitution and violating the teachings of religion in Egypt. Since the fall of President Mubarak, criticism of revolutionary groups has contained a sexual element with women participating often labeled as 'loose' and men labeled as 'homosexuals'.¹⁰ This was notably the case in descriptions of those camping in Tahrir Square during and after the 2011 uprising. Labeling protestors as lesbian or gay has been a tactic used by the governments of Mubarak, Morsi and the Supreme Council of the Armed Forces in what is likely an attempt to persuade public opinion that those protesting are not 'real' Egyptians.

4. Concerns involving harassment, threats and attacks against journalists and restrictions on the media

- 4.1 In 2013, Egypt was ranked the third most dangerous country for journalists in the world. Six journalists from government, opposition and international news sources were killed in 2013, bringing the total to nine since 2011.¹¹ One of those was killed while covering anti-Morsi protests on 29 June 2013, while seven others were wounded, and one raped. Both the security services and other citizens also attacked at least 40 reporters and photographers in July and August 2013. The military police are thought to have arrested or detained 80 journalists covering anti-government protests during this time. Four other journalists lost their lives during the raid on the Rabaa al-Adawiya and al-Nahda sit-ins on 14 August 2013, while several journalists were injured or detained.
- 4.2 On 3 July 2013, security forces raided and closed the Muslim Brotherhood satellite television channel Misr 25 along with three satellite channels, al-Hafiz, al-Nas, and Rahma, for their support of ousted President Morsi. The interim government accused the stations with incitement to violence.
- 4.3 On 3 September 2013, a court ruled that Al Jazeera's Egypt Channel - AJMM, the Brotherhood Channel and successor to Misr-25 – al Ahrar 25, and three other stations – al-Yarmouk, al-Quds, al-Aqsa were operating illegally. They

¹⁰ Pink News, Egypt: Police arrest 14 men in Cairo for 'homosexual acts' at medical centre, 13 October 2013, <http://www.pinknews.co.uk/2013/10/13/egypt-police-arrest-14-men-in-cairo-for-homosexual-acts-at-medical-centre/>

¹¹ Committee to Protect Journalists, Attacks on the Press: Egypt, <http://cpj.org/2014/02/attacks-on-the-press-in-2013-egypt.php#more>

were subsequently banned. Al Ahrar 25 and AJMM had provided coverage of the pro-Morsi demonstrations and protests.

- 4.4 Three Al Jazeera English journalists, producers Mohammed Fahmy and Baher Mohamed and Australian correspondent Peter Greste, were arrested on 29 December 2013 in the Cairo Marriott Hotel and later charged with joining a terrorist organization, broadcasting false information and working in Egypt without permits. These charges carry prison sentences ranging from five to 15 years. The defendants' trial has since been postponed until the end of March 2014 and at least 17 other journalists and opposition figures face similar charges in the same case.
- 4.5 The Morsi era also saw incursions on press freedom following the hard won gains of the 2011 uprising: repressive laws were extended to include religious insult and there was an increase in blasphemy prosecutions. Blogger Alber Saber was sentenced to three years for religious insult after allegedly posting video clips on Facebook that insulted the prophet Mohammed.

5. Recommendations to the Government of Egypt

- 5.1 The Coalition calls on the Government of Egypt to operate in accordance with the rights enshrined in the ICCPR and the UN Declaration on Human Rights Defenders. At a minimum, the following conditions should be ensured: freedom of association, freedom of expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding both overseas and internally, and the state's duty to protect its citizens from torture and inhuman or degrading treatment. In light of this, the following specific recommendations are made.
- 5.2 **Regarding legislative restrictions and policy decisions on the freedoms of expression, association and peaceful assembly, the Government of Egypt should ensure:**
 - The draft Law on Civic Organizations, including any restrictions on foreign funding, is withdrawn.
 - The draft Anti-Terrorism Law is withdrawn.
 - The Law on the Right to Public Meetings, Processions and Peaceful Demonstrations should be repealed and the right to the freedoms of expression and assembly respected.
 - The government's designation of the Muslim Brotherhood as a terrorist organization should be appealed and an independent commission of inquiry established to examine the evidence used to substantiate this designation.

- Efforts should commence to put in place “enabling legislation” for civil society groups to operate in line with international human rights standards with due protections for the freedoms of expression, association and peaceful assembly.

5.3 Regarding threats to civil society activists, human rights defenders and journalists

- Those suspected of holding dissenting opinions, civil society activists and journalists should be unconditionally released and their cases duly reviewed in accordance with international human rights law and constitutional protections.
- Detentions of, and threats against, those suspected of holding dissenting opinions, civil society activists and journalists should be publicly condemned by senior government officials and the security forces to end the culture of harassment among security services directly responsible for many of the detentions, disappearances and threats outlined in this submission.
- Impartial and effective investigations into all cases of attack, harassment, intimidation and disappearance of those suspected of holding dissenting opinions, civil society activists and journalists should be conducted and perpetrators should be brought to justice.
- Families of detainees who have been placed in arbitrary detention for their suspected opinions or activism should be informed about their whereabouts and state of health while efforts should be made to ensure regular contact and communication.
- Access should be given to the International Committee of the Red Cross to visit prisons in Egypt and to monitor the conditions of those civil society organisers, human rights defenders and journalists detained.
- Un-restricted access should be given to an independent commission of inquiry to investigate the deaths of demonstrators during the 2011 uprising and to compel officials to testify on the events that took place.
- Un-restricted access should be given to an independent committee of inquiry to investigate the deaths of demonstrators during and since the ousting of President Morsi, in particular into the deaths and injuries Rabaa al-Adawiya and al-Nahda on 14 August 2013, and to compel officials to testify on the events that took place.

- A process of transitional justice should be set up to establish trials for the perpetrators of violence and death during the 2011 uprising, and during the ouster of President Morsi and the violence that followed; truth commissions should be established; reparations for victims should be made and the reform of corrupt institutions instigated.

5.4 Regarding the use of force to quell protests

- Security forces in charge of crowd control should be equipped with non-lethal weapons and provided training across the board on “humane means of crowd control” as well as on the UN Basic Principles on the Use of Force and Firearms.
- Every case of injury caused to protestors by security forces should be subjected to a mandatory and transparent investigation by an independent commission.
- The use of live ammunition on peaceful protesters should be immediately stopped.

5.5 Regarding access to UN Special Procedures and Mandate Holders

- A standing invitation should be extended to all UN Special Procedures, in particular, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on Human Rights Defenders, the Special Rapporteur on Arbitrary Detention, the Special Rapporteur on Freedom of Expression, and the Special Rapporteur on Freedom of Peaceful Assembly and Association.