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Human rights situations that require the Council's attention

Joint written statement* submitted by the Cairo Institute for Human Rights Studies - CIHRS, the Egyptian Organization for Human Rights - EOHR, the Center for Egyptian Women's Legal Assistance, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[24 August 2011]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The campaign by the government of Egypt and the Supreme Council of the armed forces against civil society organizations and human rights defenders in Egypt**

The Cairo Institute for Human Rights Studies (CIHRS), in cooperation with 40 Egyptian organizations, express their grave concern regarding the organized campaign by the Egyptian authorities against Egyptian civil society organizations.¹ This campaign aims to discredit these groups by branding them as foreign agents because of the foreign funding that they receive.

It is believed that these accusations are a reaction to the role of Egyptian civil society, particularly human rights defenders, in exposing violations committed by the Supreme Council of the Armed Forces (SCAF). Recently, civil society groups have publicly exposed several abuses perpetrated by the military police, including the practice of forced virginity tests on 17 female protesters arrested in Tahrir Square and detained in military police facilities in April 2011; the use of excessive force against demonstrators to end a sit-in in Tahrir Square; and the prosecution of civilians in military trials that lack due process. Civil society organizations have also worked with the families of those killed and injured during the 25 January Revolution to claim their rights.

Among the increasingly harsh measures taken by the Egyptian authorities against Egyptian civil society to hinder its work are the following:

1. Existing legal and administrative restrictions to NGOs' work

The existing non-governmental organizations (NGO) law 84/2002 puts civic associations under the control of the state and the security apparatus.² Under Articles 6 and 8 of this law, civic associations can only be formed upon the approval of the Ministry of Social Solidarity. Article 34 of the same law also gives the Ministry of Social Solidarity and the

** The Arab Program for Human Rights Activists, Association of Researchers in Egyptian Universities and Institutes, Egyptian Association for the Support of Democratic Development, Egyptian Association for Participation and Sustainable Development, Egyptian Association for Community Participation Enhancement, Supporters of Justice for Human Rights, Port Fouad Association for the Family and Children, the Human Rights Association for the Assistance of the Prisoners, Center for Trade Union and Workers' Services, Arabic Network for Human Rights Information, Alternative Development Association, Better Life Foundation, Arab Foundation for Civil Society and Human Rights Support, Egyptian Foundation for the Advancement of Childhood Conditions, New Woman Foundation, Women and Memory Forum, Association for Freedom of Thought and Expression, Awlad al-Ard Center for Human Rights, Egyptian Initiative for Personal Rights, "United Group, Attorneys at law, Legal Researchers & Human rights advocates," Human Rights Legal Aid Group, Women's Group for Human Rights, Ishraqa Center for Women's Rights, Ard Center for Human Rights, South Center for Human Rights, Arab Center for Development & Human Rights, Cairo Center for Development, Egyptian Center for Development and Human Rights, Egyptian Center for Economic and Social Rights, Andalus Center for Tolerance and Anti-Violence Studies, Freedom Center for Political Studies and Human Rights (Port Said), Hisham Mubarak Law Center, Appropriate Communications Techniques for Development, Egyptians Against Religious Discrimination, Arab Penal Reform Organization, Nazra for Feminist Studies, and Egyptian Democratic Academy, NGOs without consultative status, also share the views expressed in this statement.

¹ Missing footnote text from original text

² For more information about the NGO law, see "Nahw qanun dimuqrati li-tahrir al-'amal al-ahli: dirasa maydaniya wa qanuniya," a study prepared by the CIHRS and the Egyptian Human Rights Organization.

security apparatus the right to object to board elections within civic associations and to disqualify candidates for the board. Article 42 of the law grants extensive authorities to the Minister of Social Solidarity to dissolve NGOs. Although justification must be given, the legal grounds are formulated in broad terms that ensure ample room for maneuver for the Minister. Article 17 stipulates that approval of the ministry is required for an association to receive any grant whether locally or from overseas.

It was expected that, after the revolution, the Egyptian authorities would take measures to free NGOs from the grip of the state. Instead, the Egyptian authorities continue restricting the work of NGOs. A recent example is the case of the New Woman Foundation, where the Ministry of Social Solidarity rejected the Nelson Mandela Award, which the Foundation had received from the World Alliance for Citizens (CIVICUS). In an official letter dated 15 June 2011, the Ministry provided the following justification:

“The objective of the project is to advocate for the issuance of an NGO law that conforms to international standards. The issuance of laws does not fall within the civil societies’ competencies or activities, but falls within the competencies of the legislative authority. However, the association may debate the law and submit an opinion and proposals as part of the consultations conducted on this matter.”

To conclude, the letter stressed the need for the association to “prepare a new proposal for [the Ministry’s] consideration, with logical activities that conform to the nature of the work of civic associations and brings genuine benefit to society.”

2. The creation of a governmental fact-finding to investigate funding of civil society organizations

In early July 2011, it was announced that the Prime Minister had formed a committee, headed by the Minister of Justice, to investigate the foreign funding of civil society groups.³ The creation of such a committee suggests that several organizations would be charged and prosecuted. Although the committee was due to submit its report in late July, the report has not appeared to this date. Instead, the committee is being utilized as another tool in the media campaign against NGOs.

3. Egyptian central bank to monitor NGO bank transactions

On 7 August 2011, the Minister of Social Solidarity announced that he had requested the Egyptian Central Bank to keep him informed of all bank transactions on accounts held by NGOs.⁴ This is a flagrant breach of account confidentiality as upheld by Law 88/2033 on the Central Bank, Banking System, and Money, which explicitly guarantees the confidentiality of accounts and places conditions on disclosure to state institutions. To date, no criminal charge had been brought against any civic association, which is the only case in which it is lawful to breach account confidentiality. In all cases, it is prohibited to disclose account information by an administrative executive order.

³ “al-Hukuma tushakkil lajnat taqassi haqa’iq hawl tamwil munazzamat al-mujtama’ al-madani,” al-Masry al-Yom, July 12, 2011, <<http://www.almasryalyoum.com/node/476668>>.

⁴ “al-Markazi yatlub min al-bunuk iblaghahu bi-l-ta’amulat al-masrafiya li-munazzamat al-mujtama’ al-madani,” al-Ahram online, Aug. 4, 2011, <<http://bit.ly/ozua96>>.

4. Reports of investigations by the Supreme State Security Prosecution⁵ into the receipt of foreign funds by several civil society organizations

On 8 August 2011, a news article was published⁶ stating that the Supreme State Security Prosecution had launched an investigation into foreign funds received by several civil society groups, noting that they would face charges of high treason, conspiracy against Egypt, and the compromise of national security through the implementation of 'foreign agendas'.

It is noteworthy that the Supreme State Security Prosecution is part of the exceptional judiciary in Egypt. It oversees investigations referred to the Supreme State Security Court, which was created under the Emergency Law. This court lacks neutrality and its verdicts cannot be challenged on appeal, as per Article 12 of the same law.⁷

5. Incitement to hatred and violence

The abovementioned measures taken serve to make Egyptian society wary of these groups and of their objectives, and to undermine their work in exposing human rights violations. These provocative allegations are an incitement to hatred against civil society associations and carry the threat of some form of violence in the future.

6. An imminent threat

The SCAF has also participated in the campaign against civil society organizations, as in communiqué no. 69 issued on July 23, 2011, which explicitly accused the April 6th Youth Movement of attempting to drive a wedge between the people and the army and of implementing a "special agenda" with the objective to sow strife.⁸ This was followed by communiqué no. 70, issued the same day, in which the SCAF called on the Egyptian people to thwart all the plots of "agents and malevolent individuals" creating a rift between the people and the army.⁹

On 14 August, activist Asmaa Mahfouz, a former leader of the April 6th Movement, was summoned for questioning by the Military Prosecution due to an opinion she published on her personal Facebook page. She was accused of inciting violence, and intentionally and publicly insulting the SCAF. She was released on a bail of 20,000 EGP (approximately 3,350 USD).

There is a risk that charges may be raised against activists critical of the military trials and other abuses perpetrated by the armed forces. Should that occur, these activists would not receive a fair trial, as they are likely to be referred to the Supreme State Security Court. These trials would serve only as a formality, the purpose of which would be to curb the Egyptian human rights movement.

⁵ The Supreme State Security Prosecution is part of the exceptional judicial system in Egypt. It was established under emergency law (Law 162/1958).

⁶ "Niyabat amn al-dawla tuhaqqiq fi husul ba'd al-munazzamat al-ahliya 'ala tamwil khariji," Akhbar al-Yom online, July 31, 2011, <<http://bit.ly/peCgMG>>, and "Niyabat amn al-dawla tabda' al-tahqiq fi talaqqi munazzamat mujtama' madani tamwilat min al-kharij," al-Ahram online, Aug. 8, 2011, <<http://bit.ly/q6X1Hd>>.

⁷ For more information on the Supreme State Security Court, see report by Martin Scheinin, the special rapporteur on the promotion and protection of human rights and fundamental liberties while countering terrorism, of Oct. 14, 2009, pp. 12-13.

⁸ The communiqué can be found on the SCAF official Facebook page at <<http://on.fb.me/o852Q7>>.

⁹ The communiqué can be found on the SCAF official Facebook page at <<http://on.fb.me/onRosh>>.

Recommendations

The undersigned organizations condemn the measures taken by Egyptian authorities against Egyptian civil society, and calls on the Human Rights Council and the relevant Special Procedure mandate holders to call on the Egyptian authorities to:

1. End the targeting and harassment of civil society groups, particularly those working in the sphere of human rights, and ensure an end to all forms of pressure, which has a negative impact on their work in defense of human rights and liberties.
 2. Comply with its obligations under Article 22 of the UN Covenant on Civil and Political Rights the Declaration on Human Rights Defenders.
 3. Review relevant national legislation and revise the NGO law with the purpose of freeing civil society from the grip of the Egyptian state, and to ensure that these laws are compliant with international law and treaties to which Egypt is a party.
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