

3 April, 2013

Joint Appeal by Egyptian Human Rights Organizations to the UN OHCHR

Joint Appeal by 22 Organizations

Ms. Navanethem Pillay
United Nations High Commissioner for Human Rights

Madam High Commissioner,

The opening of a regional OHCHR bureau in Cairo has been a key demand of the Egyptian human rights community and was included in a [100-day plan](#) sent to President Morsi by Egyptian NGOs when he first assumed office. Prior to this, the demand had also been presented by rights groups to the Supreme Council of the Armed Forces (SCAF) in February 2011. It is with this general support from the Egyptian human rights community for such an office that we would like to make the following points.

The undersigned 22 Egyptian human rights organizations are extremely concerned at the increasing severity and regularity of human rights violations being committed by the current Egyptian government (see below). During the [first nine months](#) of the current president's term, Egypt has witnessed increasing attacks on the independence of the press, the judiciary, and civil society, with many of these threats originating from the president's office or from the ruling party, of which he is a member. In particular, the current government is close to passing a proposed NGO law, which would become the most repressive law regulating civil society in the history of Egypt. The passage of this law would threaten the very existence of independent civil society organizations within the country and would be particularly detrimental to human rights groups.

We fear that the Egyptian government has on various occasions attempted to use the promise of allowing an OHCHR regional office to open in Egypt as (1) a point of leverage to dissuade the OHCHR from firmly and consistently criticizing grave rights violations within the country, and (2) as a means to distract the Egyptian public and the international community from these violations.

In light of the above, the undersigned organizations recommend that the OHCHR carry out the following steps during its negotiations with the Egyptian government concerning the opening of this office:

- Insist on establishing clear rules to permit its office in Cairo to operate freely, including to engage with Egyptian human rights groups and international organizations in Egypt.
- Ensure that the memorandum of understanding between the OHCHR and the Egyptian government allows the regional office to include a staff member that would be able to monitor and report on violations of human rights in Egypt to the OHCHR and other relevant entities.
- Insist that civil society organizations within Egypt be allowed to freely operate under a legislative framework that complies with international standards and to maintain contacts with international agencies regarding human rights violations in Egypt without being subjected to retaliatory measures or reprisals.

- Send a team of senior UN officials to Egypt in order to:
 - Assess the human rights challenges in Egypt and explore ways to promote human rights in the country;
 - Assess the conditions of human rights defenders and civil society in Egypt in light of existing or proposed restrictions on their activities, both in law and practice;
 - Speak with human rights organizations in Egypt about what the OHCHR can do to help ensure the government begins to respect internationally recognized rights, as enshrined in international conventions ratified by the Egyptian government. The team should submit its report and recommendations to the OHCHR and make them publicly available.

Human Rights violations in Egypt currently include:

Attacks on the Judiciary

The president and senior officials affiliated with the ruling party have dismissed court rulings as politicized, and their supporters have surrounded the Supreme Constitutional Court to prevent it from operating and to influence its decisions. This has occurred in collusion with the related ministries and state authorities.

Repressing Freedom of Association

Several laws have been drafted which will - if passed - introduce restrictions even more repressive than those seen prior to the January 25 Revolution. One of these draft laws is the new NGO law proposed by President Mohamed Morsi and his Freedom and Justice Party (FJP), which seeks to eliminate space available for independent civil society to work by nationalizing civil society organizations, considering funds of civic associations to be public funds and their staff to be employees of the state. Such provisions would essentially turn NGOs into quasi-governmental associations or government adjuncts. Furthermore, for the first time in Egypt's history, the law explicitly gives the security establishment the power to approve or deny funding for domestic organizations. In essence, the security establishment – a principal perpetrator of human rights abuses in Egypt – will be able to influence the nature of the activities of organizations that monitor these abuses, including by controlling their sources of funding. For these reasons, three UN special rapporteurs issued a joint statement [asking the Shura Council not to pass the law](#) because it contains “serious shortcomings” and does not comply with international standards. Worryingly, the Shura Council has already given its initial approval to this bill, a step which is procedurally unclear in the process of enacting the law.

The undersigned organizations note that even prior to the official adoption of this bill, the authorities have already begun to apply some of its provisions. Recently, the prime minister banned Egyptian organizations from participating in any research projects, opinion polls, or field studies in cooperation with any international entities—including UN bodies—without prior consent from the security establishment.

Restricting Freedom of Expression and the Media

During the first 100 days of President Morsi's term, the media and the press were subjected to political attacks by the president and top FJP leaders. Supporters of the Muslim

Brotherhood stormed the Media Production City three separate times,¹ during which they physically assaulted media personalities, journalists, rights advocates, and artists. In addition, [the office of the presidency and persons close to the ruling party](#) filed complaints against several journalists known for their criticism of the president, based on accusations of “insulting the president.”

Correspondents, editors, and journalists risk assault and even death while performing their jobs. On December 5, 2012, while covering the events at the [Ittihadiyya Presidential Palace](#), journalist al-Husseini Abu Deif was shot and later died on December 12. During protests in front of the Muslim Brotherhood’s main office on March 16, 2013, more than [20 journalists](#) were [assaulted](#) in ways that suggest that they were specifically targeted. Later that same month, several administrators of opposition social media sites were shot in the head and killed.

Violations to the Right to Peaceful Assembly

In addition, the right to peaceful assembly and protest continues to be frequently violated, as demonstrators have been systematically targeted and subjected to physical and sexual assaults. Police forces continue to use lethal force during demonstrations and protests, as seen in the city of [Port Said](#) from January 26-28, 2013, when police forces killed more than 40 people.² On a number of occasions, gang rape has targeted female demonstrators, and the effect has been the marginalization of women from participation in peaceful protests. Moreover, the government has presented a draft law to the Shura Council which would restrict the ability of citizens to demonstrate peacefully and which contradicts [international human rights standards](#). Rather than protect the right of citizens to hold peaceful protests, [this law would give more power to the police to use force](#) to disperse protestors based on broad, vaguely defined reasons.

Impunity

These abuses are taking place amid the absence of transparent legal instruments for accountability. The perpetrators of most of these crimes have not been apprehended, nor have serious investigations been conducted. Instead, the [Public Prosecution has acted to protect policemen](#) from any criminal accountability. For example, on August 2, 2012, the Public Prosecution referred 51 residents of Ramlat Boulaq to criminal court for gathering after their neighbor was willfully murdered by a policeman guarding an area hotel; the officer who killed the citizen was not referred to trial. The issue of impunity has become even more problematic following the president’s illegal appointment of a new public prosecutor. This prosecutor has acted to shield supporters of President Morsi accused of violence and assaults from legal review.³ During the events at the Ittihadiyya Presidential Palace, the Attorney General for the East Cairo Prosecution announced that he had been ordered by this new public prosecutor to hold anti-Morsi demonstrators - who had been detained and tortured by the president’s supporters near the palace walls - despite the lack of evidence against them. In his statements and speeches, the president has explicitly urged police forces to use additional force and encouraged them to [persevere](#) in their current way of carrying out their duties, while at the same time threatening members of the opposition, whom he describes as

¹ The first time was in [August 2012](#), the second in December 2012, and finally in March 2013.

² For further details on the events of Port Said, see the report put out by four rights organizations (Cairo Institute for Human Rights Studies, Egyptian Initiative for Personal Rights, Alkarama, and Human Rights Watch): <http://www.cihrs.org/?p=6021&lang=en>

³ He was appointed in a [constitutional declaration](#) issued by the president in November 2012.

“agitators.”

Increased Violence

In light of the absence of the rule of law, rampant impunity, the executive’s direct and indirect interference in judicial matters, and the use of violence by supporters of the ruling party, Egypt is sliding into a spiral of violence and counter-violence and showing characteristics of a failed state. The violence that occurred at the [Ittihadiyya Presidential Palace](#) on December 5-6, 2012, as well as the violent responses which took place at the Muslim Brotherhood’s office in Muqattam on March 16 and 22, 2013, are worrying signs of growing civil conflict.

Madam High Commissioner, we urge you to take action to ensure that our requests are respected during your office’s negotiations with the Egyptian government. As you recently highlighted before the UN Human Rights Council, without free and independent human rights organizations human rights will not progress sufficiently. As such, we believe that the OHCHR office in Egypt should be founded in a manner that ensures the continued vitality of the Egyptian human rights community. We urge you to take seriously the unprecedented threats currently being leveled at their ability to continue to function properly and maintain their independence.

With assurances of our highest consideration,

Signatory organizations

- 1. Cairo Institute for Human Rights Studies**
- 2. Egyptian Coalition for the Rights of the Child**
- 3. Egyptian Association for the Enhancement of Community Participation**
- 4. The Human Rights Association for the Assistance of the Prisoner**
- 5. Arabic Network for Human Rights Information**
- 6. Egyptian Initiative for Personal Rights**
- 7. The Land Center for Human Rights**
- 8. Egyptian Center for Economic and Social Rights**
- 9. The Egyptian Center for Women’s Rights**
- 10. Andalus Institute for Tolerance and Anti-Violence Studies**
- 11. Habi Center for Environmental Rights**
- 12. Center for Egyptian Women’s Legal Assistance**
- 13. The Hesham Mobarak Law Center**
- 14. Appropriate Communications Techniques for Development**
- 15. Masriyun against Religious Discrimination**
- 16. Arab Penal Reform Organization**
- 17. The Egyptian Organization for Human Rights**
- 18. New Woman Foundation**
- 19. Egyptian Foundation for the Advancement of Childhood Conditions**
- 20. Association for Freedom of Thought and Expression**
- 21. Nazra for Feminist Studies**
- 22. The Arab Center for the Independence of the Judiciary and the Legal Profession**