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مركز القاهرة لدراسات حقوق الإنسان

**Attention:**

**United Nations Secretary-General, His Excellency Mr. Ban-Ki Moon**

*22 January 2014*

## **On Human Rights, Peace and Security, and the Need to Protect Human Rights in the Arab Region:**

*A memo submitted by the Cairo Institute for Human Rights Studies (CIHRS) to the UN Secretary-General based on the talking points of Mr. Bahey eldin Hassan, Director of CIHRS, in his meeting with the Secretary-General which took place in New York on January 7, 2014*

The Arab region is experiencing an unprecedented situation which directly threatens one of the primary purposes of the UN, which is “maintaining international peace and security.” The protection and promotion of human rights is a central theme in this mission.

The main features common across several countries in the Arab region are:

- Several countries are witnessing recognized or unrecognized forms of civil war and internal armed conflict: Syria, Sudan, South Sudan, Iraq, Yemen and Libya.
- Several countries are witnessing an escalation of terrorist activities by national or/and global organizations: Egypt, Iraq, Syria, Yemen, Tunisia, Lebanon, Palestine and Libya.
- Some countries are witnessing an escalation of political violence (including political assassinations and/or extrajudicial killings in the context of protests and unrest) and increased violent repression: Syria, Iraq, Egypt, Yemen, Sudan,

South Sudan, Tunisia, Lebanon, Libya, Bahrain and Palestine (by Israeli occupation and Palestinian authorities of West Bank and Gaza).

- Most countries of the region suffer from gross systematic violations of human rights. It is almost inconceivable that 14 years into the 21 century Qatar, the UAE, Saudi Arabia, and Bahrain, among others, refuse to sign the International Covenant on Civil and Political Rights as well as the International Covenant on Economic, Social, and Cultural Rights.
- The regional intergovernmental organization that is the League of the Arab States (LAS) remains incompetent and highly ineffective in addressing the mounting security challenges in the region. The LAS also lacks a properly functioning mechanism to protect and promote human rights in the region and remains largely inaccessible to independent civil society in the areas of human rights and security.

In this context, the UN is obliged to respond to this unique and interdependent situation which threatens its core purpose. The Arab region is in desperate need of principled and balanced involvement by actors capable of helping to shape its future. The UN and, more specifically, the office of the Secretary-General (SG) is in a unique position to do so. In fact; there is no other party who has the publicly accepted impartiality of the UN and SG. Moreover, statements made by the SG regarding the subsequent developments in the region during the last 3 years have demonstrated accuracy, objectivity, a principled approach, and independence from concerned states.

I recommend that the UN and SG urgently respond to the current situation in the Arab region through the following steps:

- The office of UN SG and the Office of the High Commissioner for Human Rights (OHCHR) should give high priority and pay more attention to this evolving regional situation and to its potentially disastrous implications for international peace and security as well as for human and peoples' rights.
- The office of UN SG and the OHCHR should mobilize the necessary expertise and human and financial resources to carry out their responsibilities.
- The office of UN SG should establish a *Special Envoy on the Transition to Democracy in the Arab Region* and an advisory working group to develop dynamic and creative approaches to deal with this evolving crisis and to coordinate with other relevant UN offices.
- The missions of the UN offices in the region and their performance should be reviewed and assessed in the light of the evolving regional situation. The human rights component of UN offices should be prioritized. It is time to abandon the prevailing assumption that poverty and the lack of development are the primary causes of the poor human rights record of Arab states and of the instability, conflict, and prevalence of terrorist attacks in the region. Indeed, securing civil and political rights and addressing long-standing

repression have consistently proven to be at least as important as issues of development when it comes to achieving sustainable peace and security (ex: Libya, Syria, Bahrain).

- UN election monitoring missions in the region should not be exclusively technical. They must take into consideration the greater political and human rights context of the country where the election is taking place (including the media environment, state of freedom of expression, political violence, hate and xenophobic speech, religious and racial discrimination, etc.).

### **Thematic Issues of Importance:**

Given the unprecedented and persistent level of violations taking place throughout the entire region against **peaceful protestors**, the SG should call on the General Assembly (GA) to adopt a declaration on the guidelines and principles for the promotion and protection of human rights in the context of peaceful protests.

I thank the Secretary-General for his engagement on the issue of **reprisals and attacks against human rights defenders and persons who cooperate with the United Nations**, as well as its representatives and mechanisms in the field of human rights. I urge the Secretary-General to use his good offices to ensure stronger support for the **initiative to create a UN focal point on reprisals**, which, unfortunately, was recently deferred by the GA.

The issue of reprisals is particularly problematic in the Arab region and especially in the Gulf, where reprisals are carried out systematically against almost any human rights defender who attempts to engage with the United Nations.<sup>1</sup> These attacks should be seen as attacks on the UN human rights system and not simply on human rights defenders.

In the same context of civil society's interaction with the UN human rights mechanisms, I encourage the Secretary-General to **propose ways and means to better ensure "transparency and fairness"**, as he himself has called for in previous reports to the UN Human Rights Council, in the decision-making of the NGO Committee of ECOSOC tasked with reviewing NGOs' applications to engage with the UN human rights mechanisms, either through a study or in his annual report on reprisals.

Additionally, many states throughout the world are currently following a "blueprint" for adopting **repressive NGO laws**, which are often highly similar. Unfortunately, there is no international "blueprint" to establish how legislation governing NGOs should respect the right to freedom of association. It is time for the SG to convene a task-force, along with the OHCHR and the Special Procedures of the Human Rights Council, to create such a **"blueprint" for laws governing the freedom of**

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<sup>1</sup> See "Cut Off From the World: Systematic Reprisals Against Human Rights Defenders in the Gulf Region for Engaging with the United Nations": <http://www.cihrs.org/wp-content/uploads/2013/02/Cut-Off-From-the-World-Systematic-Reprisals-Against-Human-Rights-Defenders-in-the-Gulf-Region-for-Engaging-with-the-United-Nations.pdf> at [www.cihrs.org](http://www.cihrs.org)

**association and the work of NGOs** and to find ways to promote its adoption by states on a national level, including through regional organizations.

### **Country-Specific Recommendations:**

- **Syria:** Conclusions of the Geneva II conference must neither award the violence of the regime nor the acts of terrorism by some opposition organizations. The SG might call upon Russia, Qatar, and Saudi Arabia to work together in order to develop an initiative to help secure the unconditional release of all detained and kidnapped non-combatant persons by combatant parties, including human rights defenders.
- **Bahrain:** The SG might call upon the “friends” of Bahrain (Saudi Arabia, the USA, and the UK) to work together on developing an initiative to bridge the widening political gap between the country’s Sunni-backed government and Shiite majority and to ensure stability and an immediate end to human rights violations against protesters and democracy activists as well as to the collective punishment of citizens in certain areas around Bahrain. He might also call for the implementation of the recommendations of the BICI, as well as for a timeline to be set for their implementation, and for the release of all political prisoners and human rights defenders.
- **Libya:** The SG should urge the Department of Peace-Keeping Operations, along with other relevant UN components, to uphold its responsibility to protect. The UN mission in Libya should assume a stronger disarmament role, and experts on disarmament who have worked with previous programs in Liberia and other countries should be sought to support this role.
- **Yemen:** Despite substantial UN investment and the deployment of an in-country special representative of the SG, Yemen has seen setbacks in the last few months which jeopardize recent achievements. The SG should call for a comprehensive assessment of the implementation of the Security Council-backed Gulf Initiative in Yemen.
- **Palestine:** The SG should issue an appeal calling upon all concerned parties to make 2014 the year in which a lasting and just solution to the Palestinian question is reached, based on the principles of international law and relevant UN resolutions.

### **Egypt:**

Egypt is the regional cornerstone in any initiative to maintain international peace and security. If Egypt fails to achieve democracy and stability, it will have a major negative impact on the mission of the UN in the whole region.

Due to the continuous failure of the subsequent governments since the revolution of January 25, 2011, Egypt has become increasingly unstable. The main features of the current situation are: a lack of political consensus, a continuous failure to reveal the truth about major events since the revolution began, the spread of hate and xenophobic speech and religious hatred, an escalation of political violence and terrorist acts, a lack of reform accompanied by the re-empowerment of the brutally repressive security bodies, and the consistent failure of the judiciary to bring to justice the perpetrators of massacres and other gross human rights violations committed both before and after the revolution. This continuous failure of the Egyptian judiciary to ensure accountability may require more robust forms of international accountability to be established.

Both before and after its revolution, Egypt has experienced the strong influence of the security sector on the performance of the public prosecutors. The last 6 months have demonstrated that the national security apparatus directs the day-to-day work of the public prosecution. The security apparatus no longer seeks clearance from the prosecution to detain any citizen; instead, authorization may be issued at any time following detention. If a detainee asks to see a warrant, he or she may be hit over the head with the butt of a gun, as was the case with well-known activist Alaa Abd al-Fattah and his wife. The situation was even worse when security forces raided the Egyptian Center for Economic and Social Rights on December 18, 2013: When the detained human rights workers asked to see the arrest warrant, they were brutally beaten in the Center and on the stairs of the three-story building where the Center's offices are located. When a police officer, who was with the National Security forces which were raiding the building, objected to the beating of a well-known attorney, he was also beaten by his colleagues and his clothes torn in public. Such is the fate that awaits any reasonable policeman, particularly in light of the security apparatus's obsession with revenge against the youth who symbolize the revolution. In one instance that clearly demonstrates the status of the security forces in Egypt, police officers killed 37 persons detained in a police vehicle, yet the prosecution merely referred them to a misdemeanors court; during the same period, the prosecution referred youth charged with "violating the demonstration law" to a criminal court!

The military intervened on July 3, 2013 to unseat President Mohamed Morsi in response to the popular demand which had been expressed on June 30 by millions of Egyptians taking to the streets. The military justified its action as a step to avoid a potential civil war. Since then, however, the possibility of sliding towards civil war has increased, and groups have been empowered not only to commit terrorist acts in Sinai but also to extend their operations into Cairo, the cities along the Suez Canal, and several other governorates in northern Egypt. Such groups have become emboldened enough to strike several headquarters of security and military targets across the country, killing several soldiers and officers nearly every day. The recent, unjustified decision of the government to classify the Muslim Brotherhood as a terrorist organization is a foolish step which is taking Egypt in the wrong direction. Acts of terror and statements by individuals don't justify the classification of the entire organizations as terrorist. This decision has the potential to indirectly lead to increased recruitment for terrorist groups and to push the country toward further instability and chaos, which could threaten to turn Egypt into a failed state.

## **Recommendations on Egypt:**

- The SG should put the full weight of his office behind the opening of a regional office of the OHCHR in Egypt that includes human rights monitoring and protection in Egypt as part of its mandate. The SG should follow the negotiations on this issue closely to ensure that they are completed in a timely manner.
- The SG should encourage the OHCHR to take a more proactive approach towards Egypt. The OHCHR must refuse to allow negotiations on a regional office of the OHCHR to silence it on violations taking place in Egypt.
- The SG should offer UN technical assistance to Egypt's Fact-Finding Commission for the period following June 30, 2013.
- The SG should call on the Egyptian government to guarantee the right to peaceful protest while ensuring justice for the victims of repression and political violence, to immediately release all peaceful political prisoners, and to put an end to the use of preventive detention as an instrument to punish political dissidents. Egypt's new assembly law should also be amended to make it consistent with international standards and Egypt's international obligations.
- The SG should call on members of the Muslim Brother to re-evaluate actions that have contributed to the current situation and to the further escalation of violence, including actions taken both while in government and from outside of the government. The Muslim Brotherhood must restrain members and supporters from using violence.