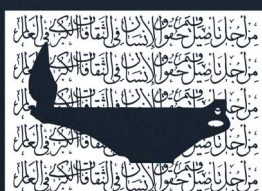
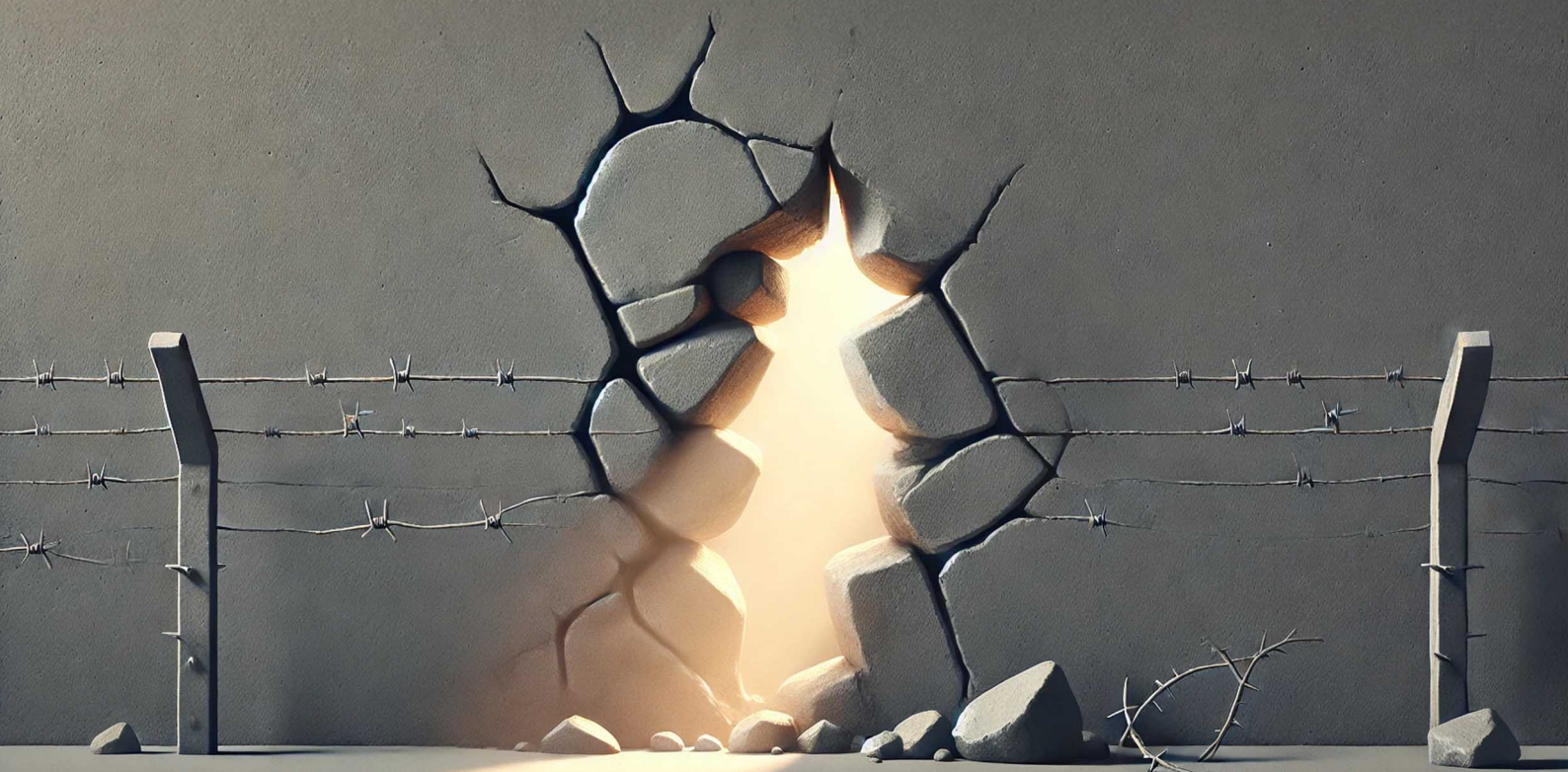


Freedom of Association in Egypt

UPR Session: 48th session of the UPR
(January 2025)

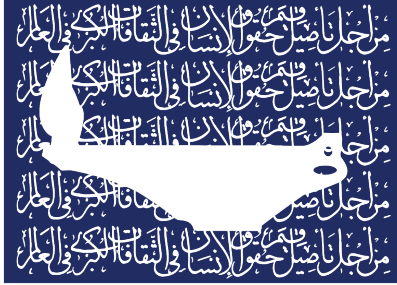


Cairo Institute
for Human Rights Studies

Institut du Caire pour les études des droits de l'Homme
مركز القاهرة لدراسات حقوق الإنسان

Submission by:

The Cairo Institute for Human Rights Studies (CIHRS)



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The Cairo Institute for Human Rights Studies (CIHRS) is an independent regional human rights organization established in 1994. For 30 years, CIHRS has maintained its presence as an effective organization based in the South (Egypt and Tunisia), with offices in some Northern countries (Switzerland, Belgium and France). It takes pride in its role of breaking barriers between peoples of the North and South by promoting transnational cultural and human rights cooperation. CIHRS builds the capacity of human rights organizations and forms coalitions and networks, striving for better representation in international human rights mechanisms that influence policies towards human rights and democracy issues in the Arab region.

CIHRS enjoys special consultative status at the United Nations Economic and Social Council.

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Freedom of Association in Egypt

General context for freedom of association in Egypt

1. During Egypt's 2019 Universal Periodic Review (UPR), the government received dozens of recommendations on freedom of association, the situation of human rights defenders, and civic space, including to rescind repressive laws and align legislation with Egypt's international human rights obligations, and to investigate and hold accountable perpetrators of threats, reprisals, and other acts of violence targeting rights defenders and journalists.¹
2. Although the government announced several initiatives to improve human rights, including for independent civil society and human rights defenders (HRDs), the human rights situation in Egypt has continued to deteriorate with the drastic expansion of draconian legislation to repress dissent and opposition, especially targeting HRDs and independent civil society. Rights advocacy in Egypt now entails acute risk of arbitrary detention, torture, forced disappearance, and prolonged imprisonment. HRDs and their family members (who are at times targeted in retaliation for their relative's activism) continue to pay the price of the Egyptian government's determination to eradicate independent civil society and genuine human rights reform.
3. Human rights defenders in Egypt are targeted for exercising their right to association. Law 149/2019 on regulating civil work, Law 94/2015 on countering terrorism, Law 8/2015 on terrorist entities, and Egypt's Penal Code constitute the primary legislation used to restrict civil society work, arbitrarily detain and

imprison HRDs, ban them from travel, and freeze their assets. Extralegal measures are also used to punish and intimidate HRDs, including torture while in custody, assault, government-sponsored media smear campaigns, and death threats. The erosion of judicial independence has also critically stricken free association and the situation of human rights defenders. Egypt's judiciary has become instrumental to punishing HRDs while judicial authorities routinely ensure impunity for crimes committed by security forces against HRDs.

Law on Regulating Civil Work

4. In 2017, President Abdelfattah al-Sisi ratified Law 70/2017 regulating civic work. The draconian law contravened Egypt's constitution and international obligations, coming under heavy criticism from independent civil society and the international community.²
5. To counteract increasing criticism of Egypt's human rights record, Law 70/2017 was replaced by Law 149/2019.³ The new law effectively eliminates civil society independence by ensuring that civil society organizations (CSOs) cannot operate without constant and direct interference from Egyptian authorities.
6. Article 14 of Law 149/2019 limits CSOs' work to that aimed at the 'development of society' while 'taking into account state development plans'. The implementing regulations do not define societal development, leaving the law open to interpretations that could be used to deny legal status to CSOs or suspend their operations on the grounds of nonalignment to state development plans or lack of societal need for a particular CSO's activities.

7. Article 15 explicitly bans CSOs from conducting polls or field studies without state officials' approval and uses broad and malleable terms to restrict civil society such as 'public order', 'public morality', 'national unity' and 'national security'.⁴
8. The law established an administrative unit within the Ministry of Social Solidarity to oversee and monitor CSOs. Unit representatives designated by the ministry may enter CSO premises to review all its documentation and activities, under Article 75 of the law.⁵ The law also facilitates ministerial challenges to the candidacy of CSO board members.^{6, 7}
9. Under Article 45 the competent minister is authorized to suspend operations of an organization or shutter its offices for up to a year on grounds such as launching civic campaigns or initiatives without a permit, opening a new office without notifying the ministry, or engaging in activities not listed in the organization's statute.
10. Article 19 prohibits local CSOs from engaging in any form of cooperation with foreign organizations in Egypt or abroad without prior approval from the competent minister and the Administrative Unit. Article 72 prohibits employment of foreign staff at any level without ministerial authorization.
11. The law requires prior authorization for the dispersal of funds received from abroad to CSOs, enabling the ministry to deny the funds. If denied, funds must be returned within five days, rendering it effectively impossible to appeal the decision.⁸ The grounds for denial are not enumerated by the law, leaving it to the ministry's discretion.

12. Law 149/2019 treats CSO assets as public funds (Article 23), meaning that in criminal matters, CSO employees are treated as public officials. In turn, they are subject to harsher penalties for financial malfeasance, up to life imprisonment.
13. While Law 149/2019 severely undermines the independence of CSOs, an array of other laws and practices are deployed to restrict and demobilize activists and HRDs. For example, Article 78 of the Penal Code, amended in 2014 by presidential decree, uses vague terminology allowing for sentences of up to life imprisonment on the basis of receiving foreign funding.⁹
14. **Case 173/2011** exemplifies how the weaponization of legislation against civil society. Case 173 originally targeted international human rights organizations and their staff on charges of operating an unregistered organization and receiving unauthorized foreign funding. 43 Egyptian and foreign staff of the international organizations were sentenced to between 1–5 years in prison in 2013 (the verdict was overturned in 2018).
15. In 2016, Case 173 was expanded to include Egyptian organizations. Over 30 Egyptian human rights defenders were banned from traveling, and nearly a dozen staff and their organizations had their assets frozen. These included the Cairo Institute for Human Rights Studies, the Egyptian Initiative for Personal Rights, the Arab Centre for Independence of Judiciary and Legal Profession, the Arab Network for Human Rights Information, Nazra for Feminist Studies, Hisham Mubarak Law Center, and the Egyptian Centre for the Right to Education.
16. After eight years under travel bans and asset freezes instituted by Case 173, the investigation was closed against most Egyptian organizations. Nevertheless, the assets remain frozen of some employees no longer under investigation, including Azza Soliman. Although the government's allegations were proven unfounded, neither an official apology has been issued nor reparations made. The Arab Centre

for the Independence of the Judiciary and Legal Profession remains under investigation in a politicized offshoot of Case 173/2011, while some HRDs who were cleared from Case 173 still face prosecution in other politically-motivated cases, including Mohamed Zaree of CIHRS, who faces a spurious tax evasion case.¹⁰

17. Egypt's counterterrorism framework is vital to the government's aim of punishing human rights defenders and raising the cost of civic work; forced disappearances, torture, and long prison sentences accompany the use of counterterrorism legislation against members of civil society and activist communities.

Counterterrorism Legislation

18. Egypt received recommendations on counterterrorism in its 2019 UPR, including to align counterterrorism legislation with international standards and repeal repressive legislation, including Law 94/2015 on countering terrorism.¹¹ In defiance of these recommendations, Law 94 was amended in 2021 to be more draconian, granting exceptional powers to the President.¹²
19. Law 94, issued in 2015 by presidential decree, uses ambiguous and broad terminology to define terrorism and enables security forces to commit with impunity the crimes of torture, enforced disappearance, and extrajudicial killing.¹³
20. President Sisi also issued by decree Law 8/2015, regulating the government's terrorist entity list. The law enables the prosecutor to request that the criminal court list individuals or groups—without due process—as terrorist. Inclusion on the

terrorist list arbitrarily freezes a person's assets and bans them from travel. HRDs listed as terrorist include Mohamed al-Baqer, Hoda Abdelmoniem, Ezzat Ghoneim, and almost 20 employees of the Egyptian Coordination for Rights and Freedoms.

21. In 2013, the justice minister issued Decree 10412/2013, designating five felony court circuits ostensibly for terrorism and national security cases (although their jurisdiction is ambiguously defined). With unfettered discretion, the authorities can directly assign cases to terrorism circuits, resulting in the arbitrary transfer of cases from their courts of original jurisdiction to terrorism courts. With the expansion of counterterrorism legislation, such as the 2014 Penal Code amendments and the 2015 Counter-Terrorism Law, terrorism circuit courts have effectively become weapons to target HRDs.
22. Ibrahim Metwally, coordinator of the League for the Families of the Disappeared, has been prosecuted for nearly seven years in one sham case after another, with the aim of keeping him behind bars in reprisal for his cooperation with UN mechanisms.¹⁴ Metwally was arrested in 2017 while traveling to Geneva to attend a meeting with the UN Working Group on Enforced Disappearance.¹⁵ His detention has been continually renewed by a terrorism circuit court.¹⁶
23. Coptic Christian activist Ramy Kamel was arrested in November 2019, days before he was to travel to Geneva to participate in the UN Forum on Minority Issues. Kamel was charged with terrorism crimes under Case 1475/2019. Over two weeks before his arrest, Kamel was beaten, tortured, and threatened to cease his activism after a non-official National Security investigation.¹⁷ The case remains open despite Kamel's release after over two years in pretrial detention. Similar cases include those of Mohamed Ramadan, Amr Imam, and Patrick Zaky.¹⁸

24. In June 2020, security forces arrested five cousins of Egyptian-American human rights defender Mohamed Soltan in retaliation for Soltan's filing of a case in the US against a former Egyptian prime minister for torture and violations while he had been imprisoned in Egypt.¹⁹ His cousins were forcibly disappeared for two days before being charged with 'joining a terrorist organization' and 'spreading false news'. Soltan's father Salah, imprisoned since 2013 and currently held incommunicado, is subjected to worsening conditions, including denial of urgent medical care.²⁰
25. In March 2023, 29 HRDs from the Egyptian Coordination for Rights and Freedoms, charged with terrorism crimes, were sentenced by an Emergency State Security Court to between five years and life in prison and were also placed on the government's terrorist entities list. Over a dozen of those convicted had been held in unlawful pretrial detention since 2018, including Ezzat Ghoneim, Hoda Abdelmoniem, Aisha al-Shater, and Mohamed Abou Huraira.²¹
26. Bahey eldin Hassan, director of the Cairo Institute for Human Rights Studies, was sentenced in 2020 to a total of 18 years in prison, including a 15-year sentence issued by a terrorism court, where the evidence included comments Hassan made at a UN Human Rights Council side event.²²
27. In November 2020, three senior staff from the Egyptian Initiative for Personal Rights were arrested and charged with terrorism. Despite their release following international outcry, they remain banned from traveling and their assets remain frozen.²³
28. Other legislation, such as the Protest Law (107/2013) and the Assembly Law (10/1914), also violate the right to association and impede the ability of civil society to operate freely. Although the colonial-era Assembly Law had been

repealed by the Egyptian parliament in 1928, the repeal was never published in the official gazette and therefore remains in force, leading to the imprisonment of thousands of individuals.²⁴

Erosion of Judicial Independence

29. The government crackdown on independent civil society and human rights defenders through the aforementioned legislation has been reinforced by the erosion of judicial independence and denial of the right to a fair trial.
30. In December 2021, an Emergency State Security Court sentenced human rights defenders and lawyers Alaa Abdelfattah, Mohamed Ibrahim, and Mohamed al-Baqer to five years in prison for the former, and four years for the latter two, in Case 1228/2021. Their trial reflected the complete absence of due process that has come to characterize the Egyptian judiciary in political cases over recent years.
31. The aforementioned three activists were referred to trial on 18 October without the knowledge of their lawyers, and the prosecution refused to inform the lawyers of the charges against them. The Emergency State Security Misdemeanors Court did not allow the defense to be heard or to consult with their clients for three sessions, nor did the court allow the defense to obtain the case file or a copy of it. Meanwhile, no credible evidence was presented against Abdelfattah, al-Baqer, and Ibrahim, only dated social media publications and supposed violations committed in prison.²⁵ Though al-Baqer received a presidential pardon in 2023 and was released from prison, he remains on the terrorist entities list and is subject to its penalties, including an asset freeze and travel ban.

32. Similarly, staff of the Egyptian Coordination for Rights and Freedoms and the director of CIHRS, Bahey eldin Hassan, highlighted in paragraphs 25 and 26 of this report, were deprived of due process throughout their trials. Many human rights defenders spend years on end in pretrial detention, ordered and renewed by terrorism courts, as in the case of Ibrahim Metwally, highlighted in paragraph 22.
33. The erosion of judicial independence has been exacerbated by legislative changes that give the president broad powers over the judiciary. In 2019, parliament passed Law 77/2019 on the appointment of judicial entity heads, which establishes executive control over the judiciary by granting the president the right to select judicial heads from a pool of senior judges.²⁶
34. Executive influence over the judiciary was cemented with the 2019 amendment of constitutional articles 185 and 193, which authorized the president to appoint the heads of judicial entities.²⁷
35. Due to his criticism of the parliamentary elections' lack of judicial oversight, director of the Egyptian Initiative for Personal Rights Hossam Bahgat was charged with 'insulting the Elections Authority' and 'disseminating false news' and sentenced to a 10,000 EGP fine.

Impunity for Extrajudicial Measures Against Human Rights Defenders and Independent Civil Society

36. Not only has the erosion of judicial independence undermined the right to a fair trial, but it has also guaranteed impunity for the Egyptian authorities' retributive and intimidatory extralegal measures against human rights defenders.
37. In December 2019, Egyptian human rights organizations called for an investigation into the disappearance and torture of Ibrahim Ezzedine, a human rights researcher with the Egyptian Commission for Rights and Freedoms who appeared before the prosecution after 167 days of enforced disappearance.²⁸ The call went unheeded, and the prosecutor disregarded the obvious marks of torture on Ezzedine's body.²⁹ Ezzedine was released in 2022, after being detained for over three years on terrorism charges.
38. In 2019, Gamal Eid, director of the Arabic Network for Human Rights Information, was assaulted several times in three months, including by police officers. In one of the incidents on 19 December, police from National Security jumped out of three cars and assaulted Eid in broad daylight, spraying him with paint and threatening bystanders with firearms to prevent them from helping Eid.³⁰
39. Other attacks on Gamal Eid resulted in injuries to his ribs, arm, and leg; his car was also stolen and another he had borrowed was vandalized.³¹ A complaint filed by Eid with the prosecutor in relation to the assault has been shelved without investigation.³²

40. In 2018, an Egyptian talk show host closely affiliated with the government made death threats on live television against CIHRS director Bahey eldin Hassan. Hassan filed a complaint with the prosecutor; it was shelved without investigation. The host was appointed by President Sisi to a government post tasked with monitoring media professionalism.³³ Meanwhile, Aida Seif Aldawla, director of the Nadeem Center against Violence and Torture, was summoned in 2019 before the prosecution in relation to a complaint filed by a ‘private individual’ accusing her of ‘damaging the reputation of the country by publishing false statements.’³⁴
41. Private media, which has come to be dominated by Egyptian security institutions over the past decade,³⁵ has been repeatedly used to defame, smear, and threaten human rights defenders, as recently exemplified by the 2024 smear campaign against Ahmed Salem, director of Sinai Foundation for Human Rights, in response to a report published by the foundation.³⁶
42. Hundreds of websites continue to be blocked without judicial order by authorities in Egypt, who at times do not even acknowledge their responsibility for this censorship.³⁷

Egyptian authorities should take immediate and concrete measures to

42. End the de-facto criminalization of human rights work and independent civil society, and cease punishing, threatening, and intimidating human rights defenders. All persons detained for their human rights work should be released.

43. Remove undue restriction on independent civil society by repealing Law 149/2019 and replacing it with the draft law formulated through civil society and government cooperation during the tenure of former minister of social solidarity Dr. Ahmed El-Boraie.
44. Repeal national counterterrorism legislation, including Law 94/2015 on counterterrorism and Law 8/2015 on terrorist entities. Align other legislation, such as the Penal Code, to international standards that guarantee the right of civil society to operate freely.
45. Abolish exceptional courts and terrorism circuit courts.
46. Repeal the Protest Law (107/2013) and publish the 1928 repeal of the Assembly Law (10/1914) in the official gazette.
47. Ensure judicial independence, primarily through the amendment of legislation that grants power over the judiciary to the president and the executive authorities.
48. Cease all acts of reprisal against human rights defenders and end impunity for the perpetrators of reprisals.

Footnotes

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18. Egyptian human rights lawyer Mohamed Ramadan was similarly arrested and faced terrorism-related charges under Case no. 16576/2018. Ramadan was arrested in December 2018 while attending an interrogation with a client. Although a court ordered his release two years later, the authorities added him to a new case to keep him in pretrial detention. He was ultimately released in July 2022, after spending four years in pretrial detention facing unfounded charges. See <https://lawyersforlawyers.org/en/mohamed-ramadan-released-from-prison/> , Egyptian authorities arrested human rights lawyer Amr Imam in October 2019. Over the course of nearly three years of pretrial solitary detention, Imam faced

several unfounded charges, including terrorism, before being released in July 2022. See <https://www.peopleinneed.net/1-000-days-of-amr-imams-pretrial-detention-9217gp> , In 2020, Patrick Zaki, a human rights researcher, was arrested in 2020 and initially faced the charge of disseminating false news and joining a terrorist group, following an article he wrote about discrimination against Coptic Christians in Egypt. He was convicted in 2023 but was released after receiving a presidential pardon. See <https://cihrs.org/civil-society-organizations-condemn-sentencing-of-egyptian-academic-and-researcher-patrick-george-zaki/?lang=en>. ↩

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- Against Mohamed El-Baqer, Alaa Abdelfattah, and Mohamed Ibrahim.” ↩
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<https://cihrs.org/egypt-rights-organizations-demand-investigations-in-the-176-day-disappearance-and-torture-of-ibrahim-ezz-el-din/?lang=en>. ↩
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