



Mr. Donald Tusk, President of the European Council

EU Member State Ministers of Foreign Affairs

Ms. Federica Mogherini, High Representative of the European Union for Foreign Affairs and Security Policy and Vice-President of the European Commission

12 December 2016

Subject: The silencing of Egypt's civil society – the EU must uphold its policy commitments

We, the 16 undersigned civil society organisations, urge you to take immediate measures to address Egypt's escalating repression and silencing of civil society organizations, including prominent Egyptian human rights defenders (HRDs). *In particular, your presence in Cairo for the 20 December EU-Arab League ministerial-level dialogue provides a key opportunity to raise these concerns at a high level with Egypt.*

The new law on civic associations (NGOs), drafted without consultation of independent civil society, adopted by Egypt's Parliament and referred to the Presidency on 29 November 2016 for ratification. This law thoroughly violates the constitutionally guaranteed right to freedom of association and Egypt's many international legal commitments to uphold it.ⁱ UNSR Mr. Maina Kiai warned that the bill *"aims to destroy Egypt's foundation for peaceful, civic engagement at its very roots. If it becomes law, it would devastate civil society not only in the short term, but possibly for generations to come."*ⁱⁱ It would effectively end Egypt's independent human rights movement and cripple civil society in the country overall, by putting all NGOs firmly under control of the government and security establishment, under threat of heavy penalties.ⁱⁱⁱ

This coincides with the imposition of **unconstitutional travel bans on five HRDs in November 2016**, including WHRDs Ms. Azza Soliman, founder of the Center for Egyptian Women's Legal Aid (CEWLA) and Dr. Aida Seif al-Dawla, founder of Al-Nadim Center for Rehabilitation of Victims of Violence. Ms Soliman's personal bank account and that of her law firm, Lawyers for Justice and Peace, have been frozen. **Ms Soliman was arrested from her home on December 7 and taken for interrogation** in the ongoing investigation into the foreign funding of local NGOs, known as Case no. 173/2011; this was the first arrest warrant executed against an NGO leader in Egypt. *At the Dec. 12 hearing on her asset freeze, lawyers discovered the Court is also considering asset freezes against Nazra for Feminist Studies, its director Ms Mozn Hassan, as well as the Arab Penal Reform Association, its director Mr Mohamed Zarea and a staff member—without notifying these parties.* In another unprecedented move, **an Egyptian court sentenced Mr Yehia Qallash, the head of the journalists' union, and two of its board members, to two years in prison** in November 2016 for "harbouring wanted colleagues" and "spreading false news."^{iv} Such measures were rightly denounced by the EEAS^v and several European Member States as well as a raft of UN figures.^{vi}

This crackdown on civil society is more counter-productive than ever. As Egypt is confronted by a growing socio-economic and financial crisis, its poorest citizens will be in ever-greater need for support from many of the NGOs targeted by the law—including those focused on development and poverty alleviation which provide essential services to vulnerable citizens. In addition, the silencing of the Egyptian human rights community will leave the victims of unlawful detention, enforced disappearance or torture by the authorities, without support. The absence of a deterrent on the ground—HRDs able to document, report and denounce violations—allows for the escalation of violations by security forces, **which is counterproductive to promoting stability in Egypt: injustices fuel grievances, and worsen the conditions that sparked revolt in 2011.**

Further, civil society offers one of very few arenas for Egyptian women to actively participate in the public sphere. Closing this space will further marginalize women and their crucial role in Egypt's development. High-profile independent women's rights organisations, notably Nazra for Feminist Studies and CEWLA, have been targeted in the crackdown. They provide essential services to survivors of violence and marginalized women, and play a key role in holding the government to account regarding implementation of the National Strategy for the Elimination of Violence against Women in Egypt.

In the reopened Foreign Funding Case (no. 173/2011), at least 4 rights organisations and 6 prominent NGO workers or directors have already been subjected to asset freezes; at least 15 leading Egyptian human rights defenders have been subjected to arbitrary, unconstitutional travel bans^{vii}; and more than a dozen NGO staff and directors have been summoned for interrogation. If the case goes to trial, these defenders would face 25 years in prison under Penal Code Article 78 if found guilty of acts harmful to "*national interests*" or "*general peace*" or "*the country's independence and its unity*".

The European Union has rightly recognized the fundamental role of civil society for stabilisation of the MENA region, and the building of resilient societies and political systems, making it a key element of the EU Global Strategy and of the revised European Neighbourhood Policy. Its financial support for Egypt, as well as that of several Member States, require involvement of credible civil society partners. Egypt's crackdown on civil society violates the foundation of EU-Egypt cooperation (Article 2 of the Association Agreement). This policy must change to allow for bilateral cooperation to exist, to function, and to succeed, as asserted by the European Parliament in its March 2016 urgency resolution.^{viii}

At this crucial moment when President Abdelfattah al-Sisi is expected to ratify the NGO law, **the EU and Member States must send a clear message to Egypt to cease these repressive practices. The conclusion of the EU-Egypt Partnership Priorities must depend on Egypt accepting a real commitment in the text to working with civil society in conformity with international human rights law and the Constitution, and providing it the required space to operate.**

We further urge you to prioritise the overall human rights situation and rule of law in Egypt, within the criteria used to decide bilateral cooperation. We recommend the determination of **clear benchmarks** to assess this:

1. The closing of the Foreign Funding Case (no. 173/2011) against civil society organizations and the holding of a sincere and open dialogue in Egypt with all stakeholders—including established and independent human rights groups—about the status and role of civil society.
2. Any new legislation to replace the current Civic Associations Law (no. 84/2002) should be drafted in full respect of Egypt's constitutional framework and its international legal commitments to uphold the right to freedom of association; these norms require abandoning the new NGO law, currently before the President for ratification.
3. Concrete steps must be taken to reopen the public sphere in Egypt, in particular by amending legislation such as the 2013 Protest Law and the 1914 Assembly Law in accordance with constitutionally-guaranteed rights to freedoms of expression and peaceful assembly, and with the International Covenant on Civil and Political Rights; and by the unconditional release of all individuals detained or sentenced for exercising their right to these freedoms, including human rights defenders, democracy activists and media professionals.

Sincerely,

Arci Associazione
Asociación Pro Derechos Humanos de España
Cairo Institute for Human Rights Studies (CIHRS)
Christian Solidarity Worldwide (CSW)
CNCD 11.11.11
EuroMed Rights
Front Line Defenders
Greek Helsinki Monitor
Human Rights Watch
Kvinna till Kvinna

International Federation for Human Rights (FIDH), in the
framework of the Observatory for the Protection of Human
Rights Defenders
Minority Rights Group – Greece
Reporters Without Borders (RSF)
Reprieve
Saferworld
World Organisation Against Torture (OMCT), in the framework
of the Observatory for the Protection of Human Rights
Defenders

ⁱ Egypt pledged to uphold the right to freedom of association by ratifying the International Covenant on Civil and Political Rights (ICCPR) and African Charter on Human and Peoples' Rights (ACHPR). It formally accepted recommendations to amend legislation and practice so as to ensure respect of this right, following its Universal Permanent Review (UPR) at the UNHRC in 2015. Egypt also made broad human rights commitments in signing the Association Agreement with the EU (see article 2) which came into force in 2004.

ⁱⁱ See statement by UN Special Rapporteur on the rights to freedom of peaceful assembly and of association Mr. Maina Kiai, with the support of UN Special rapporteurs on the promotion and protection of the right to freedom of opinion and expression, and on the situation of human rights defenders, Mr. David Kaye and Mr. Michel Forst, urging Egypt not to enact this law. (<http://freeassembly.net/news/egypt-ngo-bill-november/>)

ⁱⁱⁱ Some of the worst aspects of the law were detailed here http://www.ifex.org/egypt/2016/11/23/egypt_draft_law_no_v_2016/ by 60 national and international human rights NGOs from across the world who urged President Al-Sisi not to ratify it.

^{iv} Reporters Without Borders and the Committee to Protect Journalists rank Egypt as one of the biggest jailers of media

workers worldwide. Freelance photojournalist Mahmoud "Shawkan" Abu Zeid, arrested for his work covering the extremely deadly 2013 Rabaa al-Adawiya sit-in dispersal, has remained over three years in pre-trial detention and is part of a mass trial.

^v Most recently in Sept. 2016:

https://eeas.europa.eu/node/9989_en

^{vi} In 2016, such measures were denounced by the Foreign Ministries of Germany, the UK, France, Holland... the US Department of State, as well as several UN Special Rapporteurs, the UN High Commissioner for Human Rights and the UN Secretary-General.

^{vii} See legal action initiated by the Cairo Institute for Human Rights Studies - CIHRS and the Association for the Freedom of Thought and Expression – AFTE (<http://www.cihrs.org/?p=19352&lang=en>) following a joint report on the unlawful use of travel bans against almost 80 HRDs, intellectuals, journalists, opposition figures since 2014 (<http://www.cihrs.org/?p=19269&lang=en>)

^{viii}

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fTEXT%2bTA%2bP8-TA-2016-0084%2b0%2bDOC%2bXML%2bV0%2f%2fEN&language=EN>