

URGENT APPEAL - THE OBSERVATORY

New information
EGY 004 / 0616 / OBS 049.10
Judicial harassment
Egypt
May 17, 2017

The Observatory for the Protection of Human Rights Defenders, a partnership of FIDH and the World Organisation Against Torture (OMCT), has received new information and requests your urgent intervention in the following situation in **Egypt**.

New information:

The Observatory has been informed by reliable sources about the continued judicial harassment and the restrictions to freedom of association faced by several Egyptian human rights organisations, as well as their staff and members, in the framework of the so-called case No. 173/2011, also known as the “NGO foreign funding case” (see background information).

According to the information received, Mr. **Mohamed Zaree**, Egypt Director of the Cairo Institute for Human Rights Studies (CIHRS) was summoned to appear on May 15, 2017, before the investigative judge within the framework of the “NGO Foreign Funding” case.

On that day, the judge agreed to a request from Mohamed Zaree and his defence lawyers to view his case file, which no lawyer has ever been able to access in its entirety within the framework of case No. 173/2011. The interrogation session was adjourned to May 24, 2017, to allow the defendant and his lawyers to review some of the case papers.

The Observatory recalls that CIHRS was amongst the 37 NGOs listed in the 2011 Government Fact-Finding Committee report that could be targeted under the case No. 173/2011. On September 17, 2016, the Cairo Criminal Court in Zeinoh ordered the freezing of CIHRS’s assets and those of its Director, Mr. Bahey el din Hassan, as well as those of several other defenders and NGOs. Several CIHRS members have also experienced various acts of harassment and threats. One year ago, in May 2016, Mr. Mohamed Zaree was informed by the authorities at the Cairo International Airport that a travel ban had been imposed on him by order of an investigative judge (see background information).

The Observatory strongly condemns the ongoing judicial harassment against all human rights defenders and human rights organisations targeted within the framework of case No. 173/2011 and all subsequent violations of their right to a fair trial, including their inability to access the case’s file, as well as the right to freedom of movement.

Consequently, the Observatory urges the Egyptian authorities to immediately and unconditionally put an end to all forms of harassment against them as they only aim at sanctioning their legitimate human rights activities.

Background Information:

Since 2011, the Egyptian Government has launched a judicial harassment campaign against civil society organisations on the pretext that they received unauthorised foreign funding under criminal case No. 173/2011, known as the “foreign funding case against NGOs”.

The 2011 Government Fact-Finding Committee report, which formed the basis of the first trial in 2012, listed 37 NGOs who could be targeted under this “foreign funding case against NGOs”. That list included ACIJLP, CIHRS, LCHR, the Egyptian Democratic Academy (EDA), HMLC, ANHRI, EIPR, El Nadim Center for the Management and Rehabilitation of Victims of

Violence and Torture, the Egyptian Center for Economic and Social Rights (ECESR), the Arab Penal Reform Organization, the Egyptian Center for the Right to Education, , the Egyptian Association for Community Participation Enhancement (ACPE), Nazra for Feminist Studies, the Appropriate Communications Technologies (ACT), among others.

The first set of investigations targeted international and foreign NGOs. On June 4, 2013, the North Cairo Criminal Court sentenced 43 Egyptian and foreign staff members of five foreign civil society organisations to imprisonment ranging from one (suspended) to five years of prison for “managing unlicensed branches” of their organisations, “conducting research, political training, surveys, and workshops without licenses”, “training political parties and groups” and “illegally receiving foreign funding”. Though none of the defendants were forced to serve their sentences either because they were abroad or in the case of the junior staff had their sentences suspended, the court ordered the confiscation of their funds and the closure of Egypt-based branches of Freedom House, the International Republican Institute, the National Democratic Institute, the International Centre for Journalists (ICFJ), and Konrad Adenauer Foundation.

The second case targets Egyptian civil society organisations that have received foreign or international funding. It started with the ultimatum made by the Ministry of Social Solidarity (MoSS)¹ for Egyptian human rights organisations to register by late 2014 under Law 84/2002 or face closure. One month later, a new wave of harassment targeting human rights NGOs began.

In September 2014, President Al-Sisi signed into law amendments to Article 78 of the Penal Code. These amendments include the provision that receiving foreign funding for the purpose of “harming national security” is punishable by life imprisonment.

In late 2014, the Investigating Judge in charge of the case appointed a technical committee from the MoSS² to determine whether Egyptian organisations under review operate as civic associations without being registered as such under Law 84/2002, and to examine documents related to their sources of funding. The committee first examined the EDA. It is noteworthy to note that despite the EDA's registration in compliance with the ultimatum³, they are still being investigated. In January 2015, the judge issued travel bans against Messrs. **Hossam al-Din Ali**, Chairman of the EDA, **Ahmed Ghoneim**, Deputy, as well as Ms. **Israa Abdel Fattah** and **Bassem Samir**, who previously worked in the same organisation.

In June 2015, Mr. **Negad El Borai**, the Director of United Group, was interrogated by the Investigating Judge about its sources of funding and legal status⁴. In March 2016, the United Group was summonsed for the fourth time. On May 17, 2016, he was summoned for the fifth hearing session⁵, but at the very last minute it was postponed to an undetermined date.

On June 9, 2015, the Investigating Judge mandated the technical committee to visit the Cairo office of the CIHRS in order to examine whether the CIHRS engages in activities of civic associations under the provisions of Law 84/2002. The committee requested the staff present in the office to provide documentation relating to the administration of the NGO, such as its registration, founding contract and statute, as well as the budgets, financial accounts, and funding contracts for the past four years. One additional demand the staff were instructed to comply with was to provide documentation that proved that the CIHRS was not conducting NGO work.

¹ The ultimatum was made public in July 2014, and in September 2014, the deadline was pushed back to November 10, 2014.

² The committee is composed of Ministry of Social Solidarity officials but they report to the Investigating Judge.

³ The EDA has been registered under the Associations Law No. 84/2002 since September 2014.

⁴ The United Group is a law firm established 50 years ago, and headed by Mr. Negad El Borai, one of Egypt's most influential human rights defenders and lawyers.

⁵ See Observatory Urgent Appeal EGY 002 / 0516 / OBS 042, issued on May 17, 2016.

On June 16, 2015, the CIHRS was presented with a summons letter to appear on June 17, before the Investigating Judge within the framework of the case No. 173/2011. However, the CIHRS refused to accept the summons letter as it failed to comply with the legal requirements in force and subsequently submitted its arguments in writing to the representative of the Investigating Judge. Since then, CIHRS and its members had not received any further summons, until those of March 13 and 14, 2016 (see below).

In July 2015, the HMLC was also subjected to the same review.

In December 2015, the ANHRI received a phone call from the technical committee, which asked to conduct an inspection, but due to the absence of ANHRI's Director, Mr. **Gamal Eid**, the visit was postponed and eventually did not take place.

In December 2015, the Egyptian Center for the Right to Education was summoned by the Investigating Judge for questioning.

On February 4, 2016, Mr. Gamal Eid was informed of a travel ban as he was attempting to travel outside Egypt. Mr. **Hossam Bahgat**, founder of EIPR, was informed of a similar ban on February 23, 2016.

On March 13 and 14, 2016, two staff members of CIHRS and three staff members of Nazra for Feminist Studies were notified by telephone of a summons to appear on March 16 before the Investigating Judge in Cairo within the framework of criminal case No. 173/2011. However, the two staff members of CIHRS refused to appear, as they had not been properly notified in person in accordance with the law in force. Two former staff members of the Andalus Institute for Tolerance and Anti-Violence Studies and one accountant from the United Group were also summoned within the same context.

On March 17, 2016, Messrs. Hossam Bahgat and Gamal Eid were informed that the Investigative Judge had ordered the freezing of their assets and that their case would be reviewed by the Cairo Criminal Court in Zeinoh on March 24, 2016. The case was subsequently adjourned to April 20, 2016, upon request from the Public Prosecutor.

On March 22, 2016, Ms. **Moza Hassan** was formally accused of receiving foreign funds without authorisation, and throughout the month of March 2016, several NGO staff members were summoned to appear before the Investigating Judge.

On April 19, 2016, Mr. **Bahey eldin Hassan**, CIHRS Director, two staff members of CIHRS, as well as Mr. **Moustafa El Hassan**, HMLC Director, were informed at 9pm through a phone call from the Egyptian police that they were summoned to appear before the Cairo Criminal Court in Zeinoh on April 20, along with Messrs. Bahgat and Eid.

On April 20, the Cairo Criminal Court in Zeinoh added seven defendants from three additional NGOs to the "asset freeze order" initially targeting Messrs. Hossam Bahgat and Gamal Eid.

The additional defendants were Mr. Bahey eldin Hassan, Mr. Moustafa El Hassan, Mr. **Abdel Hafiz Tayel**, Executive Director of the Egyptian Center for the Right to Education, two staff members of CIHRS, as well as of Mr. Bahey eldin Hassan's wife and daughter and Mr. Gamal Eid's wife and daughter⁶.

The hearing by the Cairo Criminal Court in Zeinoh regarding the asset freeze order was postponed several times by the prosecutors to review the evidence and formally summon the

⁶ Mr. Bahgat attended the April-20 hearing, while the other defendants were represented by their lawyers. No formal charges were confirmed on that occasion.

new defendants. It was adjourned to May 23, 2016, July 17, 2016, August 15, 2016 and September 17, 2016.

On May 27, Mr. Mohamed Zaree, CIHRS Egypt Director, was informed by the authorities at Cairo International Airport that a travel ban had been imposed on him based on an order by an investigative judge. We believe this travel ban was ordered within the framework of the “foreign funding case against NGOs”.

On June 27, 2016 Ms. Mozn Hassan was informed by authorities at the Cairo International Airport that a travel ban had been imposed on her, under the framework of the “NGO Foreign Funding Case”⁷. Ms. Mozn Hassan had attempted to travel to participate in the Executive Committee meeting of the Women Human Right Defenders (WHRD) Regional Coalition for the Middle East and North Africa, taking place during the period of June 27 to July 1, 2016.

On September 17, 2016, the Cairo Criminal Court in Zeinohm ordered the freezing of the assets of Messrs. **Gamal Eid**, Director of ANHRI, **Hossam Bahgat**, founder of EIPR, **Abdel Hafiz Tayel**, Executive Director of CRE, **Moustafa El Hassan**, Director of HMLC, and **Bahey Eldin Hassan**, Director of the CIHRS, as well as those of three human rights NGOs, the **CRE**, the **CIHRS** and the **HMLC**. The Court however refused to freeze the assets of some relatives of the accused also targeted by the asset freeze request.

In September 2016, Ms. Mozn Hassan and Nazra received the “Right Livelihood” Award 2016, a prize known as the Alternative Nobel Prize, for their activities in defence of women’s human rights.

On December 12, 2016, during a court hearing regarding the freezing of assets belonging to human rights lawyer Ms. **Azza Soliman**⁸, confirmed in an hearing on December 14⁹, the investigative judge requested the North Cairo Court to freeze the assets of Ms. **Mozn Hassan**, Founder and Executive Director of Nazra for Feminist Studies, Mr. **Mohamed Zarea**, head of Arab Penal Reform Organization (APRO), as well as the assets of the two organisations. The court adjourned the session until January 11, 2017.

On January 11, 2017, a Court decided to freeze the assets of Ms. Mozn Hassan, Founder and Executive Director of Nazra for Feminist Studies (Nazra), Mr. Mohamed Zarea, Director of the Arab Penal Reform Organization (APRO), Mr. **Atef Hafez**, former legal researcher at APRO as well as those held by the two afore-mentioned organisations.

Actions requested:

Please write to the authorities of Egypt asking them to:

- i. Immediately and unconditionally put an end to the judicial harassment of Mohamed Zaree and other human rights defenders, lift the assets freezes and travel bans imposed against them, as well as against all the other human rights defenders and organisations in Egypt, within the case No. 173/2011;
- ii. Conform with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially Articles 1 and 12.2; and

⁷ See Observatory Urgent appeal EGY 004 / 0616 / OBS 049.5 issued on June 28, 2016.

⁸ See Observatory Urgent appeal EGY 004 / 1116 / OBS 101.2 issued on December 15, 2016. Ms. Azza Soliman is a human rights lawyer and founder of the Centre for Egyptian Women Legal Aid (CEWLA), an NGO that provides free legal, social, and psychological services to women and marginalized groups, and advocates for improved protections of their rights, and member of the Executive Committee of the WHRD MENA Coalition.

⁹ See the Observatory Urgent Appeal EGY 004 / 1116 / OBS 101.2, issued on December 15, 2016.

- iii. More generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and with international and regional human rights instruments ratified by Egypt.

Addresses:

- President of the Arab Republic of Egypt, H.E. Abdel Fattah el-Sisi, Fax: +202 2391 1441
Email: p.spokesman@op.gov.eg, Twitter: @AlsisOfficial
- Prime Minister, Mr. Sherif Ismail. Fax: + 202 2735 6449 / 27958016.
- Minister of the Interior, Mr. Magdi Abdel-Ghaffar, Fax: +202 2579 2031 / 2794 5529
- Minister of Justice, Mohamed Hossam Abdel-Rahim, Fax: +202 2795 8103
- Minister of Social Solidarity, Ghada Waly, Fax: +202 3337 5390
- Public Prosecutor, Counsellor Nabeel Sadek, Fax: +202 2577 4716
- Mr. Mohamed Fayeq, President of the National Council For Human Rights, Fax: + 202 25747497 / 25747670. Email: nchr@nchr.org.eg
- H.E. Ms. Wafaa Bassim, Ambassador, Permanent Mission of Egypt to the United Nations in Geneva, Email: mission.egypt@ties.itu.int, Fax: +41 22 738 44 15
- Embassy of Egypt in Brussels, Fax: +32 2 675.58.88; Email: embassy.egypt@skynet.be

Please also write to the diplomatic missions or embassies of Egypt in your respective country.

Geneva-Paris, May 17, 2017

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

The Observatory for the Protection of Human Rights Defenders (the Observatory) was created in 1997 by FIDH and the World Organisation Against Torture (OMCT). The objective of this programme is to intervene to prevent or remedy situations of repression against human rights defenders. FIDH and OMCT are both members of ProtectDefenders.eu, the European Union Human Rights Defenders Mechanism implemented by international civil society.

To contact the Observatory, call the emergency line:

- E-mail: Appeals@fidh-omct.org
- Tel and fax FIDH + 33 1 43 55 25 18 / +33 1 43 55 18 80
- Tel and fax OMCT + 41 22 809 49 39 / + 41 22 809 49 29