



ARTICLE 19 Individual Submission to the UN Universal Periodic Review of Egypt

***For consideration at the 20th session of the UN Working Group
in October - November 2014***

15 March 2014

Executive summary

1. ARTICLE 19 welcomes the opportunity to contribute to the second cycle of the Universal Periodic Review (UPR) of Egypt. The submission considers Egypt's compliance with its international human rights obligations in respect of freedom of expression, assembly and association. The submission covers the period since the last UPR in February 2010. This period has seen revolutionary changes, new regimes and reorganisations of the security services. Many Egyptians have made great sacrifices for fundamental freedoms, however a succession of new authorities have severely restricted these freedoms, using more and more violence in the process.

a. Attacks on Freedom of Expression and the media

Raids, detentions and prosecutions affecting freedom of expression

2. Under each successive government since the last UPR, attacks on Freedom of Expression have continued:
 - The Supreme Council of the Armed Forces (SCAF, February 2011 to June 2012) used the wide restrictions on criticism of public officials in the 1996 Press Code.
 - The government of President Mohamed Morsi (June 2012 to July 2013) used the law against defamation extensively: the Egyptian Organisation for Human Rights documented over 600 defamation cases in the government's first nine months. Authorities used vaguely worded legal prohibitions, such as 'spreading wrong information' or 'insulting religion' in order to restrict free speech.
 - In December 2012, Doaa Eladl, a cartoonist, was investigated for 'insulting prophets' after drawing a cartoon of Adam and Eve.
 - On 11 February 2013, *Alwadi* newspaper was withdrawn from the market by the Egyptian authorities for criticising the army.
 - Satirist Bassem Yousef was charged with insulting the president in April 2013.
3. On 3 July 2013, the army deposed President Morsi after widespread street protests. Within a few hours, security forces shut down five private satellite television channels, including *Egypt 25*, controlled by the Muslim Brotherhood, a movement closely linked to the former president. Four other TV channels supporting the Islamist movement were closed too: *Al-Hafez*, *Al-Nas*, *Al-Rahman* and *Al-Khalijya*. Many journalists working in

these stations were detained overnight, interrogated and released without charge. In addition, security forces raided two foreign satellite channels, *Al Jazeera* and *Al Jazeera Al-Mubasher*, confiscating cameras and equipment and arresting staff. Other television stations were jammed by government-owned satellite operator, Nilesat. These include *Al-Quds* and *Al-Aqsa*, channels affiliated to Hamas, a Palestinian Islamist organisation; and *al-Yarmouk*, a channel linked to the Jordanian Muslim Brotherhood. The government of President Adly Mansour, which was sworn in on 4 July 2013, continued to repress free expression:

- At least twenty *Al Jazeera* journalists were arrested in July and December 2013, and accused of conducting 'illegal meetings' with the Muslim Brotherhood and illegally broadcasting news that harmed 'domestic security'. On 16 August 2013, security forces closed the *Al Jazeera* Arabic office;
- On 1 November 2013, a private television channel, *CBC*, decided not to broadcast *El-Bernameg*, a programme presented by satirist Bassem Youssef; later on 31 November 2013, the TV station completely stopped the programme.
- On 29 December 2013 four *Al Jazeera* staff members were arrested. Three were charged with aiding the Muslim Brotherhood, which was declared a terrorist organisation on 25 Dec 2013;
- On 25 January 2014, security forces arrested journalists Karim el-Behiri of *El-Badil* and Philip Kasura of *Al-Anadol* while they were covering protests marking the third anniversary of the revolution;
- On 2 February 2014, *Al-Shorouq* newspaper removed from its website an article criticising the role of the army in events in Egypt;
- On 16 February 2014, Ministry of Interior arrested 14 activists for creating Facebook pages which "call for attacks on the army and police".

Attacks on journalists

4. Attacks on journalists have increased under each successive government. In January 2011, prior to the 25 January Revolution, journalist Ahmed Mohamed Mahmoud was shot by security forces while covering the initial street protests. According to the Committee to Protect Journalists, it was the first time in over a decade that a reporter had been killed while doing his or her job in Egypt. Under the SCAF government (February 2011 to June 2012), one journalist was killed while filming a demonstration policed by the armed forces. During president Morsi's government, two journalists were killed and other forms of intimidation continued. Under the government of Adly Mansour, which took power in July 2013, at least five journalists have been killed. Three were killed on a single day, 14 August 2013.

Military prosecutions of journalists

5. The 1966 Military Justice Code allows military court jurisdiction over civilians for a wide range of offences. Successive governments have used these provisions to restrict freedom of expression:
 - Under the SCAF government, thousands of people were tried in military courts;
 - On 8 April 2013, the Alexandria Military Court gave Saad Muhammad Ibrahim a six-month sentence for 'swearing at the army'.
6. Under the government of Adly Mansour, the practice has continued:
 - On 5 October 2013, Ismailiya Military Court gave journalist Ahmed Abu Radi'a of *al-Masry al-Yawm* newspaper a six month suspended sentence, for publishing news about the army;

- On 3 November 2013, North Sinai Military Court gave journalist Muhammad Sabri a six month suspended sentence for 'taking a photo of a military unit'.
7. The new constitution, adopted in January 2014, prohibits imprisonment for crimes related to publication. But on 26 February 2014, journalists Amr Al Qazaz and Islam Farahat from *Rased news network*, appeared before the Misdemeanour Military Court, on charges of illegally obtaining and publishing classified military documents and videos – including interviews with Egypt's Defence Minister Abdel Fattah Al Sisi.

b. Freedom of Assembly

Assembly / Protest Law

8. On 24 November 2013, the Egyptian government ratified the Assembly Law (Law 107 of 2013). The law severely restricts the right to freedom of peaceful assembly in violation of international standards and puts in place strict obstacles to public meetings and demonstrations. Organisers must obtain police permission prior to the meeting or demonstration, and must provide their personal information. The law also provides broad and sweeping powers to the police to prohibit meetings or demonstrations, cancel them even after permission has been obtained and to disperse them using lethal force. The law also provides for imprisonment for accepting money to organise a demonstration or assisting in this crime. The Article is worded vaguely and therefore could be interpreted to include journalists who publish news about the protest.
9. Under the Assembly Law, protesters and journalists have been detained:
- Since July 2013, at least 20 journalists, an unknown number of lawyers and more than one thousand participants in assemblies have been arrested without warrant in Cairo and other large cities;
 - On 26 November 2013, during a demonstration at the Shura Council, Cairo, against military trials, at least 25 women including a well-known lawyer, Mona Saif, and three other journalists, Ahmad Rajab (Al-Masry Elium), Ahmad Abdo (Al-Wady) and Rasha Azab (Al-Fajer), were detained and ill-treated during the arrest and detention;
 - On 22 December 2013 Ahmed Maher, blogger Ahmed Douma and Mohamed Adel were sentenced by Abdeen Misdemeanour Court to three years in prison for breaching the Assembly Law after having taken part peacefully in the Shura Council demonstration on 26 November 2013, and fined with EP 50,000 (US\$7,185). The three activists claimed they were not involved in any violence or disruption at the time of arrest.

Excessive use of force by the security forces

10. Excessive use of force, including lethal force, has been used under each successive government in the period since the last UPR. On 5 December 2012, under the Morsi government, more than 10 protesters were shot dead in front of the presidential palace in Cairo including journalist Al-Hussainy Abu Daif.
11. Under the current government the situation has worsened significantly with the security forces continuing to use excessive force, including lethal force, to disperse protests. Reports from local human rights organisations suggest that more than 1,400 protesters have been shot dead during the dispersal of protesters in different areas of Egypt since 3 July 2013:

- Local human rights organisation documented names of more than 1000 protesters shot dead by the armed forces when they used excessive force to disperse Morsi supporters at Rabaa al-Adawiya Square in Cairo on 14 August 2013;
- More than 300 protesters have been killed by security forces since the ratification of the Assembly Law on 24 November 2013;
- 62 protesters were shot dead in December 2013 in different areas of Cairo;
- 246 protesters were shot dead in Cairo, Alexandria, Suez and other cities, mainly on 25 January 2014.

Targeting of women, including sexual violence, during demonstrations and in detention

12. Many well-documented cases of targeted violence against women, including sexual violence, perpetrated by security forces, groups loyal to the state, and others during demonstrations and in detention demonstrate that women face particular barriers and violations in exercising their freedom of expression and assembly rights. The effect of these violations further deters women from exercising these rights.
13. Under the SCAF government (Feb 2011 to Jun 2012), security forces subjected detained female demonstrators to 'virginity testing' in the presence of soldiers. In June 2011, in an interview with Amnesty International, General Abdel Fattah Sisi, then head of military intelligence, promised to end the practise, and in December 2011 a court ruled that forced 'virginity tests' were illegal. Under the present government of Adly Mansour (June 2013 to date) the practice has continued. Women detained in protests in early 2014 said that the security forces subjected them to these tests.
14. 'Virginity tests' conducted by security forces are part of a wider culture of sexual harassment and violence that imposes heavy risks and costs on women protesters and women journalists reporting on protests. Under successive governments, women have been sexually assaulted during protests.
 - On 27 June 2012 Natasha Smith, a British journalist, was sexually assaulted during post-election celebrations in Tahrir Square;
 - On 22 October 2012 Sonia Diridi, a *France 24* correspondent, was sexually assaulted by an organised mob while reporting a mass protest in Cairo;
 - On 5 December 2012 protesters at Itihadeya Palace were attacked by pro-Morsi groups and according to testimonies gathered by local human rights organisations, women were specifically targeted;
 - On 25 January 2013 (the 2nd anniversary of the 25 January Revolution), 19 cases of rape and sexual assault against women were reported;
 - Mona Saif, a female lawyer specialised in military trials, was assaulted by the police and individuals in civilian clothes on 26 November 2013 in front of the Shura Council where she was detained for ten hours together with other women including journalist Rasha Azab.
15. The Morsi government (June 2012-July 2013) repeatedly avoided taking responsibility to protect protesters:
 - On 4 December 2012 Prime Minister Hisham Qandil stated that protesters are responsible for protecting themselves;
 - On 11 February 2013, the Human Rights Committee of the Shura Council said that women were responsible for protecting themselves and blamed the women for causing the rapes.

c. Freedom of Association

Banning of the Muslim Brotherhood

16. On 24 December 2013, a car bomb in the Nile Delta town of Mansoura that targeted a directorate of the security forces killed 16 people. The next day, the cabinet declared that the Muslim Brotherhood was a terrorist organisation, despite the fact that another organisation had claimed responsibility for the blast. Egypt's Muslim Brotherhood has faced numerous legal restrictions since its foundation in 1928. But former president Morsi's Freedom and Justice Party, which was closely linked to the Brotherhood, won Egypt's first genuinely plural elections and in 2013, the Brotherhood was registered as a non-governmental organisation for the first time.

Law on Civic Organisations

17. The authorities have continued to suppress the work of human rights organisations. The government restricts the registration, funding and activities of civil society organisations, and it has drafted legislation that would further constrain freedom of association. The draft has been referred to the Prime Minister's office to be ratified. The draft law includes unclear guidelines surrounding the establishment of an organisation, vague conditions under which the authorities can ban an NGO and strict regulations regarding receiving funding from abroad.

Attacks on Non-Governmental Organisations (NGOs)

18. NGOs have been subjected to raids, prosecutions, and attacks in the media:
- On 18 December 2013, security forces raided the Egyptian Center for Economic and Social Rights (ECESR) without permission from the prosecutor, and arrested lawyers Mahmoud Bilal and Mohamed Adel, Mostafa Eissa, the head of the documentation unit and two volunteers and subjecting them to ill-treatment. The police confiscated computers.
 - On 23 December, the Egyptian Central Bank froze the bank accounts of over 1000 NGOs reportedly linked to the Muslim Brotherhood. The bank announced that it was acting according to a decision taken by the Minister of Justice, who "depended on a verdict issued on 23 December 2003 by Cairo Court for Urgent Matters". On 13 February 2014, all Egyptian NGOs funds were transferred to the Central Bank, and any expenditure must first be approved by the bank.
 - On 4 June 2013, an Egyptian court sentenced 43 people working for NGOs, including foreigners, on charges of operating unlawfully in the country branches for foreign organisations and receiving foreign funding without permission. Five of the workers (Egyptian nationals Yehia Ghanem, Sherif Mansour, and Mohamed Abdelaziz; US citizen Robert Becker; and German citizen Christine Baade) were sentenced to two years in prison and eleven others to a one-year suspended sentence. In addition, 27 defendants were tried in absentia and sentenced to an automatic conviction of five years because they were not present during the trial. The judge in the case also ordered the permanent closure of all the organisations involved.

d. Recommendations

19. In response to these concerns, ARTICLE 19 calls upon UN Member States to put forward specific and strong recommendations to address the dire situation for the right to freedom of expression and assembly in Egypt, namely to:

Attacks on freedom of expression and the media

- Reform domestic legislation to protect the right to freedom of expression, including the repeal of provisions that criminalise:
 - defamation, in particular provisions protecting public officials;
 - the dissemination of wrong information;
 - blasphemy or insult to religions or belief
- Ensure the protection of the right to freedom of expression and freedom of religion or belief in conformity with Articles 19 and 20(2) of the ICCPR, in accordance with the guidance provided in the Rabat Plan of Action
- Unconditionally release all citizens imprisoned for exercising their right to freedom of expression, and reinstate all media outlets shut down
- End impunity for attacks on the freedom of expression rights of journalists, ensuring independent, effective, and speedy investigations into attacks, and accountability for perpetrators and redress to victims
- Stop the military trials of civilians, including journalists, and reform the 1966 Military Justice Code

Restrictions and attacks on freedom of assembly

- Unconditionally release participants in peaceful assemblies currently detained under the new Assembly Law and cease arrests and detentions of participants in peaceful assemblies
- Amend the new Assembly Law to align it with Egypt's international obligations to establish a presumption in favour of the exercise of free expression and peaceful assembly rights
- Ensure that the use of force is never used to disperse peaceful assemblies, and that use of force is a last resort and in accordance with a legal framework that conforms to the principles of necessity and proportionality
- Protect women participants in assemblies from all forms of violence and sexual harassment, including virginity testing, and ensure such attacks are independently, effectively, and speedily investigated, perpetrators brought to justice, and redress provided to victims

Restrictions on freedom of association

- Ensure that the new draft law on civil associations protects the right to freedom of association in accordance with Article 22 of the ICCPR, including by guaranteeing access to resources, including domestic and foreign funding, and guarding against unnecessary or disproportionate interference in the internal financial and organisational affairs of civil society organisations
- Cease the harassment of civil society organisations, unfreeze bank accounts of civil society organisations, and release arbitrarily detained civil society organisation workers