

NOVEMBER 2, 2018

MRS. SOYATA MAIGA,

CHAIRPERSON OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

BANJUL, GAMBIA

Subject: Don't provide political cover for brutal repression of Egyptian government

We are writing to urge you to reject the bid to hold the upcoming ACHPR 64th ordinary session in Egypt. This decision, if taken could tantamount to ignoring the current violations taking place in the country. Egypt, under the rule of President Sisi, is in the throes of the most widespread and brutal crackdown on human rights committed by any Egyptian government in its modern history. *Reflecting* this reality, the United Nations (UN) human rights system, including the *Office* of the High Commissioner for Human Rights (OHCHR) and Special Procedures, has become increasingly vocal and robust in its criticism of the human rights situation in the country. This includes recent statements that strongly denounce the recent issuance of mass death sentences for individuals who have participated in protests within the country –and a rare call by experts representing six thematic mandates of the UN Human Rights Council to “urgently respond” to the government’s “appalling” behaviour. The EU’s European External Action Service has made similar criticism.

The Egyptian government’s continuous disregard to constitutional law and international human rights obligations lead to a series of appalling human rights violations (see annex attached to this letter). The judiciary has largely failed to hold to account those responsible for grave violations of international and national law and, in many cases, the courts have served as an instrument of repression for the authorities. Egyptian NGOs have documented 1,520 cases of enforced disappearance in Egypt between July 2013 and August 2018. More than 60,000 political prisoners are currently detained in Egypt, in dreadful conditions. The Egyptian NGO Committee for Justice documented at least 129 cases of death in custody in 2017 alone. Moreover, The UN Committee Against Torture’s 2017 annual report concluded “torture is a systematic practice in Egypt” fed by security forces’ impunity and high-level State acquiescence, and may amount to crimes against humanity.

Amid a national milieu distinguished by endemic torture and enforced disappearance and impunity, Egypt is currently in the middle of the most sweeping and repressive crackdown on fundamental freedoms, including dissent and other political expression in its modern history. This systematic repression threatens to wipe out any form of independent journalism and civil society in the coming period and had sweeping *effects* on the enjoyment of all individuals to their right to freedoms of expression, association and reunion. Indeed, the Egyptian government's rejection of fundamental democratic processes and human rights principles is represented by its recent presidential elections held in March this year, which were assessed by fourteen regional and international organizations as neither free nor fair. Leading Egyptian human rights organizations previously warned the elections had become a dangerous "charade" likely to "exacerbate violence, terrorism and instability" in the country. Now the authorities are widely expected to soon make concrete moves to amend Egypt's Constitution to abolish presidential term limits and allow President Sisi to run for a third term in 2022.

In face of this, a free and *effective* participation of Egyptian and non-Egyptian civil society organizations during the ACHPR sessions is also put into question. Our organizations have serious doubts all conditions would be met to allow NGOs to access the ACHPR, according to its mandate and practices. The security and safety of human rights defenders participating in this session may also not be guaranteed. The ACHPR has a key role to play and should reinforce its engagement with Egyptian national authorities, in order to contribute to upholding respect for human rights and fundamental freedoms in the country.

The ACPHR should not turn a blind eye to these atrocities. We fully support the UN High Commissioner for Human Rights Michelle Bachelet's recent denunciation of the injustice of the Egyptian court. We urge the ACHPR to follow the High Commissioner lead in denouncing these violations in Egypt instead of rewarding it with hosting the 64th ordinary session. The African Commission should not raise its *flag* over the gravestone of human rights in Egypt.

Thank you for your consideration of our request.

We remain at your service should you require further information.

With Assurances of our Highest Consideration:

Signatories

1	Cairo Institute for Human Rights Studies (CIHRS);	2	Committee for Justice (CfJ)
3	Action for Community Transformation (ACT-NOW);	4	Adalah Center for Rights & Freedoms (ACRF)- Egypt
5	African Centre for Democracy and Human Rights Studies (ACDHRS);	6	Afrique arc-en-ciel
7	Afrique Arc-en-Ciel Togo ;	8	Algerian League for Human Rights (LADDH)
9	Arab Foundation for Civil and Political Rights-Nedal- Egypt;	10	Associação Justiça, Paz e Democracia (AJPD) Angola
11	Association for Human Rights in Ethiopia (AHRE);	12	Associazione Ricreativa Culturale Italiana – (ARCI)
13	Belady Island for Humanity;	14	Border center for support and consulting-Egypt
15	Center for Civil Liberties-Ukraine;	16	CIVICUS
17	CNCD-11.11.11;	18	Coalition of African Lesbians
19	Independent Commission for Human Rights in Western Sahara;	20	Conectas Direitos Humanos
21	Consortium for Refugees and Migrants in South Africa (CoRMSA);	22	Defend Defenders (the East and Horn of Africa Human Rights Defenders Project)
23	Dignity;	24	Egyptian Front for Human Rights
25	EuroMed Rights;	26	Great Lakes Initiative for Human Rights and Development (GLIHD)
27	Human Rights and Development in Africa (IHRDA);	28	Human Rights Awareness and Promotion Forum- Uganda
29	Human Rights Concern - Eritrea (HRCE);	30	Human Rights Defenders Network- Sierra Leone
31	HuMENA for Human Rights and Sustainable Development;	32	Initiative For Equal Right- Nigeria
33	Initiative for Equality and Non-Discrimination- Kenya;	34	Initiative for Strategic Litigation in Africa (ISLA)
35	International Bar Association's Human Rights Institute;	36	International Commission of Jurist (ICJ)
37	International Federation for Human Rights (FIDH);	38	International Institute for Child Protection
39	International Lawyers (Geneva);	40	International Service for Human Rights (ISHR)
41	Iranti-South Africa;	42	Kenya Human Rights Commission

43	Kvinna till Kvinna Foundation;	44	Moroccan Association for Human Rights (AMDH)
45	Moroccan Organization for Human Rights (OMDH);	46	Nadeem Center- Egypt
47	National Coalition for Human Rights Defenders-Uganda;	48	National Coalition of Human Rights Defenders - Kenya (NCHRD-K)
49	National Human Rights Defenders Network Sierra Leone;	50	National Human Rights Defenders Somalia/ Somaliland
51	Network for Solidarity, Empowerment and Transformation for All – NewSETA;	52	Odhikar-Bangladesh
53	Organization for Women and Children (ORWOCH);	54	Queer Youth Uganda
55	Réseau des Défenseurs des Droits Humains en Afrique Centrale (REDHAC) ;	56	Réseau Doustourna (Tunis)
57	Southern Africa Human Rights Defenders Network;	58	Synergia Initiatives for Human Rights
59	The Freedom Initiative;	60	The Regional Center for Rights And liberties
61	Tunisian League for Human Rights (LTDH);	62	Uganda National NGO Forum
63	West African Human Rights Defenders 'Network (ROADDH/WAHRDN);	64	World Organisation Against Torture (OMCT)
65	Zimbabwe Lawyers for Human Rights.		

ANNEX: Human Rights Situation In Egypt

In concert with the rigging of political processes, legislation has been passed in Egypt to ensure the Egyptian authorities are shielded from accountability while cementing their future political power. In 2018, six Egyptian human rights NGOs documented the sentencing of 175 people to death in Egypt in eleven politically-motivated cases, including the Rabaa Dispersal Case. Glaringly absent from those punished for the atrocities at Rabaa were its actual perpetrators. A July 2018 law exempts high-ranking army *officers* from accountability for any crimes committed from June 2013 to January 2016, which includes the 2013 mass killings and *definitively* fuels impunity.

The Egyptian government's consolidation of the authoritarianism in its political processes is accompanied by a two-pronged attack on the media and civil society. Egyptian media has either been *effectively* nationalized or subjected to arbitrary security restrictions, and the few remaining outlets of media coverage not under the stranglehold of the state - social media and the international media - are now under attack. The freedoms of expression and the press are repressed even further through draconian new media laws and a cybercrime law allowing unlimited mass surveillance of citizens' online communications by security bodies without a judicial warrant.

Repressive legislation has similarly been directed against civil society. The May 2017 ratification of Egypt's NGO law, no. 70/2017, came as a shock to decision-makers around the globe who had been led to believe the draconian text passed by Parliament in 2016 would not be enacted as it was. Its implementation will *stifle* independent civil society, including development, social and humanitarian NGOs, and discourage further initiatives for any kind of civic work in the country. Law no. 70/2017 was preceded by the ongoing prosecution of Case 173 of 2011, in which government forced international rights organizations to shutter their *offices* in Egypt and suppressed Egyptian rights groups. Recent developments including the closure of NGOs and the imposition of travel ban on activists, together with asset freezes on activists and their NGOs, indicate a systematic plan to eradicate the entire human rights movement in Egypt.

The ACHPR's failure to react promptly to these recent violations by the government could lead to the closure of more NGOs and to the sentencing of their workers. To date, at least 37 national Egyptian organizations are under prosecution in Case 173. Amongst these 37 NGOs are the most credible and independent NGOs in Egypt and the only remaining critical voices of the government's political,

economic, developmental and human rights policies. Six human rights organizations and ten human rights activists have their assets frozen.

The Egyptian government's consolidation of attacks against civil society – most starkly revealed through Law 70/2017 and Case 173 - is occurring in the backdrop of a socioeconomic crisis in which the provision of the most basic services are urgently needed the most. Floatation of the Egyptian Pound in late 2016, a condition of a \$12 billion loan agreement with the International Monetary Fund, nearly halved its exchange value from \$0.112 to 0.057 and *inflation* reached almost 35 percent. Egypt's economic crisis also featured constricting space for workers' mobilization. Workers' strikes remain criminalized in Egyptian law. Authorities arrested or charged at least 180 workers for peaceful workplace strikes and protests in 2016 and 2017. Reports show that harsh austerity measures severely impacted the poor, who make up more than a quarter of the population – over 23 million people – according to *official* statistics. As Egypt's socioeconomic crisis drags on, the new NGO law will deprive Egypt's many vulnerable people of the vital educational, health and social services, as well as poverty alleviation, provided by civil society groups. They will also leave survivors of torture, and sexual or gender-based violence essentially without recourse for legal, medical or psychological support. Egypt's Gini *coefficient* of wealth was a staggering 91.7% in 2017 according to the Credit Suisse Research Institute, making it the third most unequal country in the world—an increase likely to continue. Al-Sisi's refusal to be held accountable to the public and his prioritization of regime survival over State stability, translate into acceptance of continuing mismanagement and corruption—a huge concern for the public, researchers have confirmed. The authorities continue to pursue grandiose projects such as expanding construction of costly urban communities only accessible to the wealthy. The focus has been on satisfying Al-Sisi's power base, in particular the military-controlled sector of the economy—whose increasing weight continues to crowd out the private sector.

All these policies ensure that existing reform efforts remain highly painful yet insufficient to fulfil promises of prosperity and sustainable development. President Al-Sisi's promises of socio-economic stabilisation and inclusive growth remain largely unfulfilled since 2014.

The Egyptian government's assault on the media and civil society serves to consolidate its systematic closure of the political sphere and public space and the suppression of dissent, while eliminating options for the peaceful transfer of power in Egypt. The outgoing UN High Commissioner for Human Rights has repeatedly warned that “brutality and intimidation of the country's most thoughtful dissenting voices, the cutting *off* of the vital social and economic services provided by NGOs, and blocking information can only exacerbate radicalism and instability” in the country.

Egypt has brought further notoriety to itself for its campaign of hatred, criminalization and violence against dozens of people on the basis of sexual orientation, for allegedly attending a concert and peacefully raising a *flag*, or using a dating application. The Egyptian government has been leading a similar campaign in the African Union to undermine African NGOs working on LGBTQ issues.

The sharp deterioration of the situation in Egypt across a range of issues highlights the urgency for the international community to respond to grave human rights violations. It would also endanger the engagement of international, regional and national independent civil society organizations with the Commission's processes. The Egyptian government's repressive policies further undermine the ability of Pan-African and international NGOs to attend and *effectively* engage with the commission's sessions. The silence of the ACHPR has become increasingly *difficult* to justify as the Egyptian government steps up its campaign to silence dissent and crush independent civil society. This silence has also perpetuated impunity and provides reassurances to Egypt's security forces that there will be no consequences for committing human rights violations.

Over the past four years, Egyptian activists and NGOs who have collaborated with International Human Rights Mechanisms have been subject of systematic acts of reprisals. On the 21st of March 2018, in reaction to a memo sent by seven Egyptian independent human rights groups, including CIHRS, to the UN Secretary-General regarding the presidential elections in Egypt, a TV show host called on the Egyptian authorities to "deal with him [Bahey Hassan, Director of the Cairo Institute for Human Rights Studies (CIHRS)] the same way the Russian spy was dealt with," in reference to the nerve agent attack on Serjei Skripal in the United Kingdom earlier this month. CIHRS', Egypt *office* Director, Mohamed Zaree has been banned from travelling and charged with distorting Egypt's image abroad for coordinating the Universal Periodic Review Submission of Egypt in 2014. Acts of reprisals have left Egyptian organizations with no choice but to boycott the Universal Periodic Review of Egypt in November 2014. In 2017, an Egyptian human rights defender - Ebrahim Metwally- was arrested and prevented from boarding a *flight* to Geneva on 10 September to attend the 113th Session of the UN Working Group on enforced or involuntary disappearances (WGEID); prompting dismay from the UN, Mr. Metwally, co-ordinator of the Association of the Families of the Disappeared, is also the father of Amr Ebrahim Abdelmonem, who has been missing since he was arrested in July 2013.