



Freedom of Association under attack in post-revolution Egypt

The Cairo Institute for Human Rights Studies (CIHRS) is extremely alarmed about the unprecedented attack on civil society in the Republic of Egypt. A few months after the revolution, the ruling Supreme Council of the Armed Forces (SCAF) and the Egyptian government have launched a fierce campaign against freedom of association in the country, from government led media smear and defamation campaigns to launching investigations into the foreign funds of NGOs in Egypt, which referred 43 workers in international NGOs to criminal court and is likely to refer many more. We firmly believe that all the steps taken by the Egyptian authorities thus far are a direct response to the role played by Egyptian civil society, particularly human rights defenders, in exposing violations committed by SCAF and aim to silence those dissenting voices in the most severe manner.

The transitional phase in Egypt has been marked by frequent and severe human rights violations, mostly perpetrated by the military police, army forces, and civilian police, against peaceful pro-democracy protesters. Consequently, human rights groups have been working relentlessly over the last year to speak out against the increasing violations and offer legal and psychological help to victims. Since the SCAF came to power, over 100 protesters have been killed by security forces in addition to thousands others injured due to the excessive use of force during peaceful protests around Egypt. This is in addition to the referral of over 12,000 civilians to military courts, the continuation of systematic torture in detention places (resulting in the death of at least three citizens), and growing media restrictions. The abduction and torture of activists for brief periods of time is also a new and worrying development that vividly appears in post-revolution Egypt.

Attempts by military officials to stifle the revolution and those who continuously work on documenting violations against pro-democracy masses appeared as early as February 2, 2010, prior to Mubarak's removal from power. Military Police, aided by thugs, stormed the office of Hisham Mubarak Law Center (an Egyptian NGO), confiscated computers and documents, and arrested several of its members as well as staff members of other international organizations. Activists arrested were held in illegal military detention for several days until released. No investigations were opened into the incident to date.

Months after the ousting of Mubarak, in June, the government launched a fierce defamation campaign against NGOs, mostly human rights organizations. State owned, and affiliated, media outlets launched an aggressive media campaign – which is still ongoing – by leaking news that NGOs would face charges of high treason, conspiracy against Egypt, and compromising national security through the implementation of 'foreign agendas'. In July, Egypt's Prime Minister mandated the Minister of Justice to form a fact-finding commission, to look into the funding of civil society organizations. The findings of the report, which the media stated was submitted to authorities late July, have not been made public to date. Additionally, on August 7, the Minister of Social Affairs announced that he had requested the Egyptian Central Bank to keep him informed of all bank transactions on accounts held by NGOs, including withdrawals and deposits. This is considered a glaring breach of account confidentiality as upheld by Law 88/2033 on the Central Bank, Banking System, and Money. In August 8, media reported that the State Security Prosecution had started investigation into the receipt of foreign funding by civil society organizations. Two investigating judges, Judge Ashraf Al Ashmawi and Judge Sameh Abu Zeid were appointed to the case. The two judges had previously worked as prosecutors with the High State Security Prosecution and are known amongst NGOs to have handled numerous cases against political activists in the past, some

in which torture was used unsanctioned to extract information by Egypt's infamous State Security officers and they allegedly took no steps to prevent it.

It is in this context that we firmly believe that all the above mentioned steps are derived with a purely political motive. Despite several official statements claiming that the case against NGOs is based on legal grounds, there are several reasons to believe otherwise.

Furthermore, in its attempt to remove mounting public discontent and ongoing million man marches against its violations, the authorities appear to be employing the rhetoric that a "third party" is responsible for the killings of protesters during protests. On December 21, following the attack on the Cabinet sit-in on December 16, where the military used excessive violence to disperse protesters resulting in the killing of 18 protesters and the detention and torture of hundreds, the Minister of Justice implied that the "third party" responsible for the attacks on protesters during the events of Maspero, Mohamed Mahmoud Street, and the Cabinet Sit-In, are the human rights NGOs currently facing a smear campaign and being labeled as foreign agents. It appears that the campaign against NGOs in Egypt have shifted in recent months from one aiming to silence them to one aiming to falsely incriminate them with the most serious of crimes.

On December 29, the campaign reached its peak with the raiding of the premises of eight national and international NGO by Egyptian security forces, including military in uniform and in civilian clothes, as well as public prosecutors. Egyptian public TV and radio stations announced later on the same day that security forces have raided the offices of 17 organizations, mostly human rights organizations. However, none of the news sources have identified these organizations. Police forces searched and confiscated documents, books, and computers from the stormed offices.

The raid was directly followed by a series of investigations, which had already started days prior to the raids but took off in a very fast manner after the offices were stormed. Most of the employees working with the raided NGOs were summoned for investigation by the investigating judges, while a few other workers with other NGOs were also summoned for questioning on the same case. Questions asked to employees during the investigations reflected visible lack of information and an explicit attempt to find any loopholes to be able to formulate a case in what became known in the media as the "Foreign Funding Case". The investigations yielded the referral of 43 individuals from international human rights and democracy groups to court on criminal charges. If convicted, the defendants might face up to 5 years in prison on charges of illegal funding alone.

In an especially worrying development, the investigating Judges revealed in February 2011 that some national NGOs are also looking to face criminal charges. Some prominent Egyptian human rights defenders were informed by the investigating judges that they are involved in such a case. To date, there has been no concise information regarding the accusations against national NGOs, but from previous records, it appears that Egyptian human rights defenders too face imminent risk of imprisonment.

Attempts to stifle civil society, one of few sectors in Egyptian society that remains intact, have been practiced by the Mubarak regime for years. The existing NGO law 84/2002 puts civic associations under the control of the state and allows for great interference from the security apparatus. It is worth mentioning that the same law is currently paving the way for the investigating judges and state authorities to carry on with the legal campaigns against NGOs. Under Article 6 of this law, civic associations can only be formed upon the approval of the Ministry of Social Affairs, which demonstrates the degree of control the administrative authority has over the registration and establishment of NGOs in Egypt. Numerous NGOs have applied to the Ministry for registration, but were either rejected or did not receive responses, the latter being more frequent. Additionally, the most repugnant restriction was best represented in clauses dealing with foreign grants, which require prior government approval. It is important to mention in this regards that several registered NGOs have frozen all their activities, as the ministry refuses to permit them from receiving their funds, usually for unknown reasons. Article 34 also grants the Ministry of Social Affairs, and indirectly the

security apparatus, the right to object to board elections within civic associations and to disqualify candidates for the board.

This brief illustration of the current NGO law provisions highlights the nature of the relationship between the administrative authority and NGOs in Egypt. It is with this mentality that the Ministry of Social Affairs proposed a new law in January 2012, with draconian restrictions that surpass the current infamous NGO law.

The constant talk of investigations and measures against these organizations, the investigations against them by the Supreme State Security Prosecution, and talk of charges of conspiracy and treason, all serve to make Egyptian society wary of these groups and suspicious of their objectives, and ultimately, to undermine their work in exposing human rights violations. Indeed, it makes the very message of such groups— respect for human rights—subject to doubt, due to developing societal belief that these groups are implementing foreign agendas. It also makes society predisposed to reject the ideas advanced by the groups, from peaceful coexistence to the respect for human rights.

It is no exaggeration to say that one of the defining features of the former president's rule was human rights abuse. However, even Mubarak never accused the collective human rights society of high treason or referred workers in human rights offices to criminal courts.