



CAIRO INSTITUTE
FOR HUMAN RIGHTS STUDIES
Institut du Caire pour les études des droits de l'homme
مركز القاهرة لدراسات حقوق الإنسان

The President
El-Ittehadeya Palace,
Cairo, Egypt.

Memorandum to Mr. President

August 26, 2014

Mr. President
Abd al-Fattah al-Sisi

The Cairo Institute for Human Rights Studies (CIHRS) sends you this letter in your capacity as the head of the executive and legislative authorities in the country, pending the election of a parliament, following from the oath you took before the Supreme Constitutional Court to respect the constitution upon your assumption to office and proceeding from the memorandum sent to you by 18 original and alternate members of the fifty-member committee that drafted the constitution, in which they complained of successive legislative and procedural violations of the constitution committed with impunity.

We turn to you, Mr. President, in order to avoid a clash upon which the Ministry of Social Solidarity seems intent, and which will have serious national and international consequences. We turn to you having exhausted all other available channels.

At the invitation of Dr. Ahmed al-Borai, the former minister of social solidarity, our representatives were involved in more than six months of exhaustive discussions with the goal of drafting a new, democratic law to regulate civic associations—one compatible with the 2014 constitution and Egypt's international obligations, especially its pledges before the [UN Human Rights Council in 2010](#) as part of the Universal Periodic Review, for which Egypt will be held accountable in [less than two months](#). Dr. al-Borai submitted the draft law to the Cabinet in February, pending its submission to the new parliament after its election. On June 26, however, we were surprised when the new minister of social solidarity put a radically different bill up for what she called "a societal dialogue." [The new bill](#) sharply contravenes the new constitution and Egypt's pledges to the UN. It is, in fact, the worst bill on civic associations in Egypt's history. While the minister has not disclosed who wrote the bill or when, it most closely resembles the civic associations law proposed by the Ministry of Social Solidarity during the rule of the Muslim Brotherhood.

By adopting a law that would nationalize civil society and turn it into a quasi-governmental entity, the minister has disregarded the six-month effort by the former minister and civil society and demonstrated her antipathy towards some 40,000 civil society organizations. In addition, three weeks later, she issued a warning in the pages of *al-Ahram* on July 18, 2014, page 22, to what she termed “entities working in the field of civic associations,” advising those that were not registered under Law 84/2002 to do so within 45 days, although these “entities” are already registered under other laws, such as the Civil Code or the laws governing legal professions. Failure to do so could lead to the prosecution of a large number of development, cultural, and academic institutions, as well as human rights organizations, many of which, by the nature of their work, must assume other legal forms, such as law offices or research companies. This is quite normal under laws in democratic states, and many major international non-governmental organizations are registered as such.

The danger is not only that organizations not registered under Law 84/2002 will be subject to dissolution and their staff to jail time, even though these organizations are legal entities registered under existing Egyptian laws, such as the Civil Code and the laws regulating the legal professions; the closure of companies and law firms and the imprisonment of their founders would also endanger the stability of the legal system and the investment climate in the country.

Taking the minister’s announcement to be a declaration of war, rights organizations asked for a meeting with Prime Minister Ibrahim Mehleb, [who agreed to meet Bahey eldin Hassan](#), the director of the Cairo Institute for Human Rights Studies, on July 24. During the meeting Hassan gave the prime minister [a memorandum signed by 23 rights organizations](#) asking that the proposed law and the warning of July 18 be withdrawn. The prime minister promised to invite the signatory organizations to a meeting within ten days to discuss the memo and their demands. A month has now passed, but the prime minister has not fulfilled his promise. For this reason, we turn to you, Mr. President, as a final refuge, hoping to stave off the impending clash seemingly sought by the minister of social solidarity.

Mr. President, since the government intends to amend [Law 84/2002 regulating civic associations](#), we ask that the provisions in that law which conflict with the current constitution be suspended, including those related to what the minister of social solidarity terms “entities working in the sphere of civic work,” pending the issuance of a democratic law that concords with the constitution by the elected People’s Assembly. There is no logical explanation for the government’s ultimatum regarding the application of the 2002 law, since it had already announced its intention to liberate the work of NGOs in a new legislation.

Mr. President, we know protecting the country’s national security is at the top of your agenda. Rights organizations are similarly concerned with this issue through their work on respect for the rights and dignity of Egyptian citizens. You warn of the danger of Egypt following the path of Iraq, Syria, or Libya, and we are with you. The unraveling of these countries and the ease with which terrorist groups have penetrated them would not have been possible were it not for one-man rule and the cult of

leadership and the systematic, decades-long destruction of all their peoples' vital energies, first and foremost civic organs and rights organizations. It is perhaps not without significance that during the rule of Saddam Hussein, al-Qaddafi, and al-Assad, not one rights organization existed in their countries; groups that existed worked illegally or secretly or from abroad. This is not something to which the minister of social solidarity should aspire. A free civil society and independent, active human rights groups are in fact the cornerstone of vital, strong states. Steps taken to undermine civil society and the constitution through the adoption of unconstitutional laws, procedures, and policies are in fact steps that erode some of the most important pillars of the Egyptian state—in other words, they are steps down a disastrous road.

As such, the Cairo Institute for Human Rights Studies urges you, Mr. President, to the following:

1. The government should pledge to facilitate the work of civil society organizations and refrain from unconstitutionally intervening in their work, and it should withdraw the aforementioned warning issued by the minister of social solidarity.
2. The Ministry of Social Solidarity should be directed to comply with and respect the constitution, which states that the ministry must register civic associations simply upon notice of their promulgation; the ministry should refrain from setting up arbitrary, bureaucratic obstacles to the activities of civic associations and refrain from administratively dissolving NGOs or other entities.
3. The NGO bill to be presented to the parliament should be the bill drafted by the committee formed by the decree of the former minister of social solidarity, Dr. Ahmed al-Borai, in February 2014.

**Bahey eldin Hassan,
Director
Cairo Institute for Human Rights Studies**