



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

REFERENCE: AL
EGY 3/2016:

22 February 2016

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 25/2, 24/5, 25/18, and 25/13.

In this connection, we would like to bring information we have received to your Excellency's Government's attention concerning the **alleged attempt to close a human rights organization for its members' legitimate exercise of their rights to freedom of association and freedom of expression, as well as for the organization's legitimate human rights work.**

The **Nadeem Center for the Rehabilitation of Victims of Violence and Torture** was established in 1993 and provides medical care services and counselling to victims of torture and enforced disappearance, as well as their families.

NGO Law (84/2002) was the subject of joint allegation letters sent on 17 November 2011 (see A/HRC/19/44, case no. EGY 12/2011); 12 February 2013 (see A/HRC/23/51, case no. EGY 4/2013); 20 March 2013 (see A/HRC/24/21, case no. EGY 5/2013); 29 August 2014 (see A/HRC/28/85, case no. EGY 11/2014); and 12 June 2015 (case no. EGY 10/2015 (Corr.1)). We acknowledge receipt of replies from your Excellency's Government of 17 and 21 January 2012, 19 May 2013, 8 November 2014 and 18 August 2015.

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His Excellency
Mr. Amr Ahmed Ramadan
Ambassador
Permanent Representative-designate
Permanent Mission of the Arab Republic of Egypt
to the United Nations Office in Geneva

According to the information received:

On 18 July 2014, a Government's announcement required all non-governmental organizations register under NGO Law (84/2002). The Nadeem Center for the Rehabilitation of Victims of Violence and Torture (the Nadeem Center) complied with the requirement and was issued with an association license.

On 17 February 2016, police officers delivered an "administrative closing order" to the the Nadeem Center. The order was allegedly issued by the Ministry of Health's Free Treatment Directorate for an unspecified violation of the organization's association license.

On 21 February 2016, staff employed at the Nadeem Center inquired with several Government departments about the alleged violation of the organization's association license. Officials informed the staff that the work of the Nadeem Center, including the publishing of reports on torture, is deemed a "medical activity" for which it is not licensed.

The "administrative closing order" of the Nadeem Center has been suspended until after a meeting between representatives of the organization and the Ministry of Health, scheduled for 22 February 2016, after which the Nadeem Center may be closed immediately.

Serious concern is expressed about the allegedly reason for the issuance of the "administrative closing order" to the Nadeem Center, which may be an attempt to restrict the human rights work of the organization, as well as the legitimate exercise of the rights to freedom of association and freedom of expression of its members.

Similar concern is expressed about the broader effect of the above allegations, which may have a "chilling effect" on civil society and human rights defenders as a whole, particularly those with dissenting opinions, exercising their rights to freedom of association and freedom of expression. Additional concern is expressed for the use of the NGO Law (84/2002) to restrict civil society space through, inter alia, the revocation of association licenses in a crackdown against human rights organizations in the country.

In connection with the above alleged facts and concerns, please refer to the **Reference to international law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

It is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. We would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.

2. Please provide information on the legal basis for the administrative closing order issued to the Nadeem Center and explain how this is compatible with international human rights law, in particular relevant provisions enshrined in the International Covenant on Civil and Political Rights and the Universal Declaration on Human Rights.
3. Please provide information on the review of NGO Law (84/2002) and any plans to reform this law, with reference to international human rights norms and standards.
4. Please indicate the measures adopted to ensure that human rights activists and associations are able to carry out their legitimate work in Egypt in a safe and enabling environment without fear of reprisals, violence or harassment of any sort.

We would appreciate receiving a response within 60 days.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

David Kaye
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression
Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and of association
Michel Forst
Special Rapporteur on the situation of human rights defenders
Juan E. Méndez
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or
punishment

Annex
Reference to international human rights law

In connection with above alleged facts and concerns, we would like to remind your Excellency's Government of Articles 19 and 22 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Egypt on 14 January 1982, and Articles 65 and 75 of the Constitution of Egypt 2014, which guarantee the rights to freedom of opinion and expression and the right to freedom of association respectively.

We would also like to refer your Excellency's Government to Human Rights Council resolution 24/5 (operative paragraph 2), in which the Council "reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law."

We would also like to further refer to report of the Special Rapporteur on the right to freedom of peaceful assembly and of association, which states that where a registration license has been rejected, the organization "should have the opportunity to challenge the decision before an independent and impartial court" (A/HRC/20/27, para. 61).

We would also like to remind you of the recommendations accepted under the second UPR cycle of Egypt to promote and protect the right to freedom of association, as well as to adopt a new NGO law that is compliant with international human rights; including recommendations 166.210, 166.220, 166.221, 166.234, 166.236, 166.239, 166.240, 166.241, 166.244, 166.245, 166.246 and 166.248 (see A/HRC/28/16/Add.1).

We would like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other ill-treatment as codified in articles 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Egypt ratified on 25 June 1986.