A report on the security and judicial campaigns targeting human rights defenders and independent human rights organizations in Egypt.
Under Attack
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The Monitoring and Documentation Unit of the Association for Freedom of Thought and Expression (AFTE) relied on monitoring and documenting the most prominent serious violations against human rights defenders, as well as the most prominent situations in which defenders and independent human rights organizations were subjected to security attacks aimed at restricting their right to work freely in an environment free of surveillance and targeting.

The report relied on the databases of victims of violations, to which AFTE’s Legal Aid Unit provides legal support.

The report also relied on documenting eight testimonies of victims’ families and lawyers, in addition to legal news published on the platforms and websites of independent Egyptian human rights organizations.

The report does not express all the violations against human rights defenders, nor the number of defenders targeted as a result of the security campaigns, as much as it expresses the most prominent violations they are exposed to.
Security and judicial prosecutions against independent human rights organizations in Egypt, their employees, as well as individual activists and human rights defenders, have not stopped since the outbreak of the January 2011 revolution until today. The forms of persecution varied and the means of liquidating the human rights movement ranged in a manner that resulted in a significant weakening of the human rights movement in Egypt, in light of the complete stifling of the public sphere and the closure of all peaceful expression accesses within it.

The process of liquidating the human rights movement escalated through a series of attacks, each of which included a package of security, legislative and judicial procedures against human rights defenders. The most prominent of which was: moving lawsuit 173 of 2011 known in the media as the “Foreign Funding Lawsuit”, and the procedures and prosecution that it entailed for a whole decade, including: Arresting ad detaining defenders, closing orders against human rights organizations, listing on terrorist lists, including travel bans and freezing funds. In addition, President Abdel Fattah El-Sisi amended Article 78 of the Panel Code in 2014, allowing for tougher penalties against recipients of funds and donations from any entity and under any form, up to life imprisonment, and in some cases to execution. Finally, in 2019, the Egyptian parliament passed a new law regulating civil work. Two years later, the Council of Ministers issued the executive regulation for the law.

Neither the law nor the executive regulations have included any serious societal discussion with the concerned organizations and their employees and the human rights community in general. This made them deviate from the aspirations of those concerned with human rights.

While the human rights movement is divided over the mechanisms of interaction with the issue of reconciling the situation, do they accept working under the umbrella of a law that they did not participate in, and they have many reservations about? Or that reconciling the situation has become the only access for survival and work?
In light of the confusion of human rights organizations about their position on the issue of reconciling the situation, with the continuation of attacks and security and judicial prosecutions, and the escalation of international pressures critical of the human rights situation in Egypt, it seems that there are serious steps to interact with the two files of imprisoned defenders and the lawsuit of foreign funding No. 173 of 2011.

During the past two months, the Supreme State Security Prosecution has released five human rights defenders: activist Esraa Abdel-Fattah, researcher Shaimaa Samy, and lawyers Mahienour El-Masry, Sayed El-Banna, and Mohamed Helmy Hamdoun. All of them were in pretrial detention for varying periods of time pending different lawsuits, and all faced the same list of repeated accusations, most notably: joining a terrorist group with knowledge of its purposes, publishing false news and statements, and misusing one of the social media to carry out its crime.

A number of other defenders were also referred to trial, at the time of writing this report, some of whom were in arbitrary detention after serving two years of pretrial detention, which is the maximum period for pretrial detention according to the Criminal Procedures Code.

Meanwhile, Counselor Ali Mokhtar, the delegated investigation judge in the foreign funding lawsuit, decided that there is no reason to file a criminal lawsuit against a number of civil society organizations, entities, and associations, due to “insufficient evidence”. Almost a decade later, the investigations into the lawsuit began. The decision included removing the names of persons associated with the accusation from the lists of persons banned from traveling, anticipating arrival, and lists of banned from disposing of their money, whether liquid or movable.

As the unbanning the two human rights defenders: Esraa Abdel-Fattah, Nejad El-Borai, Azza Soliman, Hossam El-Din Ali, Magdy Abdel-Hamid, who are representatives of the associations: “United Group Lawyers Legal and Economic Consultants, Lawyers for Justice and Peace, and the Egyptian Association for the Advancement of Participation and the Egyptian Democratic Institute”. While the delegated investigative judge stated in a statement on the lawsuit that: “The number of organizations, associations, and entities for which an order was issued that there is no reason to file a criminal lawsuit is more than 180”.
Without going into the motives of these steps, AFTE believes that the test of the seriousness of the Egyptian authorities’ handling of the human rights file can be measured by monitoring the development that has occurred specifically in the thorny issues represented in: the issue of imprisoned defenders and the crisis of reconciling the situations of existing institutions in accordance with the last law and regulations, in addition to complete procedures for closing the foreign funding lawsuit No. 1173 of 2011 and all procedures that resulted from it, such as freezing funds and banning travel.

Hence, this report attempts, firstly, to monitor the number of human rights defenders who are held in pretrial detention pending investigations in several lawsuits, and secondly, to expose the most prominent patterns of violations, whether committed against detained defenders during arrest and detention or to which defenders are exposed in general (organizations and individuals). We hope that this call will contribute to highlighting the issues of human rights defenders in order to complete what has been started.
First Section: Serious violations against imprisoned defenders

Among at least 19 imprisoned defenders monitored by AFTE, two are in arbitrary detention in violation of the law, after they exceeded the maximum two-years pretrial detention period in accordance with Article 143 of the Criminal Procedures Code. While authorities are detention 17 other defenders in pretrial detention in multiple lawsuits, the majority of them have not been referred to trial until writing this report, including one woman and eighteen men.

The most vulnerable to abuse among defenders were human rights lawyers, as the list of detained defenders included 11 lawyers. The targeting of lawyers working in human rights organizations did not stop, but it extended to include anyone who provides legal support services to defendants on the background of political lawsuits or freedom of expression issues, as the list indicates that 6 owners or employees of private law firms have been targeted, in addition to targeting a freelance lawyer.

All defenders covered in the report were subjected to multiple patterns of violations, some of which can be described as serious. It was divided into stages: arrest, then investigations, and up to detention. This section of the report reviews the most prominent of these patterns, with evidence of them through real facts about the human rights defenders who are included in the report.

- Recycling as a form of punishment for defenders.

Out of the 19 human rights defenders behind bars, nine were recycled once in new lawsuits, while two were recycled twice in a row, in order to further abuse, with both being remanded in pretrial detention in three different lawsuits, so that the judicial authorities can extend their pretrial detention for periods exceeding four years, without referring them to trial or executing release orders.

Recycling of defendants is one of the regular patterns of violations faced by activists, dissidents, and human rights defenders over the past few years. Recycling of defendants is a flagrant violation of the right to a fair trial, as it primarily aims to use pretrial detention
as a punishment in itself, rather than as a precaution to ensure that investigations are conducted.

In most cases, the Ministry of Interior awaits the release of one of the defendants, to refrain from executing the order, and sometimes hides the defendants for varying periods, before resubmitting it to the investigation authority, with the same accusations, and based only on the records of the State Security investigations, without any new evidence or findings. In order for the Supreme State Security Emergency Prosecution to remand the defended in pretrial detention again, pending a new lawsuit.

Recycling the defendants represents a flagrant violation of Article 143 of the Criminal Procedure Code, which states that the defendant may not be held in pretrial detention for more than two years, except on certain charges specified in the provisions of the article. However, the detention and investigations authorities are twisting the arm of the law and exploiting its back doors, with the aim of further harassing the defendant. As the Ministry of Interior awaits the release of one of the defendants by the Supreme State Security Prosecution or the criminal court’s counseling room, followed by the detention authorities’ refusal to execute the orders and the re-presentation of the defendant to the Public Prosecution pending new lawsuits with almost the same accusations, and in some lawsuit, the defendant is presented with prison clothes, then it allows the judicial authorities to hold him in pretrial detention for another two years pending the new lawsuit.

The practice of the violation known recently as “recycling of defendant” is mainly shared by two official bodies, namely the arrest and detention body represented by the Ministry of Interior with its various agencies (especially the State Security), and the investigation bodies represented by the Supreme State Security Prosecution.

One of the most prominent examples of this pattern of violations is the case of human rights lawyer Ibrahim Metwally, founder of the Association of Families of the Enforced Disappeared. Metwally is the oldest of the 19 defenders imprisoned, included in the report. As until of this writing of this report, Metwally has spent 46 months in pretrial detention in three different lawsuits without any of them being referred to trial. During those years, Metwally has been recycled twice in different lawsuits.
Cairo International Airport security forces arrested the human rights lawyer and founder of the Association of Families of the Enforced Disappeared, Ibrahim Abdel Moneim Metwally Hegazy, on September 10, 2017, while he was at Cairo Airport on his way to the Swiss capital, Geneva, to attend a meeting at the invitation of the United Nations Working Group on Enforced Disappearances. Two days later, on September 12, 2017, Metwally was presented before the Supreme State Security Prosecution, which ordered to imprison him for 15 days pending investigations in Lawsuit No. 970 of 2017 Supreme State Security Prosecution, after accusations of him, most notably: establishing an illegal organization, conspiring with entities foreigners to harm the security of the state and publish false data and information.

On September 12, 2019, Metwally completed two years of pretrial detention pending investigation in Lawsuit No. 970 of 2017, which is the maximum period for pretrial detention in accordance with the Criminal Procedure Code, which requires the release of Metwally. However, he remained in illegal detention for a whole month before the State Security Prosecution ordered to release him for the first time on October 14, 2019. During the completion of the release procedures, Metwally’s lawyer and his family were surprised on November 5, 2019, by his presentation, for the second time, before the Supreme State Security Prosecution, as he was recycled for the first time in connection with a second lawsuit No. 1470 of 2019 Supreme State Security Prosecution, and the Supreme State Security Prosecution ordered to imprison him for 15 days pending investigations, after accusing him of the exact same accusations he faced in the first lawsuit.

Ten months after Metwally was held in pretrial detention pending the second lawsuit, the First Circuit of the Criminal Court ordered on August 25, 2020, to release him, but the Ministry of Interior, for the second time, refrained from executing the release order, and on September 6, 2020, ordered to recycle him for the second time pending the third Lawsuit. No. 786 of 2020 Supreme State Security Prosecution.

Likewise, the case of lawyer and human rights defender, Mohamed Ramadan Abdel Basset, who has been in pretrial detention since December 11, 2018, pending three different lawsuits\(^1\), none of which have been referred to trial. After the arrest and

\(^1\) A testimony from his lawyer.
detention authority participated with the investigation body in the recycling of Ramadan twice in a row pending three lawsuits, but he was only released in one lawsuit.

Ramadan was arrested on December 10, 2018, next day he presented to the prosecution, which ordered his detention pending investigations in Lawsuit No. 16576 of 2018, First Administrator of Montazah. After being charged with accusations including: joining a terrorist group and promoting its purposes using publications and spreading false news.

After two years of pretrial detention without referring to trial, the Alexandria Criminal Court ordered to release him on December 2, 2020, but the Ministry of Interior refrained from executing the order and detained Ramadan illegally until he appeared on December 8, 2020, for the second time before the Supreme State Security Prosecution, as he was recycled in the lawsuit of a second Lawsuit No. 467 of 2020 Supreme State Security Prosecution, after being accused of joining a terrorist group and spreading false news. Against the background of a national security investigation report, it allegedly published messages from his detention aimed at destabilizing the country. As well as, Ramadan was kept in pretrial detention through orders to renew his detention on paper without his presence, in violation of the right to a fair trial.

On June 13, 2021, the Cairo Criminal Court ordered to replace Ramadan's imprisonment with precautionary measures, but the Ministry of the Interior did not execute the order, and Ramadan's lawyers were surprised to recycle him for the second time. As he was presented to the State Security Prosecuting on the 15th of the same month, in connection with a new Lawsuit No. 910 of 2021, Supreme State Security Prosecution and accused of the same charges in the two previous lawsuits.

- **Detention in violation of the law.**

The report monitored the unlawful detention of two human rights defenders, in violation of the law, after the expiry of the maximum two-year period of pretrial detention in accordance with the Criminal Procedure Code. Arbitrary detention, as one of the forms of detention, is one of the most serious violations of human rights. The Egyptian constitution, as well as the international treaties and covenants that Egypt has signed
and committed to, especially the International Covenant on Civil and Political Rights, stipulate to ensure that all persons enjoy their freedom and that it is not restricted in any way without legal justification.

The most prominent case in this regard is the arbitrary detention of human rights defender, Hoda Abdel Moneim, a former member of the National Council for Human Rights, in violation of the law, since the expiry of the maximum limit of her two-year pretrial detention, since November 21, 2020. Before being referred to trial in August 2021 in connection with Lawsuit No. 1552 of 2018. As Abdel Moneim was arrested on November 1, 2018, and the Supreme State Security Prosecution interrogated her for the first time on November 21, 2018, pending investigations in Lawsuit No. 1552, Supreme State Security Prosecution, after accusations were charged against her, most notably: joining a terrorist group established in violation of the law, receiving fund for a terrorist purpose and inciting the destruction of the national economy.

The previous case also applies to human rights lawyer Mohamed Abu Huraira\(^2\), spokesperson for the Egyptian Coordination for Rights and Freedoms, who was arrested on the same night as human rights defender Hoda Abdel Moneim, November 1, 2018. He appeared for the first time before the Supreme State Security Prosecution on the same day, November 21, 2018, as it ordered to imprison him in the same Lawsuit No. 1552 of 2018 after the same accusations were charged against Abdel Moneim. Since November 21, 2020, Abu Huraira has been in arbitrary detention in violation of the law, until he was referred to trial in August 2021.

- **Detention on more than one lawsuit.**

Despite the repeated use of this pattern of violations in recent years, specifically against defendant members of the Muslim Brotherhood and supporters of the Islamic trend in general, and against those belonging to the civil current and human rights defenders to a lesser extent, it has not received sufficient focus as one of the most prominent forms of abuse of thought accused and human rights defenders. As this new procedure helps the State Security to ensure the continued detention of defendants, even if the judicial

\(^2\). A testimony from his brother.
authorities decide to release them pending any lawsuit.

Among the most prominent of these examples is the detention of human rights lawyer, Mohammed Al-Baqir, the Executive Director of Adalah Center for Rights and Freedoms, in pretrial detention in two different lawsuits at the same time, none of which have been referred to trial until now. Al-Baqir was arrested on September 29, 2019, while attending investigations with his agent, political activist Alaa Abdel-Fattah. As the Supreme State Security Prosecution ordered to investigate Al-Baqir in the same Lawsuit No. 1356 of 2019, Supreme State Security Prosecution, in which his agent is accused. And ordered to imprison him pending investigations, after accusations were charged against him, including: joining a terrorist group, spreading false news, and misusing social media.

On August 31, 2020, the State Security Prosecution summoned Al-Baqir to investigate him in a new Lawsuit No. 855 of 2020, Supreme State Security Prosecution, and ordered to imprison him for 15 days pending investigations, after charging him of joining a terrorist group and participating in a criminal agreement for the purpose of committing a terrorism crime represented in publishing and broadcasting false news, in order to spread a general scheme in the country with the aim of spreading chaos in the country. The investigations of the State Security, as the only evidence to indict Al-Baqir, included a description of the acts in question, that “during visits and exercise, he communicated with elements of the terrorist group in order to work on the inclusion of many elements and to achieve the objectives of this group represented in spreading false news with the aim of destabilizing the country’s security and stability.

In a similar context, human rights lawyer Amr Imam, a member of the Arabic Network for Human Rights information team, was detained in connection with two different lawsuits at the same time. As Imam was arrested from his home on October 16, 2019, and the next day he was presented before the Supreme State Security Prosecution, which ordered to imprison him for fifteen days pending investigation in Lawsuit No. 488 of 2018, Supreme State Security Prosecution, after charged him in accusation, including: Participation of a terrorist group to achieve its purposes, with knowledge

3. A testimony from his wife.
4. A testimony from his lawyer.
of its purposes, publishing and broadcasting false news and statements aimed to destabilizing security and stability in the country, and misusing social media.

On August 26, 2020, the Supreme State Security Prosecution summoned Imam for investigation in a new lawsuit No. 855 of 2020, Supreme State Security Prosecution, against accusations of joining a terrorist group and spreading false news. Based on investigations by the State Security, which indicated that he held meetings during the exercise period to attract new elements and transfer information abroad through visits and hearings for the renewal of imprisonment, despite the Ministry of Interior stopping granting prisoners exercise periods in addition to stopping the transfer of defendants to renewal hearings during the period referred to due to the spreading of the Coronavirus epidemic (Covid-19). Thus, he is being in pretrial detention pending investigations in two different cases at the same time, without any of them being referred to trial.

The Prominent human rights lawyer, Ezzat Ghoneim, Executive Director of the Egyptian Coordination for Rights and Freedoms, is a crudely indicative example of the practice of the three previous types of violations against defenders. As Ghoneim was recycled and detained in violation of the law and listed in more than one lawsuit at the same time.

Ghoneim was arrested on March 1, 2018, and spent six months in pretrial detention before the Criminal Court’s advisory room ordered to release him with precautionary measures in September 2018. However, the Ministry of Interior did not execute the order, and detained Ghoneim for four months unlawfully and concealed from his family and lawyer his detention’ place, and no official news about him until he appeared before the Criminal Court, which demanded that he be arrested and brought in for not complying with the implementation of precautionary measures! And ordered to imprison him again in connection with the same Lawsuit No. 441 of 2018 Supreme State Security Prosecution.

On July 28, 2019, before Ghoneim was released in connection with the first lawsuit, the Supreme State Security Prosecution summoned him for interrogation in connection with a new Lawsuit, No. 11118 of 2019 Supreme State Security Prosecution, where he faced the same accusations in the first lawsuit, most notably: joining a terrorist group with the knowledge of its purposes, spreading false news and statements and misusing
one of social media websites to commit his crime. On May 28, 2021, after Ghoneim was
released in the first Lawsuit No. 441 of 2018, the Supreme State Security Prosecution
summoned Ghonim to interrogate him for the third time in connection with Lawsuit
No. 1552 of 2018, Supreme State Security Prosecution, during which Ghoneim faced
the same accusations in the previous two lawsuits. Therefore, the human rights lawyer
is accused in three different lawsuits, releasing him pending investigations in one of
them, while he is in pretrial detention pending investigations in the other two lawsuits,
knowing that none of these lawsuits has been referred to the trial as of this writing.

- **Enforced disappearance.**

Enforced disappearance is one of the most prominent and common patterns of
violations during the past seven years, especially after the July 3, 2013, orders. Hardly
anyone is arrested for opposing any of the policies of the current regime, except for
being subjected to enforced disappearance for varying periods of time. As the security
services arrest opponents or human rights defenders, then deny the fact of the arrest,
or their knowledge of the whereabouts of the arrested in the first place, and from that
moment all official information about the arrested person is cut off, and this situation
does not end until one of them appears before the judicial authorities, after changing
the date of arrest in the seizure records submitted to the various judicial authorities.

Usually, the judicial authorities completely ignore all the defenses of the defendants’
lawyers and the defendants’ own allegations that they were subjected to the disappearance
and in some cases, torture in security detention facilities, before presenting them to the
investigative authorities, despite the fact that the relatives and lawyers of the disappeared
have taken all legal measures to prove the disappearance of the person after his arrest.
Among those measures: sending telegraphs to the Ministry of Interior and the Attorney
General, and in some cases writing reports of disappearance, and filing lawsuits against
the Ministry of Interior to indicate the whereabouts of the person who was arrested
by the security services. The danger of practicing this violation is that it deprives the
detainees of legal protection throughout the period of their disappearance, which may
expose them to more serious violations, especially extrajudicial killing and torture.
For example, the human rights researcher at the Egyptian Commission for Rights and Freedoms, Ibrahim Ezz El-Din, was subjected to enforced disappearance for a period of 167 days, during which time Ezz El-Din was subjected to torture and physical and psychological abuse. Meanwhile, human rights lawyer Ezzat Ghoneim was subjected to enforced disappearance for four full months after his release, pending one of the lawsuits in which he is accused. This led to a request by the Criminal Court to arrest him and bring him for his absence from executing the precautionary measures, to order the annulment of the order to release him and imprison him in the same lawsuit again.

- **Torture and physical abuse.**

At least two human rights defenders were subjected to severe torture inside Ministry of Interior detention facilities, among the 19 detained human rights defenders included in the report. Torture is the most prominent and oldest of the regular patterns of human rights violations in Egypt, and many observers consider it one of the main reasons for the outbreak of the January 2011 revolution, of which Khaled Said, the Alexandrian youth martyr of torture, was the most important icon of all.

During the period of his illegal detention at the Dar Al-Salam Police station, the 34-year-old human rights activist, Mohamed Salah Abdel-Aziz\(^5\), was subjected to severe torture and violent physical assault by a number of Dar Al-Salam Police station’ detectives and officers, along with a number of other political detainees in the same detention room, as punishment for their families for submitting a complaint to the Ministry of Interior and the Cabinet to enable them to visit and check on their relatives. The physical abuse of Salah resulted in severe knee and back injuries. Although he was transferred to Tora investigation Prison after the incident of torture, Salah was not allowed to prove the incident of torture and request to be referred to the forensic doctor to document the injuries. As it is not possible to transfer Salah to attend the detention renewal hearings for security reasons throughout his detention, except one time he was transferred to attend the hearing, but he remained detained in the “Prosecution Prison” while the

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\(^5\) A testimony from his brother.
renewal is done on paper periodically without enabling him to see the interrogator.

The human rights researcher at the Egyptian Commission for Rights and Freedoms, Ibrahim Ezz El-Din, was subjected to enforced disappearance for a period of 167 days. During that period, Ezz El-Din was subjected to torture and physical and psychological abuse, after he was imprisoned in a solitary cell, during which he was subjected to an illegal interrogation while he was blindfolded, in the absence of his lawyer, about his work in the housing right file at the Egyptian Commission for Rights and Freedoms. Then followed the practices of starvation, threats, and intimidation, as well as sleep deprivation by forcing him to raise his hands continuously, and finally threatening him with death to extract specific confessions from him.

As the human rights lawyer, Mohammed Al-Baqir was subjected to severe personal insult and physical assault when he arrived at a high-security prison 2 in Tora prisons area, in addition to ill-treatment.
Second Section: Travel ban or inclusion on terrorist lists, methods that restrict the work of human rights defenders.

- **Travel ban**

The travel ban is one of the types of violations used by the Egyptian authorities to restrict the movement and freedom of many individuals with expression and attitudes opposing some or all government policies after the 3rd of July 2013, in violation of Article 62 of the Egyptian Constitution, which stipulated on citizens’ freedom of movement, and not a violation of it except by a reasoned judicial order and for a specified period. The majority of travel ban orders also contradict the provision of Article 54 of the constitution, which obliges the Egyptian authorities, to make the decision by a reasoned judicial order that requires investigation, in the case of issuing any orders that restrict the freedom of individuals, and anyone whose freedom is restricted shall be informed of those reasons. In addition to using the travel ban to harass political activists, opposition party leaders, and Egyptian researchers abroad, the Egyptian authorities use it to restrict the movement and freedom of human rights defenders, in the context of the government’s ongoing restrictions on the work of independent human rights organizations. As AFTE monitored the banning of at least 25 human rights defenders during the past six years. The Egyptian authorities used several methods to do so, including: a travel ban against the background of an order by the investigation judge in Lawsuit No. 173 of 2011, known in the media as the “Foreign Funding Lawsuit”, which is one of the most widely used methods to prevent defenders and leaders of independent human rights organizations from traveling, as AFTE monitored at least 17 defenders were banned based on an order by the investigating judge in the lawsuit. Despite the issuance of the judicial order, it was marred by many faults, as these orders were issued without summoning the majority of those who were subjected to a travel ban for investigation, as it was not for a specified period, and the majority of them are still under a travel ban for nearly 6 years, so any judicial orders continue for that length of time without achieving any result from the investigations? How can a precautionary measure, which is the travel ban, continue for all those years, unless it's targeting to abusing and harassing his victims? Perhaps the most prominent
names that have been subjected to such orders are the Executive Director of the Egyptian Initiative for Personal Rights, Hossam Bahgat, Director of the Arab Network for Human Rights, Gamal Eid, Director of the Cairo Office at the Cairo Institute for Human Rights Studies, Mohamed Zaree, and Director of the El Nadeem Center for the Rehabilitation of Victims of Violence and Torture, Aida Seif El Dawla, and a number of another of the leaders and researchers of independent human rights organizations.

AFTE also monitored that the Egyptian authorities prevented officials of independent human rights organizations from traveling without giving any reasons or handing over the banned from traveling any official orders to prevent them from traveling, as this is what the Executive Director of the Egyptian Commission for Rights and Freedoms, Mohamed Lotfy, was subjected to, which he was surprised by his travel ban by the security services of Cairo International Airport while he was traveling to Berlin in June 2015 to deliver a speech before the German Parliament on the situation of human rights in Egypt at the invitation of the German Green Party, before he was arrested by the security services of Cairo Airport on the pretext that his name was on the lists of those banned from traveling without informing him of the reasons for that order or the body behind it.

As a number of defenders are also subject to travel bans as a result of their inclusion on terrorist lists by an order of the Criminal Court based on investigations carried out by the State Security. The director of the Adalah Center, Muhammad al-Baqer, is one of the human rights organizations’ officials whose travel ban was issued as a result of his inclusion on the terrorist lists.

- **Inclusion of human rights defenders in the travel ban lists.**

Listing on terrorist lists is one of the types of violations that human rights defenders are subjected to in a clear use of Law No. 8 of 2015 regarding the regulation of lists of terrorist groups and individuals, against human rights defenders. It was issued by the current President Abdel Fattah Al-Sisi in the absence of Parliament and after the approval of the State Council in accordance with Article 190 of the Constitution. The law contains legislations that were issued during the past seven years, contains a number of broad terminologies related to defining entities or individuals accused of terrorism in a form that makes its provision a subject to adaptation according to the
whims of the authorities in charge of its execution, which wastes the constitutional guarantees concerned with the protection of rights and freedoms, which is what has already been done, as many activists and politicians were targeted by this law by inclusion them on terrorist lists for a period of time without any evidence or proof of their involvement in supporting terrorism in any way, apart from their opposition to government policies. As well as AFTE monitored the inclusion of at least 4 defenders on the lists of terrorism, they are the director of the Adalah Center for Rights and Freedoms, Mohammed Al-Baqir, which the Criminal Court ordered to inclusion him on the terrorist list for a period of 4 years in November 2020. Also included 3 officials and employees of the Egyptian Forum for Labor Relations, Hassan Barabari, Ahmed Tammam and Alaa Essam is among 13 other defendants, accused of what was called in media “The hope lawsuit” for a period of 5 years, according to a decision of the Fifth Circuit- Terrorism at the Cairo Criminal Court, held in the Consultation Room of Tora Courts Complex, according to their accusation in Lawsuit No. 571 of 2020 Supreme State Security Prosecution.

The order to be included on the terrorism lists entails several precautionary orders, including a travel ban and a seizure of funds.
Third Section: Consecutive attacks over a decade aimed at liquidating independent human rights organizations.

Since the outbreak of the revolution of January 25, 2011, and despite the success of more than one political regime and many governments to run the country’s affairs, civil society in general and independent human rights organizations, in particular, have never enjoyed the freedom of work that would allow them to play an active role in stopping human rights violations and hold those responsible accountable. As well as contributing to the formulation of policies and legislation in a manner that guarantees the rights of citizens, whether civil, political, economic and social. Otherwise, during the last decade, civil society was subjected to consecutive attacks and successive attacks, which resulted in the closure of a number of these organizations permanently, and the liquidation of a number of its last works inside Egypt and heading to work from abroad, in addition to the exposure of the rest to continuous targeting through security and judicial prosecutions against those in charge and their employees.

From the first moment of the announcement of the January 2011 movements, counter-claims appeared aimed at distorting the advocates of these movements and those participating in them. The accusations of working for the human rights organizations and hostile foreign intelligence services were seeking to bring down the Egyptian state. The powers of the revolution or civil society after 2011 did not succeed in refuting these claims or gaining the confidence of the public about the role they play and their importance. Especially since the first blow came very early in 2011, in what was known in the media at the time as the issue of foreign funding.

This section of the report attempts to monitor - through an overview - the most prominent attacks by successive regimes since January 2011 until today, against civil society, especially independent human rights organizations. This was done by dividing it into three pivotal attacks, the first related to the issue of foreign funding, while the second related to what was known at the time as the “Al-Ahram Announcement”, which carried the threat of the Ministry of Social Solidarity to organizations working in the field of human rights to quickly reconcile their situations in accordance with the Law Regulating Civil Work No. 84 of 2002, and the subsequent amendment of Article 78 of
the Penal Code in 2014 to aggravate the penalty for receiving funds or donations from persons or entities, whether in liquid or movable form, up to life imprisonment and in some cases to death. As for the third attack, which continues until now, it is linked to the issuance of the new civil work organization law and its executive regulations, and the effects and developments that resulted from their adoption.

It is worth mentioning that the foreign funding Lawsuit No. 173 of 2011 did not stop at the famous trials of 2012/2013 against a number of human rights defenders belonging to local and international human rights organizations working in the field of human rights in Egypt for years, but the prosecutions of the investigative judges assigned in the lawsuit continued against human rights organizations and their employees for an entire decade. These included the procedures for summoning for investigation, inspecting workplaces, issuing travel bans and freezing funds. Consequently, the second attack continued with its consequences in a row, until finally features began to appear towards closing the lawsuit file, mainly under international pressure, specifically with the orders to release five of the imprisoned defenders, and the names of five others from the travel ban lists or the seizure of funds, after the investigative judge’s order that there is no ground to file a claim against the organizations they run.

Of course, the section does not cover all the attacks on human rights organizations and their employees, which have not stopped over the past decade. Rather, it attempts to show three attacks that had a significant impact on the conditions and work of independent human rights organizations in Egypt during the last decade.

- **The first attack... the issue of foreign funding**

In July 2011, the Prime Minister ordered the Minister of Justice to form a fact-finding committee to look into foreign funding received by civil society organizations and determine whether those organizations were registered under Law 84 of 2002. The report was completed in September 2011, and included as part of the evidence presented by the prosecution against the organizations in the 2012/2013 prosecution.
According to a report issued by the Egyptian Initiative for Personal Rights, the document includes a report from the State Security Sector and another from the General Intelligence Service, both of which mention nearly every independent Egyptian human rights organization operating in Egypt, and international organizations that were subsequently pursued and sentenced.

This was the beginning of an issue that spanned a whole decade, the procedures of which are following the Egyptian human rights group with the aim of liquidating it and drying up its sources. Lawsuit No. 173 of 2011 came in a general context in which the human rights movement was exposed to accusations of labor and working to execute foreign agendas in favor of the intelligence of hostile countries aimed at overthrowing the Egyptian state, which was accompanied by hostility to everything that is foreign and, by extension, everything that is human rights. Perhaps the media campaign promoted by Egyptian television to warn citizens against dealing or communicating with foreigners in general, is still stuck in the minds of many. Accordingly, the authority of the Military Council after 2011 and after that the authority of the Muslim Brotherhood (2012-2013), has contributed significantly - and through the official state agencies - in distorting human rights organizations and their officials and workers, in addition to distorting the real role they play, is a well-established policy that sees in the human rights movement is an enemy that contributed to instigating the outbreak of the revolution.

“In June 2013, a Cairo Criminal Court sentenced 43 Egyptian and foreign employees in some foreign organizations to prison for one to five years. Managers and senior employees were sentenced to five years in prison, most of the sentences were in absentia, and the Egyptian employees who remained inside the country received a one-year suspended prison sentence. The court also ordered the closure of the organizations involved, which are the International Republican Institute, the National Democratic Institute, Freedom House, the International Press Center, and the Konrad Adenauer Foundation.”

The accusations against the arrested human rights defenders in Lawsuit No. 173 of 2011 were based on Articles 78, 98 (C) (1), 98 (D) of the Penal Code, and Article 76 (2) (A) of the Regulating Civil Work Law - in force Then- No. 84 of 2002.
These articles sentence violators of their provisions with penalties ranging from three months’ imprisonment or a fine of three hundred pounds to five years’ imprisonment and a fine not exceeding one thousand pounds, up to life or death sentence, according to the last amendment made by President Abdel Fattah El-Sisi later in September 2014, as the penalty was increased to life imprisonment on vaguely worded charges that include receiving funds from abroad “with the intent of committing an act harmful to a national interest or undermining the country’s independence or unity.” According to Article 76 of the Non-Governmental Organizations Law No. 84 of 2002, failure to register is a misdemeanor that requires imprisonment up to six months.

37 organizations were included in the report of the fact-finding committee, most of which were prosecuted and harassed throughout the subsequent years, including arrests, detentions, closure orders, and raids on workplaces, in addition to travel bans and the seizure of the funds of some organizations’ leaders and their families.

For example, on October 9, 2015, Al-Youm Al-Sabaa newspaper leaked a photocopy of the request of the investigative judges against the background of Lawsuit No. 173, submitted to the Tax Authority to inquire about the tax compliance of 23 Egyptian organizations.

During February and March 2016, according to the Egyptian Initiative for Personal Rights, six independent human rights organizations were subjected to multiple security and judicial prosecutions, most of which represented serious attacks and violations of the right of these non-governmental organizations to organize and operate freely.

The procedures included summoning seven defenders, six by the investigative judge and the last by the prosecution, to question them regarding the lawsuit. Three from the Cairo Institute for Human Rights Studies, three from the Nazra Center for Feminist Studies, in addition to the human rights lawyer Negad El Borai, who was interrogated by the prosecution on March 3, 2016, on charges of “establishing an entity without a license called the United Group for Law and Legal Consultation, in order to incite resistance to the authorities.” practicing human rights activities without a license, receiving funds from the National Center for State Courts, and deliberately publishing false information with the aim of harming public order and the public interest.
As whilst, the Executive Director of the Arab Network for Human Rights Information, Gamal Eid, and the Executive Director of the Egyptian Initiative for Personal Rights, Hossam Bahgat, were subjected to orders freezing funds and ban travel. Finally, the Nadeem Center for the Rehabilitation of Victims of Torture received an order to close on February 17, issued by the Ministry of Health, on the grounds of “violating the conditions of the license.”

- **The second attack… civil society and the Other Things Law**

On September 21, 2014, the President of the Republic issued a decree by Law No. 128 of 2014, amending Article 78 of the Penal Code.

This law was issued days after the threat or deadline set by the Ministry of Social Solidarity -November 10, 2014- for companies working in the field of human rights to regularize their situation in accordance with the Non-Governmental Organizations Law.

The amendment to the provision of Article 78 of the Penal Code expanded on defining the sources of funding, as the provision included: “Anyone who requests for himself or for others… from a foreign country or those who work for its benefit, from a natural or legal person, from a local or foreign organization, or any other body does not belong to a foreign country and does not work for it.” In addition to the exaggerated expansion of the definition of the different forms of support, whether “liquid funds, movable funds, or ... other things.” Which is the criminalization of an indefinite act. This has led many legislators to call it “The Other Things Law”.

In addition to the above, the provision went too far in using stretchy terms that allow the executive authority to interpret them in light of its whims. Example: “Prejudice to the independence or unity of the country” and “Breaking public security and peace”.

In light of the justification of violations committed by the security services, impunity and stifling of the public sphere, and the government considering the human rights file a postponed file under the pretext of fighting terrorism, in violation of the controls set by the 2014 constitution to combat the so-called “war on terrorism”, allowing the
executive authority expands the definition of what is meant by breaking of security and public peace.

Finally, the provision of Article 78 amended by Law No. 28 of 2014 imposes a penalty up to the death for an unspecified crime represented according to the provision, in several acts concluded by the legislator with “...and any other things...”

• The third attack... Legalization of repression

At the end of last year (2020) occurred a new wave of repression and security restrictions against civil society and its employees, as three employees of the Egyptian Initiative for Personal Rights, including the Executive Director of the organization, Jasser Abdel Razek, were arrested and detained for several days, against the background of hosting the initiative and a number of ambassadors and diplomats earlier in the same year, with the aim of discussing developments in the human rights situation in Egypt, were at the organization's headquarters in the Garden City neighborhood, Cairo Governorate.

The international criticism directed at the Egyptian government has risen in a remarkable way, which called for a response from the Egyptian Ministry of Foreign Affairs, which confirmed in an official statement that the Egyptian Initiative was operating without a license in violation of the Civil work Law No. 149 of 2019. After those in charge of the initiative responded that they were awaiting approval of the executive regulations of the law so that they could submit a request to the competent administrative authority in order to reconcile their legal situation, the Egyptian government was forced to expedite the issuance of the executive regulations for the law. On January 16, 2021, the Official Gazette published the order of Dr. Mostafa Madbouly, Prime Minister No. 104 of 2021, to issue the executive regulations for the law regulating civil work.

According to the law issued in 2019, all organizations and companies that engage in civil work activities are obligated to reconcile their situation in accordance with the provisions of Law No. 149 of 2019 and its executive regulations, within one year from the date of the regulation's execution. Accordingly, the Egyptian civil society, and in particular the independent organizations working in the field of human rights, is facing a new turning point, which is the most prominent and most important since
the establishment of the third wave of the human rights movement in Egypt with the middle of the first decade of the third millennium.

These organizations aim to find ways to continue working to criticize government policies that violate human rights, and to provide the necessary legal support to the victims of these violations, but this time according to new rules that require working within the legal framework governing civil work, which is formed through the new law and its executive regulations a threat to the independence of the work of these organizations. The law regulating the civil work and its executive regulations impose the guardianship of the administrative body, affiliated to the Ministry of Solidarity, over the financing and activities of these organizations. For decades, the majority of human rights organizations have relied on multiple legal forms, most notably: limited liability companies affiliated with the Investment Authority, or law firms that follow the supervision of the National Bar Association.

Despite the Egyptian government's promises to remedy a number of problems of the law during the preparation of the executive regulations, the entire process of preparing the regulations took place through a committee formed by the Prime Minister from representatives of several concerned ministries, headed by the Ministry of Social Solidarity and the President of the General Federation of the non-governmental organizations, while what the government described as the societal dialogue about the executive regulations was limited to several discussions held by the head of the General Federation of the non-governmental organizations with representatives of some associations, without clarifying what recommendations it is issued. These discussions took place in light of the exclusion of the active human rights organizations. The Ministry of Social Solidarity also did not announce the initial drafts that were discussed in the committee concerned with developing the executive regulations and how the societal dialogue affected the provision of the final draft.

The provisions of the executive regulations of the law regulating civil work violate the provision of Article 75 of the Egyptian Constitution, as well as Egypt's obligations, in accordance with the signed international agreements on the protection, support, and promotion of human rights.
Conclusion and recommendations

AFTE places this report in the hands of all those concerned with the human rights situation in Egypt, aiming of shedding light on the most prominent violations practiced by the Egyptian authorities, through its various agencies, against independent human rights organizations and human rights defenders. It emphasizes the need of the authorities to take faster and firmer proceedings to improve the conditions for human rights work in Egypt during the coming period, the most important of which are:

Closing the investigations in Lawsuit No. 173 of 2011. Including the abolishes of travel bans, freezing funds, and any other judicial prosecutions related to the lawsuit.

Stopping the violations against imprisoned defenders, and those responsible and involved held accountable, specifically the recycling of defenders in new lawsuits with the same charges to extend the periods of their pretrial detention without referring them to trial. As well as the release of arbitrary detainees in violation of the law whose pretrial detention exceeded two years. In addition to stopping the inclusion of defenders in more than one lawsuit at the same time and on the same charges.

Complete the procedures for releasing the imprisoned defenders, whether those included in the report or not.

Creating a broad societal dialogue about reconciling the situations of existing human rights organizations, in a way that enables them under the umbrella of law and practices their work freely at the same time.