



NEW YORK
CITY BAR

August 21, 2014

By Facsimile

His Excellency Abdel Fattah al-Sisi
President of the Arab Republic of Egypt
c/o The Embassy of the Arab Republic of Egypt
3521 International Court N.W.
Washington, D.C. 20008
Fax: 202-244-5131

Your Excellency:

I write on behalf of the Association of the Bar of the City of New York (the Association) to express our grave concern over the arrest and detention of seven female human rights defenders along with 24 activists reported to be peacefully protesting the highly-criticized Law No.107 on the Right to Public Meetings,...and Peaceful Demonstrations (the Law). We urge you to take all necessary measures to ensure that all the defendants be immediately released, and to revoke or amend the Law to conform to international standards. Both of these requested actions are necessary for the Arab Republic of Egypt (Egypt) to comply with international law and the Egyptian Constitution.

The Association is an independent non-governmental organization with more than 24,000 members in over 50 countries. Founded in 1870, the Association has a long history of dedication to human rights, notably through its Committee on International Human Rights, which investigates and reports on human rights conditions around the world, and the Committee on African Affairs, which closely monitors and responds to legal developments in Africa.

The female human rights defenders and activists were arrested on June 21, 2014 during a reported peaceful demonstration calling for the revocation of the Law,¹ and the release of anyone convicted under it. They were detained until their first hearing on June 29. The judge then adjourned the session by postponing it until September 13;² the defendants will now be detained for those additional months, the judge allegedly not having addressed requests for bail. The session was moved from the Heliopolis Misdemeanor Court to the Police Institute near Tora Prison, and the presiding judge left the courtroom without

¹ Frontline Defenders, *Egypt: Extended Detention of Human Rights Defenders Ms. Yara Sallam and Ms.Sanaa Seif*, June 24, 2014, available at <http://www.awid.org/Get-Involved/Urgent-Actions3/Egypt-Extended-detention-of-human-rights-defenders-Ms-Yara-Sallam-and-Ms-Sanaa-Seif>.

² <http://nazra.org/en/2014/06/update-7-whrds-and-others-ittihadia-presidential-palace-case-attend-first-court-session>.

informing the lawyers of his decision. The lawyers were only able to confirm the judge's decision three hours later.³ The protestors were charged with 1) participating in an unauthorized demonstration whose aim was to stop the implementation of the Law; 2) organizing a demonstration without prior notice and participation in a demonstration that breached and threatened public security; 3) the use of force and violence to terrorize citizens; and 4) the deliberate destruction of property. But, among other charges, the police accused the protestors of damaging a police vehicle at 9:30 p.m. on June 21, despite the fact that the demonstrators were arrested at 5:30 p.m. and therefore not even present at the protest. Further, it was reported that the police found no inflammable objects in the possession of the demonstrators.⁴

Among the protestors are seven prominent female human rights defenders, including Yara Sallam, a researcher at the Egyptian Initiative for Personal Rights (EIPR), one of Egypt's leading human rights organizations,⁵ and Sanaa Seif, a student who has participated in previous protests. It was reported that the women have been prevented from contacting their lawyers or families.⁶ And it is alleged that the authorities interrogated Sallam extensively about the work of EIPR.⁷

The arrest and detention of the protestors engaging in reportedly peaceful protest, would violate Egypt's obligations under the International Covenant on Civil and Political Rights (ICCPR), which Egypt ratified in January 1982,⁸ the African Charter on Human and Peoples' Rights (African Charter), the United Nations Declaration on Human Rights (UN Declaration), and the Egyptian Constitution.

Article 21 of the ICCPR states, "The right of public assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those necessary...in the interests...of...public safety, public order, the protection of...morals or the protection of the rights and freedoms of others." There were no reports of evidence that such restrictions were necessary to deprive the protestors of this right. Additionally, Article 19.2 states that, "Everyone shall have the right to freedom of expression" only subject to the restrictions in Article 3 (b), "For the protection of national security or of public order." Reports state that there was no credible evidence of the protestors threatening national security or public order.⁹

Article 14.1 of the ICCPR states that "everyone shall be entitled to a fair . . . hearing by a competent, independent and impartial tribunal established by law." The judge's exiting the courtroom without informing the lawyers of his decision, leaving counsel to learn from Court Security that the session had been postponed until September 13, 2014, is a clear breach of detainees' right to a transparent and just trial.¹⁰

³ *Id.*

⁴ *Supra* note 1.

⁵ Human Rights Watch, *Egypt: Free 23 Held for Protesting Protest Law*, July 23, 2014 available at <http://www.hrw.org/news/2014/6/24/egypt-free-23-hwld-protesting-protest-law>.

⁶ Pambazuka News, Issue 686, *SOAWR coalition condemns unlawful detention of women human rights defenders in Egypt*, July 7, 2014, available at <http://pambazuka.org/en/category/advocacy/92419>.

⁷ *Supra* note 5.

⁸ United Nations Treaty Collection, Chapter IV Human Rights, available at https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtsg_no=IV-4&chapter=4&lang=en.

⁹ *Supra* notes 1, 5 and 6.

¹⁰ *Supra* note 6.

Article 14.3 (c) obligates States Parties to try persons “without due delay”. The adjournment from June 29, 2014 to September 13 is a violation of that obligation. Article 14.3 (b) entitles defendants the right “to communicate with counsel,” which the female human rights defenders were denied, according to verifiable reports.

The African Charter that Egypt ratified in March 1984¹¹ stipulates in Article 11 that, “Every individual shall have the right to assemble freely with others.” This right is only restricted in the interest of national security, and the safety and the freedom of others. The protestors’ demonstration was reported not to interfere with any such interests. Article 7.1 (d) states that every individual shall have “the right to be tried within a reasonable time by an impartial court.” That right was violated in this instance because the demonstrators’ hearing was adjourned for three months without any report of their application for bail being heard. The Egyptian Constitution of 2014 was also violated because Article 73 guarantees the right to peaceful assembly without the need for prior notification. The assembly was reported as peaceful and, therefore, that right was denied.

Furthermore, Article 12 of the UN Declaration stipulates, “Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.” The Public Meetings Law violates such freedoms, and also violates the right of peaceful assembly under Article 21 of the ICCPR and Article 73 of the Egyptian Constitution. The Law also effectively grants security officials discretion to ban any protest on very vague grounds, allows police officers to forcibly disperse any protest if a single protestor throws a stone, and sets heavy prison sentences for vague offenses such as attempting to “influence the course of justice.”¹²

Article 10 of the Law grants Interior Ministry officials an absolute right to ban any protest or public meeting on the vague basis of “serious information or evidence that there will be a threat to peace and security” without any requirement to that those officials provide specific justification.¹³ Article 11 of the Law states that police may forcibly disperse an entire demonstration if a single protestor commits a criminal act. Article 19 sets a prison sentence of between two and five years and a fine of 50,000-100,000 Egyptian pounds for any violation of Article 7 of the Law, which states that “Participants in public assemblies...are prohibited from violating security or public order or...influencing the course of justice...or blocking traffic.” Terms such as those quoted are particularly vague and will allow authorities to criminalize a wide range of legitimate public demonstrations.¹⁴

The African Commission on Human and Peoples’ Rights adopted a Resolution on the Right to Peaceful Demonstrations,¹⁵ stating that Egypt’s Law on public meetings “aimed at further curtailing the right to peaceful demonstration and freedom of expression. Since its adoption, this law has been used to target human rights defenders.”¹⁶

¹¹ African Commission on Human and Peoples' Rights, Ratification Table: African Charter, available at <http://www.achpr.org/instruments/achpr/ratification/>.

¹² *Supra* note 5.

¹³ Human Rights Watch, *Egypt: Deeply Restrictive New Assembly Law*, November 26, 2013, available at <http://www.hrw.org/news/2013/11/26egypt-deeply-restrictive-new-assembly-law>.

¹⁴ *Id.* page 2.

¹⁵ Resolution 28, available at <http://achpr.org/sessions/55th/resolutions/281/>.

¹⁶ International Federation for Human Rights, *The ACHPR adopts a Resolution on the Right to Peaceful Demonstrations: African States Must fully Abide by its Provisions*, May 28, 2014, available at www.fidh.org/en/africa/african-union/africa-commission-on-human-rights/15421-theachpr-adopts-a-resolution-on-the-right-to-peaceful-demonstrations.

The European Parliament, in adopting a resolution on freedom of expression and assembly in Egypt, called upon the Egyptian President and government “to repeal or amend the Protest Law...in line with...Article 73...of the Egyptian Constitution, international standards, and the country’s international obligations”.¹⁷

On June 17, the Daily News Egypt reported that Cairo’s Administrative Court agreed to refer to the Supreme Constitutional Court a lawsuit filed by the Egyptian Centre for Social and Economic Rights and the Centre to Support the Rule of Law challenging the constitutionality of the Law.¹⁸ The periodical also noted, “Many arrests have been made since the introduction of the law and many people, including several prominent political activists, have been sentenced in violation of the law.” The Human Rights Committee that monitors implementation of the International Covenant on Civil and Political Rights noted “(t)he obligation to respect freedom of opinion and expression is binding on every State party as a whole.”¹⁹ The United Nations High Commissioner for Human Rights, Navi Pillay, warned that the law restricting demonstrations in Egypt is seriously flawed and must be amended or repealed.²⁰

Because of the violations of international law and Egypt's Constitution, we respectfully request that Your Excellency take urgent action, in accordance with your mandate, to guarantee that the human rights defenders and protestors be released, and that human rights protectors not be arbitrarily detained and interrogated. Furthermore, we urge you to use your influence to have the Public Meetings Law repealed or amended to conform to international standards and the Egyptian Constitution.

Respectfully yours,



Debra L. Raskin

¹⁷ European Parliament resolution on freedom of expression and assembly in Egypt (2014/2728(RSP)) July 7, 2014, available at <http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&refernece=B8-2014-0013&language=EN>.

¹⁸ Daily News Egypt, *Protest Law to be appealed before SCC*, July 12, 2014, available at <http://www.dailynewsegypt.com/2014/06/17/protest-law-appealed-scc/>.

¹⁹ United Nations Human Rights Committee, General Comment No.34: Article 19 Freedom of Opinion and Expression, Paragraph e, Doc. No. CCPR/C/GC/34 (Sept. 12, 2011).

²⁰ UN News Centre, *New anti-demonstration law in Egypt must be amended, urges UN rights chief*, November 26, 2013, available at <http://www.un.org/apps/news/story.asp?NewsID=46589>.U-RFG_IdX8Q._

cc:

H.E. Prime Minister Hazem el-Biblawi
Prime Minister of the Arab Republic of Egypt

H.E. Ambassador Sameh Shoukry
Foreign Minister of the Arab Republic of Egypt

Honorable Mafouz Saber Adbel Kader
Minister of Justice

Honorable Deputy Chief Justice Adel Omar Sherif

Prosecutor General Hisham Barakat

H.E. Ambassador Mohamed M. Tawfik

H.E. Ambassador Mootaz Ahmadein Khalil

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The Honorable John F. Kerry

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