



Hon. Julie Bishop MP
Foreign Minister
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

July 9, 2015

Joint NGO Letter: Leadership on Egypt at the United Nations Human Rights Council

Dear Minister,

We write to urge Australia to play a leading role at the upcoming 30th session of the United Nations Human Rights Council (HRC) in September to address the urgent human rights situation in Egypt. In particular, we request the Australian government to take a leadership role in the development and negotiation of a resolution or joint statement aimed at preventing further deterioration and promoting accountability for past human rights violations in Egypt.

The need and opportunity for Australia to demonstrate global human rights leadership on Egypt

The government of President Abdel Fattah al-Sisi is now presiding over the most serious human rights crisis that Egypt has seen in decades – a brutal crackdown on almost any form of dissent or criticism. These violations affect people across the political spectrum in Egypt.

Australia has declared its candidacy for the Human Rights Council – the mandate of which requires action on country situations of concern – and repeatedly reiterated its commitment to the rights to freedom of expression, association, assembly and a fair trial. Australia has also recently led or co-sponsored important resolutions at the Human Rights Council on the abolition of the death penalty, the independence of lawyers and judges, and the protection of civil society

space. The country situation in Egypt – as detailed further below – represents the antithesis of these commitments, with the imposition of the death penalty following mass unfair trials and a brutal and worsening crackdown on the political opposition and civil society.

Egypt is repeatedly violating the rights that Australia is committed to championing, as the Australian government discovered when its national was arbitrarily arrested and faced a grossly unfair trial. The situation in Egypt is thus a prime example of a country situation that demands scrutiny from the Human Rights Council.

The deteriorating human rights situation in Egypt

The case of Australian Al Jazeera journalist Peter Greste epitomizes how the Egyptian authorities are using the legal system to repress journalists and government critics, in violation of international law. As you have rightly commented, Greste's prosecution and the suppression of journalists' ability to work "did not support Egypt's claim to be returning to democracy." Although Greste has been released, the case against him and his colleagues – both those who remain on bail in Egypt and who are being tried in absentia – remains pending,

The severity of the crackdown is alarming. Thousands of political prisoners languish in Egypt's chronically overcrowded prisons and police cells. The mass killing of at least 1,150 demonstrators by Egyptian security forces in July and August 2013 as documented by Human Rights Watch in the report "All According to Plan: The Rab'a Massacre and Mass Killings of Protesters in Egypt" represented the single bloodiest day in peacetime Egypt for decades. Based on its research, Human Rights Watch concluded that the killings not only constituted serious violations of international human rights law, but likely amounted to crimes against humanity.

Since July 2013, when then-Defence Minister al-Sisi ousted Mohamed Morsy, Egypt's first freely elected president, **Egyptian authorities admitted that they have arrested and detained 22,000 people, including 3,000 from the Muslim Brotherhood's top and middle leadership. Human rights groups have estimated that 41,000 people have been arrested, indicted or sentenced**, including some 300 lawyers.¹ Many of the 41,000 were detained solely on the basis of allegedly belonging to or sympathizing with banned Muslim Brotherhood and associated organisations, but they also include hundreds that identify as secular activists.

The authorities have charged hundreds, if not thousands, for violating a repressive November 2013 law that outlaws gatherings of 10 or more people that are not approved in advance by the Interior Ministry – a de facto ban on all peaceful protest. Those detained for violating the protest law include human rights defender Yara Sallam, April 6th Youth Movement co-founder Ahmed Maher, and activist blogger Alaa Abdel Fattah.

Since August 2013, Egyptian human rights organizations have documented at least 124 deaths in custody as a result of medical negligence, poor detention conditions, torture or other forms of ill-treatment. At least three former parliamentarians have died in custody.

¹ See Associated Press, *Egypt crackdown brings most arrests in decades*, 16 March 2014: <http://bit.ly/1JWvXIN> [the agency later update the figure to 22,000 people] ; and Wiki Thawra: <http://bit.ly/1mHhoEH>

The criminal justice system lacks sufficient guarantees of independence from the executive branches and security bodies of the government. In this context, judges have handed down at least 670 death sentences for political cases and hundreds more life-imprisonment sentences, following mass unfair trials.² Those sentenced to death in unfair trials include ousted President Mohamed Morsy. The authorities have executed seven people for political violence since al-Sisi took office, including six following an unfair trial in military court that failed to consider credible claims that three of the six defendants had been detained secretly at the time of the crimes for which they were accused.³

The Egyptian government is also restricting the legitimate activities of independent non-governmental organizations (NGOs), including human rights organizations, which criticize government policies. The government has said that all NGOs must register under the highly restrictive Law on Associations (Law 84 of 2002), and warned that it will hold any NGO which does not “accountable.” Staff at human rights organizations have faced questioning over their activities and funding by an “expert committee” appointed by a judge investigating their compliance with the NGO law. At least four remain subject to travel bans while investigations continue. **The government has begun a process of methodically undermining the ability of independent rights organizations and defenders to operate in Egypt** – a process that is likely to end with many human rights defenders at risk of long periods of imprisonment and the decimation of the Egyptian human rights community.

Despite Greste’s release, the government crackdown on freedom of expression has not abated. By the end of May 2015, at least 18 journalists remained in custody, according to Amnesty International’s monitoring.⁴ In April, a court sentenced 17 people, including journalists and media workers, to life in prison, and sentenced one journalist to death. In May, security forces arrested the owner of a print shop and seized as evidence texts about torture and multinational corporations in Egypt, according to the Cairo Institute for Human Rights Studies.

Women continue to face discrimination in law and in practice, including high levels of gender-based violence at home, in the public sphere and in custody. A June 2014 amendment to the Penal Code to combat sexual harassment requires further improvement, and incidents of sexual harassment are ongoing. Women have also faced deplorable treatment while in state custody or upon arrest, including sexual violence at the hands of the security forces.⁵ In the vast majority of cases the authorities have not taken serious measures to bring perpetrators of violence against women to justice, especially when they are from the security forces.

² According to Amnesty International’s continued monitoring of death sentences and executions in Egypt.

³ See eg Amnesty International, *Six men executed following grossly unfair trial* (Index: MDE 12/1670/2015), 17 May 2015: <https://www.amnesty.org/en/documents/mde12/1670/2015/en/>

⁴ Amnesty International, *Egypt: Journalists jailed or charged for challenging the authorities’ narrative* (Index: MDE 12/1573/2015), 2 May 2015: <https://www.amnesty.org/en/documents/mde12/1573/2015/en/>

⁵ See eg Amnesty International, ‘Circles of Hell’ domestic, public and state violence against women in Egypt (Index: MDE 12/004/2015), 21 January 2015: <https://www.amnesty.org/en/documents/MDE12/004/2015/en/>; and FIDH, *Exposing state hypocrisy: sexual violence by security forces in Egypt*, 19 May 2015: <https://www.fidh.org/International-Federation-for-Human-Rights/north-africa-middle-east/egypt/stifling-egyptian-civil-society-sexual-violence-by-security-forces>

Despite these grave and wide-ranging abuses, the Human Rights Council has failed to issue a resolution condemning Egypt's behaviour. The Council, as you know, is the UN's preeminent human rights body, responsible for taking action to respond to the most serious human rights violations and emergencies, and plays a key role in strengthening the promotion and protection of human rights around the globe.

The role of Australia and the UN Human Rights Council in addressing gross violations in Egypt

Principled action by the international community has increased in importance due to the inability of local groups in Egypt to visibly draw attention to these abuses without risking jail or other forms of punishment. A resolution or joint statement at the Council would be a crucial step to demonstrate to the Egyptian government that the world is watching and to increase political pressure for reform.

Australia is well placed to take the lead in pressing for a Council statement on the human rights situation in Egypt, having successfully advocated for Greste's release and previously used its UN Security Council seat effectively to lead global actions to protect human rights, such as pursuing accountability for crimes against humanity in North Korea, pushing for humanitarian access in Syria, and pressing for a commission of inquiry into crimes against humanity in the Central African Republic.

There is a strong alignment between Australia's professed human rights priorities and the human rights violations that predominate in Egypt. As a potential Human Rights Council member for 2018-20, civil society and many States will rightly expect that Australia take a more active and principled leadership role on urgent country situations, in close collaboration with other like-minded countries, and you can expect strong civil society support for any such endeavour.

In any such initiative, we encourage you to make clear to the government of Egypt that closer Australian ties with Egypt must go hand in hand with its steps to address these human rights concerns. Specifically, we ask you to lead a resolution or joint statement at the UN Human Rights Council, and to use other international forums, to urge the government of Egypt to commit to the following steps:

- Repeal or substantially amend the November 2013 law (Law 107/2013), which effectively bans peaceful assembly, and also amend other repressive Penal Code provisions to bring them in line with international human rights law and standards;
- Release immediately and unconditionally those detained solely for peacefully exercising their rights to freedom of expression, association and assembly;
- Release or retry before civilian courts, in proceedings which meet international fair trial standards, those sentenced in mass trials or those jailed solely for their alleged membership in or sympathy with banned organisations, both religious and secular;
- Commute all death sentences and establish an official moratorium on executions as a step towards abolishing the death penalty;

- End the government campaign of harassment and legal persecution against human rights defenders and organizations, including by refraining from implementing the 2002 Law on Associations (Law 84 of 2002) and ensuring a new law respectful of international human rights standards enacted after dialogue with relevant stakeholders;
- Ensure that all places of detention, including police stations and unofficial places of detention are under judicial oversight and comply with international standards including the UN Convention against Torture, to which Egypt is party, and the UN Standard Minimum Rules for the Treatment of Prisoners;
- Put in place effective measures to end violence against women at home, in the public sphere and in state custody, in consultation with independent women's rights groups.

We stand ready to work with you and assist you to show international leadership on this urgent and deteriorating human rights situation.

Sincerely,

Claire Mallinson, National Director, Amnesty International Australia

Chris Sidoti, Executive Director, Human Rights Council of Australia

Emily Howie, Director of Advocacy and Research, Human Rights Law Centre, Australia

Elaine Pearson, Australia Director, Human Rights Watch

Phil Lynch, Executive Director, International Service for Human Rights, Switzerland