

RE: 44 Civil Society Organizations Call for Renewed Efforts to Ensure the Release of Egyptian Political Prisoners

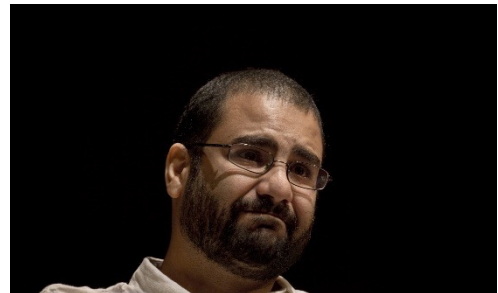
Your Excellency,

As human rights organizations from around the world, we write to you to *urge you to intervene with the Egyptian government and raise the case of human rights defenders, political activists and journalists who have been imprisoned or are being investigated for their peaceful, legitimate activities as Egyptian citizens.* In particular, we ask that you demand that the Egyptian authorities halt such investigations and release those affected and revoke laws that are used for oppressive prosecutions.

The recent release from military detention of prominent Egyptian human rights defender and investigative journalist Hossam Bahgat on 10 November after forceful international interventions with the Egyptian authorities demonstrates the impact that action on these individual cases can have and the important role played by the international community.

The five Egyptian citizens featured below are emblematic of the crackdown on peaceful dissent in the country, which has included a campaign to intimidate and silence human rights defenders and independent journalists. Progress on addressing these five cases would constitute an important step toward ensuring the protection of basic freedoms in Egypt and would contribute to ending the criminalization of peaceful forms of expression, as well as the use of military trials against civilians. This year presents a unique opportunity for concerned governments and officials to reinvigorate efforts in this regard.

1. **Alaa Abd El Fattah:** A political activist and blogger who was sentenced to five years in prison on 23 February 2015. Mr. Abd El Fattah was sentenced for organizing and participating in an unauthorized peaceful protest that took place in November 2013 in front of the Shura Council, Egypt's upper house of parliament. Eighteen people who were arrested with Mr. Abd El Fattah were pardoned by President Abd El Fattah El Sisi on 23 September 2015, but the pardon did not include him.<sup>1</sup>



- Mr. Abd El Fattah was arrested for protesting a November 2013 law that effectively banned protests. The protest law violates both Egypt's international legal obligations and its 2014 constitution.<sup>2</sup> That law should be revoked and the authorities should release Mr. Abd El Fattah and drop the charges against him.

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<sup>1</sup> <http://www.cihrs.org/?p=17467&lang=en> and <https://www.fidh.org/en/region/north-africa-middle-east/egypt/egypt-sentencing-of-mr-alaa-abdel-fattah-together-with-24-other>

<sup>2</sup> <http://www.cihrs.org/?p=11000&lang=en>

2. **Hisham Gafaar:** The director of the Mada Media organization and a member of the journalists syndicate, Gafaar was arrested when security forces stormed the Mada headquarters on 21 October. Mr. Gafaar was interrogated by the State Security Prosecution and his lawyers were barred from attending. He is accused of receiving illegal foreign funding and belonging to the outlawed Muslim Brotherhood. He remains in pre-trial detention in the highly secured Aqrab section of Cairo's Tora Prison. Authorities extended his detention for the seventh time on 17 January 2016 for 15 days.



- Mr. Gafaar is being investigated under article 78 of the Penal Code, which President al-Sisi amended in September 2014 to expand penalties for those who accept foreign funding in vaguely defined circumstances. Article 78 provides for life in prison and a large fine for anyone who receives funding or other support from a foreign source with the intent to “harm the national interest,” “compromise national unity,” or “breach security or public peace.” The provisions impose the same penalty of a life sentence on anyone who gives or offers such support, or “facilitates” its receipt. Human rights organizations and activists fear that the vague language and broad terms of article 78 could be used to prosecute them for activity that is critical of the government. Article 78 should be revoked and the authorities should release Mr. Gafaar and drop the charges against him.<sup>3</sup>

3. **Mahmoud Abou Zeid or Shawkan:** Mr. Abou Zeid was arrested on 14 August 2013 while covering the dispersal of Rab'a Al Adweya sit-in as a photojournalist. He has been held in detention since then, including a period of 25 months before he was referred to trial, exceeding the pre-trial detention time allowed under Egyptian law. The reasons for his imprisonment



appear to be solely related to performing his legitimate duties as a journalist. Mr. Abou Zeid has been diagnosed with hepatitis C, and his lawyer reports that his health is deteriorating in Tora Prison, where he is being held. After more than two years in prison, Mr. Abou Zeid's first hearing, where he is being tried alongside more than 700 other defendants, was on 12 December and was adjourned to give the court time to prepare a larger room to accommodate all of the defendants.<sup>4</sup>

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<sup>3</sup> <http://anhri.net/?p=155241&lang=en>

<sup>4</sup> <http://en.rsf.org/egypt-shawkan-s-detention-is-illegal-11-12-2015,48642.html>

- The Egyptian authorities should release Mr. Abou Zeid and drop the charges against him.<sup>5</sup>

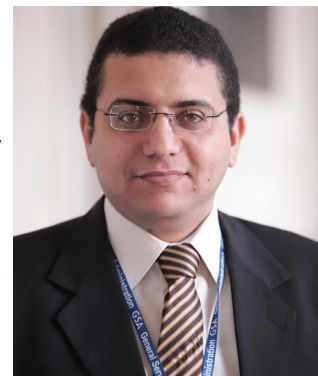
4. **Esraa El Taweel:** A photojournalist and student who was arrested after having dinner with two friends in Cairo on 1 June 2015. Ms. El Taweel was forcibly disappeared for over two weeks during which her family and friends did not know her location and she was not able to meet with a lawyer. She was reportedly seen at El



Qanater women's prison on June 16 and was brought before prosecutors on June 29. She has been charged with belonging to the outlawed Muslim Brotherhood, spreading false information, and disturbing national security. The authorities released Ms. El Taweel on health grounds on 19 December, but she is being kept under house arrest. Ms. El Taweel was shot in the back when police forces dispersed a protest on 25 January 2014, she has been partially disabled since and needs continuous physiotherapy. Her lawyers requested her release based on article 32 of Penal Code which prohibits the detention of someone suffering a physical disability. Those requests were ignored for seven months until her recent conditional release.<sup>6</sup>

- Enforced disappearances constitute a serious violation of international human rights law as well as the 2014 Egyptian constitution. The Egyptian government should hold those responsible for these acts to account. Moreover, the Egyptian government should release anyone who has been illegally detained or try them immediately before a civilian court that meets international fair trial standards.

5. **Ismail El Iskandrany:** A researcher and journalist detained on his return to Egypt from Germany on 29 November at the Hurgada airport. Mr. El Iskandrany was held for more than ten hours at the airport then later moved to State Security Prosecution after authorities searched his laptop and found articles he wrote about the Sinai Peninsula and other political issues.<sup>7</sup> He is under investigation for allegedly belonging to the banned Muslim Brotherhood and spreading its ideas, in addition to intentionally disseminating false information.<sup>8</sup>



<sup>5</sup> <https://www.amnesty.org/en/latest/news/2015/08/egypt-photojournalist-shawkan-among-700-held-for-more-than-two-years-in-pre-trial-detention/>

<sup>6</sup> <https://www.amnesty.org/en/documents/mde12/2371/2015/en/>

<sup>7</sup> <https://www.hrw.org/middle-east/n-africa/egypt>

<sup>8</sup> <http://www.cihrs.org/?p=17674&lang=en>

- Prosecutors should release Mr. El Iskandrani and drop the charges against him, which appear to be solely based on his work as a researcher and journalist.<sup>9</sup>

On 9 November the UN Secretary General, Ban Ki Moon, expressed concern at the “profoundly worrying” trend of “detentions of human rights defenders and others” in Egypt, and stressed that the “safeguarding of freedom of speech and association,” ensuring “all peaceful voices are heard and represented” and the creation of “pluralism and a vibrant civil society are key for achieving long term stability in the country.”<sup>10</sup>

On the same day, the UN High Commissioner for Human Rights expressed similar concern and urged “the Egyptian authorities... to take urgent steps to halt the legal harassment of journalists... and take equally urgent measures to halt the expanding use of the military justice system for cases involving civilians.” Moreover, the UN Special Rapporteurs on Freedom of Expression and Human Rights Defenders, in a joint statement, reiterated their “grave concern at the situation of fear and intimidation of journalists and human rights defenders which inhibit the legitimate exercise of their rights and the performance of their work in Egypt.”<sup>11</sup>

We urge you to reiterate the concerns expressed by the UN Secretary General, High Commissioner of Human Rights and various UN Special Rapporteurs with the Egyptian government, and to do so through forceful action to address the arbitrary imprisonment and legal intimidation of the individuals highlighted in this letter and the laws being used to attempt to silence their critical voices.

In a recent letter, Islam Khalil, a sales representative, who was forcibly disappeared for 122 days before being referred to pre-trial detention on charges of belonging to an outlawed group, wrote: *"Last but not least, don't get used to the many stories of murder and torture, those that we now hear about day and night. Reject them. Make them something despicable and strange so you don't lose what remains of your humanity. Don't forget those who died, those never mentioned by the media. Don't forget the forcibly disappeared, for you are their only hope. Don't forget the thousands like me, who are paying the price of freedom with their own young lives. Attach value to these sacrifices so that our wounds can heal, and so we might all sit together and laugh one day. So long as we continue to talk and refuse, there is hope"*.<sup>12</sup>

We remain at your service for any further inquiries that you may have concerning this request.

With Assurances of our Highest Consideration,

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<sup>9</sup> <https://www.amnesty.org/en/documents/mde12/2997/2015/en/>

<sup>10</sup> <http://www.un.org/sg/spokesperson/highlights/index.asp?HighD=11/9/2015>

<sup>11</sup> <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16738&LangID=E#sthash.2pxSaibh.dpuf>

<sup>12</sup> [http://www.madamasr.com/sections/politics/i-am-talking-about-all-us-letter-prison?utm\\_source=hootsuite](http://www.madamasr.com/sections/politics/i-am-talking-about-all-us-letter-prison?utm_source=hootsuite)

1. ActiveWatch
2. Albanian Media Institute
3. Americans for Democracy and Human Rights in Bahrain
4. Association for Civil Rights
5. Bahrain Center for Human Rights
6. Cairo Institute for Human Rights Studies
7. Canadian Journalists for Free Expression
8. Cartoonists Rights Network International
9. Central Africa Human Rights Defender Network
10. Civicus: World Alliance for Citizen Participation
11. East and Horn of Africa Human Rights Defenders Project
12. Foundation for Press Freedom
13. Freedom Forum
14. Fundamedios
15. International Federation for Human Rights
16. International Service for Human Rights
17. Hisham Mubarak Law Center
18. Human Rights Institute of South Africa
19. Human Rights Watch
20. I'lam - Arab Center for Media Freedom, Development and Research
21. Independent Journalism Centre - Moldova
22. Initiative for Free Expression
23. International Press Association
24. International Press Institute
25. Lawyers for Justice in Libya
26. March Lebanon
27. Media, Entertainment and Arts Alliance
28. Media Rights Agenda
29. Media Watch
30. Mizzima News
31. Pacific Island News Association
32. Pakistan Press Foundation
33. Pen International
34. PEN Canada
35. People in Need
36. Social Media Exchange - SMEX
37. Solidar
38. South Africa Human Rights Defender Network
39. The Egyptian Commission for Rights Freedoms
40. The African Men for Sexual Health and Rights
41. World Organization Against Torture
42. Pan-African Human Rights Defender Network
43. Vigilance pour la Démocratie et L'État Civique
44. West Africa Human Rights Defender Network