



EGYPT CENSORSHIP AND FREE SPEECH

Egypt: Stop holding NGOs hostage

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The Egyptian authorities should scrap a Mubarak-era law used to prosecute civil society and ensure its planned replacement upholds the right to freedom of association, Amnesty International said today. The call follows yesterday's announcement that 43 people have been referred to a criminal court for trial as part of an investigation into the funding and registration of NGOs. Amnesty International has called for the charges against them, based on Egypt's repressive laws on civil society registration and foreign funding, to be dropped. "These international associations have become the latest scapegoats as the authorities desperately spin their story of foreign conspiracies," said Hassiba Hadj Sahraoui, Deputy Director of Amnesty International's Middle East and North Africa Programme. "Egyptian human rights organizations have been left to wait in fear for their turn to come." Those named on Monday include 14 Egyptians, in addition to US, German and Serbian nationals reported to be staff members of five organizations – the US-based National Democratic Institute (NDI); the International Republican Institute (IRI); the International Center for Journalists (ICFJ); Freedom House (FH) and the Germany-based Konrad-Adenauer-Stiftung. Anyone found guilty of breaking Egypt's draconian Law on Associations (Law 84 of 2002) faces up to a year's imprisonment and/or a heavy fine. In January the authorities announced a draft law to replace it which would place even more restrictions on civil society. The current law requires NGOs to register with the Ministry of Solidarity and Social Justice and to seek permission for receiving and using foreign funding. It gives the Ministry of Solidarity and Social Justice the power to refuse to register organizations. Organizations wanting to conduct political or trade union activities are not allowed to register. Once an organization is registered, the Ministry of Solidarity and Social Justice then has wide-ranging powers over it, including the power of dissolution. The practice for international NGOs seems to have required registration with the Ministry of Foreign Affairs. On 29 December, the authorities launched surprise raids on 17 Egyptian offices used by NGOs, including the NDI, the IRI and FH, as well as a number of Egyptian organizations. During the raids, prosecutors accompanied by army and police officers conducted a search and took papers, computers, equipments, books and money, then sealed their entrances. A number of Egyptian NGOs were also raided the same day, including the Arab Center for the Independence of the Judiciary and Legal Profession (ACIJLP) and the Budgetary and Human Rights Observatory (BHRO). On 30 January, Nasser Amin, head of the ACIJLP was interrogated for seven hours on charges of establishing a branch of a foreign NGO and receiving foreign funds without permission. A BHRO member is also said to have been interrogated about the organization's foreign funding. The decision to refer to trial was made on 5 February 2012 by two judges, appointed by the Ministry of Justice

to investigate a number of NGOs for establishing and operating branches of international organizations without registration and for receiving foreign funding without permission from the Egyptian authorities. Both the NDI and IRI had been witnessing the parliamentary elections with the authorization of the Egyptian authorities and applied for registration with the Egyptian Ministry of Foreign Affairs in 2005 and 2006 respectively. Freedom House had submitted its registration request under Egyptian law just three days before the raid. In November 2011, the authorities had welcomed foreign organizations to witness the elections. The investigating judges said their examination into the case has not been closed. It is expected that more NGO staff members will be sent to trial. In September 2011, an Egyptian newspaper leaked the findings of a government probe that said 39 NGOs lacked the right registration, and 28 had received foreign funding without permission. The list named Egyptian human rights organizations working on issues including torture, women's rights and housing, as well as the NDI, IRI and FH. Since the investigation began, many NGOs have also reported receiving inquiries about their foreign funding from banks. Many believe the crackdown to be led by the Minister of Planning and International Co-operation, Fayza Abul-Naga. The minister today appeared before parliament's sub-committee on human rights, again criticising the work of NGOs. On 1 January she and the Minister of Justice held a joint press conference where they lashed out at Egyptian and international human rights organizations that operate in Egypt or receive funds without government permission, in breach of the Law on Associations. The Law on Associations has been repeatedly criticized over many years by UN treaty bodies monitoring Egypt's international human rights record. In January, the authorities announced that the Law on Associations will be replaced by new legislation and gave NGOs 15 days to comment on the draft, stating that foreign funding was a "red line" that they would not compromise on. "At a stroke, Egypt's parliament could end the authorities' long war against civil society," said Hassiba Hadj Sahraoui. "If they struck down this law, Egypt would take one more step out of the shadow of Hosni Mubarak." Egyptian NGOs have rejected the law. The draft would give the authorities more powers, and to decide whether an organization's activities are acceptable on the basis of threatening "national unity, violating public order or morality or calling for discrimination". The draft also eliminates associations' ability to escape restrictions by registering as companies, maintains tight restrictions on foreign funding, and further limits the freedom of foreign organizations in Egypt. Anyone found to have broken the law faces up to a year's imprisonment and fines running to thousands of Egyptian pounds. Egyptian civil society has rejected the draft legislation, and a coalition of organizations has proposed their own law.

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