

Egypt UPR Briefing Paper October 2019

Use of police surveillance and precautionary measures as a new pattern for violations of the rights to freedom of association, assembly, opinion and expression

In the 2nd cycle of the UPR, Egypt accepted several recommendations on:

- Amending the protest law to bring it in line with international conventions and the Egyptian constitution.
- Guaranteeing a safe and enabling environment for civil society and human rights defenders

The extent of implementing these recommendations

Since 2013, the Egyptian government has cracked down on independent civil society including human rights organizations, human rights defenders and political activists. Hundreds of individuals have been sentenced to imprisonment, followed by police surveillance or precautionary measures, upon their release from prison. These arbitrary measures aim to restrict their rights to freedom of movement, expression, association as well as their right to participate in public affairs.

Emblematic examples on the pattern of the use of police surveillance or precautionary measures targeting human rights defenders and political activists

Egyptian courts now consider the exercise of the right to participate in public affairs as criminal offence. The courts have sentenced political activists and defenders on charges such as show of force and thuggery.

Human rights defenders and political activists Ahmed Doma, Alaa Abdel Fattah, Ahmed Maher, Mohamed Adel, Amr Ali, were sentenced to 3 to 10 years in prison on charges of calling for demonstrations and showing force, and sentenced to police surveillance following completion of their prison sentences. According to Law 99/1945, they are obliged to be present themselves daily to the police station, from 6 pm to 6 am for a period not exceeding five years as per the prescribed penalty.

This comes at a time when the Egyptian judiciary is also expanding to replace the pretrial detention of political activists, journalists and defenders with precautionary measures, according to article 201 of the Criminal Procedure Code. They are required to present themselves to the police station for a number of hours per week. They are facing broad charges such as: joining a group founded in violation of the provisions of the law (i.e. terrorist organization) and publishing false news. This was evident in 2018, as Egyptian courts released at least 174 defendants in cases of political nature on precautionary measures.

New patterns of violations have emerged: they face detention in police stations for hours extending overnight; they are subjected to inhumane treatment; their rights to freedom of movement, to work and an adequate standard of living are violated. It also contributes to reducing opportunities for learning and development, which negatively affects their reintegration into society. It also restricts their rights to

freedom of assembly, association, opinion and expression. Finally, it creates a climate of fear where activists and defenders are in constant threat of renewed arbitrary detention.

We urge your government to make the following recommendations to Egypt in the upcoming UPR:

- 1- Immediately prohibit the use of law of Police Parole (99/1945) against all individuals sentenced for exercising their rights to freedom of association, assembly and expression;
- 2- Restrict the Interior Ministry's vast authority of supervising penalties of police surveillance and precautionary measures, and introducing other measures, such as electronic surveillance, doing civic work for the public, being put under judicial probation.
- 3- Strengthening the judicial oversight of places of detention, including the place of surveillance, enable judicial bodies to supervise and hold the Ministry of Interior accountable for arbitrary execution or issuing exemptions.