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OHCHR – UN Office of the High Commissioner for Human Rights

Egypt’s updated terrorism law opens the door to more rights abuses, says UN expert

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GENEVA (9 April 2020) – Tougher new regulations under Egypt’s sweeping anti-terrorism law further erode fundamental human rights and could result in more arbitrary detentions, enforced disappearances and allegations of torture, and a wider crackdown on freedom of expression, thought, association and of peaceful assembly, a UN expert warned.

The UN Special Rapporteur on human rights and counter terrorism, Fionnuala D. Ní Aoláin, expressed her deep concerns about the scope, necessity, proportionality and discriminatory effects of recent amendments to the 2015 national law and urged the government in a letter to reconsider the wider provisions which would “profoundly impinge on a range of fundamental human rights”.

“Given the global leadership role Egypt has assumed in the area of counter-terrorism policy, and in particular its leadership of the Global Counter-Terrorism Strategy Review, it is deeply regrettable that the opportunity to promote human rights compliant counter-terrorism law was not taken,” she said noting that offers to help modify the law to better protect human rights had been ignored before the amendments were adopted.

Legislative changes covering anti-terrorism, protests, association and NGOs include extending the definition of “terrorist entity” and applying new measures against individuals, businesses, media outlets, and trade unions and provide for life sentences and capital punishment for funding terrorism. For example, trade unions could have assets seized and be added to the terrorism list.

Journalists, human rights defenders, opposition parties and public-sector workers are also threatened.

“The intersection of these multiple legislative enactments enable increasing practices of arbitrary detention with the heightened risk of torture, the absence of judicial oversight and procedural safeguards, restrictions on freedom of expression, the right to freedom of association and the right to freedom of peaceful assembly,” the Special Rapporteur said.

“The effects of these laws in the Sinai region have already resulted in violations of socio-economic rights, including the right to education, the right to secure housing, the right to sustainable development and the rights to food and water.”

The UN expert said the effect of counter-terrorism law in Egypt is wide-ranging and the result of legislative enactments which undermine the promotion and protection of human rights.

“The broad definition of terrorism under national law, the ongoing and permanent use of emergency powers, resorting to the exceptional State Security Emergency Courts, widespread involuntary and enforced disappearances, arbitrary detention and the expanded prosecution capacity of the Supreme State Security Prosecution are deeply concerning,” Ní Aoláin said.

The expert recommended the government review the entire legislation to ensure that it complies with Egypt’s international human rights obligations.

“The best international practice encourages States to fully and independently review counter-terrorism and emergency law regularly to ensure that it remains both necessary and international law compliant,” the Special Rapporteur said.

“Egypt’s action on counter-terrorism in the global sphere must be grounded in a parallel human rights compliant approach to addressing terrorism domestically. We are deeply concerned at the totality and severity of human rights breaches and damages in the domestic arena and underscore that Egypt can and should do better,” she said.

The Special Rapporteur has been in contact with the Government of Egypt on the abovementioned issues.

Ní Aoláin’s statement has been endorsed by Mr. Michel Forst, Special Rapporteur on the situation of human rights defenders (</en/issues/srhrdefenders/pages/srhrdefendersindex.aspx>); Mr. David Kaye, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (</EN/Issues/FreedomOpinion/Pages/OpinionIndex.aspx>), Ms Agnes Callamard, Special Rapporteur on extrajudicial, summary or arbitrary executions (<https://ohchr.org/EN/Issues/Executions/Pages/SRExecutionsIndex.aspx>); Mr Clément Nyaletsossi Voule, Special Rapporteur on the rights to freedom of peaceful assembly and of association (</EN/Issues/AssemblyAssociation/Pages/SRFreedomAssemblyAssociationIndex.aspx>); the Working Group on Enforced or Involuntary Disappearances (</en/issues/disappearances/pages/disappearancesindex.aspx>); Mr Luciano A. Hazan (Chair), Mr. Tae-Ung Baik (Vice-chair), Ms. Houria Es-Slami, Mr. Henrikas Mickevičius, Mr. Bernard Duhaime; and the Working Group on Arbitrary Detention (</en/issues/detention/pages/wgadindex.aspx>); Mr. José Antonio Guevara Bermúdez (Chair), Ms. Leigh Toomey (Vice-Chair on Communications), Ms. Elina Steinerte (Vice-Chair on Follow-up), Mr. Seong-Phil Hong and Mr. Sètondji Adjovi

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Ms Fionnuala D. Ní Aoláin (Ireland), the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (<http://www.ohchr.org/EN/Issues/Terrorism/Pages/FionnualaNiAolain.aspx>), took up her functions on 1 August 2017. She is a University Regents Professor at the University of Minnesota; holder of the Robina Chair in Law, Public Policy, and Society; and faculty director of the Human Rights Center at the University of Minnesota Law School. She is concurrently a Professor of Law at the Queens University, School of Law in Belfast Northern Ireland.

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ecoi.net summary:

According to UN expert, amendments to anti-terrorism law hold the risk of increased arbitrary detentions, enforced disappearances and allegations of torture, and could also lead to other negative consequences for human rights



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