

# **BROKEN PROMISES**

EGYPT'S MILITARY RULERS  
ERODE HUMAN RIGHTS

**AMNESTY  
INTERNATIONAL**



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# INTRODUCTION

**‘The Supreme Council of the Armed Forces believes that human freedom, the rule of law, support for the value of equality, pluralistic democracy, social justice, and the uprooting of corruption are the bases[sic] for the legitimacy of any system of governance that will lead the country in the upcoming period.’**

SCAF Constitutional Proclamation of 13 February 2011.

Egypt's first parliamentary elections since the "25 January Revolution" have been overshadowed by the human rights abuses of the country's military rulers.<sup>1</sup> The Supreme Council of the Armed Forces (the SCAF), which assumed power when former President Hosni Mubarak was ousted on 11 February, had stated they would oversee "a peaceful transition of authority within a free and democratic system".<sup>2</sup> However, ahead of November elections to the People's Assembly, the SCAF has arbitrarily restricted the very human rights, including freedom of expression, association and assembly, that are instrumental to ensuring free debate of social and political issues. Criticism of the authorities or of the pace of reform has been ruthlessly suppressed. Military courts have imprisoned thousands of civilians. Military prosecutors have summonsed, interrogated and ordered the detention of those who criticize the army. Military forces have used unnecessary or excessive force to disperse demonstrations. The euphoria of the uprising has been replaced by fears that one repressive rule has simply been replaced with another.

After 18 days of mass popular protest, the much-awaited news of Hosni Mubarak's resignation was announced by then Vice-President Omar Suleiman on 11 February and cheered by millions of Egyptians, including many hundreds of thousands protesting in Cairo's Tahrir Square, the place that has come to symbolize the "25 January Revolution" worldwide. The announcement came with the news that he had handed power to the SCAF, headed by his former Minister of Defence, Field Marshal Mohamed Hussein Tantawi. The jubilation of the moment, and the decision of the armed forces not to shoot at protesters during the uprising, obscured the fact that the country is by default under military rule, as it continues to be almost a year later, although the SCAF has promised power will be handed to an elected, civilian government.

Two days after Hosni Mubarak stepped down, the SCAF issued a Constitutional Proclamation, dissolved parliament and suspended the 1971 Constitution. A month later, the SCAF amended the law to allow political parties, including the Muslim Brotherhood and other previously banned organizations, to legally register and contest parliamentary election later in the year. The same month it issued a Constitutional Declaration guaranteeing a number of rights, such as freedom of expression, association and assembly, physical and mental integrity, some fair trial guarantees and freedom from discrimination.

From its first statements, the SCAF promised “that the armed forces will carry out their leading role in protecting protesters regardless of their views as a commitment from them to what they have started during the previous period [of the ‘25 January Revolution’]”.<sup>3</sup> Such reassurances, which became a leitmotif in many SCAF statements, have turned out to be empty promises. The SCAF also warned in other statements against any public disorder or attempts to create dissent or disrupt the functioning of Egyptian institutions, highlighting the urgent need for stability to allow the transition to democracy. On many occasions, it called for a return to normality.

However, in the name of ensuring security and stability, the authorities have committed numerous human rights violations, ignoring the very demands for social justice and fundamental freedoms that triggered the uprising. Indeed, 10 months later, the SCAF has been moving further and further from meeting the human rights demands voiced by millions of Egyptians during the “25 January Revolution” and the promises that ensued from it. Since February, the SCAF have issued a number of laws that have been detrimental to the protection of human rights. Some were meant to appease sentiments of insecurity that have pervaded in Egypt by increasing the penalty for certain crimes, such as “thuggery”.<sup>4</sup> Others appear aimed at discouraging criticism of the authorities and protest. The recent endorsement in full of the Emergency Law and its expansion – after it was restricted last year under Hosni Mubarak to terrorism and drug trafficking – has been considered the greatest erosion of rights since the January uprising.

Indeed, the SCAF has committed to respect and uphold freedoms of expression, association and peaceful assembly, but many demonstrations have been violently dispersed, with the armed forces using excessive and lethal force, while riot police resumed their reckless use of rubber bullets, shotguns and tear gas. Protesters have been arrested, detained incommunicado and tortured before being tried unfairly before military courts and convicted. Some 12,000 civilians have been tried before military courts since January. In October, the SCAF announced they would end trials of civilians before military courts, except in cases involving attacks on the armed forces but no timescale was given and no steps have yet been taken to this end.

While the SCAF has been paying lip service to respecting freedom of expression, it has placed arbitrary restrictions on the media and others. Criticism of the authorities has been suppressed, and journalists, bloggers and others taken to court for their criticism of the SCAF's policies and the slow pace of reform. Newspapers have had some of their editions confiscated. TV stations, including Al Jazeera's Mubasher Egypt (Al Jazeera Live Egypt), were raided and ordered to close and licenses for satellite TV stations were frozen. In October, newspapers protested the increasing military censorship by publishing blank columns.

Freedom of association has not been spared from threats of further restrictions. Egyptian NGOs – already operating under a very restrictive law – have been threatened with prosecution over receiving foreign funds without permission. A “treason” investigation was opened after a report by the Ministry of Justice said it has identified more than 30 NGOs which have received foreign funding and which are not registered with the Ministry of Solidarity and Social Justice as required under the Law on Associations (Law 84 of 2002). At time of writing, the investigation is continuing and many NGOs have expressed concern at what seems to be an attempt by the government to intimidate them and stem their scrutiny of its performance and their reporting of human rights violations.

While there have been some positive developments on workers' rights, these have been undermined by the SCAF's criminalization of strikes and potential use of the Emergency Law in labour disputes. The authorities have not in practice opposed the creation of independent trade unions outside the Egyptian Trade Union Federation (ETUF), with some of them joining ranks to establish the Egyptian Independent Trade Union Federation. The authorities also ordered in August the dissolution of the ETUF board, widely known for its close ties with the disbanded, Mubarak-led National Democratic Party (NDP), until a new one is elected, partly implementing court decisions ruling invalid the ETUF elections for the period of 2006-2011. They have promised to issue a new law to best serve the interest of the workers that will replace the existing law regulating trade unions (Law 35 of 1976). However, in the name of security and the need to increase economic performance, the SCAF has introduced new legislation (Law 34 of 2011) criminalizing strikes and any other form of protest deemed to obstruct work and imposing prison sentence and heavy fines on those convicted. The authorities also re-enacted fully and expanded the applications of the much-dreaded Emergency Law (Law 162 of 1958) to cover offences such “assault on freedom to work”, further cracking down on the right to strike.<sup>5</sup> The Emergency Law will also be applied in cases of blocking roads, broadcasting false rumours, possessing and trading in weapons. Amnesty International fears that these changes pose a major threat to the rights to freedom of expression, association and assembly, and the right to strike ahead of the first truly multi-party elections after Hosni Mubarak.

The SCAF failed to address discrimination against women, entrenched both in law and practice, or promote the right to freedom of religion for the Copts and other religious minorities. The authorities have done nothing to promote equality for women, encourage their political participation or champion their equal access to high public offices. Quotas imposed under Hosni Mubarak which reserved seats for women in parliament have been removed and instead were replaced by a mere obligation on political parties to have at least one woman on their electoral list. It was highly symbolic that shortly after Hosni Mubarak stepped down, no women were appointed to a committee tasked to amend eight Article of the Egyptian Constitution. The SCAF have equally failed to protect Coptic Egyptians from attacks or prosecute the attackers and deliver justice. The armed forces have also participated in forced evictions of people living in slums. While the attention was focused on Cairo's Tahrir Square, abuses continued unabated at Egypt's borders. Refugees and asylum-seekers continued to be shot at the borders with Israel, or to be detained and forcibly deported to their countries of origin, despite the risk of torture and other human rights abuses.

After almost a year in power, the main demands of the Egyptians still remain unanswered by the SCAF. The state of emergency remains in force; the relatives of those unlawfully killed by

the security forces during the “25 January Revolution” still await justice and compensation; torture and unfair trials remain routine practices; discrimination against women and religious minorities persists; and freedoms of expression, association and assembly continue to be undermined. Refugees and asylum-seekers continue to be killed at the borders with Israel, detained and forcibly deported to countries where they are at risk of serious human rights violations. Millions of people in slums continue to be denied essential services are still waiting for their voices to be heard.

## THE SUPREME COUNCIL OF THE ARMED FORCES

When President Hosni Mubarak stepped down on 11 February 2011 and it was announced that the SCAF were assuming power, most Egyptians knew very little about the council that had taken over the ruling of the country.

The SCAF is formed of 20 members under the chairmanship of Field Marshal Mohamed Tantawi, former Minister of Defence and Military Production. According to Article 56 of the SCAF Constitutional Declaration, the SCAF deals with the administration of the country and has the power to:

- 1) Issue legislation.
- 2) Issue public policy for the state and the public budget and ensure its implementation.
- 3) Appoint the members of the People's Assembly, normally appointed by the President of the Republic.
- 4) Call the parliament to enter into normal session, adjourn or hold an extraordinary session, as well as to adjourn such a session.
- 5) Promulgate laws or veto them.
- 6) Represent the state domestically and abroad, sign international treaties and agreements, and be considered a part of the legal system of the state.
- 7) Appoint the head of the cabinet and their deputies and ministers and their deputies, as well as discharge them of their duties.
- 8) Appoint civilian and military employees and political representatives, as well as dismiss them according to the law; accredit foreign political representatives.
- 9) Pardon or reduce punishment, though a blanket amnesty is granted only by law.
- 10) Assume other authority and responsibilities as determined by the Egyptian President in accordance with laws and regulations. The SCAF has the power to delegate its head or another member to take on its responsibilities.

According to the Constitutional Declaration, the SCAF has more prerogatives than the forthcoming elected president of the republic, who will have all the above except provisions 1 and 2.

At present, the SCAF members include Lt. General Sami Annan, Chief of Staff of the Armed Forces; Admiral Mohab Memish, Commander of the Maritime Force; Air Marshal Reda Mahmoud Hafez, Commander of the Air Force; Lt. General Abdel Aziz Seif el-Din, Commander of the Air Defence Forces; General Hassan al-Rwini, Commander of the Military Central Zone; Staff General Ismail Etman, Director of the Morale Affairs Department; General Mohsen al-Fangary, Assistant Defence Minister; Staff General Mohammed Abdel Nabi, Commander of the Border Guard; Staff General Mohammed Hegazy, Commander of the Second Field Army; Staff General Sobhy Sedky, Commander of the Third Field Army; commanders of the northern, southern and western zones; and Major-General Abdel Fattah al-Sisi, Head of Military Intelligence.



# FREEDOM OF EXPRESSION THREATENED

'The SCAF has made sure from the beginning of the 25 January Revolution not to interfere with media policies for all forms of visual, audio and print media and that what is published springs from these media's private policies in its dealing with events.'

SCAF Statement 42 of 27 April 2011.

- Scores of journalists, bloggers and activists have been questioned by military prosecutors after criticizing the SCAF.
- Reporting on the SCAF has been stifled by official pressure and harassment, including raids on television studios, creating an environment where some editors and media owners are reluctant to cross Egypt's military authorities.
- Newspapers containing material deemed to be politically-sensitive have been confiscated or prevented from printing.

The SCAF have used the social-networking site Facebook to publish their promises of reform, while tightening their grip on traditional print and broadcast media. Since the "25 January Revolution", criticism of Egypt's armed forces and their leaders has increasingly become the front line in the struggle for freedom of expression. Independent reporting has been suppressed and restrictions and reports of official pressure on media workers have increased.<sup>6</sup>

## **FREE EXPRESSION ENSHRINED IN LAW, BROKEN IN PRACTICE**

The International Covenant on Civil and Political Rights (ICCPR) guarantees the right to freedom of expression (Article 19). Article 13 of the SCAF Constitutional Declaration of March 2011 enshrines "freedom of the press, printing, publication and media" and forbids "censorship" – except in times of national emergency or war. Article 12 of the Declaration states that "personal criticism and constructive criticism are a guarantee for the safety of national development."

Despite this, the SCAF has taken no measures to amend or repeal legislation used during the rule of Hosni Mubarak to criminalize freedom of opinion and expression, and to punish journalists, activists, bloggers and others for their criticism of the authorities' activities.<sup>7</sup> Instead, the SCAF has fallen back on the state of emergency to further restrict freedom of expression. Following violent protests on 9 September (see below), the SCAF announced that the Emergency Law would be fully enforced, and would include offences of broadcasting "false news" or "rumours".<sup>8</sup>

## SUMMONS BY MILITARY PROSECUTION

In recent months, scores of Egyptians have been summonsed to appear before military prosecutors, following their public criticism of the armed forces on-line, on television or in print. Among those summonsed have been political and human rights activists, bloggers, candidates for public office, and broadcasters and journalists. Some have been let go after questioning. Others have faced charges, detention and unfair trials before military courts.

- On 14 May, broadcaster Bothaina Kamel, who has announced that she intends to contest Egypt's presidential elections, was questioned by a military prosecutor after publicly criticising the military authorities. Her summons followed posts on her Twitter account, and an appearance on a Nile TV talk show on 10 May that was cut short when station owners reportedly ordered the presenter to end the programme.
- On 31 May, blogger and political activist Hossam el-Hamalawy appeared before military prosecutors, after he criticized the head of the military police during an ONTV talk show.<sup>9</sup> The host, Reem Maged, was also summonsed as a "witness". Journalist Nabil Sharaf al-Din, was also reportedly interrogated at the same time after he criticised the SCAF's handling of the political transition on ONTV and suggested that the army and Muslim Brotherhood had made a political deal.
- On 2 June, military prosecutors summonsed *Al-Wafd* reporter Hossam al-Suwaifi and editor Sayyid Abdel Ati after the newspaper published an article alleging a political deal between Islamist parties and the authorities. Sayyid Abdel Ati was reportedly charged with publishing "false information", but, at time of writing, is not believed to have faced any further action.
- On 19 June, *El-Fagr* editor Adel Hammuda and journalist Rasha Azb were interrogated by a military prosecutor after reporting on a meeting between the SCAF and a group of Egyptian activists opposed to military trials. Rasha Azb was reportedly accused of publishing "false information", and Adel Hammuda of "lax" editorial supervision. Both were released without bail after the questioning. Rasha Azb had previously been detained and beaten following protests in Tahrir Square in March (see below, Torture and other ill-treatment).
- On 14 August, activist and blogger Asmaa Mahfouz was detained and charged with insulting the military and inciting violence against them after posts she made on the social media site Twitter. She was released and the SCAF then announced it was dropping the charges against her.<sup>10</sup>
- On 27 October, 6 April Youth Movement activist Sherif al-Rouby reported to the Egyptian press that he had been detained for three days and interrogated about the source of funding of the 6 April Youth Movement.<sup>11</sup> Begun as an on-line network on Facebook in 2008

to support striking workers in the town of El-Mahalla El-Kubra, under Hosni Mubarak the 6 April Youth Movement was one of the most active movements calling for greater human rights and the end of the state of emergency. Its members participated prominently in the mass protests of the "25 January Revolution".

- On 30 October, political and human rights activists Alaa Abd El Fattah and Bahaa Saber appeared before military prosecutors for questioning over their role in protests on 9 October, when demonstrations around the Maspero television building, in Cairo, were violently dispersed by the security forces (see "Demonstrations violently dispersed"). Both rejected the authority of the military judicial system, and refused to answer the military prosecutors' questions. Both were then charged with inciting violence against the armed forces and assaulting military personnel during the 9 October protests. Bahaa Saber was released on bail. Alaa Abd El Fattah, who faced the additional charge of stealing weapons, was detained for 15 days. He remains detained at time of writing.<sup>12</sup> Amnesty International believes that Alaa Abd El Fattah has been targeted by the SCAF because of his leading role as a blogger and activist critical of the military rulers. No convincing evidence has been presented to substantiate the charges against him.

In a statement on military trials by Mamdouh Shaheen in July, the SCAF member stated that *"anyone who discusses something related to the armed forces without written consent from the general command of the armed forces is considered as having committed a crime and is referred to the Military Prosecution but the Military Prosecution does not confiscate thoughts or opinions and did not try anyone for his views or opinions, only people who have violated the secrecy of the armed forces are tried."*<sup>13</sup>

## PRESSURE ON BROADCASTERS AND NEWSPAPERS

Increasing pressure has been brought to bear on independent television broadcasters and newspapers. Some instalments of television shows have been cancelled following pressure from the authorities – or after station owners pulled the shows for fear of reprisals. Editions of newspapers have been cancelled, reportedly after they tried to run articles that were considered to be too politically sensitive. Faced with an increasing climate of harassment and intimidation, some media owners, editors and journalists have avoided crossing the "red lines" of national security and criticism of the SCAF. Others have protested symbolically by publishing blank columns in their newspapers, or suspending their television shows.

- On 24 July, Dream TV presenter Dina Abdel Rahman was reportedly fired by the station owner following an on-air argument with a former air-force officer over criticism of the armed forces.<sup>14</sup>

- On 21 October, ONTV presenter Yousry Fouda announced he was suspending his show to protest against increasing censorship by the military.<sup>15</sup>

Editions of newspapers containing material that the authorities deem to be politically sensitive have also been confiscated or amended – a practice common under Hosni Mubarak.<sup>16</sup> On 5 October, a number of journalists protested against reports of military censorship by publishing blank columns, or a short statement condemning censorship.<sup>17</sup>

- Printing of *Sawt al-Omma* on the night of 24/25 September was reportedly halted by the

*Al-Ahram* printing house for unspecified reasons, initially believed to be linked to the paper's coverage of the trial of Hosni Mubarak. Editor Abdel Halim Kandil later claimed it was because the newspaper was going to publish criticism of the Egyptian intelligence services.<sup>18</sup>

- Newspaper *Rose El Youssef* was prevented from printing its 27 September edition after it attempted to publish material on the Egyptian intelligence services. Editor Ibrahim Khalil reported that the *Al-Ahram* printing house stopped printing following instructions from a "sovereign body" and printing was only allowed after the article was replaced.
- On the night of 28 September, an edition of the newspaper *El-Fagr* was reportedly confiscated because it contained an article calling for the head of the SCAF not to stand in the presidential elections.

As the months have passed, the Egyptian authorities have increasingly imposed bureaucratic restrictions on the media, apparently to stem independent reporting. On 7 September, the SCAF stopped issuing new licenses for satellite television stations and the General Authority for Investment and Free Zones (GAFI), a government body, was reportedly instructed to act against channels that were threatening Egypt's "security".<sup>19</sup> On 17 September, the Egyptian Minister of Information defended the decision, claiming that the current system of issuing licences was "chaotic".<sup>20</sup>

Television channels known for broadcasting criticism of the authorities have also been warned by official bodies over bureaucratic violations. On 4 October, the GAFI cautioned both ONTV and DreamTV, known for reporting and talk shows critical of the authorities, over alleged licensing infringements. This was reminiscent of similar warnings and suspensions documented by Amnesty International in October 2010, in the run-up to parliamentary elections.<sup>21</sup>

## RAIDS ON BROADCASTERS

Independent television broadcasters have also faced raids by the security forces, often during or in the immediate aftermath of violent dispersals of demonstrations. Such raids have been conducted against both national broadcasters and international agencies.

- On 11 September, the Cairo offices of Al Jazeera Mubasher Egypt were raided and engineer Islam al-Banna was arrested and briefly detained. The raid followed the station's reporting on violent protests in front of the Israeli embassy on the night of 9 September. On 17 September, the Minister of Information stated in an interview with Egypt's Channel 1 that the decision to raid Al Jazeera Mubasher Egypt was a matter of "sovereignty", stating: "This was the only channel operating in Egypt without licence. There was not any respect to Egypt laws."<sup>22</sup> On 29 September, Al Jazeera reported that the offices had been raided again by plain clothes officers. Journalist Mohamed Suleiman was arrested and briefly detained during the raid.<sup>23</sup>
- During the violent suppression of protests organized by Copts around the Maspero state television building on 9 October, the offices of 25TV and Alhurra were raided by the security forces – including military and members of the Central Security Forces (riot police).<sup>24</sup>

## 'BLACKLISTING' FOREIGN NATIONALS

Foreign nationals have also been targeted. In recent months, Amnesty International has documented instances where bloggers and academics have been denied entry to Egypt, apparently because of their criticism of the Egyptian authorities or work on human rights.

- On 5 September Lebanese blogger Imad Bazzi, founder of the Arab Blogging Forum, was denied entry at Cairo International Airport, questioned, and eventually forced to return to Beirut. Imad Bazzi claimed that his deportation may have been linked to his previous visit to detained Egyptian blogger Maikel Nabil Sanad.<sup>25</sup>

## THE ROLE OF STATE BROADCASTING

While cracking down on independent reporting, the SCAF and the Egyptian government have used state television services and Facebook to blame continuing civil unrest on foreign interference and sectarian strife. In a statement in May, the SCAF blamed "unidentified" Internet sites operating "from foreign countries" for inciting "sectarian sedition and violence and diffuse rumours which jeopardize homeland stability...".<sup>26</sup> Following clashes between protesters and security forces on 28 June, the Egyptian Prime Minister referred on state television to a "well-organized plot to spread chaos", calling for "Egyptian revolutionists to protect the January 25 Revolution".<sup>27</sup> The appointment on 9 July of a new Minister of Information, for years the mouthpiece of the Mubarak government, was seen by many Egyptians as an attempt by the SCAF to roll-back gains in freedom of expression.<sup>28</sup>

- Concerns over the role of state media were heightened during the violent crackdown on protesters around the Maspero building on 9 October, when state television presenter Rasha Magdy reported that security forces were under attack from protesters, and called on Egyptians to defend them.<sup>29</sup> Her statement was aired while a news roll stated: "Coptic protesters are throwing stones and Molotovs [cocktails] from 6 October Bridge ..." The reporting was widely seen as exacerbating the violence.<sup>30</sup> The SCAF dismissed criticism of its handling of the unrest as "existence of destructive elements which are attempting to drive a wedge between the army and the people".<sup>31</sup>

## RECOMMENDATIONS

Amnesty International calls on the Egyptian authorities, including the SCAF, to:

- End the practice of summoning civilians as suspects for investigation before military prosecutors.
- Uphold the right to freedom of expression, including by protecting the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers and through any media; and by refraining from imposing undue restrictions on internet and mobile telecommunications services.
- Repeal or amend, with a view to bringing into conformity with international law, the provisions of the Penal Code that infringe freedom of expression, in particular Articles 80(d), 98bis(b), 98(f), 102, 102bis, 171, 178, 179, 181, 188, 201 and 308, as these allow for the imprisonment of journalists and others for vaguely defined offences, such as harming "national interest" or "social peace".

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- Release immediately and unconditionally all prisoners of conscience – those imprisoned solely for the peaceful exercise of freedom of expression or other human rights.

# CIVIL SOCIETY UNDER PRESSURE

**‘Citizens have the right to form associations, unions, syndicates, and parties, according to the law. It is forbidden to form associations whose activities are opposed to the order of society or secret or militaristic in nature.’**

SCAF Constitutional Declaration, Article 4.

- **The authorities have investigated human rights organizations on suspicion of “treason” for breaching restrictive laws on official registration and foreign funding.**
- **Independent civil society continues to be subject to strict legislation that gives the authorities wide powers over them.**

Facing increased criticism from human rights organizations, the authorities have fallen back on long-used tactics of smearing, intimidation and investigation. A ministerial investigation has been launched into the registration and funding of human rights organizations, and the state security prosecution is reported to be investigating organizations for alleged “treason” and “conspiracy”. Amnesty International is concerned that members of Egypt’s human rights organizations, as well as other NGOs, currently under investigation by the Supreme State Security Prosecutor, may face trial before an emergency court with a long history of grossly unfair trials.

## RESTRICTIONS ON CIVIL SOCIETY

The authorities use strict legislation on registration, regulation and foreign funding to restrict the activities of civil society. Under Hosni Mubarak, the law was often used against human rights organizations to punish reporting of human rights violations.<sup>32</sup>

The Law on Associations (Law 84 of 2002) states that organizations wishing to carry out human rights work must officially register with the Ministry of Solidarity and Social Justice (Article 6). Under Article 76 of the law, members of NGOs not registered with the Ministry may face up to a year’s imprisonment and/or a heavy fine.

The Ministry of Solidarity and Social Justice has the power to refuse to register organizations, which in practice continue to be vetted by the Interior Ministry. The law also bans the registration of an association if it aims to conduct political or trade union activities (Article 11). However, once an organization is registered, the Ministry of Solidarity and Social Justice has wide-ranging powers over it, and its activities are effectively regulated by

and subject to the Ministry's oversight. The Ministry can block funding, approve board nominees (Article 34), and has broad powers to dissolve organizations if they are found to have received funding without official permission or to have violated public order or morality (Article 42). Faced with such restrictions, many NGOs in Egypt choose to register as law firms or companies in order to preserve their independence.

As a state party to the ICCPR, Egypt is bound to uphold freedom of association (Article 22). Under the ICCPR, no restrictions may be placed on the exercise of this right other than those that are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others. Under the SCAF Constitutional Declaration "Citizens have the right to form associations, unions, syndicates, and parties, according to the law," but it is "forbidden to form associations whose activities are opposed to the order of society or secret or militaristic in nature" (Article 4).

The strict regulations on NGOs in Egypt have been repeatedly criticized by UN treaty bodies over the last decade, including by the Committee on the Rights of the Child (2011);<sup>33</sup> the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (2007);<sup>34</sup> the Committee against Torture (2002);<sup>35</sup> and the Human Rights Committee (2002),<sup>36</sup> which called on Egypt to "review its legislation and practice in order to enable non-governmental organizations to discharge their functions without impediments which are inconsistent with the provisions of article 22 of the Covenant, such as prior authorization, funding controls and administrative dissolution."

Despite the repeated criticism by key human rights bodies, the Egyptian authorities have continued to rely on the legislation as a tool to keep civil society in check, and have even announced that the law will be "tightened".<sup>37</sup>

## INVESTIGATION BY THE AUTHORITIES

In order to stem criticism, the SCAF has been quick to blame "foreign conspiracies" and have used the foreign funding of NGOs as a scapegoat. An atmosphere of suspicion and xenophobia was stirred up by the authorities both under Hosni Mubarak and during the uprising, often targeting independent civil society and media. In this respect, the SCAF seized upon USAID advertisements for financial support for NGOs in March,<sup>38</sup> and on widely-reported statements by the new US ambassador that millions of dollars had been distributed to organizations in Egypt.<sup>39</sup>

On 6 July, the Minister of Solidarity and Social Justice stated that the USA had violated Egyptian sovereignty by funding civil society without the authorities' permission. The Minister warned NGOs against accepting foreign funding and announced that a committee had been formed to review foreign funding of civil society. On 12 July, the Minister of Planning and International Co-operation, Fayza Mohamed Abounaga, instructed the Ministry of Justice to investigate foreign funding of civil society in Egypt.

The Egyptian authorities have repeatedly protested US funding of Egyptian non-governmental organizations. In late July, SCAF member and assistant defence minister, Mohammed Said al-Assar, criticised the US authorities in person, and in late October Minister of Planning and International Co-operation formally protested US funding of international organizations operating in Egypt.



The announcements were widely seen as harbingers of a new campaign against independent civil society. In a meeting on 27 July, the Ministerial Cabinet stated its “complete [rejection of] foreign interference in the internal issues including foreign direct finance by all means and from all sources presented to NGOs or other entities which violates law.”<sup>40</sup> On 14 September, the Cabinet decreed that the fact-finding committee’s report “on the foreign finance for NGOs and various authorities” would be referred to the “investigation authorities in this concern, to be announced legally [sic].”<sup>41</sup>

A list of 37 national and international organizations identified by the fact-finding committee as operating without appropriate registration was leaked by *El-Fagr* newspaper on 22 September.<sup>42</sup> The list named Egyptian human rights organizations working on issues including torture, women’s rights and housing. The leaked list also included several international NGOs.<sup>43</sup> In addition, 28 unnamed Egyptian organizations were reportedly found to have received foreign funding without the authorities’ consent, and a number of international organizations to have conducted “unpermitted” political activity.

The bank accounts of NGOs have come under close scrutiny by the Egyptian authorities. In early August, it was reported that the Central Bank of Egypt had instructed banks to provide the Ministry of Solidarity and Social Justice with information about the financial dealings of NGOs.<sup>44</sup> Egyptian organizations reported that they had subsequently received bank inquiries into funding from foreign sources.<sup>45</sup> Under increasing pressure from the Egyptian authorities, on 20 October, the US ambassador announced that names of US-funded organizations had been provided to the authorities.<sup>46</sup> Then, on 27 October, the Ministry of Justice reportedly submitted a memorandum to a Cairo Court of Appeals with bank account details of over 70 Egyptian and foreign organizations, and 40 individuals.<sup>47</sup>

The investigation is understood to be currently in the hands of the Supreme State Security Prosecution, a body charged with investigating national security offences.<sup>48</sup> It has been reported that those found to have breached Egyptian law will face charges of “treason”, “conspiracy” and compromising national security. If this is the case, they are likely to be tried before an (Emergency) Supreme State Security Court. Such courts have a long record of grossly unfair trials. Amnesty International is concerned that a trial before such a body would violate defendants’ right to a fair hearing before a competent, independent and impartial tribunal, as well as the right to appeal against conviction and sentence to a higher tribunal.<sup>49</sup> Such a trial would have potentially devastating consequences for human rights reporting in Egypt.

## RECOMMENDATIONS

Amnesty International calls on the Egyptian authorities, including the SCAF, to:

- Uphold the right to freedom of association.
- Review Law 84 of 2002 (the Law on Associations) to enable non-governmental organizations to function without impediments such as prior authorization, funding controls and administrative dissolution.
- End investigations by the State Security Prosecution and other bodies into the legitimate activities of NGOs.

# DEMONSTRATIONS DISPERSED, STRIKES BANNED

**'The SCAF will perform its leading role in protecting protesters regardless of their views as a commitment from SCAF to what it began in the previous period.'**

SCAF Statement 1 of 18 February 2011.<sup>50</sup>

- **Security forces have used excessive and lethal force to disperse peaceful demonstrations.**
- **A new law criminalizes going on strike and other forms of peaceful protest.**

Demonstrations by all sections of Egyptian society have continued since the "25 January Revolution". Fridays in particular have seen mass protests expressing continued public anger at the slow pace of political and human rights reform. As the months have passed, these demonstrations have increasingly been staged against the SCAF, including some that have called for more transparency in the trials of leading officials under Hosni Mubarak, and the continued use of military trials of civilians.

In turn, protesters have themselves become a target of the armed forces. At first welcomed by Egyptians for refusing to fire upon protesters, the armed forces have increasingly used excessive force while policing demonstrations. In addition, new laws enacted by the SCAF ban strikes and demonstrations which threaten "production", and the extension of the Emergency Law threaten to severely limit public gatherings.

## **INTERNATIONAL LAW AND STANDARDS FLOUTED**

Under the ICCPR, the right to peaceful assembly is guaranteed (Article 21). Under the SCAF Constitutional Declaration, "Public meetings, processions and gatherings are permitted within the confines of the law" (Article 16). However, the Emergency Law severely restricts the right to peaceful assembly (Article 3(1)). It gives the authorities the power to "restrict people's freedom of assembly, movement, residence, or passage in specific times and places". Furthermore, demonstrations were suppressed with impunity by the armed forces and members of the Central Security Forces (riot police), with little regard for the legal framework, extraordinary or otherwise.

Amnesty International fully recognizes that the authorities have a duty to protect public safety, but in doing so they must uphold international standards on policing and the use of force, according to which police and other law enforcement officials may not use disproportionate or unreasonable force, and must not use lethal force other than in strictly limited circumstances, such as when their own, or others', lives are clearly at risk. In addition, when lethal or other possibly excessive force is used, the authorities must ensure that its use is fully and independently investigated and that any police or other officials responsible for misuse of force are held accountable.<sup>51</sup> The use of excessive force by the army and security forces has resulted in violations of the right to life, including in the deaths of at least 28 people during the 9 October Maspéro protests (see below).

## DEMONSTRATIONS VIOLENTLY DISPERSED

On key occasions since the “25 January Revolution”, security forces, including soldiers, military police and the Central Security Forces, have been deployed to suppress demonstrations. They have used tear gas, batons, rubber bullets and live ammunition to forcibly disperse protesters, as well as driving armoured vehicles into crowds to scatter and injure them. There have also been consistent reports that groups of armed civilians (“thugs” or *baltaguiya*) have been used by the security forces to attack and disperse demonstrators, a practice which was common under the rule of Hosni Mubarak.

### 9 MARCH

According to witnesses' testimonies gathered by Amnesty International, the army entered Tahrir Square on the afternoon of 9 March and violently dispersed a gathering of around 1,000 people, beating demonstrators, dismantling tents and breaking up an informal medical clinic. Journalists attempting to record events had the memory cards of their cameras wiped. Soldiers conducted arrests and took protesters to the Egyptian Museum near to Tahrir Square, where they were held in an annex of the building and subjected to abuse. Eyewitnesses told Amnesty International that the army allowed civilians opposed to the demonstrations to attack protesters with sticks and swords. Detained protesters told Amnesty International that they were beaten and had witnessed people being beaten in detention.<sup>52</sup> Singer Ramy Essam, known for his songs about the uprising, was detained and tortured. Graphic pictures of his wounds were then posted on the Internet.<sup>53</sup> Military personnel also subjected some women detainees to “virginity tests” (see chapter on arrest, detention and torture).

### 9 APRIL

On 9 April the Egyptian military used excessive force to disperse demonstrations in Tahrir Square. At least two protesters were reportedly killed.<sup>54</sup> Protesters told Amnesty International that the army used sticks, electric batons, shot in the air and drove armoured vehicles into the protest, causing a number of injuries. Thousands of protesters had gathered in Tahrir Square following Friday prayers to demand the trial of Hosni Mubarak and other officials suspected of corruption and human rights violations. Witnesses told Amnesty International that about a thousand protesters remained in the square at about 2.30am when soldiers, military police and Central Security Forces began to disperse them by force with no prior warning. Witnesses reported that rubber bullets and tear gas had also been used by the security forces.

### 28/29 JUNE

Clashes erupted on the evening of 28 June between security forces and protesters in Tahrir Square and the streets leading to the Ministry of Interior, continuing into 29 June. The

protests were violently dispersed: an Amnesty International team in Cairo witnessed riot police charging demonstrators in Tahrir Square, firing tear gas recklessly, beating protesters with sticks and firing shotguns. Some protesters threw rocks and occasionally petrol bombs. The Ministry of Health and Population said that more than a thousand people were injured, including some 40 members of the security forces. Amnesty International interviewed medical staff, as well as injured protesters and security forces. The protesters' injuries included buckshot wounds to the back, arms and eyes, as well as burns and wounds caused by tear gas canisters.<sup>55</sup>

The demonstration followed the violent dispersal of relatives of those killed during the "25 January Revolution" on 28 June near Al Balloon Theatre in Giza, where a commemoration ceremony for the victims of the uprising was reportedly due to take place.

- Amal Shaker Mohamed Seliman, from Al-Amiria in Cairo, was reportedly arrested during the dispersal. The mother of Ahmed Zein Al Abidin, one of those killed in the uprising, told Amnesty International she was insulted and punched in Al-Agouza Police Station by a police officer. Families of the victims and their supporters have been frustrated with how the trials of former senior officials have been conducted, and the fact that lower-ranking policemen suspected of killing protesters remain in their jobs.

#### 22/23 JULY

On 22 July, following the forcible dispersal of demonstrations in Alexandria, protesters in Tahrir Square marched to the Ministry of Defence, reportedly shouting anti-SCAF slogans. The SCAF issued a statement accusing the 6 April Youth Movement of driving a wedge between the army and the people.<sup>56</sup> The movement was also accused of having received foreign funding.<sup>57</sup>

The following day, 23 July, over 100 people were reportedly injured in Cairo's Abbasseya district after a protest march to the Ministry of Defence was blocked by the Central Security Forces and military police. Protesters also came under attack by groups of people opposing the march, some of them reportedly using bladed weapons and Molotov cocktails.<sup>58</sup> The SCAF called on people to "thwart all attempts that aim to drive a wedge between the Armed Forces and the people, attempts that have been cited on many websites operated by a group of malevolent agents."

- Blogger and human rights activist Amr Gharbeia, a former Amnesty International staff member, was stopped by a group of men during the protest march who accused him of being a spy. After the men attempted to turn him in to various branches of the security forces he was finally released at the al-Waili police station.<sup>59</sup>

#### 9 SEPTEMBER

Violent protests around the Giza Security Directorate and Saudi embassy on 9 September resulted in a confrontation between security forces and protesters which left three people dead. Some 130 people were arrested. The protests also spread to the Israeli embassy, where crowds reportedly sacked part of the premises. On 1 November, 87 of those detained in connection with the attack on the embassy were reportedly given six-month suspended sentences by a military court. It was also reported that the (Emergency) Supreme State Security Court was considering the case of 36 others in relation to the same incident.

## 9 OCTOBER

On 9 October, a protest organized by Copts against religious discrimination around the state television building, Maspero, Cairo, was violently dispersed by the security forces, including military police, Central Security Forces and groups of “thugs”. Twenty-eight people, including one soldier, are believed to have been killed in the crackdown – although the Egyptian authorities have refused to state officially how many members of the security forces were killed.

Footage of the protests posted on the Internet shows military vehicles driving at high speed towards protesters in crowded areas. Medical staff at Cairo's Coptic Hospital, where a large number of the dead and injured were taken after the incident, told Amnesty International that injuries seen included bullet wounds and crushed body parts resulting from people being run over by army vehicles. Witnesses described how security forces in armoured vehicles fired into the crowds and killed or injured protesters by running over them.<sup>60</sup>

On 10 October, the Public Prosecutor started preliminary interrogations of those injured in the clashes and 21 people were detained for 15 days, pending further investigation. The SCAF also ordered the establishment of an investigation into the incident, but to date no members of the security forces are known to have been held to account for the deadly violence used on 9 October. At least 30 civilians, as well as blogger Alaa Abd El Fatta, have reportedly been detained by the Military Prosecution in relation to events that day; others are reportedly wanted for questioning.

On 2 November, the Egypt national human rights institution – the National Council for Human Rights – published the results of its investigation into the Maspero events and urged the authorities to set up an independent and impartial committee to investigate the incident. The NCHR's investigation found that 17 of the deaths around Maspero had been caused by armoured vehicles – a finding consistent with Egyptian and international human rights organizations also investigating the incident.<sup>61</sup>

## STRIKES AND FREE ASSEMBLY RESTRICTED

Following the resignation of Hosni Mubarak, workers from all sectors staged protests calling for better pay and terms and conditions of employment and an end to corruption.<sup>62</sup> These protests were criticized by the army as undermining Egypt's economic recovery and transition. The SCAF has since taken steps to stop strikes and protests which they see as a threat to the economy. Indeed, the SCAF has further curtailed the right to strike through Law 34 of 2011 (see below), already limited by the Labour Law (Law 12 of 2003), in both public and private sectors. When strikes continued after the new law was decreed, the cabinet stated that the law would be enforced from 8 June, a threat that has in some cases been carried out.<sup>63</sup> Amnesty International is further concerned that Law 34 of 2011, decreed by the SCAF in April, effectively criminalizes any form of protest that the authorities deem to have obstructed the work of any state institution, or public or private workplace.

## EGYPTIAN LAW AND STRIKES

Article 124 and 124bis of the Penal Code effectively punish with imprisonment and/or a fine employees who go on strike or call for such a strike. According to Article 192 of the Labour Law, the right to strike is subject to approval by a two-thirds majority of the general union's executive committee. Article 194 bans strikes or calls

for strikes where the interruption of work at the workplace “threatens national security or basic services to citizens”.

On 12 April, the SCAF decreed Law 34 of 2011,<sup>64</sup> which provides for imprisonment and/or a fine for whomever, during a state of emergency, “stages a sit-in or takes action that prevents or delays or obstructs from working any state institution or public authority or a public or private workplace”. It stipulates a prison sentence and a fine of up to 50,000 Egyptian Pounds (about US\$8,400) for anyone who takes part in or encourages others to join a sit-in or any other activity that prevents, delays or disrupts the work of public institutions or public authorities. If there is any violence or if protests damage public and private property, or lead to the “destruction of means of production” or cause harm to “national unity and public security and order”, the fine rises to 500,000 Egyptian Pounds (about US\$84,000) with at least a year’s imprisonment.

Egypt is a state party to the International Covenant on Economic, Social and Cultural Rights (ICESCR). The law breaches Egypt’s international obligations to uphold the right to strike under Article 8 of the ICESCR and impermissibly restricts freedom of assembly (Article 21, ICCPR).

The Committee on Economic, Social and Cultural Rights, in its last Concluding Observations (2000), expressed concern over workers’ rights even without the emergency legislation, commenting about “the uncertainty of workers’ rights as guaranteed under article 8 of the Covenant. In particular, the Committee notes with concern that in spite of the State Security Court’s conclusion that the Penal Code should be amended to allow the right to strike, article 124 of the Penal Code continues to characterize strikes as criminal offences. In this regard, the Committee further expresses its concern about the new proposed labour law that reportedly contains provisions infringing upon the rights of workers, such as barring labour committees from negotiating collectively on behalf of workers and denying workers the right to strike without the approval of two thirds of a trade union’s membership.”<sup>65</sup>

- On 7 June 2011, five workers at the Egyptian General Petroleum Corporation were arrested and charged by the Military Prosecution under Law 34 of 2011. They had been participating in sit-in protests in front of the Ministry of Petroleum after they had been sacked. Following their conviction before a military court in June, they were given a suspended prison sentence.

## RECOMMENDATIONS

Amnesty International calls on the Egyptian authorities, including the SCAF, to:

- Ensure that peaceful protesters are not arbitrarily arrested and detained, or tortured or otherwise ill-treated.
- Guarantee that all security forces, including the army, do not use excessive force when policing demonstrations and comply fully with the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.
- Open independent investigations into all cases where the security forces are reported to have used excessive force. Evidence of human rights abuses, including unlawful killings, must not be tampered with or destroyed. Investigations into killings must follow the methods set out in the UN Principles on the Effective Prevention and Investigation of Extra-legal,

Arbitrary and Summary Executions. Ensure that the reports of such investigations are made public, and that those identified as responsible for human rights abuses are brought to justice in fair trials and without recourse to the death penalty.

- Publish and disseminate in a form that is readily accessible to the public the rules and regulations on the use of force by all security forces, including the army.
- Repeal or amend Law 34 of 2011 on striking, as well as Article 124 and 124bis of the Penal Code and Article 192 of the Labour Law, to bring them into line with international law and standards, including the International Labour Organization (ILO) principles concerning the right to strike.

## PLUS ÇA CHANGE: ARREST, DETENTION AND TORTURE

'The SCAF has clearly announced its position from the beginning of the revolution and that it has sided with you and has not and will not deal with the sons of this great society with any form of violence.'

SCAF Statement 24 of 26 February 2011.

- **Torture of detainees continues to be widespread in Egypt's police stations, prisons and detention centres used by the military.**
- **Torture and other ill-treatment are still being committed with virtual impunity.**

Arrest and detention by the armed forces began after troops were deployed in Cairo, Suez and Alexandria on 28 January (the so-called "Friday of Anger" of the "25 January Revolution"). Many of those arrested, including peaceful protesters, were subjected to arbitrary detention, torture and other ill-treatment and tried before military courts. Some women protesters were subjected to forced "virginity tests". The armed forces said that those arrested were detained on suspicion of participating in looting or damaging public or private property, or other criminal activities. Some of those arrested were briefly detained before being released without charge, but some were held for days, sometimes with no contact with the outside world and without anyone being notified that they have been detained, in circumstances that amount to enforced disappearance, and tortured or otherwise ill-treated.

Amnesty International has interviewed detainees who say they were tortured or ill-treated while in army custody, including by being beaten, given electric shocks and suspended. No independent, impartial and thorough investigations are known to have been conducted into allegations or complaints of torture, and inquiries announced by the armed forces have not resulted in bringing members of the security forces – including military personnel – to justice for abuses. Torture and other ill-treatment also continue to be used by the police forces. In some cases, according to reports, these have led to deaths in custody which, as in the cases of military abuse, have yet to be sufficiently investigated.



## EGYPTIAN LAW AND TORTURE

Egyptian law defines torture narrowly in the context of forcing an accused to “confess”. Article 9 of the SCAF Constitutional Declaration states that citizens who are arrested or detained must not “be abused in body or mind,” and any statement “proven to be extracted from a citizen under duress or threat will not be counted and is unreliable.”

In practice, death threats and physical torture are only criminalized when they happen following an unlawful arrest by someone purporting to be a government officer. Torture is defined under the section of the Penal Code entitled “Coercion and ill-treatment by civil servants against people” (articles 126-132). The most severe penalties are up to 10 years’ imprisonment for anyone “who ordered or committed torture to force an accused to make a confession” or, when the victim dies, to “the same sentence stated for intentional killing” (which has the maximum punishment of the death penalty). Torture, including death threats, can be punished by imprisonment under other provisions, including Article 282 of the Penal Code. However, this only applies when the person tortured has been arrested unlawfully, as specified in Article 280 of the Penal Code, by someone purporting to be a police officer or wearing police uniform. Article 282 stipulates: “Whoever arrests, confines or detains a person without an order from one of the concerned authorities, and in other than the cases wherein the law and statutes authorize the arrest of the suspects, shall be punished with the detention or a fine not exceeding two hundred pounds.”

The Egyptian authorities stated during the framework of the UN Universal Periodic Review in February 2010 that they were preparing legal reforms to render the definition of torture compatible with that in the UN Convention against Torture. No such reform has been proposed to date.

Amnesty International has continued to regularly receive reports of torture and other ill-treatment and of death in custody in suspicious circumstances after the fall of Hosni Mubarak.

■ On 9 March, Mostafa Gouda Abdel Aal, aged 28, was tortured in the Egyptian Museum of Antiquities, after he was arrested by military police in a camp in Tahrir Square. He told Amnesty International that he was beaten after his arrest and dragged over a distance of 250m. When he entered the museum, he was blindfolded, had his hands tied before his back and was thrown to the floor. He then had water poured over his body and was given electric shocks. He was questioned about who gave him money to come from Alexandria to protest in Tahrir, while soldiers continued to beat him. He said that afterwards a soldier lifted a heavy wooden bar and hit and broke his foot. He was then forced to stand and given electric shocks, including to his penis and buttocks. He was tied to a pole and whipped with a cable on his back for 20 minutes. When his blindfold was removed, he saw people on top of each other lying in blood and soldiers trampling them. The people with him were tied up again, put in vans and taken to the Military Prosecution. They spent one night sleeping in the van before being moved to Heikstep Military Prison (al-Sign al-Harbi). They were taken out of the van and asked to put their heads down. Those who dared to lift their heads were beaten. He said that members of the Military Prosecution interrogated them in a group of 15 and made fun of them. They were interrogated despite having visible bruising and wearing bloody clothes, and at no point were they asked about their injuries. They were kneeling while being interrogated and given electric shocks before the Military Prosecutor when they tried to raise their heads. Shortly afterwards they were tried in the kitchen of the prison and sentenced to between one and seven years in prison. They were then taken to Tora Prison, where they were kept until

their release on 23 May. After more than two months in detention, marks of whipping on his back were still visible to Amnesty International delegates when they met him on 26 May.

- In May, the Minister of Interior ordered an investigation into the death of Ramzi Salaheddine after he was taken to a hospital near the police station where he was being interrogated in connection with debt-related charges. The hospital doctor who examined the body reported that Ramzi Salaheddine had three broken ribs and a broken hip. No further investigation is known to have taken place into the case.
- On 3 June, protesters attacked Azbakya police station in central Cairo where they alleged that a taxi driver, Mohamed Said, had been beaten to death after he was taken there following an altercation with a senior officer over traffic violations. The Ministry of Interior said that Mohamed Said died as a result of blood pressure and that an investigation was under way.
- In September, a video was published on the Internet showing officers beating and torturing Hassan Hassan Mohamed and his brother El Sayed. The video, which was reportedly filmed in July at Kafr El-Kordy police station in El-Dakahlia governorate, north of Cairo, and published on video-sharing site YouTube, shows three handcuffed men in a room surrounded by uniformed army and police officers. Officers laugh and mock two of the detainees while repeatedly beating them and giving them electric shocks. A statement published on the website of the Egyptian police confirmed the identities of the two detainees and said they were dealers in illicit weapons. According to the statement, the two men were arrested in July during a security raid. The SCAF ordered an investigation into the incident, but no members of the security forces were held to account.

### 'VIRGINITY TESTS'

After army officers violently cleared Tahrir Square of protesters on 9 March, at least 18 women were held in military detention at a Cairo Museum annex. There, they were handcuffed, beaten with sticks and hoses, given electric shocks in the chest and legs, and called "prostitutes". One woman, journalist Rasha Azb, was released several hours later, but 17 others were taken to the Military Prison in Heikstep where they were subjected to strip searches in a room with soldiers standing outside open windows and doors. Those who said they were virgins were then forced to submit to "virginity checks" by a man wearing a white coat. The women were threatened that those found "not to be virgins" would be charged with prostitution.<sup>66</sup> All 17 women were brought before a military court on 11 March and released two days later. Several received one-year suspended sentences for charges including disorderly conduct, destroying property, obstructing traffic and possession of weapons.<sup>67</sup>

- One of the 17 women, 20-year-old Salwa Hosseini told Amnesty International that after she was arrested and taken to the Military Prison in Heikstep, she was made to strip with the other women, in order to be searched by a female prison guard, in a room with two open doors and a window. Salwa Hosseini was convicted of disorderly conduct, destroying private and public property, obstructing traffic and carrying weapons.

The women's treatment violated some of Egypt's most fundamental obligations under international human rights law. As a state party to the Convention against Torture, Egypt is bound to prevent and combat torture. Being forced to submit to physically invasive "virginity

tests” is a breach of the prohibition of torture and other cruel, inhuman or degrading treatment, especially when such examinations are performed on women in police custody, and conducted in a manner designed to intimidate and punish if purported “proof” of sexual intercourse is found. Such tests amount to torture when they are forced and coerced, and result in severe mental or physical pain or suffering. Under Article 7 of the ICCPR, Egypt must not subject individuals to torture or to cruel, inhuman or degrading treatment or punishment. Furthermore, under Article 17, Egypt is bound to ensure no one is subjected to arbitrary or unlawful interference with their privacy, nor to unlawful attacks on their honour and reputation.<sup>68</sup>

Amnesty International wrote to the SCAF requesting an investigation. A senior Egyptian general later admitted to CNN that the women had been forced to undergo “virginity tests”. The General, speaking on condition of anonymity, justified the abuse by saying that the women “were not like your daughter or mine. These were girls who had camped out in tents with male protesters.” The General also told CNN that the reason for the “tests” was that “[w]e didn't want them to say we had sexually assaulted or raped them, so we wanted to prove that they weren't virgins in the first place.”<sup>69</sup> In a meeting with Amnesty International in Cairo on 26 June, Major General Abdel Fattah al-Sisi, a SCAF member and the head of Egypt's military intelligence, said that the army would no longer carry out forced “virginity testing”.

## RECOMMENDATIONS

Amnesty International calls on the Egyptian authorities, including the SCAF, to:

- Publicly condemn torture and other ill-treatment, including by instructing the security forces that these abuses will not be tolerated under any circumstances.
- Issue instructions to all security forces that “virginity testing” and other forms of sexual assault are prohibited.
- Ensure that all places of detention are publicly listed and are under the oversight of judicial authorities, including military facilities and those of the National Security Agency. In this respect, repeal Article 1bis of Law 396 of 1956 (the Law on Prison Regulations), which states that people can be held in places of detention specified in this Law as well as in places defined by decree by the Minister of Interior. In practice, this has led to detainees being held in state security detention centres and military camps, premises that are not open to inspection by the Public Prosecutor or any other judicial authority, as required by Article 42 of the Code of Criminal Procedure and Article 85 of the Law on Prison Regulations.
- Establish a mechanism that provides for the mandatory conduct of independent, unrestricted and unannounced visits to all places of detention (which include confidential interviews with any detainees of the visiting body's choice), including any national security and military facilities.
- Bring the crime of torture in Egyptian law in conformity with the definition in Article 1(1) of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In particular, explicitly prohibit all forms of cruel, inhuman or degrading treatment or punishment, and make clear that the prohibition is absolute and must not be

suspended under any circumstances, including during a state of war or other public emergency.

- Ensure that all allegations of torture or other ill-treatment, including “virginity testing”, are investigated promptly, thoroughly and impartially, that officials responsible for such abuses are brought to justice, and that victims receive full reparation. No evidence obtained using torture or other ill-treatment should be used in trials.
- Take all appropriate criminal or administrative measures against officials who fail to comply with safeguards against human rights abuses.

# MILITARY JUSTICE FOR CIVILIANS: AN OXYMORON

**‘The SCAF ascertains its caution in following up on all queries that arise between the people of this precious country and that ascertains their care for the benefits of this country and the gains of the revolution ... military trials will be limited...’**

SCAF Statement 68 of 16 July 2011.

- **Nearly 12,000 civilians had been tried by military courts following grossly unfair trials by August.**

While news about the extensive use of military trials began to emerge only in February, the Egyptian authorities started referring civilians to military courts as early as 28 January, with numbers increasing the following months in many governorates. The Military Judiciary announced in August that it had ruled on nearly 12,000 cases since the armed forces were deployed in late January. They alleged that the majority were convicted of criminal charges, including “thuggery”, rape, possession of weapons and damaging property, “violating the curfew”. Those convicted received sentences ranging from several months’ imprisonment to the death penalty. In addition to this sweeping use of military courts to try civilians, some people have been charged with “insulting the army”, summonsed by the Military Prosecution and sentenced to terms of imprisonment.

Amnesty International opposes the trials of civilians before military courts and has repeatedly called on the Egyptian government to end this practice. The authorities under Hosni Mubarak insisted that such trials were fair and that the President was lawfully empowered to refer crimes civilians to the Military Judiciary. They also insisted that the military justice system was essential to expeditiously try individuals who threatened the peace and security of the country. Rather than ending this practice, the SCAF has relied on the same rhetoric in an attempt to justify the trial of civilians before military tribunals.

Trials of civilians before military courts are fundamentally unfair and breach a number of fair trial safeguards. These include the right to a fair and public hearing before a competent, independent and impartial tribunal established by law; the right to have adequate time to prepare a defence; the right to be defended by a lawyer of one’s choosing; and the right to

appeal against conviction and sentence to a higher tribunal.

In 2009, the Special Rapporteur on terrorism and human rights, while welcoming the Egyptian authorities' reform to allow appeal by cassation,<sup>70</sup> highlighted that only "a full review of the conviction and sentence, including of the factual basis of the verdict, is sufficient to reach compliance with article 14 (5) of the International Covenant [on Civil and Political Rights]".<sup>71</sup>

In July 1993 the UN Human Rights Committee expressed deep concern about military courts trying civilians. It concluded that "military courts should not have the faculty to try cases which do not refer to offences committed by members of the armed forces in the course of their duties".<sup>72</sup> When examining Egypt's report in 2002, the Committee reiterated its concerns, noting that "military courts and State security courts have jurisdiction to try civilians accused of terrorism although there are no guarantees of those courts' independence and their decisions are not subject to appeal before a higher court (Article 14 of the Covenant)".<sup>73</sup>

## MILITARY TRIALS OF CIVILIANS IN THE EGYPTIAN LEGISLATION

In addition to the state of emergency, and the reliance on the Emergency Law, Article 51 of the Constitutional Declaration of March 2011 states that "[t]he law regulates the military judicial system and stipulates its responsibilities in line with constitutional principles."

Military courts in Egypt were established under the Military Justice Code (Law 25 of 1966), amended in 2007. Under Article 1, the military justice system is an independent judiciary comprising military courts and Military Prosecution offices and other divisions according to the laws and regulations of the armed forces. It has sole jurisdiction over crimes that are part of its mandate as specified by the Military Justice Code and crimes that fall under its jurisdiction by virtue of other laws.

The military justice system, headed by a president, is run by the military justice unit (*hay'at al-qada' al-askari*) within the Ministry of Defence. The Military Prosecution, headed by a prosecutor with the rank of at least Brigadier General (*'Amid*) is supported by officers with the rank of at least First Lieutenant (*mulazim awal*). Military judges are independent and are subjected to no authority in their duty as judges other than that of the law (Article 3).

There are three types of military court – the Supreme Court for Military Appeals, the Supreme Military Court and the Central Military Court – and these comprise serving military officers with law degrees. The Supreme Court for Military Appeals, based in Cairo, is composed of the President of the Military Justice Unit and a number of deputy presidents and military judges with the rank of at least Colonel (*'Aqid*). It is mandated to examine appeals submitted by the Military Prosecutor or the convicted person. It examines the law, its interpretation and procedural issues – not the evidence itself or the factual basis of the charges.

The military justice system has jurisdiction over all military personnel, but civilians can be referred to it if they commit a crime in a military zone or against military interests or military personnel carrying out their duties. It can be applied to anyone who allegedly commits offences in or against any of the holdings, properties, establishments or industries owned by the armed forces.

Amendments introduced in 2010 allow the referral of certain crimes of the Penal Code for trial in military

courts (Article 5(d)). These crimes include internal and external security, corruption, embezzlement of public money, use of force, violence and threats against public officials to force them to do or prevent them from doing their duties, and stopping work in institutions of public interest. Article 5(c) allows the referral to military courts of crimes committed in specific border areas of the country.

Under Article 6 of Military Justice Code, the President of Egypt can refer civilians to military courts for certain offences in the Penal Code, a provision regularly used by former Hosni Mubarak from 1992 onwards. These offences include acts considered harmful to the security of the government. The same Article empowers the President, whenever there is a state of emergency, to refer cases to military courts that would normally be covered by the Penal Code or other laws. Such a referral can be done by giving the military justice system jurisdiction over certain crimes by presidential decree, or by referring specific cases involving civilians to military courts, as happened with members of the Muslim Brotherhood in 2007. Article 48 allows the military judicial authorities the sole prerogative to decide whether a crime falls under its jurisdiction or not.

Many of those arrested and tried before military courts in 2011 have been charged with violence, possession of weapons, insulting the armed forces or the SCAF and breaking the curfew. However, there is no official information as to the decree or law used in relation to those charged with breaking the curfew.

## MILITARY TRIALS VIOLATE FAIR TRIAL GUARANTEES

The procedures of military trials prescribed by Egyptian law, as well as those used in practice, violate international law and standards that Egypt is obliged to respect. The ICCPR and the African Charter on Human and Peoples' Rights, both of which Egypt has ratified, guarantee certain rights.

Among the fair trial guarantees that are being routinely violated when civilians are brought before military courts are:

- **The right to a public trial before an independent and impartial court.** Article 71 of the Military Justice Code guarantees that court hearings be public, but gives the court the discretion to make certain sessions closed sessions for reasons of decency as well as the protection of military secrets. Nonetheless, public access even to "open" sessions is often restricted, especially as military court trials are held in military compounds.
- **The right to be tried by an independent and impartial tribunal.** The military is part of the executive branch of government. Cases before military courts are investigated by military prosecutors and trials are heard by a single military judge or, in the case of Supreme Military Courts, by three judges. Military court judges are appointed by the Deputy Head of the armed forces. Therefore, they cannot be seen to be independent and impartial. The fact that the President has the power to refer people to military courts violates the right of an individual to equality before the law.

Principle 5 of the UN Basic Principles on the Independence of the Judiciary requires that the judiciary should decide matters without influence from the other branches of government. The Basic Principles also state that everyone has the right "to be tried by ordinary courts or tribunals using established legal procedures. Tribunals that do not use the duly established procedures of the legal process shall not be created to displace the jurisdiction belonging to the ordinary courts or judicial tribunals."

The African Charter on Human and Peoples' Rights provides in Article 26 that states must guarantee the independence of the courts.

International standards, including Article 14 of the ICCPR, also require that the right to public hearing should be guaranteed generally, and restricted only in exceptional circumstances. The principle of equality before the courts and tribunals is a fundamental principle in international law to guarantee fair trial.

- **The right to prompt access to a lawyer.** Many defendants were tried in military courts without being represented by a lawyer. Following criticism, the SCAF introduced in May 2011 a new amendment to the Military Justice Code (Law 45 of 2011) requiring that defendants have legal counsel and that those who do not have a lawyer are offered one appointed by the court.

- **The right to prepare an adequate defence.** Military courts have frequently failed to ensure that defendants have access to the relevant case papers before the opening of their trial. Indeed, the Military Justice Code permits under Article 67 the court to prevent lawyers and the public from taking copies of parts of the file the court deems confidential. Article 14 of the ICCPR states: "In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality... (b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing."

- **The right to an effective appeal.** Until 2007, civilians and military personnel tried by military courts were denied a right of appeal. Decisions by the courts were subject to ratification by the President or his nominee from the armed forces and review by the non-judicial body, the Military Appeals Bureau (also headed by the President). In April 2007, amendments to the Military Justice Code introduced a right of appeal by way of cassation before the Supreme Court for Military Appeals. This is not satisfactory, however, as the court will only examine the law, its interpretation, and procedural issues and not the evidence itself or the factual basis of the charges. Added to which, an appeal can only be made to a court composed exclusively of military officers. The reform, therefore, fails to address the numerous deficiencies. All death sentences are referred to the President who can grant amnesty or commute the sentence. In many cases, those whose appeals were accepted by the Supreme Court of Military Appeals were given dates of retrials several months later. Article 14 of the ICCPR states: "Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law."

- On 10 April, 26-year-old blogger **Maikel Nabil Sanad** was sentenced by a military court to three years in prison for his criticism of the Egyptian military's use of force against protesters in Tahrir Square and his objection to military service. In October, a military appeals court ordered the retrial of Maikel Nabil Sanad, and he continued to be detained. At time of writing, the blogger's health has severely deteriorated after he went on hunger strike on 23 August and was denied adequate medical treatment in prison. He was transferred to Abbasseya psychiatric hospital on 23 October, following a retrial which he did not attend.<sup>74</sup> His case has been postponed following a request from his court-appointed lawyer to review his case. Maikel Nabil Sanad is reportedly under pressure to apologize for his writing.



■ On 1 March, 32-year-old Amr Abdallah Al-Beheiry was sentenced by a military court to five years in prison on charges of breaking curfew and assaulting a public official. He was arrested on 26 February when military police and the army forcibly dispersed a protest outside the parliament building in Cairo. During the crackdown, many protesters were arrested and subjected to beatings and electric shocks. All were later released, but Amr Abdallah Al-Beheiry was rearrested shortly afterwards – apparently because protesters filmed his injuries. His trial lasted just minutes and the military court refused to allow the lawyer his family had chosen into the session, instead assigning its own lawyer to the case. Transferred to Wadi El-Gedid Prison, Amr Abdallah Al-Beheiry told his brother that he and other prisoners were beaten and not allowed to leave their cells, except for once a day to use the toilet. Amr Abdallah Al-Beheiry is currently serving his sentence in Wadi El-Natroun Prison, where he has been placed with prisoners convicted of murder, drug-trafficking and other serious crimes. A military court session to examine the appeal he lodged against his sentence has been scheduled for 27 December 2011, according to his lawyer.

Amnesty International considers both men to be prisoners of conscience detained solely for the peaceful expression of their views and has been calling for their immediate and unconditional release.

■ Amnesty International is also concerned that prominent blogger and activist Alaa Abd El Fattah continues to be detained following his questioning by military prosecutors on 30 October. See Freedom of Expression Threatened.

## RECOMMENDATIONS

Amnesty International calls on the SCAF to:

- End the practice of trying civilians before military courts.
- Release immediately and unconditionally anyone who has been held solely for their peaceful exercise of their rights of freedom of expression and assembly.
- Transfer any ongoing cases to civilian courts for a new trial, in proceedings that meet international standards for fair trial and without recourse to the death penalty, or release the defendants; and order fair re-trials in civilian courts for all civilians already convicted by military courts, or release them.

## THE DEATH PENALTY EXPANDED

**'The government's hand is neither shaky nor weak, and if there exists a minority of deviants, then they must be given the most severe punishment.'**

Statement by Minister of Justice Mohamed Abdel Aziz Ibrahim El-Gendy, 8 May 2011.<sup>75</sup>

- **The SCAF has expanded the application of the death penalty, and death sentences have been handed down following unfair trials by military courts.**

Since assuming power, the SCAF has added new offences to the already wide range of capital crimes in Egypt, stating that they are to be used to combat "thuggery", rape and sectarian violence.<sup>76</sup> Military courts have also handed down death sentences against civilians following unfair trials.

On 10 March, the SCAF issued Law 7 of 2011, amending the Penal Code to add two articles (No. 375bis and No. 375bis (a)) on "Hooliganism, Terrorizing and Thuggery".<sup>77</sup> Under the law, such acts are punishable by death if also accompanied by the crime of murder. On 1 April, the SCAF announced the death penalty for convicted rapists if the victim was under 18 and that the law would also apply to juveniles (alleged perpetrators under the age of 18 at the time of the commission of the offence).

- On 16 May, the Supreme Military Court in Cairo sentenced four men to death for abducting and raping a 17-year-old girl: Ahmed Marous Ibrahim, initially believed to be 17 and who the army later announced was 21;<sup>78</sup> Mohamed Tarek Ragheb, 33; Karim Dahrouj Ahmed el-Sawy, 28; and Mahmoud Ramadan Abdul Hussein, 21. Amnesty International opposes the death penalty in all circumstances as the ultimate cruel, inhuman or degrading punishment and a violation of the right to life. The Egyptian Child Law (Article 111 of Law 12 of 1996, amended by Law 126 of 2008) and international standards<sup>79</sup> prohibit capital punishment being applied to those under 18. The organization also urged the Egyptian authorities to ensure that the girl who was sexually assaulted was offered support, including counselling for her ordeal.<sup>80</sup>

At least nine other people have reportedly been sentenced to death by military courts since the SCAF assumed power.<sup>81</sup>

Following violent clashes between Muslims and Copts in Imbaba in early May, the Minister of

Justice announced that the death penalty would be used to punish “thuggery and sectarian incitement”.<sup>82</sup>

- On 10 October, the day after a bloody crackdown on Coptic protesters in Cairo, a man who had been sentenced to death for a deadly sectarian attack was executed. Mohamed Ahmed Hussein had been condemned for a drive-by shooting of Christian worshippers leaving a church in the Nagaa Hammadi, Upper Egypt, on 6 January 2010 – Coptic Christmas Eve. His execution appears to have been an attempt by the authorities to stem the public outrage following the Maspero violence.<sup>83</sup>

International human rights standards also indicate that civilians should not be prosecuted before military courts and that military courts should not impose death sentences due to the severe shortcomings in guaranteeing fair trial standards.<sup>84</sup> In cases where people face the death penalty, international law requires scrupulous respect of the guarantees of fair trial, and these standards cannot be derogated from even during a state of emergency.<sup>85</sup> While abduction and rape as such are severe crimes, they do not include “an intention to kill which resulted in the loss of life”, and therefore do not meet the requirement of “most serious crimes” under international law.<sup>86</sup>

## RECOMMENDATIONS

Pending the abolition of the death penalty, Amnesty International calls on the Egyptian authorities to:

- Impose an immediate moratorium on all executions.
- Commute all death sentences
- Review the Penal Code in order to reduce the number of capital offences, with a view to working towards abolition of capital punishment.

# DISCRIMINATION ON THE RISE

**'The SCAF also ascertains that it fully believes that its role is to safeguard the unity of the country's fabric with all its categories and factions without prejudice or discrimination and which preserves the safety of our dear Egypt internally and externally.'**

SCAF Statement 31 of 2 April 2011.

- **Women continue to face widespread discrimination, in particular in the area of family status and inheritance, and to be under-represented in the public life of Egypt.**
- **Religious minorities continue to face discrimination in law and practice, and serious communal violence has been exacerbated by the state's response; reliance on military and emergency justice systems to address communal violence leads to further human rights violations, including grossly unfair trials.**

## DISCRIMINATION AGAINST WOMEN

The visible participation of women in the uprising raised expectations both inside and outside of Egypt about progress on women's rights after Hosni Mubarak's resignation. These expectations have been disappointed. The SCAF has not only cancelled the quota law guaranteeing women seats in the parliament, but also subjected women protesters to forced "virginity testing", a practice unheard of under Hosni Mubarak.

The rhetoric on the issue of women's rights under Hosni Mubarak means that the road forward for women will not be straight. The involvement of Suzanne Mubarak as head of the government's National Council for Women's Rights and the fact that quotas for women's participation in parliament led to the election of women from Hosni Mubarak's National Democratic Party only, led many Egyptians to perceive link women's rights with a corrupt and abusive government.

Women's rights activists and organizations who demonstrated on International Women's Day on 8 March in Tahrir Square were attacked both verbally and physically by members of a counter-protest, in full view of the security forces who failed to intervene. The verbal and physical assault on women rights activists signalled the end of the expectations and hopes for

equal women's right that were nurtured during the uprising when men and women stood shoulder to shoulder to demand change.

The backlash against women's rights has been compounded by the entrenched discrimination women have faced in practice and in law for decades. As a result, women have been systematically excluded – or women's participation substantially limited – at almost every level of decision-making. After the uprising, when a committee was appointed by the SCAF to draft amendments to a number of articles in the Constitution, it consisted of eight male jurists and not a single woman. In July, after the SCAF removed the quota system for women in the election law it mandated instead that each political party must include at least one woman on its candidate list. However, there was no requirement for women to be placed high on the lists (thus limiting their chance of getting elected). Women representation in trade unions and other public functions was low before the uprising and has not grown.

The Prime Minister met with a group of women he chose on 22 March, but some women's organizations and activists felt that the women chosen were not representative of Egyptian women's demands and were not members of the women's movement in Egypt. There has been no other meeting between the Prime Minister and women's groups, despite their requests.

Women who were arrested on 9 March at Tahrir Square while the army attempted to clear the Square of all protesters were reportedly tortured and subjected to forced "virginity tests". This is a profound violation of women and girls' rights to equality and non-discrimination and amounts to torture. As described in the chapter on arrest, detention and torture, although the SCAF originally denied this, senior Egyptian military generals admitted in May and June that the women had in fact been forced to undergo the "virginity tests" in order to protect the army from "accusation of rape".

The fact is that discrimination against women in Egypt persists both in law and in practice in most spheres. In February 2010, the Committee on the Elimination of Discrimination against Women raised concerns, in particular about discriminatory provisions in the Family Status Code and the Penal Code, and urged the state to give priority to reform in those areas.<sup>87</sup> It also noted the inadequate protection or even knowledge of women's rights in Egypt generally and in the judiciary in particular, and called upon the state to remedy this to ensure women have equal and effective access to justice.<sup>88</sup> The SCAF has done nothing to address these persistent concerns. Rather, by marginalizing women in the reform process and subjecting them to forced "virginity tests", it has signalled that Egyptian women are not on equal footing.

## DISCRIMINATION AGAINST RELIGIOUS MINORITIES

Egyptians of all faiths and denominations participated in the "25 January Revolution" and the SCAF Constitutional Declaration states that "[the] Law applies equally to all citizens, and they are equal in rights and general duties. They may not be discriminated against due to race, origin, language, religion, or creed" (Article 7). However, religious minorities have continued to suffer discrimination by the authorities and receive inadequate protection from the state from sectarian violence. Discrimination and attacks against Coptic Christians are particularly prevalent and appear to have worsened since the SCAF assumed power. In addition, Copts continue to face discrimination in relation to appointments to high public

offices, including in the security agencies. Coptic Christians constitute the largest religious minority in Egypt.

- Following an assault on a church in Upper Egypt in September, thousands of protesters, mainly Copts, organized a protest on 9 October in Maspero Square to call for an end to discrimination and respect for their right to freedom of religion. The military responded with excessive force, including driving armoured vehicle at speed into the crowds. The incident reportedly left at least 26 Copts, one Muslim and one soldier dead and some 321 injured, from both armed forces and civilians, according to the Ministry of Health and Population. They included youth activist Mina Daniel, who became a symbol of those killed in the crackdown. The SCAF has so far ignored calls for an independent inquiry, and the army is investigating itself. Many of those detained in connection with the clashes were brought before the Military Prosecution. Some were released without charge.

- Clashes erupted in Imbaba, a working-class area in Greater Cairo, on 7 May when a group of alleged Muslim fundamentalists attacked the Mar Mina Church where they alleged that a woman who had converted to Islam was held against her will. The clashes left 15 people, including both Copts and Muslims, dead and many others injured. The businesses and houses of a number of Copts were damaged in the fighting and another church in the Imbaba area, the Virgin Mary Church, was also burnt. Amnesty International was told by residents in Imbaba that the armed forces did not initially interfere to stop the fighting and later fired into the crowds, killing several. After the clashes many residents in Imbaba, especially amongst those injured, were rounded up by the army and the military police. Many of them were later released without charge on 26 May. The remaining 48, including both Muslims and Copts, have been referred to the (Emergency) Supreme State Security Court to stand trial on charges of unauthorized gathering, premeditated murder, attempted murder, jeopardizing public security, inciting sectarian sedition, setting fire to the Virgin Mary Church, and illegally carrying firearms for the purposes of terrorism. A time of writing the trial was still ongoing with a session scheduled for 4 December.<sup>89</sup>

## SECTARIAN VIOLENCE

**Clashes between Coptic and Muslim communities, as well as attacks on Coptic communities, have been taking place for the last four decades.** Most of these clashes were reportedly triggered by the closing down or the destruction of churches, the unauthorized building of new churches or restoration of old ones, clashes over romantic relationships between youth from the two communities, as well as alleged forced conversions of Copts to Islam and reports of forcible detention of converts to Islam sanctioned by the Church. Copts have also been subjected to attacks by individuals from the Muslim community, which the authorities have often blamed on “mentally unstable individuals”. The year 2011 began with a bombing which targeted worshippers at a Coptic Christian church in Alexandria, killing 23 and injuring scores of others during a New Year midnight service.

If, during the last three decades, Egypt has witnessed some 15 major attacks on Copts,<sup>90</sup> in the last 10 months since the “25 January Revolution”, there have been at least six attacks on churches and/or clashes between Muslim and Copts. These include:

- 4 March – The Shahidayn Church (Mar Mina and Mar Girgis) in Soul Village in Atfih, Helwan, (south of Cairo) was destroyed.

- 8 March – violent clashes between Muslims and Copts in the Manshiyet Nasser neighbourhood, at the Al-Muqattam Hill, east Cairo, home to a large Coptic community of garbage collectors (*zabbaleen*). The clashes left 10 dead and others injured.
- April – Clashes between Muslims and Copts in Abu Qerqas in Minya left two dead.
- May – Attacks by alleged groups of Muslim fundamentalists on Mar Mina Church and the burning of the Virgin Mary Church in Imbaba, Greater Cairo. The clashes left at least 15 dead.
- September – destruction of Mar Girgis Church, in Marinab village in Idfu, in Aswan.
- October – attacks on Coptic protesters on 4 and 9 by armed forces and unidentified individuals believed to be “thugs”.

Egypt has for decades witnessed sectarian clashes that varied in intensity but were mostly rooted in religious stereotyping and inequalities, in some cases perpetuated by state actors. Coptic Christians in Egypt have repeatedly complained that the Egyptian authorities have not done enough to protect them or prosecute their attackers and that those brought to justice often receive light sentences.

The authorities, including under the rule of the SCAF, have often favoured “reconciliation” over the prosecution of offenders as a way to address sectarian violence by convening meetings between leaders from both communities with the involvement of the religious leaders and the members of the security apparatus. Under Hosni Mubarak, conflicts between Copts and Muslims were treated as national security issues and dealt with by the now-dissolved State Security Investigations (SSI) service, rather than the General Security Investigations, which usually deals with common law crimes, such as assault, theft or fights. This was the case regardless of the causes of the clash or fighting between the members of the two communities. Following clashes, the SSI would often arrest equal numbers of Muslims and Copts, accusing them of involvement in the violence, and presenting them before the Public Prosecution. After a couple of weeks in detention, the families would be forced to “reconcile” in order to secure the release of those detained. Meetings between leaders from both communities and the security apparatus to defuse tension were held in May following the sit-in in Ein Shams to have a church in the area reopened. Many of the protesters were detained briefly. Similar meetings were also held in September to contain tensions between Muslim and Copts regarding the renewal of Mar Girgis Church in Marinab in Edfu, Awsan.

Copts continue to be under-represented in relation to appointments to high public offices, positions of university presidents, as well as key security positions, for instance at the level of the National Security Agency or the General Intelligence.

In addition, in breach of Article 18 of the ICCPR which guarantees freedom of thought, conscience and religion, the SCAF, like Hosni Mubarak, have failed to end discriminatory practices preventing Copts from building houses of worship or restoring existing ones. Many churches were closed down or destroyed because the authorities allege they did not get the right permission to be built or renewed.

In May 2011 the Prime Minister announced the establishment of a committee to prepare an anti-discrimination law and a unified law for places of worship. following the Maspero incident, the SCAF reacted by amending the Penal Code in order to punish with imprisonment and a fine of no less than US\$5,000 all forms of discrimination based on

gender, origin, language religion or belief. At the time of writing, no law was issued regarding the construction of religious building despite long-standing demands.

#### 'CONTEMPT OF RELIGION'

Furthermore, the SCAF have taken no steps to amend or repeal legislation outlawing "contempt of religion". Article 98(f) of the Penal Code stipulates imprisonment of between six months to five years for "exploiting religion... for extremist ideas with the aim of provoking a conflict or of showing scorn or contempt for one of the divinely revealed religions... or harming national unity or social peace". Historically, this provision has been used to prosecute members of religious minorities, including Shi'a, Qoranis,<sup>91</sup> and Ahmadis,<sup>92</sup> and people who have peacefully expressed views critical of religion.

- On 22 October, the Azbakiya Court of First Instance sentenced Ayman Yusef Mansur to three years in prison after he was found guilty of "insulting Islam" through posts he had made on Facebook.<sup>93</sup>

#### RECOMMENDATIONS

Amnesty International calls on the Egyptian authorities, including the SCAF, to:

- Review, amend or abolish all laws that discriminate on the basis of race; colour; religion; ethnicity; birth; sex; sexual orientation; gender identity; political or other opinion; national or social origin; property; or other status.
- Ensure that women can vote, participate in and contest all elections and referendums on an equal basis with men, and that obstacles to their equal participation in public life are removed.
- Change all laws and practices that discriminate against religious or ethnic minorities to ensure that they uphold Article 18 of the International Covenant on Civil and Political Rights, which guarantees freedom of thought, conscience and religion. Such laws include Article 98(f) of the Penal Code, which criminalizes the exploitation of religion to "disturb national peace"; and Presidential Decree 291/2005, which makes repair or expansion of Christian churches subject to a permit from the regional governor.



# REFUGEES, ASYLUM-SEEKERS AND MIGRANTS FAILED

**'It is not permitted to expel a citizen from the country or forbid him/her from returning, or to give up political refugees.'**

SCAF Constitutional Declaration, Article 15.

- Security forces at Egypt's border with Israel continue to fire live ammunition at unarmed individuals attempting to reach Israel, killing or seriously injuring people as a result; during 2011 security forces have also reportedly used live ammunition on unarmed individuals attempting to enter Egypt from Sudan, resulting in deaths and serious injuries.
- Foreign nationals, including refugees and asylum-seekers, continue to face arrest and prosecution before military courts solely because of their immigration status; the Egyptian authorities have continued to deny them access to the UN Refugee Agency, UNHCR.
- The Egyptian authorities continue to forcibly return groups of refugees and asylum-seekers to countries where they face a real risk of egregious human rights violations.
- Foreign nationals have reportedly been held, tortured, including raped, and murdered by people-traffickers, while the authorities have done little to protect them.

## BORDER KILLINGS

Since mid-2007, reportedly following pressure from the Israeli authorities, Egyptian border forces have used excessive force, including lethal firepower, to stop unarmed refugees, asylum-seekers and migrants attempting to cross the border into Israel via the Sinai desert. The great majority of those killed are reportedly from Sub-Saharan Africa, with most believed to be from Eritrea, Sudan and Ethiopia. In March 2010, the UN High Commissioner for Human Rights, Navi Pillay, stated that she knew of "...no other country where so many unarmed migrants and asylum seekers appear to have been deliberately killed in this way by government forces," and that "...the sheer number of victims suggests that at least some Egyptian security officials have been operating a shoot-to-kill policy."<sup>94</sup>

Under the SCAF rule, at least 10 foreign nationals have been fatally shot while trying to cross

the border into Israel, according to Amnesty International's monitoring. The actual death toll is likely to be far higher. Refugees, asylum-seekers and migrants interviewed by human rights groups in Israel have consistently reported seeing their companions shot and killed during crossing attempts. Many others have been seriously injured, with bullet wounds to the chest, back, thighs or legs.

Also since the SCAF assumed power, Amnesty International has received reports for the first time of shootings of people crossing the border from Sudan. It was reported to Amnesty International that during the last week of June, a group of Eritrean asylum-seekers were shot at by security forces from a helicopter, whilst attempting to cross into Egypt from Sudan. At least 10 Eritreans were reportedly killed in the incident. It was also reported that the group was accompanied by people-traffickers, some of whom were injured in the shooting, and some of whom were reported to have subsequently been arrested by the security forces. A week later a further incident was reported in the local media. This incident was reported to be an exchange of fire between security forces and people-traffickers in which migrants and asylum-seekers were injured in the cross-fire, and one Eritrean was said to have been killed.

## **EXCESSIVE FORCE AT THE BORDER**

**To date, the Egyptian authorities have taken no steps to investigate the killings by border guards, and no guards are known to have been disciplined or prosecuted for using excessive force.**

International human rights standards, such as the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, insist that all cases of suspected extra-legal, arbitrary and summary executions resulting from the use of lethal force by state agents should be promptly investigated.

International human rights standards demand that the use of force by law enforcement officials must be proportionate to the actual threat faced. Amnesty International has repeatedly called on the Egyptian government to ensure that its border guards and all other law enforcement officials are instructed that they may use lethal force only in accordance with the strict limitations imposed by international standards, and are not deployed into situations in which they may be required to use force until they have been adequately trained in such standards – in particular, the UN Code of Conduct for Law Enforcement Officials (the Code of Conduct) and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (the Basic Principles).

## **ARREST, DETENTION AND FORCIBLE RETURN**

Foreign nationals suspected of being in Egypt irregularly are detained, charged with illegal entry into the country and summarily tried before military courts. They are then imprisoned in overcrowded detention facilities. Once detained, in practice there is no chance for refugees or asylum-seekers to contact the UN Refugee Agency. They are then deported after they have served their sentence. It has been reported that during 2011 suspended sentences were handed down in some cases, provided that deportation could be arranged promptly. Amnesty International was told that in many cases detainees are given the choice of remaining in detention or paying for their own deportation. In several cases it is reported that detainees chose to be returned to their country of origin, or possibly a third country, rather than face indefinite detention in Egypt.

During 2011 Amnesty International has continued to receive reports of groups of foreign

nationals, mainly from Eritrean, including numerous asylum-seekers, being arrested at various locations around the country. For example, in May, 24 people (including 22 Eritreans, one Sudanese and one Ethiopian) were arrested and tried at the military court in Gena. In July Amnesty International received a report that 62 Eritrean asylum-seekers had been arrested in Aswan on 1 July 2011. Also in July, Amnesty International obtained information of a case involving 60 asylum-seekers who were being tried in military court for "illegally entering" Egypt. Large numbers of migrants and asylum-seekers also continued to be detained from previous years, in a number of detention centres and police stations around the country. Those detained included mothers with their children, and pregnant women. A lack of transparency about the practice of detaining foreign nationals, and their sentencing in closed military courts, means that incidents of arrests and exact statistics on detentions are very difficult to verify.

Under the SCAF, Amnesty International has continued to document multiple instances of forcible returns in violation of the principle of *non-refoulement* carried out by the Egyptian authorities. Single individuals and groups of foreign nationals, including asylum-seekers, have been forcibly returned to countries where they faced a real risk of serious human rights violations. A significant proportion of those deported since February were Eritrean nationals. Large numbers of Eritreans flee their country to escape compulsory and indefinite national service, religious persecution, and other widespread and systematic human rights violations. Given Eritrea's record of egregious human rights violations, UNHCR has issued guidelines over the years opposing – almost in all cases – the forcible return of any Eritrean to the country, including of those whose international protection claims have been dismissed. These guidelines are still in force. Those Eritrean nationals forcibly returned to their country from Egypt have faced a serious risk of arbitrary detention, torture and other ill-treatment.

■ In October, the Egyptian authorities deported a group of 83 Eritrean nationals back to Eritrea. Amnesty International believes that they did not have the opportunity to challenge their removal before a court, or to apply for asylum. At time of writing, at least 118 more were believed to be facing the threat of imminent deportation, and others were being held while the Egyptian authorities arranged for their forcible return.<sup>95</sup>

## RESPONSIBILITY TO PROTECT REFUGEES

Egypt is party to both the UN Convention Relating to the Status of Refugees, its 1967 Protocol, and the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa. These treaties require Egypt to provide international protection to refugees, and, in particular, to refrain from acts of *refoulement*.

According to a 1954 Memorandum of Understanding between Egypt and UNHCR, the Egyptian authorities are obliged to grant asylum-seekers access to the UNHCR and respect its determination of individuals as refugees. However, the Egyptian authorities have often hindered UNHCR's work by denying its representatives access to individuals whose entitlement to international protection it is mandated to UNHCR to determine, or by delaying or limiting such access.

## ABUSES BY PEOPLE-TRAFFICKERS

Amnesty International has continued to receive reports of extortion, rape, torture and killings of refugees, asylum-seekers and migrants crossing the Sinai peninsula into Israel by people-traffickers. The Egyptian authorities have done very little to protect victims of human

trafficking, in spite of the adoption of an anti-trafficking law in 2010. Some refugees, asylum-seekers and migrants are reportedly held hostage by traffickers they had made arrangements with to smuggle them into Israel. Since late 2010 it has also been reported that refugees and asylum-seekers have been kidnapped in Ethiopia and Sudan, largely in refugee camps in Tigray (northern Ethiopian) and in Shegareb (eastern Sudan) and are then sold on to other traffickers, before they are held to ransom in Sinai.

Sub-Saharan refugees, asylum-seekers and migrants are held hostage by the traffickers, who then extort money from their relatives or diaspora communities around the world to secure their release.

While forcibly detained in Sinai, people have endured extortion and torture, including beatings, being subjected to electrical shocks, deprived of water for extended periods of time, and tied to trees for extended periods in desert heat. Many women migrants have reportedly been raped or otherwise sexually abused.<sup>96</sup> Many hostages have reportedly died as a result of this treatment. Hostages are forced to telephone their relatives and ask for money whilst being subjected to torture. Amnesty International has received numerous reports of hostages being shot dead by their Bedouin captors to demonstrate to family members of other hostages the seriousness of their threats.

This issue came to prominence in 2011 following reports in the national and international media that people-traffickers were subjecting Sub-Saharan Africans to forcible surgical removal of their organs for sale on the black market – a form of human trafficking known as organ harvesting. In most cases victims do not survive organ harvesting procedures, dying during, or shortly after surgery<sup>97</sup>

There is an extensive network of people-traffickers throughout Eritrea, Ethiopia, Sudan, Egypt and Israel. The traffickers are both well-equipped and well-armed. Hostages are sold between groups at country borders. Ransom money extorted from relatives or communities is reportedly often paid in Cairo, Tel Aviv, and Asmara, and can reportedly run into thousands of US dollars.

## LAWS ON TRAFFICKING

Egypt is a state party to several Conventions directly relevant to human trafficking. These include the 1951 UN Convention Relating to the Status of Refugees, (ratified by Egypt in 1981); the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ratified in 1993); and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime (Palermo Protocol, ratified in 2004).

The Egyptian authorities are further subject to national laws on trafficking, including Law 64 of 2010 on Combating Trafficking in Human Beings (Anti-Trafficking Law), adopted by the People's Assembly on 2 May 2010 and published in the Official Gazette on 9 May 2010; and Implementing Regulations of the Anti-Trafficking Law, Prime Minister Decree 3028 of 2010, 6 December 2010.

## RECOMMENDATIONS

Amnesty International calls on the Egyptian authorities, including the SCAF, to:

- Ensure border guards and all other law enforcement officials are instructed that they may only use force, including lethal force, only in accordance with the strict limitations imposed by relevant international human rights standards, and that they are not deployed into situations in which they may be required to use force until they have been adequately trained in such standards.
- Respect Egypt's international obligations, including *inter alia*, under the 1951 Convention Relating to the Status of Refugees and the UN Convention against Torture, not to forcibly return people to countries where they face a real risk of egregious human rights violations.
- Ensure that all asylum-seekers are given immediate access to UNHCR in Egypt to assess their asylum claims and that any refugee and asylum-seeker in detention is given prompt access to a procedure by which they can challenge the lawfulness of their detention and their removal in the case of those at risk of being forcibly returned.
- Stop detaining refugees and asylum-seekers purely because of their immigration status.
- Take all necessary measures to secure the safe release of trafficked people.
- Ensure that individuals who have been victims of people-trafficking are provided with medical, psychological, legal and other relevant forms of assistance and protection.
- Investigate and, where sufficient admissible evidence is gathered, prosecute those allegedly responsible for the crime of people-trafficking and try them in fair proceedings.

## FORCED EVICTIONS OF SLUM-DWELLERS UNDER THE SCAF

**'It is not permitted for any citizen to be denied residence in a particular area, nor requiring him/her to reside in a particular place, except in cases designated by law.'**

SCAF Constitutional Declaration, Article 14.

- **Forced evictions of slum-dwellers have continued under the SCAF; military forces have also carried out forced evictions in situations where squatters had built on land owned by the army.**

Since the "25 January Revolution", military forces have participated in the implementation of re-housing plans of residents in informal settlements which have led to forced evictions. These are defined by the UN Committee on Economic and Social and Cultural Rights (CESCR) as "the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of and access to, appropriate forms of legal or other protection."<sup>98</sup> Military forces carried out forced evictions of communities in Zerzara in Port Said, as well as the forced eviction of people who squatted in empty government housing in the wake of the uprising, as in Manshiyet Nasser in Cairo. The residents were neither consulted before eviction nor provided with adequate notice. These have also resulted in dozens of families being made homeless. Forced evictions have continued at the hands of military forces since they assumed law enforcement duties after their deployment in late January 2011. Squatters have also been arrested and faced military prosecution on petty criminal charges, apparently to stifle resistance ahead forced eviction.

While forced evictions have usually been carried out by the local police with the support of the Central Security Forces, military forces have also carried out forced evictions in situations where squatters had built on land owned by the army, as in Ezbet Abu Rgela in Cairo in 2010 when squatters' homes were demolished without notice and residents left homeless.

The Informal Settlements Development Facility (ISDF), a fund established in 2008 to coordinate government efforts on informal settlements, estimates that 850,000 people live in 404 areas it has classified as "unsafe" because of danger from rock falls, floods, fires, railway lines, high-voltage wires and other threats to their lives and health.<sup>99</sup> Thousands of

families continue to live in life-threatening situations, often near precarious rocky cliffs. Around 40 per cent of the country's 80 million people live on or near the internationally accepted poverty line of US\$2 a day per person.<sup>100</sup> Official numbers vary but an estimated 12.2 million people live in 870 informal settlements across Egypt, over half of them in 156 settlements in the Greater Cairo region.<sup>101</sup>

The residents of "unsafe areas" have not been consulted over official plans devised by governorates in co-operation with the ISDF, including in terms of alternatives to eviction, and alternative housing options, nor have they been provided with adequate eviction notice and legal means to challenge it. This has led to forced evictions and homelessness. Proposed alternative housing has not met international standards on adequacy of housing, particularly in terms of location of the resettlement sites that are far from sources of livelihood in new urban cities. Generally, women have borne the brunt of forced evictions. Divorced, widowed or separated women have been discriminated against in the conditions to obtain alternative housing as they are required, unlike men, to provide official proof of their current marital status or they have to relocate with their larger family.

In relation to Zerzara, one of the "unsafe areas" in Port Said, north of Egypt, the governorate announced in June 2011 a plan with the ISDF to provide 3,500 units to residents by June 2012.<sup>102</sup> The official plan envisages the construction of 68 buildings to re-house on-site the residents of Zerzara. However, this requires clearing the land first. In early July, with only a day's prior warning, the armed forces demolished the shacks of over 200 families, leaving about 70 families homeless, many of whom were headed by women. Although the 70 families managed to obtain a re-housing letter from the governorate after complaining, they were still left in tents across the road from their old homes awaiting resettlement. The remaining families in Zerzara fear the threat of forced eviction, although they have also been given official letters ensuring the allocation of alternative housing. Meanwhile they continue to be deprived of clean water and sanitation, not knowing when their relocation will take place.

During the uprising, residents of Zerzara organized protests in front of the Port Said governorate building and set fire to the former Governor's car on 9 February. The governorate building was reported to have been set ablaze by "thugs". Shortly after the local authorities with the support of the army relocated some 1,400 residents into 53m<sup>2</sup> flats in the nearby Al-Manasra area, some 5 kilometres away, and reportedly provided them with official documents.<sup>103</sup>

A master plan for Cairo by year 2050 has yet to be published or submitted for genuine consultation with concerned communities living in informal settlements. In August 2011, the General Organization for Physical Planning (GOPP) at the Ministry of Housing, Utilities and Urban Development assured Amnesty International that forced evictions will not take place in the framework of the Cairo 2050 plan and that field consultations would be carried out with communities within a couple of months.<sup>104</sup> This has yet to happen. Initial drafts of the plan propose to move communities from informal settlements to remote new cities in the desert, which raises concerns about threats of forced eviction.

Every year, vast numbers of people are drawn into the teeming slums because of an acute shortage of affordable housing.<sup>105</sup> In 2000, the UN Committee on Economic, Social and

Cultural Rights had urged Egypt to take action by “adopting a strategy and a plan of action and by building or providing, low-cost rental housing units, especially for the vulnerable and low income groups”.<sup>106</sup> But independent reviews of subsidized housing to low-income households questioned whether such housing is indeed affordable and well-located and whether it does in fact prioritize those really in need.<sup>107</sup>

Slum-dwellers and residents of working class neighbourhoods participated in the mass protests in January and February 2011, occupying the main squares of cities and encircling police stations. Indeed, the vast majority of victims killed or injured by security forces came from underprivileged backgrounds.<sup>108</sup> As the police withdrew, police stations and local authority buildings were looted or set ablaze by protesters and others who perceive them as symbols of state repression. This has affected the ability of local authorities and local police to service their areas and maintain control over government housing units. As a result, squatting of empty government housing has become more common. Slum-dwellers who for a long time had been living in inadequate housing conditions occupied such flats without being assigned to them by the local authorities. As local authorities began to restore their authority and sought to reclaim the housing units, they referred to all squatters as “thugs” to gain support for their forced eviction. The eviction of squatters from government housing buildings was carried out in breach of guarantees against forced eviction.

About 20 buildings with some 500 empty flats at the Suzanne Mubarak dwellings in Manshiyet Nasser, Cairo, were occupied following the uprising. Initially, military police and riot police sought to carry out forced evictions early on 25 May, but the squatters organized a protest in front of the houses. The Manshiyet Nasser Neighbourhood Authority assured squatters that their cases would be examined individually. However those perceived as leaders among the squatters were arrested a month later and brought before military prosecution for alleged possession of knives and other “cold weapons” (excluding guns or explosives). Between 4 and 6 July, the military forces and riot police forcibly evicted the squatters without warning. Some 200 families were made homeless and set up tents awaiting the examination of their grievances submitted to the Neighbourhood Authority requesting that they be provided with alternative housing. By October, the “Popular Community Committee in Manshiyet Nasser” assisted the re-housing of some 160 families made homeless by the Neighbourhood Authority, including from among the squatters. They were moved to the remote 6 October City, south-west of Giza.

Following the “Friday of Anger” on 28 January, as police withdrew from carrying out law enforcement duties across Egypt, local youth immediately began acting as vigilantes to secure their neighbourhoods, forming “popular community committees”. Some of the committees took on the role of monitoring local authorities’ work, ensuring services are delivered to their community, and serving as a communication channel between residents and local authorities, in effect, acting as municipal representatives. In Manshiyet Nasser, popular community committees support local authorities in the enumeration and identification of residents ahead of their planned evictions, assisting in examining complaints from those made homeless following eviction and in the allocation of alternative housing.

As a state party to both the ICESCR and the ICCPR, the Egyptian government must end forced evictions. According to the UN Committee on Economic and Social and Cultural Rights, evictions can only be carried out when appropriate procedural protections are in



place. These include an opportunity for genuine consultation with those affected; adequate and reasonable notice for affected people prior to the eviction; provision of legal remedies; and provision, where possible, of legal aid to people who are in need of it to seek redress from the courts. The Committee has stressed that evictions should not result in people becoming homeless.

The Egyptian Constitution of 1971, in force until the uprising, and the SCAF Constitutional Declaration, do not refer to the right to adequate housing or protection from forced eviction. The Constitution did refer to a number economic and social principles that were used in jurisprudence to protect people from forced eviction, such as social solidarity, equal opportunity, family as the basis of society, the protection of motherhood and childhood, sanctity of homes and protection of private lives. However, only the last two principles appear in the Constitutional Declaration.<sup>109</sup>

## RECOMMENDATIONS

Amnesty International calls on the Egyptian authorities, including the SCAF and local government, to:

- Immediately end all forced evictions and enforce a clear prohibition on forced evictions.
- Ensure that no evictions, including from state-owned land, are carried out until the procedural protections required under international human rights law are in place in national law and adhered to.
- Develop a comprehensive plan, consistent with Egypt's obligations under international human rights law, to address the inadequate housing conditions of people living in informal settlements, prioritizing those situations where there are threats to the life and health of residents.
- Make public the plans for the Cairo 2050 development project, and ensure the active participation of and genuine consultation with the affected communities in developing and implementing the plans.

## CONCLUSION

**'With regard to what has been said... about members of the armed forces torturing women who were detained during the last protest in Tahrir Square, we assure that the necessary procedures have been taken...'**

SCAF Statement 29 of 28 March 2011.

- **Impunity for serious human rights violations, including unlawful killings, torture and other ill-treatment, and excessive use of force, has continued.**
- **Serious concerns have been raised over the effectiveness and impartiality of military investigations into abuses by the armed forces themselves.**

The SCAF have used arguments for security to justify violations of human rights – as did the authorities under Hosni Mubarak. As a result, the security forces, including the military police, remain above the law and unaccountable for their crimes. By perpetuating the impunity enjoyed by security forces for decades under the state of emergency, the SCAF has done little to restore the rule of law. Purported military investigations into human rights violations have not established the truth behind abuses, brought the perpetrators to justice, or provided effective remedy for victims and their families. In reality, announcements of military investigations have simply been a method for the SCAF to appease public opinion and to avoid holding its forces to account.

The military has announced investigations into a number of human rights abuses allegedly involving its forces, some of which have been documented in this report:

- In the early morning of 14 May, engineer Ramy Fakhry was shot dead in unclear circumstances at an army checkpoint between Cairo and Damietta. He was widely reported to have been killed accidentally during a shootout between the armed forces and drug traffickers. In Statement 53 of 2011, the SCAF promised an investigation into his death. However, months later the results of the investigation have not been made public, and no one is known to have been held to account for his death.
- On 9 March, women demonstrators were subjected to torture and other ill-treatment by members of the armed forces in the form of "virginity tests". On 28 March, the SCAF

announced that the “truth” of the incident was being looked into, but since then no further information about the investigation or its findings has been forthcoming. On 26 June, members of the SCAF told Amnesty International that the “tests” would not be repeated, but gave no indication that those responsible had been subject to any criminal or disciplinary action. Amnesty International is also concerned at reports that at least one woman who lodged a formal complaint of sexual harassment following her treatment has since faced harassment and intimidation.<sup>110</sup>

- In September, a recording of the torture and ill-treatment of two male detainees by the security forces was posted on-line. Members of the police and armed forces were reportedly questioned by the Military Prosecutor following the incident, but after a brief investigation the video was ruled to be a “fake” and no charges were brought against them.<sup>111</sup> The results of the investigation, including the reasoning behind why the video was a fake, have not been made public.

- On 9 October, the violent suppression of protests around Maspero, Cairo, left 28 dead and hundreds injured. On 13 October General Adel al-Morsi, Director of the Military Judiciary, announced that an investigation would be conducted by the military and not the Public Prosecution. The General further requested that all evidence be submitted to the Military Prosecution.<sup>112</sup> To date, no information about the investigation has been made publicly available and no members of the security forces are known to have been held to account.<sup>113</sup> Instead, the SCAF have cracked down on criticism of their handling of the protest, detaining blogger and activist Alaa Abd El Fattah. At least 30 other civilians are believed to have been detained as part of the military investigation. Amnesty International is concerned that all of them may face unfair trials before military courts.

The Egyptian authorities are required by international law and standards to ensure that investigations into abuses are conducted promptly and impartially.<sup>114</sup> In practice the scope, methodology, findings and recommendations of military investigations have remained completely opaque. Amnesty International believes that the military cannot adequately and impartially investigate abuses for which its forces are thought to be largely responsible. At time of writing, no military investigation is known to have fully held the security forces to account for abuses. Furthermore, the Egyptian authorities have provided no information on steps to provide truth, justice and reparation for victims and their families – or on any measures they have adopted to guarantee that such abuses are not repeated.<sup>115</sup>

For a new Egypt to be built that is based on respect for human rights, this legacy of impunity for human rights violations by security forces and the military must be urgently tackled. Rule by emergency and military law must be ended to allow Egypt to make the transition to a state that respects and upholds the rule of law and human rights, and that allows all Egyptians the opportunity to participate in shaping their country's future.

## ENDNOTES

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<sup>1</sup> Elections to the lower house, the People's Assembly, begin on 28 November and elections to the upper house, the Shura Council, begin on 29 January.

<sup>2</sup> The SCAF, 12 February 2011.

<sup>3</sup> The SCAF, Statement 1 of 18 February 2011. This statement was the first to be published on the SCAF Facebook page.

<sup>4</sup> On 14 March, a new law (Law 10 of 2011) amending the Penal Code was introduced in order to crack down on crimes, such as intimidation, terrorising and the public and "thuggery". The law doubled the sentences already prescribed in the Penal Code. Under the new law, the death penalty may be handed out if criminal acts of "thuggery" result in murder.

<sup>5</sup> Decree 193 of 2011, amending decree 126 of 2010, which amended some provisions of the Emergency Law.

<sup>6</sup> In late March, a letter purportedly from the armed forces' department of Morale Affairs was circulated on the Internet. The letter, dated 22 March, apparently contained instructions not to publish information about the armed forces without first consulting the departments of Morale Affairs and Military Intelligence. Amnesty International has not been able to verify the authenticity of the document. A copy is available at: <http://www.flickr.com/photos/89031137@N00/5612615769>. The letter recalls a similar message in October 2010, when the Egyptian offices of a number of international and other broadcasters received letters from the authorities warning them against reporting on "sectarian strife" – in effect, warning them that issues considered sensitive by the authorities are off-limits.

<sup>7</sup> Articles 80(d), 98bis(b), 98(f), 102, 102bis, 171, 178, 179, 181, 188, 201 and 308 of the Egyptian Penal Code.

<sup>8</sup> Decision 193 of 2011 of 10 September 2011, amending certain provisions of Presidential Decree 126 of 2010. In the final months of the Mubarak administration, the authorities had claimed that the state of emergency was limited to narcotics trafficking and terrorism. See <http://www.cabinet.gov.eg/Decrees/PresidentialDecrees.aspx>

<sup>9</sup> See excerpt on YouTube at <http://www.youtube.com/watch?v=NWaiY4KdNzQ&feature=youtu.be>

<sup>10</sup> See Statement 72 of 18 August 2011.

<sup>11</sup> See *Al-Youm Al-Saba'*, "Missing April 6 member returns to Cairo, claims interrogated", 27 October 2011: <http://english.youm7.com/News.asp?NewsID=347313&>

<sup>12</sup> Amnesty International, "Sunday summoning of Egyptian activists warning shot over Maspero criticism" (Index: MDE 12/054/2011), 29 October 2011:

<http://www.amnesty.org/en/library/info/MDE12/054/2011/en>; "Egypt: Prominent blogger and activist detained" (Index: PRE01/550/2011), 31 October 2011: <http://www.amnesty.org/en/for-media/press-releases/egypt-prominent-blogger-and-activist-detained-2011-10-31>; "Prominent Egyptian blogger's detention extended", 14 November 2011: <http://www.amnesty.org/zh-hant/node/28062>

<sup>13</sup> See statement at <http://www.youtube.com/watch?v=XnzcQJZ8g8E&feature=related>

<sup>14</sup> See [www.youtube.com/v/f-REbzchmYw](http://www.youtube.com/v/f-REbzchmYw)

<sup>15</sup> See statement on Facebook at <http://on.fb.me/obUNVo>

<sup>16</sup> See report, Amnesty International, *Egypt: "Shouting slogans into the wind": Human rights concerns ahead of the parliamentary elections* (Index: MDE 12/032/2010), 21 November 2010: <http://www.amnesty.org/en/library/info/MDE12/032/2010>

<sup>17</sup> See for example Fadl, Belal; Taher, Omar; Al Shanawy, Tarek; and Badir, Naglaa in *al-Tahrir*, 5 October 2011: <http://tinyurl.com/5tn7x7g>; <http://tinyurl.com/6dfcjrr>; and <http://tinyurl.com/5s4ak7d>

<sup>18</sup> See interview with Abdel Halim Kandil in *Al Arabiya*, 26 September 2011: <http://www.alarabiya.net/articles/2011/09/24/168487.html>

<sup>19</sup> *Al Arabiya*, "New hurdles for Egyptian broadcasters as satellite licenses are frozen", 10 October 2011: <http://english.alarabiya.net/articles/2011/09/10/166218.html>; Reporters Without Borders, "Is Egypt's Supreme Council a new predator of press freedom?", 10 September 2011: <http://en.rsf.org/egypt-is-the-supreme-council-a-new-10-09-2011,40962.html>

<sup>20</sup> Interview on Channel 1 TV, 17 September 2011.

<sup>21</sup> See Amnesty International, "TV channels suspended, pressure on journalists", *"Shouting slogans into the wind": Human rights concerns ahead of the parliamentary elections* (Index: MDE 12/032/2010), 21 November 2010.

<sup>22</sup> Interview on Channel 1 TV, 17 September 2011.

<sup>23</sup> Al Jazeera, "Al Jazeera Mubasheer Egypt office raided", 13 September 2011: <http://english.aljazeera.net/news/middleeast/2011/09/201192917502559260.html>; Committee to Protect Journalists, "Police raid Al-Jazeera offices again", 30 September 2011: [http://www.ifex.org/egypt/2011/09/30/al\\_jazeera\\_raid/](http://www.ifex.org/egypt/2011/09/30/al_jazeera_raid/)

<sup>24</sup> See 25TV, "The truth behind 25 TV suspension", 10 October 2011: [http://25online.tv/index.php?option=com\\_content&view=article&id=416%3A-25&catid=2%3Anews-ticker&Itemid=39&lang=en](http://25online.tv/index.php?option=com_content&view=article&id=416%3A-25&catid=2%3Anews-ticker&Itemid=39&lang=en). Footage of the moment Alhurra is raided can be found on-line. See <http://www.youtube.com/watch?v=h62qdp8FKHo>

<sup>25</sup> See account on Imad Bazzi's blog, Trella, at <http://trella.org/3163>

<sup>26</sup> The SCAF, Statement 45 of 4 May 2011.

<sup>27</sup> Channel 1 TV, 07.55GMT, 29 June 2011.

<sup>28</sup> See for example National Coalition for Media Freedom, "Appointing Minister of Information is a step backward", 10 July 2011: <http://ncmf.info/?p=223>

<sup>29</sup> See for example <http://www.youtube.com/watch?v=E7m08JJdxao>

<sup>30</sup> See Amnesty International, "Egyptian army must answer for deadly toll at Coptic protest" (Index: PRE01/529/2011), 11 October 2011: <http://www.amnesty.org/en/for-media/press-releases/egyptian-army-must-answer-deadly-toll-coptic-protest-2011-10-11>

<sup>31</sup> Egypt State Information Service, "Tantawi: January 25 extension to October generation", 19 October 2011: <http://www.sis.gov.eg/En/Story.aspx?sid=58525>

<sup>32</sup> See Amnesty International, "Egypt: Further restrictions on civil society looming" (Index: MDE 12/023/2009), 7 May 2009: <http://www.amnesty.org/en/library/info/MDE12/023/2009/en>; "Egyptian association for torture victims wins court case against closure", 31 October 2008: <http://www.amnesty.org/en/news-and-updates/good-news/egyptian-association-for-torture-victims-wins-court-case-20081031>; and "Egypt: Dissolving human rights centre further erodes right to freedom of association" (Index: MDE 12/029/2007), 12 September 2007: <http://www.amnesty.org/en/library/info/MDE12/029/2007/en>; "Egypt: Closing workers advice centre against protecting workers' rights" (Index: MDE 12/015/2007), 26 April 2007: <http://www.amnesty.org/en/library/info/MDE12/015/2007/en>

<sup>33</sup> See *Concluding observations: Egypt* (UN Doc: CRC/C/EGY/CO/3-4), 20 June 2011, paras31-32: <http://www2.ohchr.org/english/bodies/crc/docs/co/CRC.C.EGY.CO.3-4%20.doc>

<sup>34</sup> See *Concluding observations of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families* (UN Doc: CMW/C/EGY/CO/1), 25 May 2007, para9: [http://www2.ohchr.org/english/bodies/cmw/docs/cmw\\_c\\_egy\\_co1.doc](http://www2.ohchr.org/english/bodies/cmw/docs/cmw_c_egy_co1.doc)

<sup>35</sup> The committee did not refer to specific legislation, but to "The legal and practical restrictions on the activities of non-governmental organizations engaged in human rights work". See *Conclusions and recommendations of the Committee against Torture: Egypt* (UN Doc: CAT/C/CR/29/4), 23 December 2002, para5(i): [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CAT.C.CR.29.4.En?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CAT.C.CR.29.4.En?Opendocument)

<sup>36</sup> See *Concluding observations of the Human Rights Committee: Egypt. 28/11/2002* (UN Doc: CCPR/CO/76/EGY), 28 November 2002, para21: <http://www.unhcr.ch/tbs/doc.nsf/%28Symbol%29/CCPR.CO.76.EGY.En?Opendocument>

<sup>37</sup> *Al-Masry Al-Youm*, "Government to tighten foreign funding regulations for civil society groups", 2 November 2011: <http://www.almasryalyoum.com/en/node/511276>

<sup>38</sup> The head of USAID subsequently resigned on 11 August 2011.

<sup>39</sup> The ambassador was subsequently smeared as the "ambassador from hell" in state-owned media. See *October*, 31 July 2011: <http://octobermag.com/Issues/1814/artDetail.asp?ArtID=118106>; as well as the response of the US government at IIP Digital, "State Department Daily Press Briefing, August 10", 10 August 2011: <http://iipdigital.usembassy.gov/st/english/texttrans/2011/08/20110810182446su0.7947896.html?distid=ucs#axzz1bE5zu2cO>

<sup>40</sup> The Cabinet of Ministers, "19th meeting of the Cabinet of Ministers", 27 July 2011: <http://www.egyptiancabinet.gov.eg/Media/CabinetMeetingsDetails.aspx?id=217>

<sup>41</sup> The Cabinet of Ministers, "27th meeting of the Cabinet of Ministers", 14 September 2011: <http://www.egyptiancabinet.gov.eg/Media/CabinetMeetingsDetails.aspx?id=227>

<sup>42</sup> The article stated that the fact-finding committee had identified 39 organizations, of which the article named 37. See *El-Fagr*, "Official Report to the Prosecutor Uncovers Names and Amounts: 1.344 Billion Egyptian Pounds Given from the United States, Europe and the Gulf to Egyptian Organizations in the Last Four Months", 22 September 2011: <http://pomed.org/wordpress/wp-content/uploads/2011/09/El-Fager-article.pdf>

<sup>43</sup> The full list of named organizations is reported as:

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1. the Future Center for Legal Consultation and the Study of Human Rights; 2. the Hisham Mubarak Law Center; 3. the Ibn Khaldun Center for Development Studies (ICDS); 4. the Arab Network for Human Rights Information (ANHRI); 5. the Andalus Institute for Tolerance and Anti-Violence Studies; 6. the United Group for Legal Consultation; 7. the Arab Bureau of Law; 8. the Arab Foundation for Civil Society and Human Rights Support (Madanaya); 9. the Foundation for the Full Promotion of Women and Development; 10. the Female Lawyers Union; 11. Bokra for Media Productions, Media Studies and Human Rights; 12. the Center for Peace and Human Development; 13. the Egyptian Democratic Academy (EDA); 14. the Center for People's Rights (Centre des Droits des Gens- CDG); 15. the Union for Human Development; 16. the Family Center for a New Future; 17. Lawyers for Peace and Justice; 18. New Insights; 19. the Political Union for an Open Society; 20. the Center for a Vision of Development and Media Studies; 21. the Regional Center for Community Research and Consulting (RCRC); 22. the Union for Rural Development; 23. the Peace and Justice Institute; 24. the Union for Social, Women's and Environmental Development; 25. the Technology Center for Human Rights (TCHR); 26. the Transparency Center for Development Training and Studies; 27. the Development and Institutionalization Support Center (DISC); 28. the Egyptian Center for Housing Rights (ECHR); 29. the Egyptian Initiative for Personal Rights (EIPR); 30. the Arab Penal Reform Organization (APRO); 31. the Mubadara Center for Democracy and Tolerance; 32. the Land Center for Human Rights (LCHR); 33. Al-Nadeem Center for Rehabilitating Victims of Violence and Torture; 34. the Egyptian Center for Social and Economic Rights (ECESR); 35. the National Democratic Institute (NDI, an American organization); 36. the International Republican Institute (IRI, an American organization); 37. Freedom House (an American organization).

<sup>44</sup> *Al-Masry Al-Youm*, "Egypt asks banks to unveil foreign donations to local charities", 4 August 2011: <http://www.almasryalyoum.com/en/node/483203>; *Ahram Online*, "Egyptian banks to inform government of NGO banking transfers", 4 August 2011: <http://english.ahram.org.eg/NewsContent/1/64/181113/Egypt/Politics-/Egyptian-banks-to-inform-government-of-NGO-banking.aspx>

<sup>45</sup> See Joint statement by Egyptian NGOs, "Re: The campaign by the Government of Egypt and the Supreme Council of the Armed Forces against civil society organizations and human rights defenders in Egypt", 22 August 2011: [www.cihrs.org/Images/ArticleFiles/Original/673.doc](http://www.cihrs.org/Images/ArticleFiles/Original/673.doc); *Independent*, "HSBC accused of helping Egypt generals stifle dissent", 31 October 2011: <http://www.independent.co.uk/news/world/africa/hsbc-accused-of-helping-egypt-generals-stifle-dissent-6255002.html>

<sup>46</sup> *Al-Ahram*, "U.S. Ambassador Anne Patterson to *Al-Ahram*" [original in Arabic], 20 October 2011: <http://www.ahram.org.eg/Al-Mashhad-Al-Syassy/News/107897.aspx>

<sup>47</sup> *Al-Masry Al-Youm*, "Ministry reveals 'secret' bank accounts of civil society group", 27 October 2011: <http://www.almasryalyoum.com/en/node/509355>

<sup>48</sup> See Amnesty International, "Public Prosecution's special powers", *Egypt: Systematic abuses in the name of security* (Index: MDE 12/001/2007), 11 April 2007: <http://www.amnesty.org/en/library/info/MDE12/001/2007>

<sup>49</sup> Under Article 14 of the ICCPR.

<sup>50</sup> The SCAF began to issue numbered statements on its Facebook page from 18 February.

<sup>51</sup> See Office of the United Nations High Commissioner for Human Rights, *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*: <http://www2.ohchr.org/english/law/firearms.htm>; and *UN Code of Conduct for Law Enforcement Officials*: <http://www2.ohchr.org/english/law/codeofconduct.htm>

<sup>52</sup> Amnesty International, "Egyptian army condemned over Tahrir Square protest breakup", 9 March 2011: <http://www.amnesty.org/en/news-and-updates/egyptian-army-condemned-over-tahrir-square-protest-breakup-2011-03-09>

<sup>53</sup> See for example [http://www.youtube.com/watch?v=xiRu8bZBXfM&feature=player\\_embedded](http://www.youtube.com/watch?v=xiRu8bZBXfM&feature=player_embedded)

<sup>54</sup> Amnesty International, "Two dead as Egyptian army forces protesters out of Tahrir Square" (Index: PRE01/200/2011), 9 April 2011: <http://www.amnesty.org/en/for-media/press-releases/two-dead-egyptian-army-forces-protesters-out-tahrir-square-2011-04-09>

<sup>55</sup> Amnesty International, "Egypt urged to investigate fresh protest violence", 29 June 2011: <http://www.amnesty.org/en/news-and-updates/egypt-urged-investigate-fresh-protest-violence-2011-06-29>

<sup>56</sup> Statement 69 of 23 July 2011: <https://www.facebook.com/photo.php?pid=1061531&id=202103219801266>

<sup>57</sup> General Hassan Ruweiny told Al Jazeera Mubasher that the 6 April Youth Movement had received foreign funding and that it aimed to provoke a "conflict between the military and the Egyptian people."

<sup>58</sup> See for example *Ahram Online*, "Chronicles of a sit-in, Saturday 23 July", 27 July 2011: <http://english.ahram.org.eg/NewsContent/1/64/17420/Egypt/Politics-/Chronicles-of-a-sitin,-Saturday--July.aspx>

<sup>59</sup> Amnesty International, "Fears for Egyptian activist after attack on protest march" (Index: PRE01/363/2011), 24 July 2011: <http://www.amnesty.org/en/for-media/press-releases/fears-egyptian-activist-after-attack-protest-march-2011-07-23>

<sup>60</sup> Amnesty International, "Egyptian army must answer for deadly toll at Coptic protests", 11 October 2011: <http://www.amnesty.org/en/news-and-updates/deadly-clashes-coptic-protest-egypt-show-urgent-need-reform-2011-10-11>; joint statement by Egyptian NGOs, "Maspero: State Incitement of Sectarian Violence and Policy of Extrajudicial Killings", 16 October 2011: <http://eipr.org/en/pressrelease/2011/10/16/1268>; Human Rights Watch, "Egypt: Don't Cover Up Military Killing of Copt Protesters", 24 October 2011: <http://www.hrw.org/news/2011/10/25/egypt-don-t-cover-military-killing-copt-protesters>

<sup>61</sup> See NCHR, "Board's report on the events of Maspero" [original in Arabic], 2 November 2011: [www.nchregypt.org/ar/index.php?option=com\\_content&view=article&id=500:2011-11-02-19-51-28&catid=43:2010-03-09-13-00-53&Itemid=55](http://www.nchregypt.org/ar/index.php?option=com_content&view=article&id=500:2011-11-02-19-51-28&catid=43:2010-03-09-13-00-53&Itemid=55)

<sup>62</sup> See for example, Hossam el-Hamalawy, "Egypt protests continue in the factories", *Guardian*, 14 February 2011: <http://www.guardian.co.uk/commentisfree/2011/feb/14/egypt-protests-democracy-generals>

<sup>63</sup> Cabinet of Ministers, "The Cabinet confirms activation of the punishment law article criminalizing work strike & production process stoppage", 8 June 2011: <http://www.cabinet.gov.eg/Media/NewsDetails.aspx?id=2447>

<sup>64</sup> See Amnesty International, "Egypt urged to scrap draft law outlawing protests and strikes" (Index:



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PRE01/171/2011), 31 March 2011: <http://www.amnesty.org/en/for-media/press-releases/egypt-urged-scrap-draft-law-outlawing-protests-and-strikes-2011-03-31>

<sup>65</sup> See CESCR, *Concluding observations of the Committee on Economic, Social and Cultural Rights: Egypt*, 23 May 2000 (UN Doc: E/C.12/1/Add.44), para18:  
<http://www.unhcr.ch/tbs/doc.nsf/%28Symbol%29E.C.12.1.Add.44.En?Opendocument>

<sup>66</sup> See Amnesty International, "Egyptian women protesters forced to take 'virginity tests'", 23 March 2011: <http://www.amnesty.org/en/news-and-updates/egyptian-women-protesters-forced-take-%E2%80%98virginity-tests%E2%80%99-2011-03-23>

<sup>67</sup> Amnesty International, "Egypt: Admission of forced 'virginity tests' must lead to justice", 31 May 2011: <http://www.amnesty.org/en/news-and-updates/egypt-admission-forced-virginity-tests-must-lead-justice-2011-05-31>

<sup>68</sup> As a state party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Egypt is also bound to combat discrimination, that is, "...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field" (Article 1).

<sup>69</sup> CNN, "Egyptian general admits 'virginity checks' conducted on protesters", 30 May 2011: [http://articles.cnn.com/2011-05-30/world/egypt.virginity.tests\\_1\\_virginity-tests-female-demonstrators-amnesty-report?\\_s=PM:WORLD](http://articles.cnn.com/2011-05-30/world/egypt.virginity.tests_1_virginity-tests-female-demonstrators-amnesty-report?_s=PM:WORLD)

<sup>70</sup> Appeals by cassation are limited to examining procedural issues and questions of law only and do not consider the factual basis of the verdict or listen to witnesses, for instances.

<sup>71</sup> *Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Mission to Egypt* (UN Doc: A/HRC/13/37/Add.2), 14 October 2009, para33.

<sup>72</sup> UN Doc: CCPR/C/79/Add.23, para9, July 1993.

<sup>73</sup> UN Doc: CCPR/CO/76/EGY, para16(b), 28 November 2002.

<sup>74</sup> Amnesty International, "Life of Egyptian blogger hangs in the balance as appeal postponed", 4 October 2011: <http://www.amnesty.org/en/news-and-updates/egyptian-blogger%E2%80%99s-appeal-delay-%E2%80%98death-sentence%E2%80%99-2011-10-04>

<sup>75</sup> As reported in *Al-Masry Al-Youm*, "Egypt threatens death penalty for inciting sectarian strife", 8 May 2011: <http://www.almasryalyoum.com/en/node/428540>

<sup>76</sup> In 2002, the Human Rights Committee expressed concern at the "very large number of offences which, under Egyptian law, are punishable by the death penalty," stating that certain offences were incompatible with the ICCPR, which states that capital punishment "may be imposed only for the most serious crimes" (Article 6, para2). See *Concluding observations of the Human Rights Committee: Egypt*. (UN Doc: CCPR/CO/76/EGY), 28 November 2002:  
<http://www.unhcr.ch/tbs/doc.nsf/%28Symbol%29CCPR.CO.76.EGY.En?Opendocument>

<sup>77</sup> See Egypt State Information Service, "Military council issues a decree amending some provisions of Penal Code", 14 March 2011: <http://www.sis.gov.eg/En/Story.aspx?sid=54202>

<sup>78</sup> Following protests by Egyptian human rights groups over the sentencing of a minor to death, Major-General Adel Mahmoud Mursi announced on 23 May that Ahmed Marous Ibrahim was 21 years old and not 17.

<sup>79</sup> See *Safeguards guaranteeing protection of the rights of those facing the death penalty*, 25 May 1984: <http://www2.ohchr.org/english/law/protection.htm>

<sup>80</sup> See Amnesty International, "Egypt teenager's death sentence condemned", 18 May 2011: <http://www.amnesty.org/en/news-and-updates/egypt-teenager%E2%80%99s-death-sentence-condemned-2011-05-18>

<sup>81</sup> These are said to include three in Damietta for rape, one in Alexandria for murder and five others for robbery and murder.

<sup>82</sup> *Al-Masry Al-Youm*, "Egypt threatens death penalty for inciting sectarian strife", 8 May 2011: <http://www.almasryalyoum.com/en/node/428540>

<sup>83</sup> Amnesty International, "Egypt: Egyptian authorities failing to protect religious minorities" (Index: MDE 12/001/2010), 12 January 2011: <http://www.amnesty.org/en/library/info/MDE12/001/2010>

<sup>84</sup> *Safarmo Kurbanova v. Tajikistan, Views of the Human Rights Committee. Communication No. 1096/2002* (UN Doc: CCPR/C/79/D/1096/2002), 12 November 2003, paras 7.6, 7.7., where the Committee noted an "absence of any information by the State party to justify a trial before a military court".

<sup>85</sup> Human Rights Committee, *General Comment No. 32 on the right to equality before courts and tribunals and to a fair trial (Article 14)*, 2007, paras 6 and 59

<sup>86</sup> *Report of Special Rapporteur on extrajudicial, summary or arbitrary executions* (UN Doc: A/HRC/4/20), 29 January 2007, para 53.

<sup>87</sup> Committee on the Elimination of Discrimination against Women, "Concluding Observations of the Committee: Egypt", CEDAW/C/EGY/CO/7, 5 February 2010, para 16.

<sup>88</sup> *Ibid*, para 20.

<sup>89</sup> *Al-Dostor*, "Supreme State Security Court postponed the issue of Imbaba" [original in Arabic], 2 November 2011: <http://www.dostor.org/crime/11/november/2/60299>

<sup>90</sup> 1970 – Akhmim Church, 1972 – al-Khanka, Qalyoubiya, 1981 – Zawya al-Hamra, 1987 – Abu Qerqas, 1990 – Imbaba, Greater Cairo, 1992 – Dirout and Sambu, 1998 – Khusheh 1, 1999 – Kusheh 2, 2005 – Mar Guerguis Church in Alexandria (attack), 2006 – Four churches in Alexandria (attack), 2007 – al-Eiyat Church (attack), 2008 – Dir Abu al-Fina, Minya (attack), 2009 – Mar Mirquess, Fayoum (burning), 2010 – Nagaa Hammadi (drive-by shooting), 2011 – al-Quediseen Church in Alexandria (bombing).

<sup>91</sup> A Muslim group which relies almost exclusively on the Qur'an as authoritative for Islam, to the exclusion of the prophetic traditions (Hadith) and other sources of Islamic law.

<sup>92</sup> The Ahmadi Muslims believe in all of Islam's five pillars and other articles of faith in Islam, but differ from other Muslims in their belief in their founder, Hadhrat Mirza Ghulam Ahmad, as a Prophet within Islam, and consider that Jesus survived the attempted crucifixion. Ahmadi Muslims also believe in the continuation of divine revelation. This applies primarily to the Khalifas whose authority, they believe,

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derives from God.

<sup>93</sup> Agence France-Presse, "Egyptian jailed for Facebook Islam insult", 22 October 2011: <http://www.google.com/hostednews/afp/article/ALeqM5j38Ylgqgax30przg8omOBumISHng>; *Al-Masry Al-Youm*, "Egyptian Facebook user jailed for 3 years for anti-Islamic opinions", 22 October 2011: <http://www.almasryalyoum.com/en/node/507503>

<sup>94</sup> UNHCHR, "UN human rights chief deplores killing of some 60 migrants by Egyptian forces in Sinai since mid 2007", 2 March 2010: <http://reliefweb.int/node/347019>

<sup>95</sup> Amnesty International, "Egypt: Eritreans face forcible return from Egypt" (Index: MDE 12/052/2011), 19 October 2011: <http://www.amnesty.org/en/library/info/MDE12/052/2011/en>; "Egypt: Eritreans in Egypt at risk of forcible return" (Index: MDE 12/055/2011), 2 November 2011: <http://amnesty.org/en/library/info/MDE12/055/2011/en>

<sup>96</sup> See UN News Centre, "UN refugee agency appeals to Egypt to help secure release of abducted Eritreans", 7 December 2010: <http://www.phr.org.il/default.asp?PageID=100&ItemID=953>; Joint statement by 13 Egyptian human rights organizations, "The Egyptian Government must intervene immediately to save African hostages in Sinai", 28 December 2010: <http://www.cihrs.org/English/NewsSystem/Articles/2738.aspx>;

<sup>97</sup> See *Al-Youm Al-Saba'*, "Youm7 reveals the secrets of organ trafficking in Sinai", 1 November 2011: <http://english.youm7.com/News.asp?NewsID=347655&SecID=12&IssueID=0>; and CNN, "Ending organ trafficking", 3 November 2011: [http://edition.cnn.com/video/#/video/world/2011/11/03/pleitgen-cfp-organ-trafficking.cnn?&hpt=hp\\_c2](http://edition.cnn.com/video/#/video/world/2011/11/03/pleitgen-cfp-organ-trafficking.cnn?&hpt=hp_c2)

<sup>98</sup> CESCR, *General Comment 7, The Right to Adequate Housing: forced evictions*, para3.

<sup>99</sup> Presentation by Sherif Alghohary and Ali El-Faramawy, ISDF, "Egyptian Approach to Informal Settlements Developments", 2 June 2010, available at: [www.slideshare.net/GRFDavos/egypt-for-idrc-2-june-2010-finalpptx](http://www.slideshare.net/GRFDavos/egypt-for-idrc-2-june-2010-finalpptx)

<sup>100</sup> See United Nations Development Programme, *Arab Human Development Report 2009, Challenges to Human Security in the Arab Countries*, UNDP, 2009, p11. See also: Associated Press, "Egypt's Mubarak aims for 8 percent annual growth", 25 December 2010: [http://news.yahoo.com/s/ap/20101225/ap\\_on\\_re\\_mi\\_ea/ml\\_egypt\\_mubarak](http://news.yahoo.com/s/ap/20101225/ap_on_re_mi_ea/ml_egypt_mubarak).

<sup>101</sup> Central Agency for Population Mobilization and Statistics, *Study of Informal Settlements in Egypt* [original in Arabic], April 2008, pp23-34.

<sup>102</sup> *Beit Al-Tahrir*, "Governor of Port Said: Eradication of informal settlements in the Governorate by June 2012" [original in Arabic], 1 June 2011: [http://elbetelkber.com/index.php?option=com\\_content&view=article&id=6969:-----2012&catid=91:2011-05-16-16-39-57&Itemid=145](http://elbetelkber.com/index.php?option=com_content&view=article&id=6969:-----2012&catid=91:2011-05-16-16-39-57&Itemid=145)

<sup>103</sup> Amnesty International interview with human rights lawyer Bakr Hassan Bakr from the Egyptian Centre for Housing Rights in Port Said, 6 June 2011.

<sup>104</sup> *Al-Masry Al-Youm*, "Housing Ministry to present the first draft of Cairo 2050 within two months" [original in Arabic], 26 August 2011.

<sup>105</sup> The urban population living in informal settlements jumped from 14 per cent in 2004 to 17.5 per cent in 2006. See Ministry of Economic Development, *Egypt. Achieving the Millennium Development Goals. A midpoint assessment*, 2008, p56.

<sup>106</sup> CESCR, *Concluding Observation and Recommendations on Egypt* (UN Doc: E/C.12/1/Add.44), 23 May 2000, paras 22 and 37.

<sup>107</sup> Suzette Aziz, Hazem Kamal, Maha Samy Kamel, Kamal Selim, Hany Serageldin, David Sims, *Housing Demand Study for the Arab Republic of Egypt*, USAID/Technical Assistance For Policy Reform II, June 2006: [http://www.usaideconomic.org/eg/publication\\_details\\_results.asp?publicationId=2207](http://www.usaideconomic.org/eg/publication_details_results.asp?publicationId=2207)

<sup>108</sup> See Amnesty International, *Egypt Rises: Killings, Detention and Torture during the "25 January Revolution"* (Index: MDE 12/027/2011), 19 May 2011: [www.amnesty.org/en/library/info/MDE12/027/2011/en](http://www.amnesty.org/en/library/info/MDE12/027/2011/en)

<sup>109</sup> Articles of the Egyptian Constitution of 1971 numbers: 7, 8, 9, 10, 45, 57. See also articles 10 and 11 of the Constitutional Declaration of 30 March 2011. The articles 13, 17, 23 and 44 of the Egyptian Constitution of 1971 on the right to work, provision of health and social insurance, raising the standard of living and establishing a minimum wage also do not appear in the Constitutional Declaration.

<sup>110</sup> See Human Rights Watch, "Egypt: Military 'Virginity Test' Investigation a Sham", 9 November 2011: [www.hrw.org/news/2011/11/09/egypt-military-virginity-test-investigation-sham](http://www.hrw.org/news/2011/11/09/egypt-military-virginity-test-investigation-sham)

<sup>111</sup> See EgyPolice, "Dakahlia security: people who are tortured in the video clip arms dealers" [original in Arabic], 29 September 2011; *Al-Masry Al-Youm*, "Military Prosecution question police and military officers accused of torturing detainees" [original in Arabic], 29 September 2011: <http://www.almasryalyoum.com/node/500533>; and *Ahram Online*, "Army torture video 'fake', claims security source", 4 October 2011: <http://english.ahram.org.eg/NewsContent/1/64/23296/Egypt/Politics-/Army-torture-video-fake,-claims-security-source.aspx>

<sup>112</sup> See *Ahram Online*, "SCAF alone to investigate Maspero clashes", 13 October 2011: <http://english.ahram.org.eg/NewsContent/1/64/24087/Egypt/Politics-/SCAF-alone-to-investigate-Maspero-clashes.aspx>

<sup>113</sup> An investigation by Egypt's official human rights body, the National Council for Human Rights (NCHR), found that 17 of the deaths around Maspero had been caused by armoured vehicles – a finding consistent with Egyptian and international human rights organizations also investigating the incident. See NCHR, "Board's report on the events of Maspero" [original in Arabic], 2 November 2011: [www.nchregypt.org/ar/index.php?option=com\\_content&view=article&id=500:2011-11-02-19-51-28&catid=43:2010-03-09-13-00-53&Itemid=55](http://www.nchregypt.org/ar/index.php?option=com_content&view=article&id=500:2011-11-02-19-51-28&catid=43:2010-03-09-13-00-53&Itemid=55)

<sup>114</sup> As required under the ICCPR and Convention against Torture; as well as under international standards such as the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.

In addition, where incidents of abuse have been linked to firearms, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials state "...Governments and law enforcement agencies shall ensure that an effective review process is available and that independent administrative or prosecutorial authorities are in a position to exercise jurisdiction in appropriate circumstances. In cases of death and serious injury or other grave consequences, a detailed report shall be sent promptly to the

*competent authorities responsible for administrative review and judicial control.” (22)*

<sup>115</sup> The right to an effective remedy for victims of human rights violations is guaranteed in international law. It is enshrined in Article 2(3) of the ICCPR and further expanded in UN Human Rights Committee General Comment No. 31 on the “Nature of the General Legal Obligation imposed on States Parties to the Covenant”, adopted on 29 March 2004 at its 2187<sup>th</sup> meeting. It is also recognized in Article 8 of the Universal Declaration of Human Rights; Article 14 of the Convention against Torture; Article 6 of the International Convention on the Elimination of All Forms of Racial Discrimination; Article 39 of the Convention on the Rights of the Child; Article 7 of the African Charter on Human and Peoples’ Rights; and Article 23 of the Arab Charter on Human Rights.

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