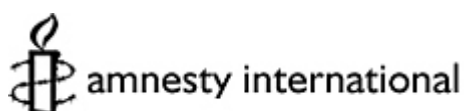


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Amnesty International Report 2008 - Egypt

ARAB REPUBLIC OF EGYPT

Head of State: Muhammad Hosni Mubarak
Head of government: Ahmed Nazif
Death penalty: retentionist
Population: 76.9 million
Life expectancy: 70.7 years
Under-5 mortality (m/f): 38/31 per 1,000
Adult literacy: 71.4 per cent

Constitutional amendments rushed through parliament were the most serious setback for human rights since the state of emergency was reintroduced in 1981. The amendments cemented the sweeping powers of the police and entrenched in permanent law emergency powers that have been used systematically to violate human rights, including prolonged detention without charge, torture and other ill-treatment, restrictions on freedom of speech, association and assembly, and grossly unfair trials before military courts and special emergency courts. Around 18,000 administrative detainees – people held by order of the Interior Ministry – remained in prison in degrading and inhumane conditions. Some had been held for more than a decade, including many whose release had been repeatedly ordered by courts. Egyptian nationals suspected of terrorism, who had been unlawfully transferred to Egypt by other governments, remained in prison. Courts continued to pass death sentences and at least one person was executed.

As the biggest strike wave for decades spread across the country involving public and private sector workers, the authorities closed an independent group defending workers' rights. The strikes, sparked by rising living costs, growing poverty and other grievances, coincided with political protests by the Muslim Brotherhood, the largest opposition force, and secular opposition groups campaigning for democratic reforms. Political activists, journalists and bloggers were jailed for peacefully expressing their views.

Women faced increasing levels of violence, according to reports. The government took further action to end the practice of female genital mutilation (FGM), which

was still carried out on most girls.

Legal and constitutional developments

Constitutional amendments

On 19 March parliament amended 34 articles of the Constitution. Draconian changes made to Article 179 cemented the sweeping arrest powers of the police, gave broad authority for state agents to eavesdrop on private communications, authorized the President to bypass ordinary courts and paved the way for new anti-terrorism legislation expected to further erode human rights protection. Other amendments appeared to be politically motivated. One reduced the role of judges in supervising elections and referendums. Another banned the establishment of political parties based on religion – an apparent response to the 2005 electoral success of the Muslim Brotherhood. The amendments were approved a week later in a national referendum boycotted by the main opposition.

Military Justice Code amendments

The Military Justice Code (Law No. 25 of 1966), which established military courts, was amended in April but the changes did not address the fundamental flaws inherent in trying civilians before military courts. It introduced a limited right of appeal by way of cassation before the Supreme Court for Military Appeals, under which the appeal court can review procedural issues during trial but not the factual basis of the charges or evidence leading to conviction. Further, judges of the Supreme Court of Military Appeals are all serving military officers and the Court's decisions remain subject to ratification by the President or his nominee, who can reduce, alter or suspend the sentence.

Draft anti-terrorism law

The government announced in December that it had completed drafting a bill on counter-terrorism comprising 58 articles and that expert panels would examine it before it was presented to the Council of Ministers and later to parliament.

'War on terror'

An unknown number of Egyptian nationals suspected of terrorism who had been returned forcibly and without any judicial process in previous years by the US and other governments, detained on arrival and tortured by Egyptian security forces, continued to be imprisoned.

- Muhammed 'Abd al-'Aziz al-Gamal, Sayyid Imam 'Abd al-'Aziz al-Sharif (Abu al-Fadl), 'Isam Shu'aib Muhammed, Khalifa Sayyid Badawi, Uthman al-Samman and Ali Abd al-Rahim, who were unlawfully returned to Egypt from Yemen in February 2002, were still detained without charge or the prospect of a retrial and without access to legal counsel, medical treatment or relatives. All were victims of enforced disappearance after their return to Egypt. In March it was reported that Abu al-Fadl and Muhammed al-Gamal, who were sentenced to death by a military court in 1999, had been transferred from secret detention to Tora Prison, south of Cairo. In July Abu al-Fadl, a founder of the Islamic Jihad organization, publicly renounced political violence in the lead-up to the releases of some 330 Jihad prisoners.
- Usama Mostafa Hassan Nasr (Abu Omar), who was abducted in Italy and unlawfully transferred to Egypt in 2003, was unexpectedly released without charge in February. At least 16 previous court orders for his release had been ignored. After his return to Egypt his fate and whereabouts had been unknown for 14 months. He was released in April 2004 but rearrested 23 days later because he told relatives he had been tortured while detained. After his release in 2007, he met Amnesty International and described his abduction in Italy and imprisonment in Egypt. He said that he was tortured during the 14 months he was held in General Intelligence and State Security

Intelligence (SSI) premises, including with electric shocks to sensitive parts of his body, a form of crucifixion on a metal door and a wooden apparatus, beatings with electric cables and water hoses, and whipping.

Justice system

Military and special courts

A parallel system of emergency justice, involving specially constituted emergency courts and the trial of civilians before military courts, continued. Under this system, safeguards for fair trial, such as equality before the law, prompt access to a lawyer and the ban on using evidence extracted under torture, were routinely violated.

- The trial of 40 members of the Muslim Brotherhood (seven in their absence) on charges of terrorism and money laundering began in April before a military court although the defendants were civilians. The defendants, who faced charges punishable by death, included Khairat al-Shatir, the Muslim Brotherhood's deputy supreme guide, who was arrested in December 2006 along with 16 other prominent members. All 17 were acquitted of all charges in January by an ordinary criminal court, but were immediately rearrested. In February President Mubarak ordered the 17 cases, and those of 23 other alleged Muslim Brotherhood members, to be transferred to the Supreme Military Court in Heikstep, Cairo. In May a Cairo administrative court ruled that the President's order was invalid, but a few days later the Supreme Administrative Court reversed that decision, after the government appealed. The trial was still continuing at the end of the year but media reporters, national and international observers, including Amnesty International, were barred from its sessions.

Administrative detention

Despite releases of some 530 Islamist detainees in 2007, some 18,000 people continued to be detained without charge or trial on the orders of the Interior Minister under the emergency law. Most were held in conditions that amount to cruel, inhuman or degrading treatment, and hundreds were reportedly ill with tuberculosis, skin diseases and other ailments. Many remained held despite their acquittal by courts and despite repeated orders for their release.

- Mohamed 'Abd Rahim el Sharkawy, 57, a Pakistan national of Egyptian origin, remained in administrative detention in Liman Tora Prison. He was extradited to Egypt from Pakistan in 1995, held incommunicado for months and allegedly tortured. He was subsequently acquitted by an emergency court. Courts have ordered his release at least 15 times, including in April 2007. His health has suffered because of torture in the 1990s, harsh prison conditions and lack of adequate medical care. In February the prison administration referred him for medical examination, but the request was refused by the SSI.

Torture and other ill-treatment

Torture and other ill-treatment continued to be widespread and systematic, and reportedly led or contributed to at least 20 deaths in 2007. Videos showing torture by police were posted on the internet by Egyptian bloggers.

Commonly cited torture methods included electric shocks, beatings, suspension in painful positions, solitary confinement, rape and threats of death, sexual abuse and attacks on relatives. Allegations of torture were rarely investigated. The few prosecutions of alleged torturers never related to political cases and usually followed incidents where the victim had died.

- In August Mohamed Mamduh Abdel Rahman, a 13-year-old boy, died in the Nile Delta town of Mansura after alleged police torture. He lost consciousness while being held for six days on suspicion of stealing packets of tea. The authorities transferred him to hospital where he died. He was buried without his family being notified. His brother, detained at the same time, said police burned Mohamed with a heating coil, beat him and gave him electric shocks. He said that when Mohamed had convulsions, a police officer kicked him in the chest. A video of Mohamed in hospital shows what look like burns on his back and testicles. The police said his death was due to natural causes exacerbated by inadequate medical treatment, and that the burns were accidental. The family filed a complaint. In September a government-appointed panel of forensic experts cleared the police of any wrongdoing.
- In a rare successful prosecution of alleged torturers, two officers from Bulaq Dakrur Police Station in Giza Governorate were sentenced in November to three years' imprisonment for the the unlawful detention, torture and rape of Emad Mohamed Ali Mohamed (Emad al-Kabir), a 21-year-old taxi driver. Emad al-Kabir was arrested in January 2006 after trying to stop an argument between police officers and his cousin. He said officers tied his hands and feet, whipped him and ordered him to call himself degrading names. The officers then removed his trousers and raped him with a stick, recording the torture and circulating it in Emad al-Kabir's neighbourhood in an attempt to break his spirit and intimidate others. The video was posted on the internet in November 2006. Emad al-Kabir was sentenced in January 2007 to three months' imprisonment for "resisting the authorities" and "assaulting a police officer".

Violence against women

Violence against women claimed 247 lives in the first half of the year, according to an Egyptian NGO. In November the Egyptian Centre for Women's Rights (ECWR) said sexual harassment was on the rise and that two women were being raped every hour in Egypt. It also said that of 2,500 women who had reported cases of sexual harassment to ECWR, only 12 per cent had made a complaint to the police. The official National Centre for Social and Criminal Research confirmed that sex crimes were on the rise, but could not provide figures.

Following a hearing in November, the African Commission on Human and Peoples' Rights said it would consider in May 2008 a case filed by 33 human rights organizations against the Egyptian government's failure to prevent and prosecute physical and sexual assaults targeted at women journalists and demonstrators during a protest in May 2005.

Female genital mutilation

UNICEF estimated that three quarters of Muslim and Christian girls aged between 15 and 17 were subjected to FGM and two thirds of girls now aged under three are expected to undergo the practice before they reach the age of 18. According to official Egyptian statistics, 97 per cent of women aged between 15 and 49 have undergone FGM.

FGM was banned for all but "exceptional cases" in 1997, with a maximum penalty of three years in prison. Progress towards the eradication of FGM continued to be made in 2007. In June, following the widely publicized death after FGM of an 11-year-old girl, Bedur Ahmed Shaker, in the Nile village of Maghagha, Menya, the Chief Mufti declared FGM forbidden under Islam. The same month the Health Minister issued a decree banning the medical profession from performing FGM. In September, four doctors and a midwife in the southern province of Menya were reportedly prosecuted for performing FGM and their clinics were closed down. A law to stiffen penalties against anyone performing FGM was reportedly being prepared by the Ministry.

Human rights defenders

Under Egyptian law, the strikes that spread across the country were "illegal" – unauthorized by the state-sponsored General Federation of Trade Unions (GFTU). The

authorities responded by increasing repression of trade unionists as well as NGO activists.

- In March and April the authorities closed three offices of the main independent group defending workers' rights in Egypt – the Centre for Trade Union and Workers' Services (CTUWS) – in Naj' Hammadi, Mahalla al-Kubra and Helwan. The GFTU and the Minister of Manpower had blamed the CTUWS for the strike wave. The authorities continued to refuse applications by the CTUWS to be registered as an association.
- In September the authorities shut down the Association for Human Rights and Legal Aid (AHRLA). The authorities said the AHRLA had breached Law 84 of 2002, which prohibits organizations receiving foreign funds without the government's permission.

Freedom of expression

Journalists and bloggers faced harassment, prosecution and, in some cases, jail for the peaceful expression of their views or for carrying out their work as journalists.

- In February, Karim Amer became the first blogger in Egypt to be jailed for the peaceful expression of his political views. His four-year sentence was confirmed on appeal in March. He is a prisoner of conscience. Charges against him included "spreading information disruptive of public order and damaging to the country's reputation", "incitement to hate Islam" and "defaming the President".
- In September, four newspaper and magazine editors were sentenced to prison terms and a fine for publishing information "likely to disturb public order". All were released on bail pending appeal.

Discrimination – religious minorities

The legal requirement to specify religion on identity papers, and only religions recognized by the state, continued to have serious implications for some minorities. Baha'is, whose faith is not recognized by the state, cannot obtain identity papers without posing as a Muslim, Christian or Jew. Without the papers, they cannot enrol children in school, drive a car, or open a bank account. The lack of identity papers also leaves them vulnerable during police checks. Converts, especially from Islam to Christianity, also faced difficulties changing their papers.

Coptic Christians, who comprise 8-10 per cent of Egypt's population, continued to face discrimination in many walks of life.

- In July the Supreme Administrative Court agreed to hear the appeal of Coptic converts to Islam who were seeking to legally revert back to Christianity. The government had tried to get the appeal dismissed.
- In August Mohamed Hegazy, who converted from Islam to Christianity in 2003, began a legal case to have his conversion officially recognized on his identity papers so that his unborn child would be born a Christian. The Interior Ministry rejected Mohamed Hegazy's request to have his conversion registered. Mohamed Hegazy was forced into hiding after receiving death threats following media reports about his case. In November, the case was allowed to proceed and the next session was scheduled for January 2008.

Death penalty

Death sentences continued to be imposed and at least one person was executed. In October the National Council for Human Rights held a round table discussion on the death penalty, but government ministers said abolition was not on the agenda.

- Muhammed Gayiz Sabbah, Usama 'Abd al-Ghani al-Nakhlawi and Yunis Muhammed Abu Gareer staged a hunger strike in late 2006 and early 2007 against death sentences imposed on them in November 2006 after an unfair trial. In May, the

African Commission on Human and Peoples' Rights declared the case admissible, after it called on the Egyptian authorities to stay the executions in December 2006. In its session in November, it deferred the case to May 2008 after the government said it would submit additional documents.

Refugees and asylum-seekers

Between 2-3 million migrants, refugees and asylum-seekers, mostly from Sudan, were living in Egypt in 2007, according to UNHCR. Egyptian border police allegedly used excessive force against many migrants, refugees and asylum-seekers who tried to cross into Israel from Egypt, particularly from July onwards. At least four men and two women were shot dead, according to reports. Raids by Egyptian police in the border area in July alone led to the arrest of over 220 mainly Sudanese migrants. In October, the Egyptian authorities reportedly returned to Sudan at least five of the 48 asylum-seekers that were forcibly transferred to them from Israel in August.

A report issued in May by the UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families called on the Egyptian government "to initiate training for all officials working in the area of migration, in particular police and border personnel ..."

Amnesty International visits/reports

- Amnesty International delegates visited Egypt in February/March and in April and May and met human rights defenders, victims and their relatives and government officials.
- Egypt: Systematic abuses in the name of security (MDE 12/001/2007)
- Egypt: Proposed constitutional amendments greatest erosion of human rights in 26 years (MDE 12/008/2007)
- Egypt: New anti-terror law must not entrench systematic human rights abuses (MDE 12/013/2007)
- Egypt: Closing workers advice centre against protecting workers' rights (MDE 12/015/2007)
- Egypt: Flawed military trials for Brotherhood leaders – Human rights groups, media barred from observing trial (MDE 12/019/2007)
- Egypt: Executions imminent after unfair trials (MDE 12/020/2007)
- Justice subverted: trials of civilians before military courts (MDE 12/022/2007)
- Egypt: Rights of Individuals intercepted at the border with Israel must be protected (MDE 12/027/2007)
- Egypt: Continuing crackdown on Muslim Brotherhood (MDE 12/028/2007)
- Egypt: Freedom of expression under attack (MDE 12/031/2007)
- Egypt: Sweeping measures against torture needed (MDE 12/034/2007)

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