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Amnesty International Report 2017/18 - The State of the World's Human Rights - Egypt

Egypt's human rights crisis continued unabated. The authorities used torture and other ill-treatment and enforced disappearance against hundreds of people, and dozens were extrajudicially executed with impunity. The crackdown on civil society escalated with NGO staff being subjected to additional interrogations, travel bans and asset freezes. Arbitrary arrests and detentions followed by grossly unfair trials of government critics, peaceful protesters, journalists and human rights defenders were routine. Mass unfair trials continued before civilian and military courts, with dozens sentenced to death. Women continued to be subjected to sexual and gender-based violence and were discriminated against in law and practice. The authorities brought criminal charges for defamation of religion and “habitual debauchery” on the basis of people's real or perceived sexual orientation.

Background

In June, President al-Sisi ceded sovereignty over two uninhabited Red Sea islands to Saudi Arabia, leading to widespread public criticism. In July, EU-Egypt Association council meetings resumed for the first time since 2011 and the priorities of the Association were finalized.

In February a member of parliament proposed a constitutional amendment to extend the presidential term from four to six years. In April, President al-Sisi passed a new set of legislative amendments weakening fair trial guarantees and facilitating arbitrary arrests, indefinite pre-trial detention, enforced disappearances and the passing of more sentences. The amendments also allowed criminal courts to list people and entities on “terrorism lists” based solely on police information. Also in April, President al-Sisi approved the Judicial Bodies Law 13 of 2017, granting him the authority to appoint the heads of judicial bodies, including the Court of Cassation and the State Council, two courts that had hitherto been regarded as the most independent judicial bodies in holding the executive to account.¹ (<https://www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/report-egypt/#endnote-1>)

At least 111 security agents were killed, mostly in North Sinai. The armed group Willayet Sinai, affiliated to the armed group Islamic State (IS), claimed responsibility for most of the attacks across the country, with smaller attacks claimed by other armed groups, such as Hasm, Liwaa al-Thawra and Ansar al-Islam. In April, IS claimed responsibility for the bombing of two churches in Tanta and Alexandria which left at least 44 dead. In

October, at least 16 officials from the Ministry of the Interior were killed in an ambush in the western desert, a rare attack on the mainland. In a significant shift in targeting by armed groups, a November attack on a mosque in North Sinai during Friday prayers killed at least 300 people.

Human rights defenders

The authorities continued to curb the work of human rights defenders in an unprecedented manner as part of their relentless efforts to silence all critical voices. In February the authorities shut down the El-Nadeem Center, an NGO offering support to survivors of torture and violence. The criminal investigations into so-called “Case 173” against human rights defenders and NGOs were ongoing; investigative judges summoned at least 28 additional human rights defenders and NGO staff for interrogation during the year, bringing the total to 66 people summoned or investigated in the case since 2013. They were questioned in relation to charges that included “receiving foreign funding to harm Egyptian national security” under Article 78 of the Penal Code, which carries a sentence of up to 25 years’ imprisonment. The investigative judges also ordered three additional travel bans, bringing to 25 the number of human rights defenders banned from travelling outside Egypt. In January a court ordered the freezing of the assets of the NGOs Nazra for Feminist Studies and the Arab Organization for Penal Reform and their directors.

In May, President al-Sisi signed a draconian new law giving the authorities broad powers to deny NGOs registration, dissolve NGOs and dismiss their boards of administration. The law also provided for five years’ imprisonment for publishing research without government permission.² (<https://www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/report-egypt/#endnote-2>) The government had not issued the executive regulations to enable it to start implementing the law by the end of the year.

Freedoms of expression and assembly

Between January and May, courts sentenced at least 15 journalists to prison terms ranging from three months to five years on charges related solely to their writing, including defamation and the publication of what the authorities deemed “false information”. On 25 September a court sentenced former presidential candidate and prominent human rights lawyer Khaled Ali to three months’ imprisonment on charges of “violating public decency” in relation to a photograph showing him celebrating a court ruling ordering a halt to the handover of two islands to Saudi Arabia.³ (<https://www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/report-egypt/#endnote-3>) From May onwards, the authorities blocked at least 434 websites, including those of independent newspapers such as *Mada Masr* and human rights organizations such as the Arab Network for Human Rights Information. In March the Minister of Justice referred two judges, Hisham Raouf and Assem Abdelgabar, to a disciplinary hearing for participating in a workshop organized by an Egyptian human rights group to draft a law against torture.

Security forces arrested at least 240 political activists and protesters between April and September on charges relating to online posts the authorities considered “insulting” to the President or for participating in unauthorized protests. In April, a criminal court sentenced lawyer and activist Mohamed Ramadan to 10 years’ imprisonment in his absence under the draconian Counter-terrorism Law.⁴ (<https://www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/report-egypt/#endnote-4>) In December, an Alexandrian court sentenced human rights lawyer Mahinour El-Masry to two years’ imprisonment for her peaceful participation in a protest.

Arbitrary arrests and detentions

Security forces continued to arrest hundreds of people based on their membership or perceived membership of the Muslim Brotherhood, rounding them up from their homes or places of work or, in one case, from a holiday resort.

The authorities used prolonged pre-trial detention, often for periods of more than two years, as means to punish dissidents. In October a judge renewed the pre-trial detention of human rights defender Hisham Gaafar, despite him having been detained for more than the two-year limit under Egyptian law. Photojournalist Mahmoud Abu Zeid, known as Shawkan, had already spent two years in pre-trial detention when his trial started in August 2015. Throughout 2017 he remained in detention alongside 738 co-defendants as their trial continued.

Upon release, political activists were often required to serve probation periods of up to 12 hours a day in a local police station, amounting to arbitrary deprivation of liberty.

Extrajudicial executions and enforced disappearances

Forces of the Ministry of the Interior continued to subject to enforced disappearance and extrajudicially execute people suspected of engaging in political violence. According to the Egyptian Commission for Rights and Freedoms, security forces subjected at least 165 people to enforced disappearance between January and August for periods ranging from seven to 30 days.

The Ministry of the Interior claimed that more than 120 people were shot dead in an exchange of fire with security forces during the year. However, in many of these cases the people killed were already in state custody after having been subjected to enforced disappearance. In May the Ministry announced the death of schoolteacher Mohamed Abdelsatar “in an exchange of fire with the police”. However, his colleagues had witnessed his arrest a month earlier from his workplace. In April, a leaked video showed military forces in North Sinai extrajudicially executing six unarmed men and a 17-year-old boy.

Detention

Torture and other ill-treatment remained routine in official places of detention and was systematic in detention centres run by the National Security Agency. In July, a Coptic man was arrested and detained in Manshyet Nasir police station in the capital, Cairo, in relation to a minor offence; 15 hours later, he was dead. Family members stated that they saw bruises on the upper part of his body, and the official autopsy report stated that his death was the result of a “suspected criminal act”.

Prison authorities, including in Tora Maximum Security Prison and Wadi el-Natrun Prison, punished prisoners detained for politically motivated reasons by placing them in indefinite and prolonged solitary confinement. In February the Ministry of the Interior amended the prison regulations to allow solitary confinement to be increased up to six months; a practice that can amount to torture or other ill-treatment. Political activist Ahmed Douma spent his third year in solitary confinement in Tora Prison, confined to his cell for at least 22 hours a day. Muslim Brotherhood spokesman Gehad el-Hadad remained indefinitely detained in solitary confinement in Al Aqrab maximum security prison since his arrest on 17 September 2013.

Other forms of ill-treatment and medical negligence in prisons continued; dozens of prisoners died, often due to prison authorities refusing to transfer them to hospital for medical treatment. In September, former Muslim Brotherhood leader Mohamed Mahdi Akef died in prison from pancreatic cancer.

Unfair trials

Hundreds were sentenced, some to death, after grossly unfair mass trials. In September a Cairo criminal court sentenced 442 people in the case of the August 2013 al-Fateh mosque protests to prison terms of between five and 25 years after a grossly unfair trial of 494 defendants. Courts continued to rely heavily on reports of the National Security Agency and unsound evidence, including confessions obtained under torture, in their sentencing. Civilians continued to face unfair trials before military courts; at least 384 civilians were referred to military trials during the year.

Death penalty

Ordinary and military courts continued to hand down death sentences following grossly unfair mass trials. In June the Court of Cassation upheld the death sentences of seven men in two different cases after grossly unfair trials. At least six of the men had been subjected to enforced disappearance and tortured to force them to “confess” and the court relied heavily on these coerced confessions in its verdict and sentencing. Also in June, the Military High Court upheld death sentences against four men following grossly unfair trials in which the court relied on “confessions” obtained under torture during 93 days of incommunicado detention.⁵ (<https://www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/report-egypt/#endnote-5>) On 26 December the authorities executed 15 men who had been convicted by a military court of killing nine military personnel in North Sinai in 2013.

Women's rights

Women and girls continued to face inadequate protection from sexual and gender-based violence, as well as gender discrimination in law and practice. The absence of measures to ensure privacy and protection of women reporting sexual and gender-based violence continued to be a key factor preventing many women and girls from reporting such offences. Many who did report offences faced harassment and retaliation from the perpetrators or their families. In some cases, state officials and members of parliament blamed victims of sexual violence and attributed the incidents to their “revealing clothing”. In March a young student was attacked and sexually assaulted by a mob in Zagazig city, al-Sharkia governorate. Instead of arresting the perpetrators and bringing them to justice, the Security Directorate in al-Sharkia governorate issued a statement mentioning that by “wearing a short dress” the victim had “caused the mob attack”.

Women continued to face discrimination in the judiciary. A number of women who attempted to apply to the State Council for appointment as judges were not given the papers needed to process their requests. One woman filed a suit against the State Council on grounds of discrimination.

Refugees' and migrants' rights

Asylum-seekers and refugees continued to face arrest, detention and deportation for entering or exiting the country irregularly. Between January and April, immigration officials deported at least 50 asylum-seekers from Eritrea, Ethiopia and Sudan, including young children, to their countries of origin without giving them access to legal representation or to UNHCR, the UN refugee agency. The forced return of Eritrean asylum-seekers, as well as Ethiopian and Sudanese nationals with a well-founded fear of persecution, constituted *refoulement*. In July the authorities rounded up Chinese students, mostly of the Uighur ethnic minority, arresting at least 200 and deporting at least 21 men and one woman to China, in violation of Egypt's *non-refoulement* obligations.

Rights of lesbian, gay, bisexual, transgender and intersex people

In the worst crackdown in over a decade, the authorities across Egypt rounded up and prosecuted people on the grounds of their perceived sexual orientation after a rainbow flag was displayed at a concert in Cairo on 22 September. These prosecutions provoked a public outcry. Security forces arrested at least 76 people and carried out at least five anal examinations, a practice which amounts to torture. Those arrested included a man and a woman who were detained for three months for carrying the rainbow flag at the concert, as well as people who made online expressions of support for the raising of the flag. Many of those arrested were entrapped by security forces through online dating applications. Courts sentenced at least 48 people to prison terms of between three months and six years on charges that included “habitual debauchery”. The other people arrested remained in detention facing questioning by prosecutors.

In late October, a group of parliamentarians proposed a deeply discriminatory law explicitly criminalizing same-sex sexual relations and any public promotion of LGBTI gatherings, symbols or flags. The proposed law carried penalties of up to five years' imprisonment, or 15 years' imprisonment for a person convicted of multiple charges.

Freedom of religion and belief

The authorities continued to violate the right to freedom of religion by discriminating against Christians. In August, security forces prevented dozens of Coptic Christians from praying in a house in Alfor village in Minya governorate, citing reasons of security. There was continued impunity for sectarian attacks on Christian communities, and the authorities continued to rely on customary reconciliation and settlements agreed by local authorities and religious leaders. Amid this impunity, violence by non-state actors against Christians increased significantly. Armed groups in North Sinai killed seven Coptic Christians between 30 January and 23 February, prompting an unprecedented internal displacement of at least 150 Coptic families living in North Sinai.⁶ (<https://www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/report-egypt/#endnote-6>) The authorities failed to offer them the necessary protection or appropriate compensation. In December, IS claimed responsibility for the shooting of 10 people in an attack on a church in Helwan in southern Cairo.

In November, an attack on a mosque in North Sinai during Friday prayers killed at least 300 worshippers. No group claimed responsibility for the attack.

Workers' rights

The authorities subjected dozens of workers and trade unionists to arrest, military trial, dismissal and a range of disciplinary measures, solely for exercising their right to strike and form independent trade unions. In June a Cairo Misdemeanours Appeal Court sentenced 32 workers from the privately owned Tora Cement Company to two months' imprisonment after they were convicted of participating in an unauthorized protest and “assaulting security forces”, despite the peaceful nature of their 55-day sit-in to protest at their dismissal. In December, the Military Court in Alexandria resumed the trial of 25 workers from the military-run Alexandria Shipyard Company. The trial started in May 2016 on charges that included “inciting the workers to strike”. The government and the official Egypt Trade Union Federation sought to deprive independent unions of the de facto recognition they had obtained in 2011 through a declaration issued by the then Minister of Manpower. The authorities continued to deny their legal recognition and hinder their ability to function freely through a range of measures.⁷ (<https://www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/report-egypt/#endnote-7>) On 5 December parliament passed a new trade union law, replacing Law 35 of 1976, creating excessive requirements for unions to have at least 150 members to obtain legal recognition or face automatic dissolution.

Indigenous Peoples' rights

Despite an explicit constitutional provision recognizing the Nubian Indigenous people's right to return to their traditional lands, the government continued to deny displaced Nubians the right to access their traditional lands, posing a threat to the preservation of their cultural, historical and linguistic identity. On 3 September, Nubian activists held a protest calling on the authorities to repeal a 2014 presidential decree that classified 16 villages on traditional Nubian lands as military zones and prohibited residents from living there. The police arrested 25 activists and detained them for three months.⁸

(<https://www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/report-egypt/#endnote-8>)

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