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Egypt: New Leader Faces Rights Crisis ^[1]

Should Not Ignore Worst Situation in Decades

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(Beirut) – President Abdel Fattah al-Sisi takes office in Egypt in the midst of a human rights crisis as dire as in any period in the country’s modern history, Amnesty International and Human Rights Watch said today. The new president should make addressing Egypt’s dismal human rights record a top priority.

In the period since the July 3, 2013 ousting of President Mohamed Morsy, Egyptian security forces have used excessive force on numerous occasions, leading to the worst incident of mass unlawful killings in Egypt’s recent history. Judicial authorities have handed down unprecedented large-scale death sentences and security forces have carried out mass arrests and torture that harken back to the darkest days of former President Hosni Mubarak’s rule.

“Instead of addressing the urgent need for reform, Egyptian authorities have spent the last year engaging in repression on a scale unprecedented in Egypt’s modern history,” said Hassiba Hadj-Sahraoui, deputy director for the Middle East and North Africa at Amnesty International. “Now that President al-Sisi has formally taken the reins of power, he should put an end to these rampant abuses.”

In addition to the violence and mass arrests, the authorities have imposed extensive restrictions on freedom of association, expression, and assembly, which dramatically reverse gains made following the January 25, 2011 uprising. In addition, there have been violations of refugee rights and discrimination against women, with rampant impunity across the board for serious human rights abuses.

The new president should order the release of anyone held solely for exercising their rights to freedom of expression, association, and peaceful assembly; amend or drop the restrictive 2013 public assembly law; and order security forces to halt use of firearms against demonstrators, unless strictly necessary to protect against imminent threat of death or serious injury. In addition, his administration should ensure that credible criminal investigations are carried out into the police and army killings of more than 1,400 demonstrators over the past 12 months and the mounting allegations of torture and other ill

-treatment of detainees.

“Egypt’s allies should impress upon Egypt that the world will not accept foot-dragging or purely cosmetic changes,” said Joe Stork ^[2], deputy Middle East and North Africa director at Human Rights Watch. “If Egypt doesn’t carry out credible investigations into the illegal killings and torture, the mechanisms of the UN Human Rights Council should be used to pursue an international investigation.”

Egypt’s Human Rights Crisis (July 2013 – June 2014)

Mass Protester Killings

Since July 3, 2013, security forces have repeatedly used excessive and arbitrary force to disperse protests. At least 1,400 protesters have been killed in protests and political violence as a result, and most likely scores more. The most serious incident took place on August 14, when security forces violently dispersed sit-ins organized by Morsy supporters in Raba’a al-Adawiya and Nahda Squares in Cairo. Those assaults on that one day killed up to 1,000 protesters, according to then-Prime Minister Hazem al-Beblawy. It was the worst incident ^[3] of mass unlawful killing ^[4] in Egypt’s modern history.

The August 14 killings were preceded and followed by other incidents that Human Rights Watch and Amnesty International have found to involve excessive use of force and firearms, which resulted in the mass killings of protesters, including:

On July 8, 2013, Egyptian army forces killed ^[5] at least 61 protesters outside the Republican Guards Headquarters ^[6] in eastern Cairo;

On July 27, 2013, police dispersal ^[7] of a march near the Manassa Memorial ^[8] in eastern Cairo resulted in at least 82 deaths;

On August 16, 2013, police killed at least 121 demonstrators when dispersing protests around Ramses Square ^[9];

On October 6, 2013 ^[10], police killed ^[11] more than 57 demonstrators when dispersing pro-Morsy marches across Egypt; and

On January, 25, 2014 ^[12], the third anniversary of the January 2011 uprising, police killed at least 64 demonstrators when dispersing protests throughout the country.

Amnesty International and Human Rights Watch acknowledge that the security situation in Egypt has deteriorated, including attacks by armed groups targeting security forces personnel, buildings, checkpoints, and vehicles, which authorities say have led to the killing of hundreds from the security forces. Some of these attacks ^[13] targeted tourists ^[14] or indiscriminately harmed ordinary citizens.

Egyptian authorities have the responsibility to protect the right to life of all in Egypt, and to

prosecute those responsible for crimes, but should do so within the framework of international human rights law.

In particular, the UN Basic Principles on the Use of Force and Firearms require law enforcement officials to strictly limit the use of any force to situations in which it is absolutely necessary and proportional to the legitimate aim pursued. Firearms may only be used as a last resort – when strictly necessary to protect themselves or others against the imminent threat of death or serious injury. The intentional lethal use of firearms is only permissible if unavoidable in order to protect life.

Mass Arrests

The campaign of arrests and detentions since July 3, 2013, has been as intense as during any period in recent Egyptian history. Many of those detained have faced months of detention without charge or trial. Others have faced a litany of cut-and-paste charges and have been denied their due process rights. Unnamed government officials told the Associated Press in March 2014 that security forces had detained at least 16,000 people ^[15] since July 2013. WikiThawra, an initiative run by the Egyptian Center for Economic and Social Rights, has said that over 41,000 people ^[16] have faced arrest or criminal charges since Morsy was ousted.

The Muslim Brotherhood, Egypt's main opposition group, and other Morsy supporters, have been the primary target of the dragnet. Police have arrested most of the Brotherhood's high- and mid-level leadership, as well as thousands of rank-and-file members and perceived sympathizers. The crackdown ^[17] has expanded to include secular activists, journalists, and other dissidents ^[18]. Those detained face charges that include protesting without authorization, incitement or engaging in violence, "thuggery," vandalism, blocking roads, and belonging to a banned or terrorist group.

Under Mubarak, Egyptian rights organizations determined that some 18,000 dissidents and opponents of the government were held in 2006 ^[19] in administrative detention – prolonged detention without charge under the terms of the emergency law.

Due Process Violations and Mass Death Sentences

The judicial process since July 3, 2013, has been rife with serious procedural deficiencies that routinely deprive detainees of basic due process rights. Although the state of emergency decreed in July was lifted in November, prosecutors in dozens of instances reviewed by Amnesty International and Human Rights have renewed pretrial detention orders on the basis of little or no evidence that would warrant prosecution, effectively keeping many of those rounded up in arbitrary detention for months without formal charge.

Many of the trials documented by Human Rights Watch and Amnesty International have been grossly unfair, violating both Egyptian law and international standards. These trials [20], including mass trials involving hundreds of people in a single case, failed to assess the individual criminal responsibility of each defendant, yet resulted in lengthy sentences or even the death penalty – which Amnesty International and Human Rights Watch oppose in all circumstances.

In many of these cases, the public prosecution relied almost entirely on police witnesses without presenting any other material evidence or independent witnesses. Defense lawyers say they have had difficulties in obtaining details of the prosecution evidence against their clients and were unable to check or photocopy case files from the courts, jeopardizing their ability to prepare an effective defense.

A criminal court in Minya [21], for example, recommended the death penalty [22] for over 1,200 people in preliminary verdicts in two separate cases in March [23] and April [24] 2014. The court did not allow defendants the right to mount a meaningful defense, or even assess whether they had counsel. The court tried most defendants in their absence in proceedings that fell far short of ascertaining their individual guilt or innocence. These were the largest mass death sentences that Amnesty International and Human Rights Watch have ever documented in Egypt. In the first mass case, after receiving an opinion from the Grand Mufti, the court issued 37 death sentences and sentenced the others to life in prison in a final verdict which continues to raise concern given that the court did not consider individual responsibility for the alleged offenses. The final verdict in the second case is scheduled to be delivered after receipt of the Grand Mufti's opinion on June 21.

Since July 3, 2013, military prosecutors have continued to try civilians before military courts. Provisions in Egypt's new constitution permit military trials for civilians in a number of circumstances, in breach of international law.

Outside of the formal judicial process, Egyptian authorities have forcibly disappeared dozens of people since July 2013. Security forces held Morsy, along with nine senior aides, in secret detention [25] for months. Egyptian lawyers and activists have a list of 30 people subjected to enforced disappearance for as long as 76 days. They are now known to be at al-Azouly Prison [26], inside al-Galaa Military Camp in the Suez Canal city of Ismailia. Former detainees said that hundreds may be detained at the prison.

Torture and Other Ill-Treatment

Mounting reports of torture and other ill-treatment of detainees harken back to the most abusive periods under Hosni Mubarak. Detainees have described to Amnesty International and Human Rights Watch severe beatings by security forces during their arrest, their arrival

at police stations, and their transfer between prisons, as part of their “welcome party.” Scores of protesters detained during the third anniversary of the uprising on January 25, 2014, complained of torture ^[12], including being subjected to electric shocks to extract confessions. Those forcibly disappeared at al-Azouly military prison said they were tortured ^[26], including with electric shocks and being hung from doors.

Sharply Diminished Freedom of Association, Expression, and Assembly

While the new constitution has language that appears to protect human rights, authorities over the last year have routinely violated those rights, particularly the rights to free expression, peaceful assembly, and association. Thousands of detainees were rounded up solely as a result of their peaceful exercise of these rights.

Free Expression

On July 3, 2013, the military-backed government raided and took off air at least six TV stations affiliated with or sympathetic to the Muslim Brotherhood. Egypt is currently detaining 16 journalists ^[27], according to the Committee to Protect Journalists, placing Egypt among the worst jailers of journalists.

Egypt has particularly targeted the Qatar-based TV station Al Jazeera, closing its Egypt offices and arresting many of its reporters. Egyptian authorities have held ^[28] the correspondent of Al Jazeera’s Arabic program, Abdullah al-Shamy ^[29], without charge since August 14, 2013. Authorities also arrested ^[17] three staff of Al Jazeera’s English program, Mohamed Fahmy, Peter Greste, and Baher Mohamed, in December and are trying them ^[30], along with 17 other journalists, media students, and opposition activists, on charges of “broadcasting false news” and assisting Muslim Brotherhood members.

Human Rights Watch and Amnesty International have separately documented dozens of cases of people detained merely for peaceful expression of dissent, such as possessing flyers or balloons with anti-military slogans and displaying signs commemorating victims of the August dispersal of the pro-Muslim Brotherhood encampment at Raba’a al-Adawiya Square in Cairo.

In January 2014, the government put a travel ban on the academic and former Member of Parliament Amr Hamzawy ^[31]. Prosecutors charged Hamzawy with “insulting the judiciary” based on a tweet in which he said that a particular court ruling was politicized. The same month authorities charged another prominent academic, Emad Shahin ^[17], with conspiring with foreign organizations to harm national security. Both men had been critical of some of President Morsy’s policies, but also criticized the heavy repression that followed his ouster.

Also in January, authorities arrested some of the few activists who openly challenged the draft constitution and called for a “no” vote ^[32] in the referendum.

Free Assembly

In November 2013, the government issued a new law ^[33] that severely restricts peaceful demonstrations ^[34] by granting the Interior Ministry free rein to ban any protest, forcefully disperse demonstrations, and arrest participants on vague grounds such as “imped[ing] citizen’s interests.” Prominent activists ^[35] like Alaa Abdel Fattah, the co-founder of the April 6 Youth Movement Ahmed Maher, the blogger Ahmed Douma, the April 6 leader Mohamed Adel, and the human rights lawyer Mahienoor al-Masry have been imprisoned ^[31] for allegedly violating the new protest law, along with scores of other activists and government critics.

Maher, Douma, and Adel ^[36] were each sentenced to three years in prison in December, while al-Masry was sentenced to two years in May 2014 and Abdel Fattah is currently on trial, though free on bail. Security forces have used the law to forcibly disperse ^[37] protests by Muslim Brotherhood supporters as well as other political and human rights activists, and to arrest scores of protesters.

Free Association

In September 2013, a Cairo court banned the activities of the Muslim Brotherhood and ordered a confiscation of its assets. In December, the government designated ^[38] the Brotherhood a terrorist organization. Subsequently, the government has taken over control of 1,075 associations linked to the Brotherhood and dozens of Brotherhood-affiliated schools. The government has yet to put forward any evidence ^[31] to support the terrorist designation, or to link the group to specific terrorist attacks.

On April 28, 2014, the Court of Urgent Matters banned ^[18] the activities of the April 6 Youth Movement ^[39], which led many of the mass protests during the 2011 uprising, and ordered the authorities to shut down its headquarters. The court ruled that the group was “co-operating with foreign states, including the US, to cut US aid, possessing weapons, protesting and spreading chaos in the country,” and had “distorted Egypt’s image.”

Authorities raided the offices of the Egyptian Center for Economic and Social Rights, a prominent rights group, twice in six months. On December 19 ^[40], 2013, security forces raided its Cairo office just after midnight and detained two staff members and four volunteers, subjecting them to ill-treatment before releasing five of the group the next morning. The sixth, the above-mentioned Mohamed Adel, was sentenced to three years in prison for allegedly violating the assembly law. On May 22 ^[41], 2014, police raided the

group's Alexandria office, briefly arresting at least 15 activists and lawyers and subjecting them to ill-treatment.

Violence, Discrimination Against Women

Women protesters participating in demonstrations around Tahrir Square faced a wave ^[42] of sexual violence ^[43], with over 100 attacks around Tahrir Square reported in the week of June 30, 2013 alone. As demonstrators gathered in Tahrir Square to mark Abdel Fattah al-Sisi's inauguration on June 8, 2014, reports emerged of mob sexual harassment and assaults in the area, with the Interior Ministry stating it had arrested seven people in connection with the attacks. Outgoing interim President Adly Mansour issued a new law on June 5, 2014, to address sexual harassment, but over the last year the authorities have taken little action to stop or investigate violence against women, or to bring those responsible to justice.

Women continue to be under-represented in public life, including top-level government positions and the judiciary. According to the last official surveys, women also face endemic levels of sexual and gender-based violence, including widespread sexual harassment in the public sphere and high levels of domestic violence, with the authorities failing to take substantive action to acknowledge the problem or combat it. Official statistics show that women also face discrimination in the workplace in terms of pay and position and face disproportionate levels of unemployment and illiteracy.

Intensified Crackdown on Refugees, Asylum Seekers, and Migrants

Egyptian authorities have violated the rights of refugees, asylum seekers, and migrants from Syria, including both Syrian nationals and Palestinians who were living in Syria. Security officials implemented a visa requirement and security clearance for Syrians following the ousting of Morsy. Since then, airport officials have denied entry ^[44] to at least 476 Syrians and returned them to Syria ^[45] in violation of the international legal prohibition against refoulement, the return of anyone to a place where their life or freedom would be threatened or to a real risk of torture or other inhuman or degrading treatment.

In July 2013, police and military police arrested at least 72 Syrian men and nine boys at checkpoints on main Cairo roads in a sweep following a media campaign accusing the Syrians of supporting the Muslim Brotherhood. From August through December, Egypt arbitrarily detained – often in defiance of prosecutorial release orders – over 1,500 refugees from Syria ^[46], including 250 children, many of whom had sought to migrate irregularly to Europe. The authorities coerced over 1,200 to leave Egypt, some to go to Syria under threat of indefinite detention. In December, authorities released the majority of around 200 refugees who remained in custody. The UN refugee agency, UNHCR, reported that as of June 3, 2014, Egypt had detained 519 additional refugees from Syria and was holding 102 at police stations on the Mediterranean coast.

Pervasive Impunity for Rights Abuses

Not a single police or army officer has been held accountable for the repeated use of excessive force and other serious abuses ^[47] since July 2013. Authorities continue to deny wrongdoing, yet refuse to publicly disclose almost any information about potential violations.

Outgoing president Adly Mansour established a presidential fact-finding committee in December 2013 “to gather information and evidence for the events that accompanied the June 30, 2013 revolution and its repercussions.” The commission has operated without transparency and, according to its mandate, lacks the authority to subpoena witnesses or evidence, establish individual criminal responsibility, or make its findings public. President Mansour recently extended the deadline for its final report from June to September 2014.

In March, President Mansour requested the Justice Ministry to open a judicial investigation into the Raba’a and Nahda dispersals. The Ministry of Justice, however, announced that it would not assign a judge to investigate these events, since investigations fall under the prerogative of the public prosecution, which in turn says that it is already investigating these events. The public prosecution has yet to bring charges against any members of the security forces in those incidents. Almost one year on, not one officer has been referred to trial on charges related to the unlawful use of firearms against protesters.

A March 18, 2014 court ruling sentenced a police captain to 10 years, and three lower-ranking officers to one-year suspended sentences, for their role in the tear gas suffocation of 37 protesters in a police van outside Abu Zaabel Prison. An appeals court overturned the convictions on June 7, 2014.

Recommendations

Amnesty International and Human Rights Watch encourage President al-Sisi to address these serious human rights concerns by taking the following steps:

Ensure thorough, independent, and impartial investigations into the unlawful use of force by security forces, including those responsible in the chain of command, in incidents of mass killings since June 30, 2013, such as the August 2013 Raba’a and Nahda Square dispersals in which up to 1,000 protesters were killed;

Order security forces to end unlawful, excessive use of force and to act at all times, including in policing future demonstrations, in accordance with the UN Basic Principles on the Use of Force and Firearms, only using firearms as a last resort when strictly necessary to protect themselves or others against the imminent threat of death or serious injury;

Immediately and unconditionally release all those detained solely for exercising their rights to freedom of expression, association, and peaceful assembly, including national and international media personnel arrested in the context of performing their duties as journalists and those detained solely for membership in the Muslim Brotherhood;

Order the Justice Ministry to conduct a review to ensure detainees are afforded their full due process rights, including establishing clear individual criminal responsibility, regular access to counsel and family visits, and the opportunity to review evidence and mount a meaningful defense;

Initiate thorough, independent, and impartial investigations into security officials alleged to be responsible for torture or other ill-treatment of detainees;

Make public a registry of all those arrested since July 3, 2013, their place of detention, and the charges against them;

Repeal or amend law 107 of 2013 restricting freedom of assembly to bring it in line with international human rights law and standards on freedom of assembly, in particular abolishing provisions that give the Interior Ministry wide latitude to ban protests and forcibly disperse or arrest those participating in them; and

Ensure that the Muslim Brotherhood and other banned organizations can appeal their closure and designation as terrorist groups in a fair and transparent process using criteria that conform to international standards on the right to freedom of association.

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