



# Egypt: Officials Turn Blind Eye to Port Said Police Abuses

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The newly appointed investigative judge looking into the January violence in Port Said should fully examine police responsibility for unlawful killings during the episode, the Cairo Institute for Human Rights Studies, the Egyptian Initiative for Personal Rights (EIPR), the Alkarama Foundation, and Human Rights Watch said today. Forty-two people, including two police officers, died after a court, on January 26, 2013, recommended sentencing 21 Port Said residents to death for killings after a soccer match a year earlier. The confirmation of this sentence and verdict against the remaining 52 defendants is scheduled for March 9.

Evidence gathered by the four groups indicates that the police began shooting when they came under fire on January 26, but continued shooting after the threat against them receded, killing and wounding a number of protestors and bystanders. The police also used lethal fire on the following two days, when the threat to life was unclear at best. After days of mass protests in Port Said over the killing of the protesters, Justice Minister Ahmed Mekki on February 18 appointed an investigative judge, Abdel Aziz Shaheen, to look into the incident. No charges have been brought against any police officer.

"President Mohamed Morsy should publicly acknowledge that the police's right to use lethal force is not unlimited, even when they come under attack, and order the police to limit any use of force to what is strictly necessary," said [Sarah Leah Whitson](#), Middle East director at Human Rights Watch. "A lack of police reform, Mubarak-era laws that effectively give the police a free hand to use lethal force, and the lack of accountability mean we are seeing this kind of excessive response again and again."

Unlawful lethal force by police has been a longstanding problem in [Egypt](#) as a result of Mubarak-era laws that allow the police wide discretion to use lethal force and firearms without creating any mechanism to hold them accountable when they abuse those powers.

The initial investigation by Port Said prosecutors was marred by procedural violations, including arbitrary detention and reports of torture, the organizations said. Prosecutors only started

investigating the incident on January 29. The three-day delay handicapped the investigation from the start since prosecutors did not visit the scene or oversee autopsies. Most ominously, prosecutors failed to summon a single police officer for interrogation in connection with the police response, interrogating only the 36 residents arrested so far on charges of possession and use of firearms.

Researchers from the four groups visited Port Said for three days beginning on January 27, collecting witness evidence, visiting hospitals, and interviewing medical staff, forensic experts, the injured, and victims' families. They also visited the sites of the shootings, reviewed video footage, and obtained autopsy reports and death certificates.

The picture that emerged suggests that up to seven unidentified men opened fire on police outside the Port Said prison on January 26. They opened fire shortly after a judge sentenced 21 local people to death at 10 a.m. after convicting them of responsibility for killings at a soccer stadium on February 1, 2012. The gunmen, some of whom used automatic weapons, killed two police officers and wounded 10 others in what the Interior Ministry claimed was an aborted prison break. It has not provided evidence to support this theory, however, and the account by witnesses the organizations interviewed does not support the ministry's version. Police on the prison roof and grounds shot live ammunition, and by the end of the morning, the death toll stood at 28 – the two police officers and 26 people outside the prison.

Witnesses confirmed that the police continued to fire at people in the vicinity of the prison for up to an hour after the fire directed toward the police stopped, causing a number of deaths and injuries. At least five witnesses told the organizations that they saw police armored vehicles moving through streets far away from the prison, with police inside firing indiscriminately at bystanders, causing deaths and injuries.

A Port Said senior security official told one of the organizations: "None of those who were shooting at the police were killed. We are now arresting them based on the security camera footage."

"On the current evidence, what may have started as an act of self-defense extended into unlawful use of force, as the police kept on firing long after the threat against them ended," said Hossam Bahgat, director of the Egyptian Initiative for Personal Rights. "If so, the use of unlawful lethal force was merely the latest in a long list of cases in which Egypt's police have exhibited a dangerous proclivity to exceed the laws that it is their duty to uphold."

Over the next two days, there were further confrontations between police and protesters outside Al Arab and Al Manakh police stations, in which some protesters threw stones and Molotov cocktails at police who responded with heavy and indiscriminate live fire, resulting in the deaths of at least seven people. Police also fired tear gas at a funeral procession on January 27 for some of the victims of the previous day's events after protesters threw stones at the gates of the police club, though four witnesses said there was no use of force against, or apparent threat, to the police. The tear gas caused mourners to flee, and at least 419 required hospital treatment for respiratory problems due to the tear gas.

By the end of the three days, death toll had risen to 42, including the two police officers, and local hospitals had 874 people with injuries, according to the Health Ministry. The youngest of the dead, according to a review of official health directorate records, was 15-year-old Abdel Rahman Salama. Security officials moved the injured and dead police to police hospitals, and all others were treated in public hospitals in Port Said and other governorates.

"All too often, Egypt's police appear to have resorted to extreme measures such as lethal fire when faced with public disorder, rather than using proportionate policing practices designed to defuse

conflict and violence while upholding the law," said Rachid Mesli, legal director of the Alkarama Foundation.

Dr. Abdelrahman Farah, director of Port Said hospitals at the Health Directorate, confirmed that the vast majority of the dead were killed by live ammunition. Most were shot in the upper half of the body, 11 in the head or the neck, and two in the back of the head. A forensic pathologist who conducted some of the autopsies said that apart from one man who died of a heart attack apparently brought on by over-exposure to teargas, all others had been shot with 7.62 caliber ammunition, which is used by the police but is also widely available on the black market.

The pathologist concluded that most of those killed on January 26 had been shot from a distance and from above, indicating that they may have been shot by police who were positioned on the roof of the prison and who fired at the crowds soon after the attack on the police began.

Neither the Interior Ministry nor the president has admitted any wrongdoing on the part of the police in Port Said. On the contrary, in his January 27 speech the president thanked the police and instructed them to respond with "the utmost firmness and strength" to any insecurity and violence, but made no mention of ensuring an investigation into excesses by the police. Instead, he declared a 30-day state of emergency and nightly curfew from 9 p.m. to 6 a.m., which residents promptly ignored with nightly marches and football matches.

The Egyptian authorities should ensure that the investigative judge conducts an independent and impartial investigation into the events in Port Said and that anyone against whom evidence is found of any crimes, including unlawful killings or use of force, is put on trial, the groups said. The investigation should include the role of any security officials who ordered and/or encouraged the response or failed to exercise proper control over the forces over the three days of violence. The victims of any human rights violations and their families should be adequately compensated.

"The Port Said events are a stark reminder of the desperate need to reform the police, starting with public and independent investigations into the Port Said killings," said Ziad Abdel Tawab, deputy director of the Cairo Institute for Human Rights Studies (CIHRS). "Unless there is sufficient political will to condemn such events and ensure accountability, the vicious cycle of excessive response and indiscriminate use of lethal force by the police to violence will continue."

**The Cairo Institute for Human Rights Studies, the Egyptian Initiative for Human Rights, the Alkarama Foundation, and Human Rights Watch make the following recommendations to the Egyptian authorities:**

- Ensure that the investigative judge conducts an independent and impartial investigation into the events in Port Said. Ensure that those against whom evidence is found of any crimes, including unlawful killings or use of force, are put on trial. Investigate the responsibility of any security officials who ordered and/or encouraged the response or failed to exercise proper control over the forces during the three days. Ensure that the victims of any human rights violations and their families are adequately compensated;
- Publish the report of the presidential fact-finding committee that investigated incidents of police violence against protesters between January 2011 and June 2012, and submitted its report to the president at the end of December 2012;
- Make reform of the Central Security Forces a priority. The president should review orders that Interior Ministry officials are giving troops at the street level and publicly order the ministry to comply with international standards for the use of force and firearms, in particular the UN Basic Principles on the Use of Force and Firearms;
- Amend article 102 of the 1971 Police Law No. 109 to limit the use of lethal force to cases of self-defense or the defense of others against the imminent threat of death or serious injury, to prevent a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and

only when less extreme means are insufficient to achieve these objectives. Consult with the UN special rapporteur on freedom of assembly and association about how to ensure the security of protesters and to regulate peaceful protests;

- Repeal the Interior Ministry Decree 156/1964, which permits the use of live ammunition to disperse demonstrations, and replace it with a decree that complies with international standards for maintaining security. The standards prohibit the use of firearms and live ammunition in confronting demonstrations and public disturbances, and require police in all other situations to use lethal force only to the extent strictly necessary to protect their lives or the lives of others;
- Amend the judicial authority law to ensure full independence of the public prosecutor's office from the government; and
- Accept, with no further delay all pending visit requests by the United Nations thematic special rapporteurs and working groups, including the special rapporteurs on independence of judges and lawyers, on human rights defenders, on torture and other cruel, inhuman or degrading treatment or punishment, on the promotion and protection of human rights while countering terrorism, and on the rights to freedom of assembly and of association; the Working Group on Arbitrary Detention, and the Working Group on Enforced or Involuntary Disappearances.

**Shooting Outside the Port Said Prison** For four days before the court decision due on January 26, a small group of protesters held a sit-in on Mohamed Ali Street, opposite the prison in which the verdict was to be delivered, calling on the authorities to keep the defendants in Port Said rather than transferring them to Cairo. Hundreds more people gathered outside the prison before the trial judge announced at 10 a.m. on January 26 that the court had sentenced 21 of the defendants to death. The waiting crowd's reaction was shock and outrage. As word spread, more protesters arrived. Some threw stones. The police responded by firing teargas and rubber pellets into the crowd.

According to four witnesses the groups interviewed, several men opened fire on the prison with automatic weapons almost immediately after the announcement of the death sentences. One woman also described seeing a man ride past the prison on a motorcycle and shoot at it. The gunmen killed two police officers, identified as Ahmad Ashraf al-Balky and Ayman Abdel Azim, and wounded 10, the Interior Ministry reported, during an exchange of fire with police.

But witnesses said the police continued firing toward protesters and bystanders for up to an hour after the firing at the police had ceased, causing further casualties. Some police deployed on the roof of the prison. Others drove out of the prison in at least one armored vehicle from which they fired at protesters. A nurse who was on duty at the time at Port Said's General Hospital said that the first casualties arrived soon after 10 a.m. but that most of those hit by bullets were already dead and appeared from their wounds to have been shot from above.

A journalist from Port Said who was at the scene from the start said:

Some people threw stones at the prison to which the police responded with tear gas. A few minutes later we heard gunfire. There were two or three people standing amongst the protesters shooting [at the police], they had two automatic weapons and a handgun (tabanga). They shot until their ammo ran out. We also know that the interior's response is always violent, but this was far more than just violence, this was stupidity. There were around four to six policemen with guns standing on the roof of the prison shooting down randomly. At one point four officers came out of the prison and they were shot at. Two of them were hit. Then armored vehicles came out of the prison and two policemen were shooting from the roof of the vehicle.

Another man said he went to the prison as soon as he heard the trial verdict, arriving at about 11 a.m.:

There was an armed vehicle outside the prison shooting at people. I didn't see any tear gas, at that point there was only shooting. I saw a lot of injuries. We were standing just behind a building but one guy near us was shot in the neck. Another was hit by the police vehicle, I helped carry him away. The response from inside the prison was severe. There was shooting from the side of the protesters but it stopped soon after.

Another witness, I.E., said he reached the vicinity of the prison by 10:45 a.m. and saw two men shot before he was also hit with a bullet:

The police were shooting tear gas at us and then more live ammunition. I was standing behind a building and saw two men standing nearby get shot and fall to the street. They were both unarmed. There were people throwing stones at the prison but that was it from our side. At one point I left the protection of the building to help pick up a young man who had fallen down around three meters from the prison, apparently suffocating from tear gas. I grabbed him and lifted him to carry him away and I'd almost reached the building when a bullet hit the back of my right thigh. It turned out to be just a surface wound but I left for the hospital.

Police also used shotguns, firing pellets. Mosaab Gom'a said that he had participated in the sit-in and was about 100 meters from the prison when he was hit on his back, hand, thigh and head by pellets fired by police. His father, standing beside him, was hit in the hand and wounded.

### **Unlawful Killing of Unarmed Protesters and Bystanders**

By interviewing numerous witnesses who were at the scene, and matching the statements with video footage obtained in Port Said, the four groups collected evidence strongly suggesting that the police shot dead a number of unarmed people. In one video [clip](#) a man can be seen standing with others by a corner near the prison. He is hit and falls to the ground as the others duck and then drag him away, leaving a trail of blood. There is no sign that he is holding or using weapons.

Ahmad Yehia, a witness, said he saw Tamer al-Fahla, former goalkeeper for the Port Said soccer team El Masry, shot in the neck and that he had not been using weapons or violence: "He was shot right in front of me. He was just looking out from behind one of the buildings when he was shot from the direction of the prison." Official health directorate records give the cause of al-Fahla's death as "live shot to the bottom of the neck."

Another witness, Muntasir, said he saw a police officer shoot a 9-year-old child. Salwa El Sayed Qazzaz, the mother of one of the 21 defendants sentenced to death, also said she saw the child shot:

I could see six officers on the roof of the prison who were shooting. The shooting started from the roof of the prison. One of them shot a 9-year-old child who was standing before a building opposite the prison. The child fell to the ground and was bleeding from the mouth. There was a man who came out of a building carrying a bag of milk and he was shot too and the milk spilled. At this point people dragged me away.

Three witnesses said they saw police shoot an unarmed man in a wheelchair who had often attended demonstrations and soccer matches in Port Said. The man can be seen in [video](#) footage on Mohamed Ali Street, at least 100 meters from the prison. There is the sound of gunfire, and he is shot. At least three witnesses said he was unarmed. Yehia said the police also fired at people who left the cover of nearby buildings to go to the wounded man's aid: "Anyone who tried to pass would get shot. I saw the man in the wheelchair get shot and fall over. The two or three people who tried to pick him up were shot in turn, one of them in his leg, and I helped carry him away."

The evidence suggests that the police failed to shoot only when strictly necessary, and in some instances shot at people who were clearly unarmed, appearing to shoot in an intentionally harmful

manner At least five witnesses said police officers were shooting live ammunition apparently randomly into residential areas, in some cases destroying shop windows, and wounding or killing people.

One witness I.E. said:

At around 4:30 p.m. I was standing near Ahmad Oraby School, on the street parallel to the street of the police station, when I saw an armored vehicle driving past. The friend I was with told me to stand still and so I did, but I saw two other guys near me start running away. One of them was shot in the back by the police officer on the vehicle. We took him to the hospital but he was dead.

Ahmad Said, interviewed in a hospital where he was being treated for a gunshot wound in the left lung, said:

I work in Talat market. I was walking down Mohamed Ali Street, nowhere near the prison, and as I was walking I suddenly found a police vehicle coming towards me. It suddenly turns and I was shot with two bullets. I was also shot with rubber pellets. I got to this hospital at around 10:20 a.m.

The mother of Ibrahim al-Washahy said that her son was on Sabah Street, 500 to 600 meters away from the Al Arab police station, and had gone to buy *koshary* (rice and lentils) for lunch when he was shot in the head and killed instantly. A preliminary medical report confirmed that he had been shot by live ammunition. Witnesses confirmed that it was the police who shot at Ibrahim. Mahmud, a port employee, said that at around 10 or 10:30 a.m. on January 26 he was on his way to work and that the driver dropped him off on Sabah Street and wouldn't go further. He said he could hear the sound of shots in the distance but was more than 150 meters from the prison:

I was walking past the Basla coffee shop when I suddenly found myself on the floor. I'd been shot in the back of my right thigh, and the bullet went through the other side and broke the bone. A man ran toward me and picked me up on his back to move me away but then he was shot and dropped me so we both fell on the street.

Another protester said that he was on his way home at around 3:30 or 4 p.m. and as he walked past the Basla coffee shop a bullet hit him, going through his leg. He was airlifted to Cairo for treatment.

Mohamed Fouad, a shopkeeper, said that his shop is about 700 meters away from Al Arab police station. On the evening of January 26, he said "there were two police vehicles driving down the street toward the police station. Nobody did anything to them but as soon as we got to the police station they started shooting at us."

### **January 27 and 28**

After teargas was used on the funeral procession on January 27, clashes resumed in the afternoon in front of Al Arab police station. Protesters threw stones and Molotov cocktails at the police station, and others shot at the police.

One man said that at around 5 p.m. he received a call that a 31-year-old relative, Mohamed Yosri Domyati, was dead and that his body was in the morgue:

Mohamed had been walking home and was standing on Tugary Street, 150 meters away from Al Arab police station, when he was shot in the head and killed immediately. When I went to the morgue they gave me the grocery bags Mohamed had been carrying. They had Pampers in them which he had bought for his one-year-old daughter. At the morgue, I asked the forensic medical doctor for the bullet, but he

said it wasn't there because it had gone out the other side. None of the five bodies brought to the morgue that night still had bullets in them.

Mahmoud Hosny, a demonstrator, said that at about 8 p.m., he was about 100 meters from the police station. He said he hid in a building because of the intense gunfire from police officers standing on top of the police station and the armored vehicles in the street. "I saw people being hit in the chest and the head and I was shot in the hand," he said.

Mohamed al-Badry, an ambulance worker, said he had been working on January 27 during the clashes around Al Arab police station, and had seen people throw Molotov cocktails at the police station, people with rubber pellets guns and one man with a gun on a motorcycle:

At one point there was intense shooting and people started to get hit. I drove the ambulance a bit forward to get to the injured but then they shot at the ambulance. It was shot on the left side. I felt this was dangerous so I reversed the ambulance and drove away. The shot came from the police station and all of the people [we picked up] were shot with live ammunition in the chest, stomach and head.

Another ambulance worker, Osama Ismail, said that at one point he saw a youth standing in front of the ambulance watching:

I told him, "Son, what are you doing here watching. You're young, leave and go home." He finally said: "OK, I will leave." As soon as he moved away from the ambulance a bullet came from behind. We were around 100 meters away from the police station – he didn't have a weapon or any intention to attack the police station. He was shot in the head and was killed on the spot. His blood is still on the ambulance.

At around 10:30 p.m. on January 28, as thousands of residents protesting a curfew marched down Talateeny Street past the street where Al Arab police station stands, EIPR and Al Karama researchers heard intense shooting by automatic rifles and walked toward the police station to investigate. The researchers and a small number of protesters, as well as people who were caught in the fire, were standing at an intersection of a side-street and Talateeny street when they came under heavy gunfire from the police station. The shooting appeared arbitrary. The bullets were ricocheting off the buildings and broke the glass panels in several shops that were shut down.

A few minutes later the researchers saw 18-year-old Osama El-Sherbiny, who was not openly carrying any arms, fall to the ground after being shot. None of the others could reach him to drag him out of range of the firing because the shooting was continuous. An ambulance finally arrived and was able to pick him up. The researchers went to Al Ramad hospital and confirmed that he had been killed instantaneously by a bullet to the mouth and had been unarmed.

### **Tear-gassing the Funeral Procession**

The January 27 funeral procession joined by [thousands](#) of mourners and protesters started out from Mariam mosque, down Ogaina Street toward the cemetery. The route went past the police and military social clubs, facilities often rented out by Port Said residents for social occasions. Mahmoud Morsy, a protester, said that as the procession went past the police club, people started chanting against the police and insulting the police. A journalist from Port Said who was walking toward the front of the march said that a few people had thrown stones at the gate of the police club and the immediate response of the police was to fire eight tear gas canisters in quick succession into the crowd.

One protestor I.E. said:

I was at the front because I was carrying my uncle's coffin. As we walked past the police club they started shooting teargas at us. People ran in all directions. Our coffin

was open and a teargas canister landed in it. There was an immense amount of gas, we couldn't breathe, we fell down and dropped the coffin and the body fell onto the street.

Dr. Farah, the director of Port Said hospitals at the Health Directorate, confirmed that the vast majority of those hospitalized on January 27 were suffering from tear-gas suffocation.

Although normally not a lethal weapon, tear gas should only be used where necessary to disperse violent crowds. Police are expected to use discretion in crowd-control tactics to ensure a proportionate response to any threat of violence, and to avoid exacerbating the situation.

### **Investigation Thus Far**

The investigation has been marred by violations and procedural errors from the onset, the organizations said. On the night of January 29 and 30, police and military police in Port Said arrested 22 suspects after raiding their homes on suspicion of their involvement in "shooting demonstrators." An EIPR lawyer, Mohamed Khedr, who is representing the detainees, said that the police took the detainees to the Port Said Central Security Camp and unlawfully detained them there for two days, since riot police camps are not lawful places of detention under Egyptian law.

On January 30, the Port Said district prosecutor, Amir Abu El Ezz, ordered the detainees to be held for four days. But security officials failed to bring the detainees before a judge at the end of that period to renew their detention. The judge, instead of ordering an investigation into the whereabouts of the detainees and the conditions of their detention, postponed the renewal session for a week. In the following session, on February 9, the judge ordered their detention for another 15 days.

Niazi Ibrahim Youssef, another lawyer representing the detainees, said that most had been tortured, including with electric shocks and flogging, and submitted a request to the prosecution office in Port Said on February 10 for a forensic examination, which the prosecution refused to grant.

The prosecution has accused the 22 suspects of the premeditated murder of Al Balki, one of the police officers killed on January 26, and of killing the 26 civilians who died on the perimeter of the Port Said prison. The accusations are a worrying indicator that the prosecution is unwilling to hold police officers to account or even to acknowledge their role in the violence, the organizations said.

**Egyptian Law Grants Overly Broad Discretion to Use Live Gunfire** Interior Ministry regulations and the police law grant the police overly broad discretion in the use of live gunfire in the vicinity of police stations or during the policing of demonstrations.

Article 102 of the 1971 Police Law No. 109 provides the police with powers to use firearms that go beyond what international law permits. The UN Basic Principles on the Use of Force and Firearms provide that law enforcement officials "shall, as far as possible, apply non-violent means before resorting to the use of force" and may use force "only if other means remain ineffective." When the use of force is unavoidable, law enforcement officials must "exercise restraint in such use and act in proportion to the seriousness of the offence" and "intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life."

In contrast, the Egyptian code allows the use of firearms beyond these narrow limits. It permits the police to fire on "crowds" of more than five people if they "threaten public security," a much broader standard than under international law, which requires a "particularly serious crime involving grave threat to life."

It is these regulations that have in part led to the series of acquittals in the trials of police officers for the January 2011 violence against protesters in the vicinity of police stations. Out of the 38



trials, 33 have so far resulted in the acquittal of all police officers either for lack of evidence or following a finding that the police were acting in self-defense. The Egyptian Initiative for Personal Rights has published a [guide](#) to the use of force during demonstrations under international law: Peace Keeping in Demonstrations and Public Disorder Situations.

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