

Country Information and Guidance

Egypt: Muslim Brotherhood

Preface

This document provides guidance to Home Office decision makers on handling claims made by nationals/residents of Egypt as well as country of origin information (COI) about Egypt. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether - in the event of a claim being refused - it is likely to be certifiable as 'clearly unfounded' under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained with this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Within this instruction, links to specific guidance are those on the Home Office's internal system. Public versions of these documents are available at <https://www.gov.uk/immigration-operational-guidance/asylum-policy>.

Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the European Asylum Support Office's research guidelines, [Country of Origin Information report methodology](#), dated July 2012.

Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please email: CPI@homeoffice.gsi.gov.uk.

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office's COI material. The IAGCI welcomes feedback on the Home Office's COI material. Information about the IAGCI's work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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1. Guidance

Updated 30 September 2014

1.1. Basis of claim

- 1.1.1 Ill treatment, or a fear of ill-treatment, amounting to persecution, on the basis of the person's political opinion due to current or previous involvement or perceived involvement with the Muslim Brotherhood(MB).

1.2. Summary of issues

- Is the person accepted as being a member or supporter of the Muslim Brotherhood or likely to be perceived as such?
- Is a member or supporter of the MB at risk of persecution from the state authorities?
- Is the person able to seek effective protection?
- Is the person able to internally relocate within Egypt to escape that risk?

See Asylum Instructions on [Considering the asylum claim and assessing credibility](#)

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1.3. Consideration of issues:

Is the person accepted as being a member or supporter of the Muslim Brotherhood or likely to be perceived as such?

- 1.3.1 Decision makers must consider whether the person's account of their membership or support of the Muslim Brotherhood and of their experiences as such a person is reasonably detailed, internally consistent and credible as well as being externally credible (i.e. consistent with generally known facts and the country information).
- 1.3.2 If the person claims that they are not a member of MB but are likely to be perceived as such this should be considered against generally known facts and country information.
- 1.3.3 A person should be expected to demonstrate knowledge of the organisation and hierarchy of the MB appropriate to that person's role in the organisation.

[See Country Information](#)

If a person claims to be a member or supporter of the MB decision makers should explore the nature and extent of their involvement with the organisation or affiliated body.

Is a member or perceived supporter of the Muslim Brotherhood at risk of persecution from the state authorities?

- 1.3.4 Since the ousting of President Morsi and the Justice and Freedom Party (the political wing of the Muslim Brotherhood) from political power by the Egyptian armed forces in July 2013, the political climate has become increasingly volatile and unpredictable under the military authorities. The Muslim Brotherhood, and its allied organisations, has over a million members, and may have many more supporters and sympathisers. Sources report that many hundreds of Muslim Brotherhood members have been killed and thousands injured. Many thousands of Muslim Brotherhood supporters have reportedly been detained without due process, some in unofficial places of detention.
- 1.3.5 Following the declaration by the authorities on 25 December 2013 that the Muslim Brotherhood is a terrorist organisation, hundreds more supporters have been arrested and face trial under the sections of the Egyptian Penal Code that concern terrorism. Subsequent mass trials, also taking place without due process, have resulted in hundreds of death sentences being handed down (although at the time of writing none had taken place), as well as hundreds of lengthy prison sentences. It is reported that torture is routine in police stations and unofficial places of detention, with members of the Muslim Brotherhood and their supporters particularly targeted. A high incidence of deaths in detention is also reported
- 1.3.6 Although the government is able, under the penal code, to detain anyone suspected of membership of the Muslim Brotherhood, arrests and detentions have primarily been of high and mid-level leaders and those taking part in protests against the government which have become violent. Journalists affiliated or perceived to be sympathetic to the MB have also been targeted. The Egyptian government, given the sheer scale of the number of members and supporters, is unlikely to have the capacity, capability or interest in seeking to persecute everyone associated with the MB. There is no evidence to suggest that merely being a member of, or, in particular, a supporter of the MB will put a person at risk of persecution.
- 1.3.7 However, following the elections at the beginning of 2014, the political environment has improved and government violence towards the MB has reduced.
- 1.3.8 Decision makers will need to make an assessment on a case specific basis as to whether or not a person who claims to have been arrested was arrested for public order offences rather than political membership per se.

[See Country Information](#)

[See Country Information: Arrests and Trials](#)

Is the person able to seek effective protection?

1.3.9 As any persecution would be from the state or actors on behalf of the state, a person cannot reasonably be expected to avail themselves of the protection of those authorities.

Is the person able to internally relocate within Egypt to escape that risk?

As it is the state that is the persecutor, internal relocation is not a reasonable option.

1.4. Policy summary

Whether or not a person is at risk of ill-treatment on the basis of their political opinion because of their involvement with, or perceived support for, the Muslim Brotherhood (MB) will depend upon the personal circumstances, profile, activities and history of the person concerned.

The MB has been designated a terrorist organisation in Egypt and members may be prosecuted under the penal code.

Many senior and mid-level leaders have been arrested. Thousands of members and supporters have been arrested during demonstrations by the state security forces. Other members and supporters have been killed and injured during the same protests.

Those with a high profile in the MB or who have been politically active, particularly in demonstrations, may be able to show that they are at risk of persecution, including of being held in detention, where they may be at risk of ill-treatment, trial also without due process and disproportionate punishment.

Additionally, high profile supporters or those perceived to support the MB, such as journalists, may also be similarly at risk of persecution.

In such cases, a grant of asylum may be appropriate. Decision makers should be aware, though, that some members of the MB may fall foul of the exclusion provisions of Article 1F and also Article 33(2).

However, although membership of the MB has been made illegal - and subject to an individual, case-specific assessment – in general, low-level, non-political or inactive members and supporters are not generally being targeted and it is unlikely that they will be able to demonstrate a real risk of persecution. As such, a grant of asylum will not normally be appropriate.

Where a claim falls to be refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

[See Country Information: Arrests and Trials](#)

[See USSD Country Report on Human Rights Practices 2013, Egypt – Prison and Detention Centre Conditions](#)

2. Information

Updated 30 September 2014

2.1. Background

- 2.1.1 The Muslim Brotherhood (MB) (al-Ikhwan al-Muslimun in Arabic) is Egypt's oldest and largest Islamist organisation, meaning its ideology is based on the teachings of the Koran. Founded by Hassan al-Banna, the MB has influenced Islamist movements around the world with its model of political activism combined with Islamic charity work.

The movement initially aimed simply to spread Islamic morals and good works, but soon became involved in politics, particularly the fight to rid Egypt of British colonial control and remove all Western influence.

While the Ikhwan say that they support democratic principles, one of the group's stated aims is to create a state ruled by Islamic law, or Sharia. Its most famous slogan, used worldwide, is: "Islam is the solution." ¹

- 2.1.2 For years, the MB has won over Egypt's poor and working classes with charity work - stepping in to provide many of the services that the former governments did not provide, like subsidized healthcare.

The women of the Sisterhood (the name for female members of the Brotherhood) have traditionally been more involved in welfare activities than their male counterparts. These range from small-scale social work like organising the collection and distribution of alms to building mosques and schools. The Islamists have also established numerous benevolent institutions such as hospitals, pharmacies and clinics targeting Egypt's downtrodden and forgotten. ²

- 2.1.3 Successive governments clamped down on the MB but in the first parliamentary elections after Mr Mubarak's overthrow in February 2011, the MB's newly formed Freedom and Justice Party (FJP) won nearly half the seats in the People's Assembly. This led the way in 2012, for the FJP's then chairman, Mohammed Morsi, to become Egypt's first democratically elected president. ³ However, scrutiny of the election results by Middle East analysts indicates that the MB do not enjoy mass popular appeal, even though they have a significant support base. Their popularity is more limited, and Egyptian politics more polarised, than their electoral successes would seem to suggest. ⁴

- 2.1.4 Mr Morsi proved unpopular becoming increasingly authoritarian and forcing through a conservative agenda during his year in power. This, coupled with his inability to deliver

¹ BBC News, Profile: Egypt's Muslim Brotherhood, 25 December 2014. <http://www.bbc.co.uk/news/world-middle-east-12313405> Accessed 26 February 2014

² CNN, The feminine face of Egypt's Muslim Brotherhood, 3 August 2011
<http://edition.cnn.com/2011/WORLD/meast/08/03/egypt.muslim.sisterhood/> Accessed 26 February 2014

³ BBC News, Profile: Egypt's Muslim Brotherhood, 25 December 2014. <http://www.bbc.co.uk/news/world-middle-east-12313405> Accessed 26 February 2014

⁴ BBC News: Egypt, what polls result reveal about Brotherhood's popularity 30 August 2013
<http://www.bbc.co.uk/news/world-middle-east-23846680> Accessed 5 March 2014

on election promises or revive the failing economy eventually led to his ousting following military intervention on 3 July 2013.⁵

- 2.1.5 The Muslim Brotherhood stated in 2013 that its members number over a million. The majority rank-and-file are said to be lower-middle-class, but leaders are often doctors and businessmen. Each pays a portion of their income to help fund the movement.⁶
- 2.1.6 The Washington Institute for Near East Policy, in a September 2012 paper, analysed the leadership:

‘...the Brotherhood’s leadership is composed almost exclusively of longtime members. Most were recruited during high school or college and, in many cases, served in top administrative positions within the Brotherhood’s nationwide structure before being promoted to the Guidance Office (the organization’s top executive authority) or nominated for political office...

‘...in addition to their positions within the group, most Brotherhood leaders were active in important societal organizations under the Mubarak regime, serving on the boards of professional syndicates, heading labor unions, running religious charities, and/or participating in key social clubs. These positions enabled them to build their stature at a time when avenues for more direct political participation were often blocked. Such activity also helped the group expand its outreach networks, through which it gained popular support by providing social services and increasing its recruitment efforts.

‘... almost all of the Brotherhood’s top leaders were directly persecuted under the Mubarak regime, and many served time as political prisoners. To some extent, this enhances their unity, particularly among those who were imprisoned together. More important, it makes them unlikely to tolerate competing centers of power, since the Brotherhood’s ouster could invite a new era of repression against the organization.’⁷

- 2.1.7 ‘The Muslim Brotherhood after Morsi’, published on 2 October 2013 by the Arab Centre for Research and Policy Studies, noted, ‘...the Brotherhood is not simply a political party, but is in essence a social and religious movement with deep roots and a substantial organizational network making it difficult to breakup by means of security oppression. On the contrary, during periods of harsh suppression and exclusion, the Brotherhood, like any other ideological movement, has turned inwards in order to stick together and survive. This means that whenever external oppression increases, the solidarity of the Brotherhood and its members’ adherence to the leadership increases. For this reason one of the indirect results of the July 3 coup is greater internal cohesion within the organization at least until now.’⁸ This document gives useful information on the structure and leadership of the MB.

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⁵ CNN, The rise and rapid fall of Egypt’s Mohamed Morsi, 4 July 2013.

<http://edition.cnn.com/2013/07/02/world/meast/egypt-morsi-profile/> Accessed 26 Feb 2014

2014220142014<http://edition.cnn.com/2013/07/02/world/meast/egypt-morsi-profile/> Accessed 26 February 2014

⁶ The Guardian, Who are the Muslim Brotherhood? 2 April 2013

<http://www.theguardian.com/world/2013/apr/02/who-are-the-muslim-brotherhood> Accessed 31 March 2014

⁷ Washington Institute for Near East Policy, September 2014, Who’s Who in Egypt’s Muslim Brotherhood
<http://www.washingtoninstitute.org/policy-analysis/view/whos-who-in-the-muslim-brotherhood> 21 July 2014

⁸ Arab Centre for Research and Policy Studies, The Muslim Brotherhood after Morsi, 2 October 2013

<http://english.dohainstitute.org/release/eca3b305-1038-473b-a67e-b2a63af9ef21> Accessed 3 September 2014

2.2. The removal of Morsi

- 2.2.1 The United States Department of State Country Reports on Human Rights Practices for 2013, in its Egypt report, published 27 February 2014, noted:

‘After antigovernment protests throughout the spring, which culminated in massive demonstrations against the government in Cairo and other governorates on June 30 [2013], President Morsi and his government were ousted, and security forces detained Morsi at an undisclosed location. The military suspended the 2012 constitution, and six weeks of confrontations between security forces and demonstrators opposed to Morsi’s removal followed. On August 14, Ministry of Interior forces supported by military units used lethal force to disperse large Muslim Brotherhood (MB)-organized sit-ins at Rabaa al-Adawiya Square in Cairo and Nahda Square in Giza. According to the Forensic Medicine Authority, 398 persons died during these operations, and a total of 726 protesters were killed nationwide between August 14 and November 13 [2013]. Most nongovernmental organizations (NGOs) estimated 600 to 900 persons died in the August 14 operations. The government declared a state of emergency on August 14, imposing a curfew and arresting prominent MB members and other Morsi supporters. The state of emergency expired on November 14 and was not renewed. On December 25, the interim government declared the MB a terrorist organization.’⁹

- 2.2.2 The Human Rights Watch (HRW) report of 14 August 2014, ‘All According to Plan’, looked at the conduct of the security forces in responding to the demonstrations organised by Muslim Brotherhood supporters across Egypt to denounce the military takeover and demand the reinstatement of Morsi. It found that police and army forces systematically and intentionally used excessive lethal force in their policing, resulting in killings of protesters on a scale unprecedented in Egypt. HRW concluded that the killings not only constituted serious violations of international human rights law, but likely amounted to crimes against humanity, given both their widespread and systematic nature and the evidence suggesting the killings were part of a policy to attack unarmed persons on political grounds. While there is also evidence that some protesters used firearms during several of these demonstrations, HRW was able to confirm their use in only a few instances, which they stated, ‘do not justify the grossly disproportionate and premeditated lethal attacks on overwhelmingly peaceful protesters’.¹⁰

2.3. Muslim Brotherhood declared a terrorist organisation

Legal implications

- 2.3.1 The BBC reported on 25 December 2013 that the military-backed interim Egyptian government declared the MB a terrorist group after blaming it for a deadly attack on a police HQ earlier that week. The group had already been outlawed. Deputy Prime Minister Hossam Eissa announced the move, which will give the authorities more power to crack down on the Brotherhood. He said that those who belonged to the group, financed it or promoted its activities would face punishment.¹¹

⁹ USSD Country Reports on Human Rights Practices: Egypt, 27 February 2014
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper> Accessed 21 July 2014

¹⁰ HRW, All According to Plan, August 2014,
http://www.hrw.org/sites/default/files/reports/egypt0814_ForUpload_0_0.pdf Accessed 18 August 2014

¹¹ BBC News, Egypt's Muslim Brotherhood declared 'terrorist group' 25 December 2013
<http://www.bbc.co.uk/news/world-middle-east-25515932> Accessed 5 March 2014

2.3.2 The United States Department of State, Country Reports on Terrorism 2013 - Egypt, published 30 April 2014, reported that the Egyptian government had designated the MB as a terrorist organization but that 'it did not provide any substantiating evidence that the MB was directly involved in the terrorist attacks that followed President Mohamed Morsy's removal'. It further noted that the Egyptian authorities have accused the MB of funding al-Qa'ida, although they have not provided substantiating evidence.¹²

2.3.3 The government's terrorist designation seems intended to end all Muslim Brotherhood activities, Human Rights Watch (HRW) said. The Interior Ministry spokesman, Hani Abdel Latif, said in a 26 December 2013 interview on state television that the terrorist designation enabled the ministry to deal with the Brotherhood under the sections of the Egyptian Penal Code that concern terrorism (articles 86 to 99). He specified that those who participate in demonstrations could face up to five years in prison, while those who lead the organization risk the death penalty.¹³

2.3.4 The Australian DFAT (Department of Foreign Affairs and Trade) in its country report on Egypt, published 28 January 2014, interpreted the impact on MB supporters and members:

'According to Article 86, membership of a designated terrorist group may incur penalties of up to five years imprisonment. On 29 December, an Interim Cabinet spokesman affirmed that all Muslim Brotherhood members were subject to Article 86; only those who renounced the organisation would be exempted.

'According to the Criminal Code, those engaged in terrorist activities face life imprisonment with hard labour or the death penalty. Article 86 also criminalises the distribution of materials, in writing or in speech, pertaining to a proscribed organisation or in service of its objectives.'¹⁴

2.3.5 The report continued:

'DFAT understands that several hundred (primarily welfare) organisations linked to the Muslim Brotherhood have been impacted by the terrorist designation. However, it is too soon to determine whether their services will be allowed to continue, or whether criminal charges will be laid against those linked to the organisations.

'People that take part in unauthorised protests are at risk of being arrested or facing police violence. DFAT understands there have been several thousand people detained at pro-Muslim Brotherhood protests, many of whom are being held in pre-trial detention (a number of these are now facing prosecution). Under Article 86 of the Egyptian Criminal Code, the Interim Cabinet has said the government is able to detain anyone suspected of membership of the Muslim Brotherhood, including those who "support" the group in protests. Pro-Morsi protests, of varying numbers, have been occurring on at least a weekly basis since the military intervention, and in numerous cities throughout Egypt.'¹⁵

¹² United States Department of State, Country Reports on Terrorism 2013 - Egypt, 30 April 2014, <http://www.refworld.org/docid/536229f01b.html> Accessed 28 May 2014

¹³ HRW, Egypt: Terrorist tag politically driven, 28 December 2013. <http://www.hrw.org/news/2013/12/28/egypt-terrorist-tag-politically-driven> Accessed 5 March 2014

¹⁴ Australian DFAT icountry report: Egypt, 28 January 2014. <http://www.immi.gov.au/media/publications/pdf/cgn-egypt.pdf> Accessed 22 July 2014

¹⁵ Australian DFAT icountry report: Egypt, 28 January 2014. <http://www.immi.gov.au/media/publications/pdf/cgn-egypt.pdf> Accessed 22 July 2014

- 2.3.6 HRW noted that Osama Sharabi, former director of the public administration for artistic work, declared on a December 26 television program on Al Hayah Channel that anyone posting a 'Raba'a sign', commemorating people killed when the government dispersed the sit-in in Raba'a Square in August, on the social networking site Facebook will also face criminal charges under the penal code.¹⁶
- 2.3.7 The same source also noted that on the same day the Interior Ministry blocked the publication of the Brotherhood-affiliated Freedom and Justice Party's daily newspaper, and an online announcement also circulated on the same day invited citizens to call the Ministry of Interior to report on Brotherhood members or activities.¹⁷

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Affiliated organisations

- 2.3.8 Amnesty International stated on 23 December 2013 that at least 1,055 charities affiliated with the Muslim Brotherhood had had their assets frozen.¹⁸
- 2.3.9 Human Rights Watch (HRW), in its August 2014 report, 'All According to Plan' stated that since July 3, 2013, authorities have frozen the assets of senior leaders, taken control of over 1,000 NGOs linked to the Brotherhood and dozens of Brotherhood-affiliated schools. HRW also stated that the government has yet to put forward an evidentiary basis for this designation and the related sanctions.¹⁹
- 2.3.10 Ahramonline reported that on 17 July 2014 the committee tasked with appraising and freezing the funds of the banned organisation had decided to seize the funds of 66 companies reportedly affiliated with the MB. The news source reported that the committee had also seized the assets of over 700 Brotherhood leaders.²⁰
- 2.3.11 Reuters noted on 9 August 2014 that the supreme administrative court had dissolved the Freedom and Justice party (political wing of MB), effectively excluding the MB from formal participation in electoral politics.²¹ Its members can run either as individual candidates or form a new political party, but the latter is highly unlikely, given the severity of the crackdown on the Brotherhood. According to the new constitution, no party can be formed on a religious basis.²²

¹⁶ HRW, Egypt: Terrorist tag politically driven, 28 December 2013. <http://www.hrw.org/news/2013/12/28/egypt-terrorist-tag-politically-driven> Accessed 5 March 2014

¹⁷ HRW, Egypt: Terrorist tag politically driven, 28 December 2013. <http://www.hrw.org/news/2013/12/28/egypt-terrorist-tag-politically-driven> Accessed 5 March 2014

¹⁸ Amnesty International, Egypt three years on, wide-scale repression continues unabated, 23 January 2014 <http://www.amnesty.ie/news/egypt-three-years-wide-scale-repression-continues-unabated> Accessed 11 August 2014

¹⁹ HRW, All According to Plan, August 2014, http://www.hrw.org/sites/default/files/reports/egypt0814_ForUpload_0_0.pdf Accessed 18 August 2014

²⁰ Ahramonline, Egypt to seize 66 'Muslim Brotherhood' companies, 17 July 2014. <http://english.ahram.org.eg/NewsContent/3/12/106477/Business/Economy/Egypt-to-seize--Muslim-Brotherhood-companies.aspx> Accessed 22 July 2014

²¹ Reuters, Egypt court dissolves Muslim Brotherhood's political wing, 9 August 2014. <http://www.reuters.com/article/2014/08/09/us-egypt-brotherhood-idUSKBN0G90AM20140809> Accessed 11 August 2014

²² BBC News, Egypt court bans Muslim Brotherhood's political wing, 9 August 2014. <http://www.bbc.co.uk/news/world-middle-east-28722935> Accessed 3 September 2014

Arrests and trials

- 2.3.12 Human Rights Watch reports that, ‘Since the events of July and August 2013, Egyptian authorities have continued to brutally suppress dissent. While focused overwhelmingly on the country’s largest political opposition group, the Muslim Brotherhood, authorities have also targeted other opposition groups and individuals. Security forces have continued to use excessive lethal force against demonstrators, including killing 57 protesters on October 6, 2013 and 64 on January 25, 2014, according to the FMA [Forensic Medical Authority]’.²³
- 2.3.13 The same source also reports that within hours of the government’s announcement on 25 December 2013 which officially declared the Muslim Brotherhood a terrorist organization, ‘Egyptian authorities intensified their crackdown against the Brotherhood. The official Middle East News Agency reported that police arrested 27 Brotherhood supporters, including three university students, on December 26 in the Nile Delta province of Sharkiya on charges including membership in a terrorist organization. The main evidence the article cited against 16 of the accused was the distribution of anti-army and anti-police pamphlets’.²⁴
- 2.3.14 At least 265 pro-Muslim Brotherhood demonstrators were reportedly arrested in demonstrations country-wide over the 27–28 December 2013 weekend (i.e. the weekend immediately following the Interim Cabinet decision). At least 500 pro-Muslim Brotherhood protesters were arrested from 27 December 2013 to 4 January 2014. Since then, there have been daily reports of arrests across the country. The newspaper of the Muslim Brotherhood-affiliated Freedom and Justice Party was shut down after the Cabinet designation, and the government announced that the assets of 132 Muslim Brotherhood leaders had been frozen. During marches to mark the third anniversary of the January 2011 revolution, on 25 January 2014, just over 1000 people were arrested. Approximately 80 people were killed in clashes with the police.²⁵
- 2.3.15 The US Congressional Research, in a report of 5 June 2014, summarised various sources’ claims of the number of deaths and arrests:
- ‘There are no verifiable figures on the death toll since July 2013, though the Carnegie Endowment for International Peace claims that more than 2,500 Egyptians (protestors and police) have been killed and more than 17,000 have been wounded. Human Rights Watch claims that more than 1,000 protesters have been killed since July 3, 2013. Various press estimates suggest that since July 2013, 16,000 to 19,000 people, many of whom are Brotherhood members or supporters, have been arrested.’²⁶
- 2.3.16 Military officials held Morsi along with nine senior aides in secret military detention for months. Police also arrested the majority of the high-level and much of the mid-level leadership both of the Muslim Brotherhood and of its political party, the Freedom and

²³ HRW, All According to Plan, August 2014, http://www.hrw.org/sites/default/files/reports/egypt0814_ForUpload_0_0.pdf Accessed 18 August 2014

²⁴ HRW, All According to Plan, August 2014, http://www.hrw.org/sites/default/files/reports/egypt0814_ForUpload_0_0.pdf Accessed 18 August 2014

²⁵ Australian DFAT icountry report: Egypt, 28 January 2014. <http://www.immi.gov.au/media/publications/pdf/cgn-egypt.pdf> Accessed 22 July 2014

²⁶ Congressional Research Service, Egypt: Background and U.S. Relations, 5 June 2014 Can be accessed via this route: <http://blogs.usembassy.gov/benfranklinsblogparis/2014/06/17/egypt-background-and-u-s-relations/> Accessed 22 July 2014

Justice Party, across the country, including figures exclusively involved in politics and communications.²⁷

2.3.17 The charges against Morsi and 14 other high-ranking members of the Muslim Brotherhood were initially in connection with accusations of killing protesters on 4 November 2013.²⁸ The charges now include espionage and the defendants are accused of organising 'a plot' with the aid of groups including Palestinian Islamist group Hamas and Lebanese militant group Hezbollah. They also face charges of disclosing national security secrets, funding terrorism, and coordination with jihadist organisations inside and outside Egypt to execute terrorist operations in the country.²⁹ The trial has been subject to many adjournments and is now adjourned until 18 October 2014.³⁰

2.3.18 HRW, in its August 2014 report, 'All According to Plan', stated:

'Authorities have also arrested, by their figures, at least 22,000 people since July 3 [2013], many on charges relating to their exercise of basic rights or for membership in the Muslim Brotherhood, which the government declared a terrorist organization on December 25, 2013. Prosecutors routinely renew pretrial detention orders against those detained on the basis of little evidence that would warrant prosecution, effectively detaining them arbitrarily for months on end, lawyers have told Human Rights Watch. Many of the cases that have gone to trial have been riddled with serious due process violations, including mass trials that have failed to assess the individual guilt of each defendant, yet resulted in sentences of lengthy prison terms or even the death penalty for hundreds of defendants.'³¹

2.3.19 The report had previously noted, 'WikiThawra, an initiative run by the Egyptian Center for Economic and Social Rights, has determined that the authorities have arrested or indicted over 41,000 since July 3, 2013. Many of those detained were rounded up solely as a result of their peaceful exercise of the rights to peaceful assembly, free association, and free expression or membership in the Muslim Brotherhood, including simply displaying signs commemorating the Rab'a massacre.'³²

2.3.20 Human Rights Watch further noted that: 'Mounting reports indicate that scores of detainees have faced torture and ill-treatment in detention. In one incident on August 18, 2013, four days after the Rab'a and al-Nahda dispersals, Egyptian police outside the Abu Zaabel prison in Cairo lobbed teargas canisters into the back of a cramped police truck, in which 45 prisoners had been huddled together for six hours in temperatures bordering 40C, resulting in the deaths of 37 men.'³³ Amnesty International reported in July 2014 that it 'has gathered damning evidence indicating that torture is routine in police stations

²⁷ HRW, All According to Plan, August 2014,

http://www.hrw.org/sites/default/files/reports/egypt0814_ForUpload_0_0.pdf Accessed 18 August 2014

²⁸ Australian DFAT country report: Egypt, 28 January 2014. <http://www.immi.gov.au/media/publications/pdf/cgn-egypt.pdf> Accessed 22 July 2014

²⁹ Egypt Daily News, Morsi espionage trial postponed, media gag lifted, 17 August 2014.

<http://www.dailynewsegypt.com/2014/08/17/morsi-espionage-trial-postponed-media-gag-lifted/> Accessed 3 September 2014

³⁰ Daily News Egypt, Morsi espionage trial postponed to 14 October, 29 September 2014

<http://www.dailynewsegypt.com/2014/09/29/morsi-espionage-trial-postponed-14-october/> Accessed 7 October 2014

³¹ HRW, All According to Plan, August 2014, Summary page 18

http://www.hrw.org/sites/default/files/reports/egypt0814_ForUpload_0_0.pdf Accessed 18 August 2014

³² HRW, All According to Plan, August 2014, Summary page 5

http://www.hrw.org/sites/default/files/reports/egypt0814_ForUpload_0_0.pdf Accessed 18 August 2014

³³ HRW, All According to Plan, August 2014, Background, mass arrests, page 28

http://www.hrw.org/sites/default/files/reports/egypt0814_ForUpload_0_0.pdf Accessed 18 August 2014

and unofficial places of detention, with members of the Muslim Brotherhood and their supporters particularly targeted. It is carried out by both the Egyptian military and police including in premises belonging to the National Security Agency, in many cases with the objective of obtaining confessions or to force detainees to implicate others. Among the methods of torture employed are techniques previously used by state security during Mubarak's rule. These include the use of electric shocks, rape, handcuffing detainees and suspending them from open doors. Another hanging method, known as "the grill", involves handcuffing the detainee's hands and legs to an iron rod and suspending the rod between two opposite chairs until the detainee's legs go numb. Security forces then start using electric shocks on the person's legs...At least 80 detainees have died in custody since 3 July 2013, according to WikiThawra.³⁴

2.3.21 Human Rights Watch reported on 21 June 2014 about the mass trials of Muslim Brotherhood supporters and the death sentences handed down:

'An Egyptian court in Minya on June 21, 2014, confirmed 183 of the 683 provisional death sentences imposed after a lightning trial that severely violated the defendants' due process rights...

'Judge Said Youssef confirmed the 183 death sentences, including for Muslim Brotherhood supreme guide, Mohamed al-Badie, in connection with a mid-August 2013 attack on the Adwa police station in the central Egyptian governorate of Minya that left two policemen dead. On April 28, 2014, Judge Youssef had recommended the death penalty for 683 defendants. These provisional sentences were reviewed by Egypt's Mufti, the country's preeminent interpreter of Islamic law, whose advice to judges is nonbinding and confidential. The court commuted four of the other provisional death sentences to lengthy prison terms, including two women and one man given life sentences and one man sentenced to 15 years in prison in addition to receiving a death sentence, and acquitted 496 others, a human rights activist who attended the June 21 session told Human Rights Watch.

"Condemning 183 rather than 683 people to die after a cursory and one-sided trial is still a travesty of justice," said Joe Stork, deputy Middle East and North Africa director. "The punishments are deadly serious, but the trials weren't."

'Only 74 defendants were present for the Adwa trial's single hearing on March 25. None were present for the sentencing on April 28 and June 21. The charges included murder, the attempted murder of five people, including a local Christian man, threatening public order, and burning the Adwa police station.

'Defense lawyers had boycotted the trial after the same judge condemned 529 people to death for an August 2013 attack on the Matay police station, also in Minya, following a similarly brief trial on nearly identical charges. On April 28, Judge Youssef confirmed 37 of those 529 death sentences and sentenced the other defendants to life in prison.

'Attacks on the two police stations in Minya took place in August 2013 amid riots following security forces' lethal dispersal of two large Cairo sit-ins.

'Under Egyptian judicial procedure, the country's general prosecutor automatically appeals death sentences to the Court of Cassation, which can order a retrial. Defendants

³⁴ Amnesty International, Egypt: Rampant torture, arbitrary arrests and detentions signal catastrophic decline in human rights one year after ousting of Morsi, 3 July 2014 <http://www.amnesty.org/en/news/egypt-anniversary-morsi-ousting-2014-07-02> Accessed 15 September 2014

may also appeal to the court for a retrial. If the retrial results in a similar verdict, the defense may again ask the Court of Cassation to grant a retrial.

'The original trial was in clear violation of Egyptian and international law, Human Rights Watch said. Article 96 of Egypt's constitution holds that all those accused of a crime are "presumed innocent until proven guilty in a fair legal trial in which the right to defend oneself is guaranteed."

'The International Covenant on Civil and Political Rights (ICCPR), to which Egypt is a state party, limits the circumstances in which a state can impose the death sentence. The United Nations Human Rights Committee, the international expert body that interprets the ICCPR, has said that "in cases of trials leading to the imposition of the death penalty, scrupulous respect of the guarantees of fair trial is particularly important."

'The Minya verdicts followed a spate of death-penalty rulings for fatal violence sparked by security forces' use of lethal force in August 2013 to disperse the Cairo sit-ins. On June 19, a Giza criminal court headed by Judge Mohamed Nagi Shahata recommended the death penalty for 14 senior Islamist politicians, including al-Badie, the Muslim Brotherhood supreme guide, on charges including inciting murder in connection with fatal violence outside Giza's Al-Istiqama Mosque.

'The previous day, a Giza criminal court headed by Judge Moataz Khafagi recommended the death penalty for 12 men convicted of ambushing and killing police Gen. Nabil Farrag in the Giza village of Kirdasa, also in the wake of the lethal dispersal of the Cairo sit-ins. Those 12 men and 11 others also faced charges of, among other things, attacking soldiers, police, Christians, places of worship, and public facilities. Egypt's Mufti will review the provisional sentences in both cases.'³⁵

2.3.22 The UN News service issued a press release on 30 June 2014 following the verdicts:

'The credibility and integrity of the Egyptian justice system has become "deeply compromised", a group of United Nations human rights experts today said, urging the Government to impose a moratorium on the death penalty and to offer new and fair trials for 183 people whose death sentences have been confirmed.

"The imposition of mass death sentences following blatantly unfair trials and for crimes that may not be punishable by death constitutes a staggering violation of international human rights law," the UN independent experts said.

'The Office of the High Commissioner for Human Rights (OHCHR) called the ruling the largest mass death sentence to be confirmed in Egypt in recent history.

'On 21 June, a Criminal Court in Minya upheld death sentences in connection with events in the city last August against Muslim Brotherhood Supreme Guide Mohamed al-Badie and 182 other supporters of former elected President Mohamed Morsi. The defendants, whose charges range from threatening public order and setting fire to a police station to murder, were among 683 people provisionally sentenced to death on 28 April.

'The UN experts have on at least two occasions, on 31 March and 15 May, decried the imposition of these sentences, which it said were pronounced following trials laden with

³⁵ Human Rights Watch, Egypt: 183 Death Sentences Confirmed in Minya, 21 June 2014.

<http://www.hrw.org/news/2014/06/21/egypt-183-death-sentences-confirmed-minya> Accessed 3 September 2014

procedural flaws. Those included a lack of precision in the charges, limited access to lawyers, trials in absentia, and mass sentencing.

"We are shocked by the repeated and deliberate use of mass death sentences," stressed the experts. "We are deeply concerned that the courts have become instrumental in the arbitrary and politically motivated prosecutions by the State, which may also be discriminatory against people on the basis of religion or belief."

'According to available information, Egyptian courts have recommended the death penalty for 1,247 individuals since January and upheld such sentences against 247 individuals, all of whom were Morsi supporters.

'The experts voiced alarm at what they said was the use of the death penalty to clamp down on political dissent and recalled that "death penalty is an extreme form of punishment and, if used at all, should only be imposed for the most severe crimes and following trials that scrupulously respect the guarantees of due process and fair trial as stipulated in international human rights law".'³⁶

2.3.23 In addition to the death penalty mentioned above, Mohamed Al-Badie, in a separate trial completed on 30 August 2014, has also subsequently been sentenced to life in prison on charges of planning riots, murder and sabotage.³⁷

2.3.24 On 3 July 2014, clashes were reported between protesters and security forces as police quashed demonstrations marking the anniversary of Islamist president Mohamed Morsi's ouster. The interior ministry stated that 39 wanted activists were arrested ahead of the protests, and more than 200 allegedly illegal demonstrators were detained during the day.³⁸

2.3.25 Human Rights Watch reported that, 'Mohamed Tareq, who previously taught at Alexandria University, was one of eight men arrested at a demonstration in Alexandria on August 29 [2014]. Prosecutors ordered a 15-day detention for five of the men, including Tareq, pending interrogations into accusations of protesting without authorization, illegal public assembly, blocking traffic, and membership in the banned Muslim Brotherhood.'³⁹

2.3.26 Amnesty International reported in May 2014 that:

'In practice, the judiciary has focused on abuses allegedly committed by Mohamed Morsi's supporters, while ignoring gross human rights violations by the security forces. In some cases, trials have been grossly unfair and have violated both Egyptian law and international standards. The Public Prosecution has frequently referred mass trials to court, with dozens or even hundreds of defendants all facing the same set of charges, with apparently little or no evidence of individual criminal responsibility. In many cases, the Public Prosecution has relied almost entirely on police "witnesses", without presenting any other material or audio-visual evidence. Defence lawyers have also reported difficulties in obtaining case files and evidence against their clients, jeopardising

³⁶ UN News Service, 'Outraged', UN experts urge Egypt to overturn largest confirmed mass death verdict, 30 June 2014, available at: <http://www.refworld.org/docid/53b2a0df4.html> Accessed 22 July 2014

³⁷ Wall Street Journal. Egypt Court Hands Life Sentence to Muslim Brotherhood's Mohammed Badie, 30 August 2014 <http://online.wsj.com/articles/egypt-court-hands-life-sentence-to-muslim-brotherhoods-mohammed-badie-1409407146> Accessed 3 September 2014

³⁸ Agence France Presse, Blast in Egypt train as police crush pro-Morsi protests, 4 July 2014 <http://reliefweb.int/report/egypt/blast-egypt-train-police-crush-pro-morsi-protests> Accessed 15 September 2014

³⁹ Human Rights Watch, Egypt: Rab'a Witness Detained at Protest, 1 September 2014 <http://www.hrw.org/news/2014/09/01/egypt-rab-witness-detained-protest> accessed 15 September 2014

their ability to prepare an effective defence...In at least one case known to Amnesty International, civilian supporters of Mohamed Morsi have faced an unfair trial before a military court. On 6 May 2014, a military court sentenced five civilians to one year in prison. They included Khaled Hamza, the former editor of Muslim Brotherhood website Ikhwanweb. Military police had arrested the men, all supporters of Mohamed Morsi, on 25 February 2014 at the border with Sudan while trying to leave the country. Their lawyers have said the men faced torture and other ill-treatment in detention.⁴⁰

2.3.27 Reuters reported on 30 September that:

'An Egyptian court sentenced 68 Muslim Brotherhood supporters to jail terms on Tuesday [30 September 2014], judicial sources said, in a case related to deadly violence a year ago after the army's ouster of Islamist President Mohamed Mursi.

'All were found guilty of killing 30 people and intending to kill others in Cairo on October 6, 2013, when more than 50 people died in clashes across the country between Mursi opponents and supporters.

'Judge Mohamed Ali Al-Faqi gave 63 of the defendants 15 years in jail and five others 10 years.

'International and Egyptian rights groups have expressed alarm over an increasingly broad crackdown on dissent by authorities since then-army chief Abdel Fattah al-Sisi seized power in July 2013.

'Thousands of Brotherhood supporters are in jail and the state crackdown over the past year has expanded to include liberal and secular activists who played a leading role in the 2011 uprising that toppled Hosni Mubarak.'⁴¹

2.3.28 Sada, an online journal published by Carnegie Endowment's Middle East program noted in an August 2014 report, 'Egypt's Judiciary, Coopted', that:

'The SJC [Supreme Judicial Council] has extensive powers in determining the pay, promotion, and transfer of judges. These powers can be used to reward or punish perceived disloyalty. The Minister of Justice or the President must approve each judge who occupies these positions...Judges whose rulings are consistently unfavorable to the regime may in turn find themselves transferred to a remote area in southern Egypt far from their families...Since Morsi's ouster, the judiciary has created "special circuits" within the ordinary criminal courts to try high-profile cases. Under the pretext of providing speedy trials in an otherwise overburdened judiciary, the executive branch has created yet another avenue to influence the outcome of cases. The Chief Appellate Judge in each jurisdiction, who is selected by the SJC, handpicks the judges assigned to these courts...In light of the myriad tools used to restrain judicial independence, it is unsurprising that portions of the judiciary are cooperative in the ongoing crackdown on political dissidents. The current political climate makes it too costly for a judge to challenge the executive's core interests.'⁴²

⁴⁰ Amnesty International, Egypt: Key human rights concerns ahead of presidential elections, 23 May 2014
<http://www.amnesty.org/en/library/asset/MDE12/028/2014/en/fae09ce0-ccee-4b40-b8ca-9272b6ce30b9/mde120282014en.pdf>

Accessed 15 September 2014

⁴¹ Reuters, Egyptian court jails 68 Muslim Brotherhood supporters, 30 September 2014.
<http://www.reuters.com/article/2014/09/30/us-egypt-courts-brotherhood-idUSKCN0HP0ZW20140930> Accessed 7 October 2014

⁴² Carnegie Endowment (Sada), Egypt's Judiciary, Coopted, 20 August 2014

Freedom of speech

2.3.29 After July 2013, the military backed government closed down all TV stations affiliated with, or sympathetic to, the Muslim Brotherhood, as well as other Islamist stations. Egypt has particularly targeted Doha-based Al Jazeera, closing its Egypt offices, and arresting many of its reporters. The government issued a new law in November [2013] that severely restricts peaceful demonstrations and has continued to use penal code provisions that criminalise speech offences to imprison journalists and activists.⁴³

2.3.30 Three 'Al Jazeera English' journalists accused of 'falsifying news' and belonging to or assisting the banned Muslim Brotherhood movement in Egypt were convicted on 23 June 2014 and each sentenced to seven years in jail. Of six others on trial alongside the Al Jazeera journalists, two were acquitted and four were sentenced to seven years. The court also sentenced a number of other journalists to 10-year sentences in absentia, including three European journalists.⁴⁴

2.3.31 Amnesty International commented:

'An Amnesty International trial observer recorded several irregularities and examples of complete ineptitude during the proceedings. In 12 court sessions, the prosecution failed to produce a single shred of solid evidence linking the journalists to a terrorism organization or proving they had "falsified" news footage.

"The trial was a complete sham. Consigning these men to years in prison after such a farcical spectacle is a travesty of justice," said Philip Luther [Director of the Middle East and North Africa at Amnesty International].

'Prosecutors obstructed the defendants' right to review and challenge the evidence presented against them. The prosecution also appeared unprepared and disorganized, often presenting irrelevant evidence.

'Key witnesses for the prosecution also appeared to contradict their own written testimony. Technical experts admitted on cross-examination that they were unable to confirm whether Al Jazeera journalists had doctored images or carried unauthorized equipment.

"The verdict provides further evidence that Egyptian authorities will stop at nothing in the ruthless campaign to crush anyone who challenges the official narrative, regardless of how questionable the evidence against them is," said Philip Luther.'⁴⁵

2.3.32 In May 2014, Reporters Without Borders noted that:

'The number of arrests of journalists during the past 11 months is particularly disturbing. According to the tally kept by the Committee to Protect Journalists (CPJ), more than 65 journalists were arrested for varying periods of time between 3 July [2013] and 30 April

<http://carnegieendowment.org/sada/2014/08/20/egypt-s-judiciary-coopted/hljn> Accessed 15 September 2014

⁴³ HRW, All According to Plan, August 2014,

http://www.hrw.org/sites/default/files/reports/egypt0814_ForUpload_0_0.pdf Accessed 18 August 2014

⁴⁴ Amnesty International, Amnesty International, Dark day for media freedom as Al Jazeera journalists convicted, 23 June 2014 <http://www.amnesty.org/en/for-media/press-releases/dark-day-media-freedom-al-jazeera-journalists-convicted-2014-06-23> Accessed 22 July 2014

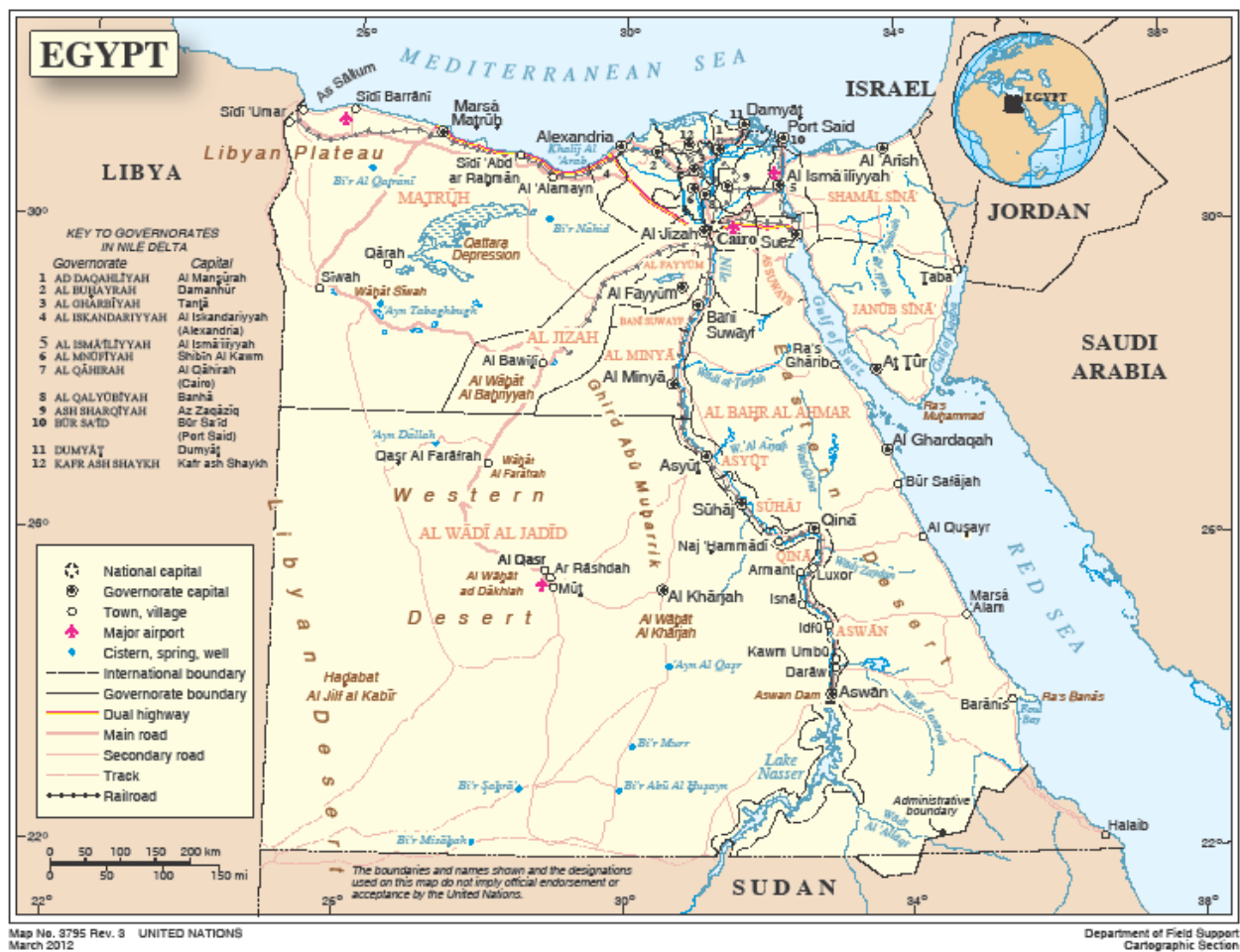
⁴⁵ Amnesty International, Amnesty International, Dark day for media freedom as Al Jazeera journalists convicted, 23 June 2014 <http://www.amnesty.org/en/for-media/press-releases/dark-day-media-freedom-al-jazeera-journalists-convicted-2014-06-23> Accessed 22 July 2014

[2014]. The authorities systematically target media and journalists affiliated (or regarded as sympathetic) to the Muslim Brotherhood, which has been banned again. This witch-hunt against suspected Brotherhood supporters, which affects Turkish, Palestinian and Syrian journalists as well as Egyptian ones, violates the new constitution. Trumped-up charges are used to keep journalists in detention.⁴⁶

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⁴⁶ Reporters Without Borders, Major decline in freedom of information since army takeover, 21 May 2014 http://en.rsf.org/egypt-major-decline-in-freedom-of-21-05-2014_46317.html Accessed 15 September 2014

Annex A: Map of Egypt



UN Map of Egypt, March 2012⁴⁷

⁴⁷ UN Map of Egypt, March 2012. <http://www.un.org/depts/Cartographic/map/profile/egypt.pdf>
Accessed 23 June 2014