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Human rights in the Middle East and North Africa: Review of 2019; Egypt

The authorities resorted to a range of repressive measures against protesters and perceived dissidents, including enforced disappearance, mass arrests, torture and other ill-treatment, excessive use of force and severe probation measures, particularly after protests against the President on 20 September. Security forces arbitrarily arrested and detained at least 20 journalists solely for peacefully expressing their opinions. The authorities continued to severely restrict human rights organizations’ and political parties’ freedom of association. Constitutional amendments expanded the role of military courts in prosecuting civilians and undermined the independence of the judiciary. Following the 20 September protests, the Supreme State Security Prosecution (SSSP) ordered the detention of thousands pending investigation in relation to vaguely worded “terrorism”-related charges were investigated. Extensive use of exceptional courts led to grossly unfair trials and, in some cases, death sentences. Executions continued. Torture remained rife in formal and informal places of detention. Conditions of detention remained dire, prompting mass hunger strikes. Women continued to face discrimination in law and practice. The authorities failed to protect women against high levels of sexual and gender-based violence. Lesbian, gay, bisexual, transgender and intersex (LGBTI) people in detention were forcibly subjected to invasive anal and sex determination tests. Dozens of workers and trade unionists were arbitrarily arrested and prosecuted for exercising their right to strike and protest. The authorities restricted Christians’ right to worship by closing at least 25 churches and failing to provide approval for thousands of others to be built or repaired. Refugees, asylum-seekers and migrants were arbitrarily arrested and detained for irregularly entering or leaving Egypt.

Background

In April, parliament approved constitutional amendments to lengthen the presidential term from four to six years, which would allow President Abdel Fattah al-Sisi to stay in power until 2030 if he wins another election. A referendum approved the amendments. Every three months, the authorities extended the state of emergency, in force since April 2017, thereby circumventing the constitutional six-month limit.

The government ended fuel subsidies in July. An official statistical survey concluded that 32.5% of Egyptians were living below the poverty line, a rise of nearly 5% since 2015.

In September, former military contractor Mohammed Ali released videos accusing the President and military of corruption and called for protests. In response, hundreds of people protested in Egypt’s capital, Cairo, its second city, Alexandria, and other cities on 20 September.

Attacks by armed groups in Sinai continued sporadically, though at a lesser rate than in previous years. In April, a suicide bombing killed seven people and injured 26 in a market in the town of Sheikh Zuweid.

On 13 November, Egypt’s third Universal Periodic Review was held at the UN Human Rights Council with members making 373 recommendations.

Egypt remained a member of the coalition led by Saudi Arabia and the United Arab Emirates (UAE) in the armed conflict in Yemen. Egypt remained a member of the coalition imposing economic and political sanctions on Qatar, along with Bahrain, Saudi Arabia and the UAE.

Freedom of Peaceful assembly

The authorities responded to peaceful protests in March, September and October with unlawful use of force, mass arbitrary arrests, disproportionate road closures and censorship.

In March, after a spontaneous protest broke out following a train derailment that left at least 27 people dead in downtown Cairo, scores of protesters and bystanders were arrested. Many of them remained in pre-trial detention at the end of the year.

In response to the 20 September protests, authorities used excessive force, blocked off roads and closed metro stations in downtown Cairo, and arrested at least 4,000 people; it was the largest wave of mass arrests since President Abdel Fattah al-Sisi came to power.[1] (https://www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/report-egypt/#_ftn1) The authorities carried out sweeping arrests of hundreds of peaceful protesters, including children, as well as more targeted arbitrary arrests of human rights lawyers, journalists, political activists and politicians. At least 3,715 of those arrested were detained pending investigation in relation to “terrorism”-related charges – the largest single protest-related criminal investigation in Egypt’s history. Police randomly stopped individuals in Cairo and Alexandria, ordered them to hand over their phones or show them their social media accounts and, in some cases, arrested them.

Freedom of expression

Security forces arbitrarily arrested and detained at least 20 journalists solely for peacefully expressing their opinions.

Among them were Sayed Abdellah, a journalist, and Mohammed Ibrahim, a journalist and founder of the well-known blog “Oxygen Egypt”, who were arbitrarily detained from September for posting videos and news about the protests against the President.

On 23 November, security officers arbitrarily arrested Shady Zalat, editor of the independent media platform Mada Masr, at his home and held him for almost two days. The next day, security forces raided Mada Masr’s office and briefly detained 16 staff. On 26 November, journalists Solafa Magdy, Hossam El-Sayed and Mohamed Salah were arrested and subsequently detained pending investigations on “terrorism”-related charges.[2] (https://www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/report-egypt/#_ftn2)

The authorities added the websites of the broadcasters BBC and Alhurra to the list of 513 websites already blocked in Egypt, including those of news and human rights organizations.

Freedom of association

The authorities continued to severely restrict human rights organizations’ and political parties’ freedom of association.

Political parties faced arbitrary restrictions on their work, such as organizing public events, and increasing arrests of their members. Leading political figures, including Ziad el-Elaimy, Hisham Fouad and Hossam Moanis, were arrested to stop them founding a coalition to contest the 2020 parliamentary elections.[3] (https://www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/report-egypt/#_ftn3) In September and October, police arrested several members from five political parties, including Khaled Dawoud, former Secretary General of the Dostour party, after the parties called on the authorities to respect the right to assemble.

In August, the President ratified a new NGO law that maintained the most draconian provisions of the 2017 law it replaced, including giving the authorities wide powers to dissolve independent human rights groups and criminalizing legitimate activities of NGOs.[4] (https://www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/report-egypt/#_ftn4)

Human rights defenders

The politically motivated criminal investigation into the activities and funding of staff members of human rights organizations known as Case 173 remained active. At least 31 staff members of civil society organizations continued to be banned from travelling abroad.

Following the 20 September protests, human rights defenders were increasingly targeted for arrest, torture and other ill-treatment, prolonged detention and criminal investigations.

On 22 September, security forces arrested Mahienour el-Masry, a human rights defender and lawyer, as she left the SSSP building in Greater Cairo where she had been representing a detained human rights lawyer. The following week, *Mohamed el-Baqer*, a lawyer and director of the Adalah Center for Rights and Freedoms, was arrested and ill-treated after he represented a detained activist. A few days later, plain-clothes police kidnapped Esraa Abdelfattah, a human rights defender and journalist, then tortured her at an undisclosed location. All three human rights defenders remained in pre-trial detention in relation to unfounded “terrorism”-related charges at the end of 2019.

Unfair trials

In April, constitutional amendments expanded the role of military courts in prosecuting civilians. They also undermined the independence of the judiciary by granting the President more powers to appoint heads of judicial bodies, and enshrined impunity for members of the armed forces.

Following the 20 September protests, the SSSP – a special branch of the Public Prosecution responsible for investigating national security threats – ordered the detention of thousands of people, including at least 111 children, pending investigation in relation to vaguely worded “terrorism” charges.[5] (https://www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/report-egypt/#_ftn5) Neither the accused nor their lawyers were allowed to examine the charges, which were based on reports by the National Security Agency (NSA). Lawyers were often prevented from adequately representing their clients; some were abducted or arrested. Such measures severely undermined due process. In at least five cases, the SSSP bypassed court decisions to release suspects by issuing new detention orders on similar charges.

Extensive use of exceptional courts, including terrorism circuits, military courts and state security courts, led to grossly unfair trials. Although the authorities reduced the number of terrorism circuits from nine to four, the circuits convicted and sentenced dozens of defendants in cases that were marred by allegations of enforced disappearance and torture, often without properly establishing individual criminal responsibility. The courts continued to extend the detention of suspects at the behest of the SSSP, in some cases for over the two-year limit specified by law. In October, a terrorism circuit court sentenced six defendants to death, eight to life imprisonment and 12, including two child offenders, to 10 years in prison. The defendants had been subjected to enforced disappearance and said they had been tortured.

Courts also imposed repressive probation measures on dozens of individuals, including prisoners of conscience imprisoned after unfair trials, to punish them after their release and hinder them from carrying out political activities, ordering them to spend up to 12 hours a day in police stations. At least four people previously detained arbitrarily were rearrested while in police stations fulfilling their probation requirements. They included Alaa Abd El-Fattah, a blogger and activist, who was rearrested on 29 September in a Cairo police station. The SSSP ordered his detention pending investigation in relation to “terrorism”-related charges.

Death penalty

Courts including military and terrorism circuits handed down death sentences against men and women after unfair, mass trials. The Supreme Military Court of Appeals and the Court of Cassation upheld death sentences, and executions were carried out.[6] (https://www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/report-egypt/#_ftn6) In February, for example, 15 men convicted in three different trials related to the murder of officials were executed. Their trials were marred by allegations of enforced disappearance and torture, as well as the use of forced confessions.

Enforced disappearances

Hundreds of dissidents were forcibly disappeared for up to 183 days. According to the Egyptian Commission for Rights and Freedoms, at least 710 people were subjected to enforced disappearance during 2019. Among them was Ibrahim Ezz el-Din, a housing rights researcher at the Commission, who was arrested on 11 June. He reappeared outside the SSSP building on 26 November. The NSA alleged that he had been arrested only a day before his reappearance. Ibrahim Ezz el-Din said security forces had tortured him. The SSSP did not open an investigation into his enforced disappearance or torture allegations.

Torture and other-ill treatment

Torture remained rife in formal and informal places of detention. Only in rare cases did the authorities prosecute alleged perpetrators of torture.

Following his rearrest on 29 September, blogger Alaa Abdel Fattah was transferred to the notorious Tora maximum security prison 2 in the south of Greater Cairo, where prison officers blindfolded him, stripped him of his clothing, beat and kicked him repeatedly, and verbally abused him.[7] (https://www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/report-egypt/#_ftn7)

In August, Hossam Hamad died in al-Aqrab prison. Prosecutors failed to investigate claims that he had been tortured.

Some action was taken in relation to past cases. In February, a court in Sohag sentenced three policemen to three years in prison for torturing and killing Mohamed Saleh, a detainee, in 2016, as well as a doctor to one year in prison for covering up the crime. In October, prosecution authorities indicted 10 police officers for the 2016 torture and killing of street vendor Magdy Maken in Ameriya police station in Cairo. In November, the Court of Cassation upheld a three-year prison sentence against six policemen for torturing a detainee to death in 2016. In December, the Cairo Criminal Court sentenced nine policemen to three years in prison for torturing and killing Hussein Farghali in Wayli police station in Cairo in 2016.

Detention conditions

Overcrowded and unhygienic cells, lack of ventilation, prolonged solitary confinement and denial of family visits contributed to inhumane conditions of detention across the country. Perceived government critics suffered prolonged solitary confinement and denial of adequate medical care that amounted to torture. Among them was Aisha al-Shater, who had been held in solitary confinement since she was arrested in November 2018, following which she was tortured with beatings and electric shocks, sources told Amnesty International. She was critically ill at the end of the year.[8] (https://www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/report-egypt/#_ftn8) In July, around 130 detainees in al-Aqrab prison staged a hunger strike over their detention conditions, including the denial of family visits for years.[9] (https://www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/report-egypt/#_ftn9) Dozens of detainees died in places of detention, some reportedly as a result of their detention conditions.

In June, former President Mohamed Morsi died during a court hearing following years of detention in solitary confinement and inadequate medical care. The UN Special Rapporteur on extrajudicial, summary or arbitrary executions found that the prison regime in Egypt may have directly led to his death.

Women's rights

Women continued to face discrimination in law and practice.

The authorities failed to prevent, adequately investigate or punish perpetrators of violence against women, which remained widespread. They also continued to violate survivors' confidentiality during the stages of reporting and litigation. In some cases, police forced survivors reporting violence to stay overnight at a police station or refused to register their complaint. Several cases were reported of police requiring women who submitted complaints about sexual violence to undergo virginity tests. In a rare case of sexual violence being investigated, police detained three men suspected of raping a 17-year-old woman in Farshout, a town in southern Egypt.

Rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people

The authorities continued to arrest and prosecute LGBTI individuals on the basis of their real or perceived sexual orientation or gender identity, often subjecting them to forced anal and sex determination tests, a practice that amounts to torture. In January a court sentenced Mohamed al-Ghiety, a TV presenter who had publicly expressed homophobic views, to one year's imprisonment and a fine for interviewing a gay man (<https://www.youtube.com/watch?v=67B-p5GtDVQ>) on TV; the sentence served to intimidate people from publicly discussing LGBTI issues.

In February, Malak al-Kashef, a transgender woman and human rights defender, was arbitrarily detained in relation to a protest. She was detained for four months in the all-male Mazra’at Tora prison and subjected to a forced anal examination at a government hospital, where she also suffered other forms of sexual assault by medical staff.[10] (https://www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/report-egypt/#_ftn10)

Workers' rights

In August, parliament amended the 2017 Trade Unions Law, which undermines the right to strike and form independent trade unions. The amendments reduced the minimum number of members required to form a trade union and removed the punishment of imprisonment for breaching the provisions of the law, including falsification of the founding documents. However, the Ministry of Manpower and its affiliated directorates continued to refuse to formally recognize new independent trade unions by obstructing or delaying bureaucratic procedures, thereby restricting the right of workers to organize freely, gain legal recognition for their unions, carry out their legitimate activities and elect their executive bodies.

Security forces arbitrarily detained at least 41 workers and trade unionists, some of whom were prosecuted, solely for exercising their right to strike and protest peacefully. In September, the police detained six workers in Ismailia’s investment zone who were calling for salary increases and improved benefits. In October, police detained 17 employees of the state-owned Eastern Tobacco Company for protesting for a pay rise, fixed-term contracts for temporary workers and other improvements to their conditions.

Freedom of religion and belief

The authorities continued to restrict in law and practice the right of Christians to worship. Christians’ right to build and repair churches remained restricted under a 2016 law requiring approval from state bodies, including security agencies. According to the Egyptian Initiative for Personal Rights, such bodies granted full legal registration to less than 200 churches, out of a total of 5,540 that had made applications, while only 1,412 churches received preliminary conditional approvals. Security forces closed at least 25 churches on the grounds of their illegal status or on the pretext of avoiding sectarian tensions. In April, security forces closed Naga al-Ghafir church in Sohag and prohibited collective worship in it.

On 23 November, Coptic Christian activist Ramy Kamel was arbitrarily arrested days before his participation in a session of the UN Forum on Minority Issues in Geneva, Switzerland. He was detained on “terrorism”-related charges for speaking out about the rights of religious minorities in Egypt and for his previous engagement with the UN Special Rapporteur on adequate housing during her visit to Egypt in 2018.

Migrants, refugees and asylum-seekers

The authorities continued to arbitrarily arrest and detain migrants, refugees and asylum-seekers. Between July and September, security forces detained at least 23 Syrians, including 13 children, in police station in the southern city of Edfu for irregularly crossing the Sudanese-Egyptian border; all remained detained at the end of the year.

[1] (https://www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/report-egypt/#_ftnref1) Amnesty International, *Egypt: Largest wave of mass arrests since President Abdel Fattah al-Sisi came to power* (<https://www.amnesty.org/ar/latest/news/2019/10/egypt-largest-wave-of-mass-arrests-since-president-abdel-fattah-al-sisi-came-to-power/>) (Press release, 2 October 2019). <https://www.amnesty.org/en/latest/news/2019/10/egypt-largest-wave-of-mass-arrests-since-president-abdel-fattah-al-sisi-came-to-power/> (<https://www.amnesty.org/en/latest/news/2019/10/egypt-largest-wave-of-mass-arrests-since-president-abdel-fattah-al-sisi-came-to-power/>)

[2] (https://www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/report-egypt/#_ftnref2) Amnesty International, *Egypt: Three journalists arbitrarily detained – Solafa Magdy, Hossam el-Sayed and Mohamed Salah* (<https://www.amnesty.org/ar/documents/mde12/1602/2019/ar/>) (Index: MDE 12/1602/2019). <https://www.amnesty.org/en/documents/mde12/1602/2019/en/> (<https://www.amnesty.org/en/documents/mde12/1602/2019/en/>)

[3] (https://www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/report-egypt/#_ftnref3) Amnesty International, *Egypt: Three politicians arbitrarily detained – Zyad el-Elaimy, Hossam Moanis and Hisham Fouad* (<https://www.amnesty.org/en/documents/mde12/0839/2019/ar/>) (Index: MDE 12/0839/2019). <https://www.amnesty.org/en/documents/mde12/0839/2019/en/> (<https://www.amnesty.org/en/documents/mde12/0839/2019/en/>)

[4] (https://www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/report-egypt/#_ftnref4) Amnesty International, *Egypt: Amendments to repressive NGO law little more than token “cosmetic” changes* (<https://www.amnesty.org/ar/latest/news/2019/07/egypt-amendments-to-repressive-ngo-law-little-more-than-token-cosmetic-changes/>) (Press release, 16 July 2019). <https://www.amnesty.org/en/latest/news/2019/07/egypt-amendments-to-repressive-ngo-law-little-more-than-token-cosmetic-changes/> (<https://www.amnesty.org/en/latest/news/2019/07/egypt-amendments-to-repressive-ngo-law-little-more-than-token-cosmetic-changes/>)

[5] (https://www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/report-egypt/#_ftnref5) Amnesty International, *Egypt: Permanent state of exception – abuses by the Supreme State Security Prosecution*

(<https://www.amnesty.org/ar/documents/mde12/1399/2019/ar/>) (Index: MDE 12/1399/2019). <https://www.amnesty.org/en/documents/mde12/1399/2019/en/> (<https://www.amnesty.org/en/documents/mde12/1399/2019/en/>)

[6] (https://www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/report-egypt/#_ftnref6) Amnesty International, *Egypt: Execution of nine men after an unfair trial a monumental disgrace* (<https://www.amnesty.org/ar/latest/news/2019/02/egypt-execution-of-nine-men-after-an-unfair-trial-a-monumental-disgrace/>) (Press release, 20 February 2019). <https://www.amnesty.org/en/latest/news/2019/02/egypt-execution-of-nine-men-after-an-unfair-trial-a-monumental-disgrace/> (<https://www.amnesty.org/en/latest/news/2019/02/egypt-execution-of-nine-men-after-an-unfair-trial-a-monumental-disgrace/>)

[7] (https://www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/report-egypt/#_ftnref7) Amnesty International, *Egypt: Torture of activist Alaa Abdel Fattah illustrates use of extreme brutality to crush dissent* (<https://www.amnesty.org/ar/latest/news/2019/10/egypt-torture-of-activist-alaa-abdel-fattah-illustrates-use-of-extreme-brutality-to-crush-dissent/>) (Press release, 10 October 2019). <https://www.amnesty.org/en/latest/news/2019/10/egypt-torture-of-activist-alaa-abdel-fattah-illustrates-use-of-extreme-brutality-to-crush-dissent/> (<https://www.amnesty.org/en/latest/news/2019/10/egypt-torture-of-activist-alaa-abdel-fattah-illustrates-use-of-extreme-brutality-to-crush-dissent/>)

[8] (https://www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/report-egypt/#_ftnref8) Amnesty International, *Egypt: Aisha el-Shater critically ill amid torture and denial of medical treatment in prison* (<https://www.amnesty.org/ar/latest/news/2019/11/egypt-aisha-el-shater-critically-ill-amid-torture-and-denial-of-medical-treatment-in-prison/>) (Press release, 21 November 2019). <https://www.amnesty.org/en/latest/news/2019/11/egypt-aisha-el-shater-critically-ill-amid-torture-and-denial-of-medical-treatment-in-prison/> (<https://www.amnesty.org/en/latest/news/2019/11/egypt-aisha-el-shater-critically-ill-amid-torture-and-denial-of-medical-treatment-in-prison/>)

[9] (https://www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/report-egypt/#_ftnref9) Amnesty International, *Egypt: Mass hunger strike at al-Aqrab prison over denial of family visits and dire conditions* (<https://www.amnesty.org/ar/latest/news/2019/07/egypt-mass-hunger-strike-at-al-aqrab-prison-over-denial-of-family-visits-and-dire-conditions/>) (Press release, 31 July 2019). <https://www.amnesty.org/en/latest/news/2019/07/egypt-mass-hunger-strike-at-al-aqrab-prison-over-denial-of-family-visits-and-dire-conditions/> (<https://www.amnesty.org/en/latest/news/2019/07/egypt-mass-hunger-strike-at-al-aqrab-prison-over-denial-of-family-visits-and-dire-conditions/>)

[10] (https://www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/report-egypt/#_ftnref10) Amnesty International, *Egypt: Forcibly disappeared transgender woman at risk of sexual violence and torture* (<https://www.amnesty.org/ar/latest/news/2019/03/egypt-forcibly-disappeared-transgender-woman-at-risk-of-sexual-violence-and-torture/>) (Press release, 7 March and

updated 11 March 2019). <https://www.amnesty.org/en/latest/news/2019/03/egypt-forcibly-disappeared-transgender-woman-at-risk-of-sexual-violence-and-torture/>
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Austrian Red Cross

Austrian Centre for Country of Origin and Asylum Research
and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien

T (Telefon) +43 1 589 00 583

F (Fax) +43 1 589 00 589

info@ecoi.net

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