



Home Office

Country Information and Guidance

Egypt: Background information, including actors of protection and internal relocation.

May 2015

Preface

This document provides guidance to Home Office decision makers on handling claims made by nationals/residents of – 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 within this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

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 [e-mail us](#).

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/>

It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

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Section 1: Guidance

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1.1 Summary of Issues

- ▶ In general are those at risk able to seek effective protection?
- ▶ In general are those at risk able to internally relocate within Egypt?

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1.2 Consideration of Issues

In general are those at risk able to seek effective protection?

- 1.2.1 Since assuming office in June 2014, former army chief Egyptian President Abdel Fattah el-Sisi has been making a series of slow but deliberate legal moves to restore and strengthen the authority of state institutions. In the absence of parliament, he has taken advantage of a constitutional vacuum to lay the groundwork for authorities to act with wide discretion and little public oversight. The new constitution has increased the military's independence from civilian oversight.
- 1.2.2 The Egyptian National Police Force which has approximately 350,000 personnel is responsible for law enforcement and maintaining public order across the country. Since the removal of President Morsi the ENPF have become more visible. It has a number of specialist agencies, including the General Directorate of Criminal Investigation and the General Administration of Criminal Evidence Verification. All police cadets are trained at the Mubarak Police Academy in Cairo.
- 1.2.3 Professionalism varies across the police. While criminal investigation for minor crimes falls short of western standards generally police may pursue serious crimes more assertively. However the police force is widely distrusted and its effectiveness in general is limited by a shortage of equipment, a lack of training and poor investigational skills, in particular it did not investigate sexual violence sufficiently.
- 1.2.4 Egypt has an established judicial system with three levels of ordinary courts and rights of appeal up to the Supreme Court or Court of Cassation. Independence is constitutionally protected and the highest courts frequently rule against the government (which the government generally respected in non political cases) although the Ministry of Justice is given wide powers over judges which provide scope for abuse. Other challenges for the judiciary include the underrepresentation of female judges, the need for increased professionalism and resources, and the continued use of military and other exceptional courts. The judiciary had a number of procedural deficiencies that deprive detainees of basic due process rights. Criminal hearings were often held in closed sessions reducing transparency and credibility, were often not heard in a reasonable time and trials often violated Egyptian law as well as international standards, including mass trials that awarded the death penalty. For example, some trials proceeded in the absence of the defendants and their lawyers. In others, judges prevented defendants or their lawyers from presenting evidence in their own defence or cross-examining prosecution witnesses. In many cases, courts convicted defendants despite an absence of substantive evidence against them. Charges brought in military courts are often vague or fabricated, defendants are denied due process, and basic evidentiary standards are routinely disregarded.

- 1.2.5 If the person's fear is of ill treatment/persecution at the hands of the state, it is unreasonable to consider they would be able to avail themselves to the authorities for protection.
- 1.2.6 For persons fearing non-state agents, decision makers must assess whether effective protection is available in relation to the particular circumstances and profile of the person. Any past persecution and past lack of effective protection may indicate that effective protection would not be available in the future. The onus is on the applicant to demonstrate that the security forces and judiciary would not be willing and able to provide protection. Women fearing sexual or gender based violence may be unable to access effective protection.

See also

- ▶ Asylum Instruction on: [Assessing credibility and refugee status](#)
- ▶ Country information: see [Actors of Protection](#)
- ▶ [Country Information and Guidance – Egyptian Christians](#)

Are those at risk able to internally relocate within Egypt?

- 1.2.7 Internal relocation is not a viable option where the persecutor is the state.
- 1.2.8 In general internal relocation to another area of Egypt may be viable where the threat is from non state agents depending on the nature of that threat and the individual circumstances of the person, and as long as it would not be unduly harsh to expect them to do so.
- 1.2.9 Egypt is just over 1 million square kilometres in area, with a population of 84 million. The constitution provides for freedom of internal movement and the government generally respected these rights. Military zones, in border areas and large areas of Sinai, are prohibited areas and straying into them could lead to arrest. Egyptian authorities also placed travel restrictions and curfews to certain areas of the country due to its counterinsurgency efforts.
- 1.2.10 Cities, such as Cairo and Alexandria, have large, socio-economically and culturally diverse populations which co-exist, for the most part, peaceably. Many people move to different parts of Egypt for social and economic reasons. Egyptians can relocate to these areas to escape a risk of persecution or harm in their hometowns, and to reduce the risk of future harm.
- 1.2.11 Unmarried young women occasionally had to provide their father's written permission to obtain a passport and to travel. Many women complained about their exposure to sexual harassment and assault whilst using public transport.
- 1.2.12 Careful consideration must be given to the relevance and reasonableness of internal relocation on a case by case basis taking full account of the individual circumstances of the particular person. Decision makers need to consider the ability of the persecutor to pursue the person in the proposed site of relocation, and whether effective protection is available in that area. Decision makers will also need to consider the age, gender, health, ethnicity, religion, financial circumstances and support network of the person, as well as the security, human rights and socio-economic conditions in the proposed area of relocation, including their ability to sustain themselves.

See also

- ▶ Internal Relocation in [Assessing credibility and refugee status](#),

- ▶ Internal relocation in [Country Information and Guidance – Egyptian Christians, July 2014](#)
- ▶ [Country Information, Freedom of movement](#)

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1.3 Policy Summary

- In general a person fearing non state agents of persecution may be able to obtain state protection; however this is dependant on the particular circumstances of the case and profile of the person.
- The state's ability to provide protection may be limited in some cases due to the police force's general lack of training and equipment, poor investigational skills and its ability to operate within a culture of impunity with poor adherence to procedure.
- There is an established judicial process and judiciary which operates throughout the country, albeit with some shortfalls in due process and procedure. While the judiciary may be manipulated by the government, its decisions in non political cases are generally respected. However each case will need to be considered on its individual facts.
- In general where the threat is from non state agents internal relocation to another area of Egypt is likely to be a viable option but will depend on the nature and origin of the threat as well as the personal circumstances of the person.

See also the Asylum Instructions on

- ▶ [Non-Suspensive Appeals: Certification Under Section 94 of the NIA Act 2002](#)
- ▶ [Discretionary Leave](#)

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Section 2: Information

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2.1 History

- 2.1.1 An overview of Egypt's recent history can be found in the BBC News [Egypt profile](#)¹, which also includes a timeline of events.

2.2 Economy

- 2.2.1 The Australian Department of Foreign Affairs and Trade provided the following economic overview in its January 2014 country report on Egypt:

'Poverty is endemic in Egypt, with around a quarter of the population living below the poverty line, and about another quarter living just above that line. For much of the population, economic opportunities are limited and standards of health and education are poor. According to Egyptian Government figures, unemployment is around 13 per cent (with 74 per cent of those unemployed aged between 15 and 29) and inflation is approximately 10 per cent, leaving goods and services increasingly out of reach of the poor. Increased domestic demand for energy has strained supply and caused significant power outages'.²

- 2.2.2 The CIA World Factbook gave the following information about the Egyptian economy:

'Poor living conditions and limited job opportunities for the average Egyptian contribute to public discontent, a major factor leading to the January 2011 revolution that ousted Mubarak. The uncertain political, security, and policy environment since 2011 caused economic growth to slow significantly, hurting tourism, manufacturing, and other sectors and pushing up unemployment. Weak growth and limited foreign exchange earnings have made public finances unsustainable, leaving authorities dependent on expensive borrowing for deficit finance and on Gulf allies to help cover the import bill.'³

- 2.2.3 The European Commission reported in March 2015 on Egypt's economic reform as follows:

'Egypt's social instability and security threats continued to undermine the economy. The macroeconomic situation remained weak and fragile, with persistent external and internal imbalances

'Real GDP growth remained subdued but stable at 2.2 % for the fiscal year 2013-14, driven by private consumption, but was held back by weaker exports, tourism and investment. On the upside, quarterly GDP growth data show an upward trend. Inflation remained persistently high at more than 10 % on average. Monetary policy was tightened in July [2014], when the Central Bank increased the benchmark interest rates by 100 basis points, in response to inflationary pressures and in support of the Egyptian pound. The fiscal deficit remained unsustainably high, reaching 13.6 % of GDP reflecting two stimulus packages and various spending pledges.

¹ BBC News,, Egypt profile - Timeline, 23 April 2015 <http://www.bbc.co.uk/news/world-africa-13315719> Accessed 30 April 2015

² Australian Department of Foreign Affairs and Trade (DFAT), DFAT Country Report, Egypt, (Economic Overview, para. 2.6) 28 January 2014
<http://www.immi-gv-au.net/media/publications/pdf/cgn-egypt.pdf> Accessed 19 January 2015

³ CIA World, Factbook (economy) , Last updated: 21 April 2015, <https://www.cia.gov/library/publications/the-world-factbook/geos/eg.html> Accessed 30 April 2015

'The unemployment rate rose to 13.4 % in 2014, with youth unemployment reaching 22.1 % for 25-29 year olds and 46.4 % for 20-24 year olds. The latest household survey showed an increase in poverty, with 25.2 % of Egyptians living below the national poverty line, and 23.7 % just above it. On the positive side, extreme poverty fell to 4.8%.'⁴

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2.3 Geography and demography

- 2.3.1 Egypt lies in Northern Africa, bordering the Mediterranean Sea, between Libya and the Gaza Strip, and the Red Sea north of Sudan, and includes the Asian Sinai Peninsula.⁵
- 2.3.2 Its capital is Cairo⁶ and the country is divided into 27 governorates, each of which is further divided into regions. Each governorate has a capital city and a governor appointed by the president, to serve at the president's discretion. New governors were appointed on 13 August 2013.⁷
- 2.3.3 Egypt is just over 1 million square kilometres in area, with a population of 84 million. Ninety-eight per cent of Egyptians live in just three per cent of its area—in the fertile areas of the Nile Valley and along the Suez Canal. About half of Egypt's residents live in urban areas. Cairo is Egypt's largest city, with a population of 11.1 million (2011 estimate). Alexandria, Egypt's second largest city, has a population of 4.3 million (2011 estimate).⁸
- 2.3.4 The overwhelming majority—99.6 per cent—of Egyptians are ethnically Arab (2006 census). Sunni Muslims constitute approximately 90 per cent of the population. Coptic Christians make up approximately 10 per cent, with the remainder made up of other religious minorities, including Shia Muslims, non-Coptic Christians, Baha'is and Jews.⁹
- 2.3.5 Religious minorities generally live dispersed throughout Egypt. For instance, there are suburbs in Cairo, other cities and some villages that are known to be 'Coptic' areas, but few are exclusively Coptic. Likewise, there are few areas that are exclusively Muslim.¹⁰

For more information on Christians see [Country Information and Guidance – Egypt: Christians](#)

⁴ European Commission, Implementation Of The European Neighbourhood Policy In Egypt Progress In 2014 And Recommendations For Actions Accompanying The Document Joint Communication To The European Parliament, The Council, The European Economic And Social Committee And The Committee Of The Regions [SWD(2015) 65 final], 25 March 2015, (3. Economic Reform and Social Reform and Development), http://www.ecoi.net/file_upload/1226_1427815882_egypt-enp-report-2015-en.pdf, Accessed 30 April 2015

⁵ CIA World, Factbook (geography) , Last updated: 21 April 2015, <https://www.cia.gov/library/publications/the-world-factbook/geos/eg.html> Accessed 30 April 2015

⁶ CIA World, Factbook (government), Last updated: 21 April 2015, <https://www.cia.gov/library/publications/the-world-factbook/geos/eg.html> Accessed 30 April 2015

⁷ Australian Department of Foreign Affairs and Trade (DFAT), DFAT Country Report, Egypt, (Political System, para. 2.11), 28 January 2014

<http://www.immi-gv-au.net/media/publications/pdf/cgn-egypt.pdf> Accessed 19 January 2015

⁸ Australian Department of Foreign Affairs and Trade (DFAT), DFAT Country Report, Egypt, (Demography, para. 2.21), 28 January 2014

<http://www.immi-gv-au.net/media/publications/pdf/cgn-egypt.pdf> Accessed 19 January 2015

⁹ Australian Department of Foreign Affairs and Trade (DFAT), DFAT Country Report, Egypt, (Demography, para. 2.22), 28 January 2014

<http://www.immi-gv-au.net/media/publications/pdf/cgn-egypt.pdf> Accessed 19 January 2015

¹⁰ Australian Department of Foreign Affairs and Trade (DFAT), DFAT Country Report, Egypt, (Demography, para. 2.23), 28 January 2014

<http://www.immi-gv-au.net/media/publications/pdf/cgn-egypt.pdf> Accessed 19 January 2015

2.4 Constitution

- 2.4.1 Egypt's new constitution was approved by 98% of participants (38.6% turnout) in the first Egyptian vote of the post-Morsi era in January 2014.¹¹ See [Constitution of The Arab Republic of Egypt 2014](#)¹².

2.5 Political system

- 2.5.1 As cited by Jane's Security Assessment:

'The president is elected every four calendar years, according to the 2014 constitution, and can only be re-elected once. A presidential candidate must be endorsed by at least 20 elected House of Representatives members, or by at least 25,000 citizens eligible to vote, with at least 1,000 supporters across at least 15 governorates. The president is the supreme commander of the armed forces. The defence minister is, however, the commander-in-chief of the armed forces and this appointment must be approved by the Supreme Council of the Armed Forces (SCAF). The defence minister also heads the SCAF, while it was previously headed by the president. The president can only dissolve parliament following a referendum. Parliament can now also declare a no-confidence vote in the president if the motion is approved by two-thirds of its members. The president selects the prime minister from the majority coalition or party in the House of Representatives, and if the government fails to win the house's confidence, it is automatically dissolved. Cabinet reshuffles by the president must also gain the approval of parliament. A state of emergency is limited to three months, and two-thirds of parliament must approve subsequent extensions.'¹³

- 2.5.2 The same report continued:

'The upper parliamentary house, the Majlis el-Shura (Advisory Council), has been abolished in the 2014 constitution. Instead, Egypt's legislature consists of a single House of Representatives, with no less than 450 members. The house can now also declare a no-confidence vote in the president if the motion is approved by two-thirds of its members. It is elected every five years. The president can appoint a maximum of 5% of the house's members, and the new constitution abolished the Nasser-era quota preserving 50% of seats for workers and farmers. The president previously had the power to appoint up to 35% of Shura members. The president, the cabinet, and any member of the house can propose laws. Whenever parliament approves a law, the president can refer it back within 30 days; otherwise, the law would be issued.'¹⁴

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Political turmoil leading to the 2014 constitution

- 2.5.3 The BBC News, in its Egypt profile, dated 11 November 2014, noted:

¹¹ The Guardian, Egypt's new constitution gets 98% 'yes' vote, 18 January 2014.
<http://www.theguardian.com/world/2014/jan/18/egypt-constitution-yes-vote-mohamed-morsi> Accessed 21 January 2015

¹² Constitution of the Arab Republic of Egypt [Egypt], 18 January 2014,
<http://www.refworld.org/docid/3ae6b5368.html> Accessed 21 January 2015

¹³ Jane's Information Group Sentinel Security Assessment: Egypt, Internal affairs, updated 17 December 2014. Available on subscription only. Accessed 21 January 2015

¹⁴ Jane's Information Group Sentinel Security Assessment: Egypt, Internal affairs, updated 17 December 2014. Available on subscription only. Accessed 21 January 2015

'Encouraged by the protests that overthrew the long-term leader of Tunisia, mounting popular anger burst to the surface in huge anti-government demonstrations in January 2011 that eventually ended President Mubarak's long rule.

'The protesters' hoped-for transition [to] democracy proved elusive, however, as post-revolutionary politics became polarised between the newly ascendant Islamists on the one hand and the military as well as liberal and secular forces on the other. A growing Islamist militant insurgency has also shaken Egypt's stability.

'Following a year of interim military rule, the first presidential elections in half a century were won by Islamist Muslim Brotherhood candidate Mohammed Morsi in 2012. But a year on, growing dismay at the government's actions among many Egyptians - primarily secularists, liberals and Coptic Christians - boiled over in another wave of protests. Siding with the demonstrators, the military ousted Mr Morsi and violently suppressed the protest sit-ins held by the Brotherhood in response.

'The new authorities outlawed the Brotherhood, started drafting a new constitution and curbed media freedom. The army chief, Abdul Fattah al-Sisi, won the presidency in the May 2014 elections. His rise has left some fearing an effective return to military rule, while others are more apprehensive of a campaign of violence by the jihadist Ansar Beit al-Maqdis in Sinai.'¹⁵

2.5.4 The Economist, in an article of September 2014 added, 'Since Mr Sisi's election there have been few counterbalances to the incremental reassertion of state control. The Muslim Brotherhood is crushed and largely discredited, while secular opposition forces are marginalised and in disarray. Parliamentary elections, likely to be held by January, are expected to produce a low turnout and a weak, divided legislature.'¹⁶

2.5.5 The Foreign and Commonwealth Office's country case study of Egypt (part of its 2014 Human Rights and Democracy report) noted, 'In 2014, the Egyptian government completed two of the three steps in its road map for political transition. These were a referendum to adopt a new constitution in January, and presidential elections in May. But the human rights situation in Egypt remained poor and deteriorated in some areas, particularly with regards to freedom of expression and association. This had an impact on the political context in which the elections were held. The 2014 constitution enshrines a wide range of human rights, but these protections were not implemented in full.'¹⁷

2.5.6 The Carnegie Endowment for International Peace reported in October 2014 that: 'Since assuming office in June 2014, Egyptian President Abdel Fattah el-Sisi has been making a series of slow but deliberate legal moves to restore and strengthen the authority of state institutions. In the absence of parliament, he has taken advantage of a constitutional vacuum to lay the groundwork for authorities to act with wide discretion and little public oversight.'¹⁸

¹⁵ BBC News, Egypt Profile, 17 February 2015, <http://www.bbc.co.uk/news/world-africa-13313370> Accessed 1 May 2015

¹⁶ The Economist, Al-Sisi Ascendant, 20 September 2014 <http://www.economist.com/news/middle-east-and-africa/21618908-general-has-good-first-100-days-at-cost-political-freedom-al-sisi> Accessed 21 January 2015

¹⁷ UK Foreign and Commonwealth Office (FCO), 2014 Human Rights and Democracy report, 12 March 2015. Country case study - Egypt

<https://www.gov.uk/government/case-studies/country-case-study-egypt> Accessed 18 March 2015

¹⁸ Carnegie Endowment for International Peace, Egypt's Resurgent Authoritarianism: It's a Way of Life, 9 October 2014 <http://carnegieendowment.org/2014/10/09/egypt-s-resurgent-authoritarianism-it-s-way-of-life/hrez> accessed 4 May 2015

2.5.7 Human Rights Watch reports in March 2015 that 'Under the constitution, new parliamentary elections should have begun by July 2014. Instead, elections were scheduled for March and April 2015 but were postponed after the Supreme Constitutional Court ruled elements of the election law unconstitutional. No definite new date for the elections has been set.'¹⁹

► See also [Country Information and guidance – Muslim Brotherhood – October 2014](#)

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2.6 Actors of protection

Security and intelligence agencies

2.6.1 The Egyptian security and intelligence agencies include:

- National Police
- Central Security Forces
- Egyptian General Intelligence Service (Mukhabarat el-Aama)
- Military Intelligence (Mukhabarat el-Khabeya)
- Egyptian Homeland Security
- National Guard

2.6.2 The US Department of State reported in its Country Report on Human Rights 2013 that:

'The Ministry of Interior's primary security forces are the Egyptian National Police and the Central Security Forces. The Egyptian National Police are responsible for law enforcement nationwide. The Central Security Forces provide security for infrastructure and key domestic and foreign officials, and are responsible for crowd control. The Egyptian Armed Forces are generally responsible for external defence, but they also played a role in internal security during the year due to lack of police capacity. The interim government granted military personnel arrest authority during periods of significant turmoil during the year. The National Security Sector also played a role in investigating counterterrorism and internal security threats. Single-mission law enforcement agencies, such as the Tourist and Antiquities Police and the Antinarcotics General Administration, also worked throughout the country.'²⁰

2.6.3 The Central Security Force (CSF) was established in 1977 as a paramilitary force designed to augment the police and to obviate the need to call out the military to deal with domestic disturbances. It comes under the control of the Ministry of the Interior and has the strength of 325,000. The CSF strength includes conscript soldiers who may do some of their military service with the force.²¹

2.6.4 The Egyptian General Intelligence Service (EGIS), or Mukhabarat el-Aama, was traditionally attached to the presidency. The agency gathers intelligence on matters to do with national security, and has a particular counter-terrorism role. The agency was closely involved in tracing the international connections of Islamist extremists based in

¹⁹ Human Rights Watch, Law Changes Would Threaten Fair Trials, 22 March 2015

<http://www.hrw.org/news/2015/03/22/egypt-law-changes-would-threaten-fair-trials> accessed 4 May 2015

²⁰ US Department of State, Country Report on Human Rights Practices 2013, Egypt, 27 February 2014, section 2d <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dld=220350> Accessed 19 January 2014

²¹ Jane's Information Group Sentinel Security Assessment: Egypt, Security and Foreign forces, updated 14 January 2015. Available on subscription only. Accessed 21 January 2015

Egypt, including those linked to El-Gamaa el-Islamiyya, and is believed to have built up a considerable body of intelligence on the international operations of groups linked to, or inspired by, Al-Qaeda.²²

- 2.6.5 Military Intelligence, or Mukhabarat el-Khabeya, comes under the aegis of the Ministry of Defence. As with EGIS, its remit includes the investigation of matters to do with national security. However, its main role is to guarantee the political reliability of the armed forces. Traditionally, under the Hosni Mubarak regime, the service ensured that military officers supported the president and were not affiliated with Islamist extremists. The level of scrutiny was often intense as officials pored over family histories and imposed stringent rules, such as not allowing certain officers to marry foreign women and requiring "national awareness" tests.²³
- 2.6.6 Egyptian Homeland Security (EHS), originally called the National Security Force (NSF) was set up in March 2011 in the wake of the overthrow of the Hosni Mubarak regime. The new agency replaced the General Directorate for State Security Investigations (GDSSI), or Mubahath el-Dawla, which was dissolved following accusations of human rights abuses. EHS comes under the control of the Interior Minister, and has the role of preserving internal security and fighting terrorism.²⁴
- 2.6.7 The National Guard, subordinate to the minister of the interior, is a force of 60,000 equipped with armoured vehicles and with personnel in all the principal towns and cities in Egypt. It has become increasingly effective and has enjoyed significant success in countering terrorist activity.²⁵
- 2.6.8 According to the Carnegie Middle East Center, the Egyptian security sector 'was estimated conservatively to have 1 million personnel on its payroll at the time of the 2011 uprising, and more commonly 1.5–1.7 million, including up to 850,000 policemen and Interior Ministry staff, 30,000–100,000 State Security Investigations Service agents, up to 450,000 conscripts in the paramilitary Central Security Force, and 300,000–400,000 paid informers.'²⁶ The same source further notes in a March 2015 report that:
- 'Instead of reforming the security sector, Egypt has lurched toward the reconstitution of the Mubarak-era police state. Failure to pursue comprehensive reform contributed directly to the ouster in July 2013 of then president Mohamed Morsi, who had been the first civilian to assume the presidency through genuinely competitive elections, and to a full-fledged authoritarian reassertion.
- 'A police state harsher in its repression and more hegemonic politically in comparison to the Mubarak era has been reconstituting itself under military suzerainty. Increasingly draconian laws, hypernationalist discourse, and the expanding role of the security sector and armed forces in all aspects of civilian life herald an even more authoritarian

²² Jane's Information Group Sentinel Security Assessment: Egypt, Security and Foreign forces, updated 18 February 2015. Available on subscription only. Accessed 21 April 2015

²³ Jane's Information Group Sentinel Security Assessment: Egypt, Security and Foreign forces, updated 18 February 2015. Available on subscription only. Accessed 21 April 2015

²⁴ Jane's Information Group Sentinel Security Assessment: Egypt, Security and Foreign forces, updated 18 February 2015. Available on subscription only. Accessed 21 April 2015

²⁵ Jane's Information Group Sentinel Security Assessment: Egypt, Security and Foreign forces, updated 18 February 2015. Available on subscription only. Accessed 21 April 2015

²⁶ Carnegie Middle East Center, Missed Opportunity: The Politics of Police Reform in Egypt and Tunisia, 17 March 2015
<http://carnegie-mec.org/2015/03/17/missed-opportunity-politics-of-police-reform-in-egypt-and-tunisia/i5hy> accessed 4 May 2015

political order based on broader societal acceptance of the repressive practices of the state's coercive apparatus.'²⁷

Police.

2.6.9 Article (55) of the constitution stated:

'Every person who is either arrested, detained, or his freedom is restricted shall be treated in a manner that maintains his dignity. He/she may not be tortured, intimidated, coerced, or physically or morally harmed; and may not be seized or detained except in places designated for that purpose, which shall be adequate on human and health levels. The State shall cater for the needs of people with disability.

'Violating any of the aforementioned is a crime punished by Law'²⁸

2.6.10 Jane's Security Assessment, Egypt: Security and Foreign Forces, updated 14 January 2015, reported that there 350,000 people in the police force. Further noting that

'The Egyptian Police come under the control of the Ministry of the Interior. In each governorate, a director of police commands the police and, along with the governor, is responsible for maintaining public order. Both the director and the governor report to the Ministry of the Interior, the director through police channels. Municipal Police enforce law and order in smaller towns.

'The Interior Ministry has a number of sections or sectors controlling specialist police agencies. The Public Security Sector includes the General Directorate (GD) of Criminal Investigation, and the General Administration of Criminal Evidence Verification. The Specialised Police Sector includes the Central Traffic Department and the Civil Defence Administration. The Economic Security Sector includes specialist police bodies such as the Transport Police, Electricity Police, the Environment and Water Bodies Police, and a unit with the role of investigating tax evasion. There is a Security and Protection Sector which includes bodyguard units such as the GD of VIP Protection and the GD of Presidency Police; the sector also includes the GD of Tourism and Antiquities. The Social Security Sector includes an anti-drugs trafficking agency, the GD of Anti-Narcotics.

'Police cadets are trained at the Mubarak Police Academy in Cairo, which comprises the Police College, the Post-Graduate Studies College, the Training and Development College, and the Police Research Centre.'²⁹

2.6.11 United States Department of State, 2013 Country Reports on Human Rights Practices - Egypt, published 27 February 2014 noted, 'Police were more visible [than before] after Morsy's removal. The interim government insisted law enforcement activities had reduced crime, but there was no independent verification of this claim. Police investigative skills remained poor and, in particular, did not investigate sexual violence sufficiently.'³⁰

²⁷ Carnegie Middle East Center, Missed Opportunity: The Politics of Police Reform in Egypt and Tunisia, 17 March 2015
<http://carnegie-mec.org/2015/03/17/missed-opportunity-politics-of-police-reform-in-egypt-and-tunisia/i5hy> accessed 4 May 2015

²⁸ Constitution of the Arab Republic of Egypt [Egypt], 18 January 2014,
<http://www.refworld.org/docid/3ae6b5368.html> Accessed 27 January 2015

²⁹ Jane's Information Group Sentinel Security Assessment: Egypt, Security and Foreign forces, updated 18 February 2015. Available on subscription only. Accessed 21 April 2015

³⁰ United States Department of State, 2013 Country Reports on Human Rights Practices - Egypt, 27 February 2014, section 1.d <http://www.refworld.org/docid/53284ae79.html> Accessed 27 January 2015

2.6.12 Similarly, in a January 2015 report on 'Domestic, Public and State Violence Against Women in Egypt' Amnesty International reported that:

'Most cases of sexual assaults and harassment against women go unreported for a number of reasons, including the stigma attached to such violence and perceptions of the futility of seeking help from law enforcement bodies. Among other reasons cited for the reticence of survivors of sexual violence to pursue judicial remedies are the insensitive attitudes and gender bias of police officers, prosecutors and forensic examiners.

'A lawyer involved in sexual harassment cases told Amnesty International that police officers registering the complaints, as well as prosecutors investigating the cases, frequently encourage plaintiffs to drop the complaints and "forgive" the perpetrators. The lawyer attributed the attitude to a lack of professionalism, a desire to reduce their workload, and a failure to prioritize incidents they considered to be "minor" compared to murder or theft.

'Other lawyers and women's rights activists also blame the discriminatory culture against women that permeates all levels of Egyptian society, including law enforcement officials who pressure the plaintiff not to "create a scandal" or blame her for the incident based on her choice of attire or her "inappropriate" presence in public.'³¹

2.6.13 Writing at the beginning of 2014 the Australian Department of Foreign Affairs and Trade (DFAT) country report stated, 'The police force receives little training and has almost no experience in non-violent dispersal of rallies...Police sometimes arrest all people involved in violent sectarian tensions, including those defending their property from attack.'³²

2.6.14 The DFAT report also noted:

'The police and the CSF continue to suffer from shortfalls in training and equipment. Their reputation for brutality made them a focus for popular anger in the January 2011 uprising. There is widespread distrust in the police force's ability to deal with evidence, especially in respect of politically-sensitive cases.

'It is legally possible to obtain a police report if a suspect is questioned but no charges are laid. However, DFAT understands that, in practice, the police usually prefer not to do this, and so will make it difficult for the report to be obtained. If a charge is laid, the Office of the Public Prosecutor will, as a matter of course, give the defendant a copy of the report.

'Egyptian nationals may complain of mistreatment by the police to the Office of the Public Prosecutor. However, such an avenue of complaint is unlikely to lead to an outcome in favour of the complainant.

'Under the new Constitution, a new Supreme Police Council will hold veto powers over any legislation affecting police. Likewise, civilian intelligence officers will be subject to only military rather than civilian courts.'³³

³¹ Amnesty International, 'Circles of Hell': Domestic, Public and State Violence Against Women in Egypt, January 2015, Inadequate response by the authorities p.47

http://www.amnestyusa.org/sites/default/files/mde_120042015.pdf Accessed 4 May 2015

³² Australian Department of Foreign Affairs and Trade (DFAT) Country Report, Egypt, (demography), 28 January 2014, Violence at Protests, paragraph 4.2 and Arbitrary Arrest 4.12 (pages 22 & 23). <http://www.immi-gv-au.net/media/publications/pdf/cgn-egypt.pdf> Accessed 19 January 2015

³³ Australian Department of Foreign Affairs and Trade (DFAT) Country Report, Egypt, (demography), 28 January 2014, Police, paragraph 5.2-5.5(p.25). <http://www.immi-gv-au.net/media/publications/pdf/cgn-egypt.pdf> Accessed 19 January 2015

- 2.6.15 The report also noted 'The Egyptian police is a reflection of the Egyptian population; the increasingly conservative nature of Egyptian society is mirrored in the police force. Further, particularly in rural areas, the police live in the community they are policing and are subject to local pressure to make choices that are congruent with dominant social mores.'³⁴
- 2.6.16 The USSD Crime and Safety Report for Egypt aimed at US citizens living or travelling in Egypt which provides an assessment of the police (albeit the experience for foreign nationals may be different for Egyptians) observed that:
- 'Foreigners may experience a range of professionalism when dealing with Egyptian police. Emergency response times and the ability to conduct in-depth criminal investigations on petty crimes generally fall short of Western standards.
- Police are generally responsive to visitors in need of assistance and will initiate investigations based on the report of a crime. While misdemeanor [petty] crimes may not receive the attention a visitor would expect, police tend to pursue felonies [more serious crimes such as burglary and violence against the person] more assertively.'³⁵

Armed Forces

- 2.6.17 The total strength of Egypt's armed forces was estimated, in September 2014, at 458,500 (army: 340,000, air force: 100,000, navy: 18,500), with a total of 479 000 reserves.³⁶ Jane's assessed the army:
- 'The Egyptian Army is by far the most politically influential of the armed services, and has for decades seen itself as essential for the smooth running of the state. Ideally, the Army would like to maintain the power it has accrued since 1952 without having those responsibilities typical of a government. While, perhaps not unreasonably, seeing itself as the main guarantor of national security, unforgivably it also believes itself to be essential for national stability, over and above the heads of the electorate and a burgeoning democratic system that made its first appearance in Egypt after the fall of ex-president Hosni Mubarak. The Army played a pivotal role in the overthrow of then president Mubarak in February 2011, simply by quietly withdrawing its support for their long-term ally. In the immediate post-Mubarak period, the army adopted a wait and see attitude towards the newly emerging political reality in the country. Following a year of rule by President Mohamed Morsi and massive popular protests in July 2013, the Army reasserted its central role in national politics by deposing the country's first democratically elected president.'³⁷
- 2.6.18 Freedom House reported in February 2015 that:
- 'Since the 2013 coup, the military has dominated the political system, and all opposition forces have been thoroughly marginalized.
- 'The military leadership publicly endorsed Sisi's presidential candidacy, calling it a "mandate and an obligation" to the masses. The interim president—whose own

³⁴ Australian Department of Foreign Affairs and Trade (DFAT) Country Report, Egypt, (demography), 28 January 2014, Treatment of Minorities, paragraph 5.8 (p.25). <http://www.immi-qv-au.net/media/publications/pdf/cgn-egypt.pdf> Accessed 19 January 2015

³⁵ US State Department, Overseas Advisory Council, Egypt 2015 Crime and Safety Report, undated, <https://www.osac.gov/Pages/ContentReportDetails.aspx?cid=17373> accessed on 1 April 2015

³⁶ Jane's Information Group Sentinel Security Assessment: Egypt, Armed forces, updated 4 September 2014. Available on subscription only. Accessed 21 January 2015

³⁷ Jane's Information Group Sentinel Security Assessment: Egypt, Army, updated 3 September 2014. Available on subscription only. Accessed 21 January 2015

authority rested on a military decree—promoted Sisi to the rank of field marshal in January. Sisi resigned from the army when he formally announced his election bid, but he reportedly used military resources to fund his campaign and maintained a close relationship with the armed forces after taking office. The new constitution increased the military's independence from civilian oversight, including through the selection of the defense minister, who must be a military officer.³⁸

2.6.19 According to an April 2015 Carnegie Middle East Center report:

'The Egyptian military has gained unprecedented power since overseeing the ouster of two Egyptian presidents, Hosni Mubarak in 2011 and Mohamed Morsi in 2013. With its major political rivals sidelined, more than \$20 billion in Gulf aid, and widespread domestic support for General-Turned-President Abdel Fattah el-Sisi, the Egyptian Armed Forces (EAF) has restarted its defunct industrial operations, secured control over massive infrastructure projects, and inserted generals at virtually all levels of government. But political overreach and internal rivalries may prove obstacles to long-term EAF control.'³⁹

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Human rights violations and impunity

See also [detention and prison conditions](#)

2.6.20 Human Rights Watch, in a report of 21 January 2015, considered police detention conditions:

'Scores of Egyptians died in government custody in 2014, many of them packed into police stations in life-threatening conditions. Yet the authorities have taken no serious steps either to improve detention conditions or to independently investigate detainees' deaths.

'Some detainees appear to have died after being tortured or physically abused, Human Rights Watch found. But many appear to have died because they were held in severely overcrowded cells or did not receive adequate medical care for serious ailments.

"'Egypt's prisons and police stations are bursting at the seams with opposition supporters rounded up by the authorities," said Sarah Leah Whitson, Middle East and North Africa director. "People are being held in grossly overcrowded and inhumane conditions, and the mounting death toll is the wholly predictable consequence."

'Human Rights Watch independently documented nine deaths in custody since mid-2013 based on evidence from the victims' relatives and lawyers, as well as medical documents. In one case, the detainee appeared to have been beaten and then died in a severely overcrowded police cell. In the other cases, detainees who had heart disease, cancer, or other ailments were either denied necessary medical treatment or release on medical grounds, and in some cases were held in overcrowded conditions that exacerbated their health problems.

'A broad arrest campaign targeting the Muslim Brotherhood, which the government has labeled a terrorist organization, and others who oppose the government of President

³⁸ Freedom House, Freedom in the World 2015 - Egypt, 16 February 2015, available at: <http://www.refworld.org/docid/54e46b46e.html> Accessed 4 May 2015

³⁹ Carnegie Middle East Center, The Egyptian Armed Forces and the Remaking of an Economic Empire, 15 April 2015 <http://carnegie-mec.org/2015/04/15/egyptian-armed-forces-and-remaking-of-economic-empire/i736> accessed 4 May 2015

Abdel Fattah al-Sisi has strained Egypt's prisons. The influx of tens of thousands of people has led authorities to house many suspects in temporary detention sites.'⁴⁰

2.6.21 The report continued:

'Article 55 of Egypt's constitution, passed in 2014, forbids torturing or physically harming detainees, and requires authorities to treat all detainees "in a manner that maintains their dignity" and hold them in facilities that are "adequate on human and health levels." It states that violating those provisions is a crime. Article 56 states that prisons and places of detention should be subject to judicial supervision and that "actions inconsistent with human dignity or that endanger human health shall be prohibited."

'Despite the rising number of deaths and widespread reports of mistreatment, lack of medical care, and severe overcrowding, prosecutors have filed only one case against police linked to detainees' deaths since mid-2013. This stemmed from an August 18, 2013 incident in which 37 detainees died after police fired a tear gas canister into a prison van in which they were confined at Abu Zaabal Prison. A judge convicted four officers but, in July, an appeals court ordered them retried. The next hearing will be held on January 22.'⁴¹ At time of writing this appeal had just started.

2.6.22 According to Human Rights Watch's annual report covering 2014:

'Pervasive impunity characterized the government's response to security force abuses. Only four officers have faced charges for human rights violations since July 3, 2013, when the military overthrew President Mohamed Morsy. All the charges stemmed from one incident in August 2013 in which police tear gassed a packed prison van, killing 37 detainees. There has been no accountability for the deaths of more than 1,000 protesters in a series of mostly peaceful demonstrations in July and August 2013.

'Security forces used excessive force to disperse protests early in the year. Nearly 20 people, most of them Morsy supporters, died in clashes with police in the first three days of January. On January 25, the third anniversary of the 2011 uprising, at least 64 demonstrators died in clashes with police in protests throughout the country.

'Outgoing interim president, Adly Mansour, who handed over power to al-Sisi on June 8, established a presidential fact-finding committee in December 2013 "to gather information and evidence for the violent events" that accompanied the June 30 mass protests and July 3 coup that brought down Morsy, Egypt's first freely elected president. An executive summary of the commission's report, released on November 26, did not recommend that charges be brought against any member of the security forces or government for the mass killing. Its mandate did not authorize it to subpoena witnesses or documents, establish individual criminal liability, or make its findings public.

'In March, Mansour asked the Justice Ministry to open a judicial investigation into the August 14, 2013, dispersals of pro-Morsy sit-ins at Rab'a and Nahda squares in Cairo in which more than 800 protesters died. The ministry announced it would not assign a judge to investigate these events because this was the prerogative of the prosecutor general, whose office claimed it was already investigating.

'An Interior Ministry official acknowledged in July 2014 that since Morsy's ouster a year earlier authorities had arrested 22,000 people, most if not all suspected supporters of the Muslim Brotherhood. According to the Egyptian Center for Economic and Social

⁴⁰ Human Rights Watch, Egypt: Rash of Deaths in Custody, 21 January 2015, <http://www.hrw.org/news/2015/01/21/egypt-rash-deaths-custody> Accessed 27 January 2015

⁴¹ Human Rights Watch, Egypt: Rash of Deaths in Custody, 21 January 2015, <http://www.hrw.org/news/2015/01/21/egypt-rash-deaths-custody> Accessed 27 January 2015

Rights, more than 41,000 people were arrested or faced criminal charges between July 2013 and May 2014.⁴²

2.6.23 The International Federation for Human Rights reported in November 2014:

‘Impunity for gross human rights violations has continued as the authorities have failed to hold police, army officers, and other officials accountable for the repeated use of excessive and lethal force since January 2011. Despite the formation of three official fact-finding commissions on violent incidents involving state agents, the reports are yet to be made public and prosecutions based on evidence gathered by the committees have yet to occur. In particular, the authorities have failed to conduct a prompt, independent, and impartial investigation into the violent dispersal of pro-Morsi protests at the Rab’a al-Adawiya Square on 14 August 2013, which led to the death of almost 1,000 protesters. Furthermore, many of those currently detained have faced torture or other ill-treatment at the hands of the security forces. However, the judicial authorities have failed to conduct investigations into the allegations and bring the perpetrators to justice.’⁴³

2.6.24 A subsequent news report by Human Rights Watch looked at the death of several civilians during protests on 26 January 2015 marking the 2011 uprising:

‘The death of at least 20 people in Egypt during clashes with security forces surrounding the commemoration of the 2011 uprising underscores the need for an independent investigation into the authorities’ excessive use of force. A woman and 17-year-old girl were killed ahead of the January 25 anniversary while participating in apparently peaceful protests, and at least 18 died on the anniversary.

‘Sondos Reda Abu Bakr, 17, and Shaimaa al-Sabbagh, 32, were killed on January 23 and 24 when security forces broke up protests in which they were participating, according to eyewitnesses, media reports, videos, and photographs reviewed by Human Rights Watch. In al-Sabbagh’s case, clear evidence – including videos of the gathering before, during and after its dispersal – shows that police responded to a small, peaceful protest with excessive force, leading to al-Sabbagh’s death.’

‘Egypt’s successive prosecutors general have failed to hold government and law enforcement officials accountable for mass, unlawful killings since the 2011 revolution. Only three low-level officers have served prison sentences for killings in 2011. No police officer or security official has been prosecuted for the mass killings of July and August 2013.’⁴⁴

2.6.25 President Abdel Fattah al-Sisi acknowledged on 20 January 2015 that police committed rights abuses after the overthrow of his Islamist predecessor, but said they were expected given the “exceptional” security threats faced by Egypt. The news report in Al Arabiya continued:

‘A crackdown overseen by Sisi against supporters of his predecessor Mohamed Morsi has left hundreds dead since the then army chief toppled the Islamist in July 2013.

⁴² Human Rights Watch, World Report: Egypt, 29 January 2015, <http://www.refworld.org/docid/54cf83ad15.html> Accessed 4 May 2015

⁴³ International Federation for Human Rights, Egypt: Ongoing human rights violations amidst a widespread crackdown, November 2014 https://www.scribd.com/document_downloads/245509771?extension=pdf&from=embed&source=embed accessed 4 May 2015

⁴⁴ Human Rights Watch, Egypt: Protesters Killed Marking Revolution, 26 January 2015. <http://www.hrw.org/news/2015/01/26/egypt-protesters-killed-marking-revolution> Accessed 27 January 2015

'Thousands of Morsi backers have also been imprisoned, and dozens sentenced to death after speedy trials which the United Nations says is "unprecedented in recent history".

'Several youth activists who spearheaded the 2011 revolt against former autocratic president Hosni Mubarak are also serving jail terms for protesting illegally.

"Nobody is against human rights... but today Egypt is in an exceptional condition... is it possible that there will be no violations?" asked Sisi. "There will be violations. But do we approve them? No," he said in an address to police officers and ministers ahead of the annual police day on January 25.⁴⁵

2.6.26 The FCO's country case study of Egypt (part of its 2014 Human Rights and Democracy report, published 12 March 2015) noted, 'Although the number of deaths of non-violent citizens resulting from security force action reduced in 2014 from the very large numbers in 2013, deaths during the policing of demonstrations and in custody remain a serious concern.'⁴⁶

2.6.27 Aljazeera reported on 17 March 2015 that Egypt's chief prosecutor had referred a police officer to trial for the killing of a female protester in a case that captured public attention after it was caught on video.

'The death of 32-year-old Shaimaa el-Sabbagh, a mother of a young boy, in January [2015] on the eve of the 2011 uprising's anniversary caused a public outcry. Despite footage that showed two masked policemen pointing their rifles in el-Sabbagh's direction as gunshots rang out and a voice commanding "fire," authorities initially denied that police had any involvement in her death.

'The case has renewed accusations from rights groups and political activists that Egypt's powerful police force enjoys almost blanket impunity.

'Almost all of the over 100 policemen tried for killing protesters during Egypt's 2011 revolution were acquitted, with judges citing shoddy investigation or lax evidence in cases largely probed by the police themselves.'⁴⁷

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2.7 Detention and prison conditions

2.7.1 The USSD report for 2013 observed that:

'Conditions in the country's prisons and detention centers remained harsh. According to domestic and international NGO observers, prison cells were overcrowded, with a lack of medical care, proper sanitation, food, clean water, and proper ventilation. Tuberculosis remained widespread. Abuse was common, particularly of juveniles in adult facilities, and guards brutalized prisoners.

'There were at least 62,000 prisoners, including as many as 2,000 pretrial detainees. Authorities did not always separate juveniles from adults and sometimes held pretrial

⁴⁵ Al Arabiya News, Sisi defends Egypt police, recognizes rights abuses, 20 January 2015.

<http://english.alarabiya.net/en/News/middle-east/2015/01/20/Sisi-defends-Egypt-police-but-acknowledges-rights-abuses-.html> Accessed 27 January 2015

⁴⁶ UK Foreign and Commonwealth Office (FCO), 2014 Human Rights and Democracy report, 12 March 2015. Country case study - Egypt <https://www.gov.uk/government/case-studies/country-case-study-egypt> Accessed 18 March 2015

⁴⁷ AlJazeera, Egypt to try police officer for killing female protester, 17 March 2015

<http://america.aljazeera.com/articles/2015/3/25/egypt-to-try-police-officer-for-killing-female-protester.html> Accessed 18 March 2015

detainees with convicted prisoners. Prison conditions for women were marginally better than those for men, although there were credible reports of sexual abuse of female prisoners. Provisions for temperature control and lighting generally were inadequate.’⁴⁸

2.7.2 The Foreign and Commonwealth Office noted in its annual report for 2014 that:

‘The National Council for Human Rights reported that violence and torture was used in detention. An Egyptian rights group, Wikithawra, estimated that approximately 80 people had died in detention between late 2013 and early 2014. After a de facto moratorium since 2010, 11 prisoners were executed in Egypt in June 2014. Over 1,200 people were sentenced to death in 2014, many in absentia, but most of these sentences were later commuted to life sentences.’⁴⁹

2.7.3 According to the Freedom House report covering 2014:

‘Police brutality and impunity for abuses by security forces were catalysts for the 2011 uprising, but there has been no security-sector reform in the subsequent four years. Prison conditions are very poor; inmates are subject to torture, overcrowding, and a lack of sanitation and medical care. In December 2014 a local human rights group accused the police of holding hundreds of minors in harsh conditions after they were arrested for protesting and related offenses.’⁵⁰

2.7.4 Human Rights Watch reported that:

‘At least 90 people died in local police stations and security directorates in the governorates of Cairo and Giza alone in 2014, according to an investigation by the Egyptian newspaper Al Watan, which cited statistics from the Justice Ministry’s Forensic Medical Authority. That number represented a 38 percent increase from the year before.

‘A spokesman for the authority told the newspaper that prison overcrowding had forced authorities to hold detainees in police stations and other places of temporary detention which were not well ventilated or otherwise properly equipped. Witnesses told Human Rights Watch that police and prison authorities often failed to provide proper medical care to prisoners, leading to death. In some cases of deaths in detention, lawyers and relatives alleged that authorities had tortured the victim.

‘Detainees also described severe beatings during arrest, arrival at police stations, and transfer between prisons. Scores detained in January protests complained of torture, including electric shocks, to coerce confessions. The Egyptian Initiative for Personal Rights documented the enforced disappearance and torture of dozens of civilians in military detention.’⁵¹

2.7.5 In its annual report for 2014, Amnesty International stated:

‘Some detainees were subjected to enforced disappearance and held in secret detention at Al Azouly Prison within the Al Galaa military camp in Ismailia, 130km northeast of Cairo. Detainees were held at Al Galaa without official acknowledgement and were denied access to lawyers and their families. Detainees, who included alleged protest leaders and people accused of terrorism-related offences, were held at the

⁴⁸ United States Department of State, 2013 Country Reports on Human Rights Practices - Egypt, section 1c, 27 February 2014, available at: <http://www.refworld.org/docid/53284ae79.html> Accessed 2 March 2015

⁴⁹ UK Foreign and Commonwealth Office (FCO), 2014 Human Rights and Democracy report, 12 March 2015. Country case study - Egypt

<https://www.gov.uk/government/case-studies/country-case-study-egypt> Accessed 4 May 2015

⁵⁰ Freedom House, Freedom in the World 2015 - Egypt, 16 February 2015, available at: <http://www.refworld.org/docid/54e46b46e.html> Accessed 4 May 2015

⁵¹ Human Rights Watch, World Report: Egypt, 29 January 2015, <http://www.refworld.org/docid/54cf83ad15.html> Accessed 4 May 2015

camp for up to 90 days without judicial oversight and faced torture and other ill-treatment by military intelligence and National Security Agency (NSA) officers to extract “confessions”. Public prosecutors told families of the disappeared that they had no jurisdiction over military prisons.

‘Torture and other ill-treatment of criminal suspects was routinely used to extract confessions and punish and humiliate suspects. It reportedly led to several deaths of detainees. NSA officials particularly targeted members and alleged supporters of the Muslim Brotherhood, some of whom they held and reportedly tortured in unofficial detention facilities, including NSA offices across the country.

‘Commonly reported methods of torture included electric shocks to the genitals and other sensitive areas, beating, suspension by the limbs while handcuffed from behind, stress positions, beatings and rape.’⁵²

- 2.7.6 Amnesty International, in a report of 4 March 2015, looked at a series of deaths in custody in a police station in Cairo:

‘Two of the deaths took place on the same day last week [February 2015] and according to the forensic authority in Cairo, one of the bodies bore marks consistent with torture or other ill-treatment. Since April 2014 at least nine detainees have died at Mattareya Police Station according to information gathered by Amnesty International, yet so far investigations have been half-hearted and no one has been held accountable...

‘According to a list compiled by local activists and the Egyptian Commission for Rights and Freedoms organization, there have been at least 121 deaths in custody in Egypt since the beginning 2014. The causes of death vary between deprivation of medical care, natural deaths and torture.

‘The head of the forensic authority in Cairo said that there has been a rise of deaths in police stations as many detainees sentenced to one year or less serve their sentence in police stations rather than prisons, due to chronic overcrowding in prisons. Police stations are not equipped to hold high numbers of detainees who suffer as a result of poor detention conditions. He added that deaths of those in custody have included detainees held on both criminal and political charges.’⁵³

- 2.7.7 The FCO’s ‘Arrest Of British Nationals In Egypt Guidance Notes’, updated 5 September 2012, noted:

‘Food in Egyptian prisons is basic, though each prison has a canteen. It is possible to supplement the diet by having a prison account - a prisoner can then buy various food items such as meat and vegetables, fruits etc....Most Egyptian prisons have internal hospitals and clinic and they are modestly equipped... Medication may not always be available at the prison pharmacy. The prison could arrange to purchase prescribed medication on your behalf using your account in prison...Prison Cells in Egypt are crowded and most of the prisoners are kept in large cells together with other prisoners.’⁵⁴

⁵² Amnesty International, Amnesty International Report 2014/15, 25 February 2015

<https://www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/report-egypt/> accessed 4 May 2015

⁵³ Amnesty International, Egypt Spate of detainee deaths points to rampant abuse at Cairo's Mattareya Police Station, 4 March 2015, available at: <http://www.refworld.org/docid/54f964174.html> Accessed 23 March 2015

⁵⁴ FCO Arrest Of British Nationals In Egypt Guidance Notes, 5 September 2012

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/175317/Prisoners_Pack.pdf Accessed 28 April 2015

2.7.8 The Daily Telegraph posted footage secretly filmed by a prisoner in an Egyptian prison in 2014. The footage showed:

‘...cramped conditions with three men forced to sleep in a cell measuring no more than 2m long and 1.5m wide. Designed for solitary confinement, the cells in the maximum security prison are so small that personal belongings are nailed to the walls or hung on ropes.

‘The bathroom facilities consist of a hole in the floor and a tap. A blanket has been hung around the area to form a makeshift partition. Water is routinely shut off for up to 12 hours a day.

‘Next to that is the kitchen, where food is stored out in the open and covered in bugs and prisoners are provided with one pot and a tiny stove heater.

‘There are no beds, just a mat and blanket on the floor... There is no heating in the cells and the open windows [in the basement cells] let in not only cold air but dirt and, when it rains, mud.’⁵⁵

2.7.9 In a January 2015 report on ‘Domestic, Public and State Violence Against Women in Egypt’ Amnesty International reports that:

‘In Egypt, women and girls deprived of their liberty by the state are vulnerable to violence, including beatings, harassment and both threats of and actual sexual assaults. The risk of torture and other ill-treatment is particularly acute upon arrest, during police interrogations and during the initial period of detention. Both women accused or convicted of ordinary criminal offences, as well as prisoners of conscience and other political detainees, suffer such abuses.

‘Girls and women are also kept in detention conditions in police stations and prisons which in some instances amount to cruel, inhuman or degrading treatment in themselves. Corporal punishment and other cruel, inhuman or degrading disciplinary measures, such as prolonged periods in solitary confinement, continue to be applied in some women’s prisons. Men deprived of their liberty also suffer from dire conditions of detention and are at risk of torture and other ill-treatment. But women in detention additionally suffer from the consequences of the authorities’ neglect of their specific needs linked to menstruation, pregnancy and childbirth, particularly in police stations, leading to cases of labour and childbirth inside detention facilities and medical complications due to negligent, delayed or sub-standard medical care.’⁵⁶

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2.8 Judiciary

2.8.1 Jane’s Information Group Sentinel Security Assessment, Egypt - Internal Affairs, updated 23 January 2015, noted:

‘The legal system in Egypt is a combination of English common law, the Napoleonic Code, and Islamic law. Judicial authority is exercised through three levels of ordinary courts: Summary Tribunals in the districts that hear minor civil, commercial, and criminal

⁵⁵ The News, Peter Greste faces living in squalid, overcrowded Egyptian prison for 15 years, 23 June 2014. <http://www.news.com.au/world/peter-greste-faces-living-in-squalid-overcrowded-egyptian-prison-for-15-years/story-fndir2ev-1226963896982> Accessed 28 April 2015

⁵⁶ Amnesty International, ‘Circles of Hell’: Domestic, Public and State Violence Against Women in Egypt, January 2015, Violence against women and girls in custody p.51 http://www.amnestyusa.org/sites/default/files/mde_120042015.pdf Accessed 30 April 2015

cases; Assize Courts that deal with serious criminal cases that may be referred to the seven Courts of Appeal in the governorates; and the Supreme Court or Court of Cassation, which serves as the final court of appeal in criminal and civil cases. In addition, there are military courts that try cases involving armed forces, including civilians accused of attacks targeting state assets. The death penalty is in force. In March 2014, some 529 Muslim Brotherhood supporters were sentenced to death by the Minya criminal court in the first of a series of mass trials; these death sentences have first to be approved by the Grand Mufti. The Supreme Constitutional Court is the highest judicial body in Egypt, with exclusive jurisdiction over questions of the constitutionality of laws, rules, and regulations. The appointment, promotion, and transfer of judges is dealt with by the Supreme Judicial Council (Majlis al-Qadai al-A'La), while the administrative court system of the Council of State (Majlis al-Dawla) settles administrative and disciplinary matters.⁵⁷

The 2012 Hiil report: [The Rule of Law in Egypt: Prospects and Challenges](#) gave a detailed view of the legal framework relating to the Rule of Law in Egypt.⁵⁸

2.8.2 Article (54) of the Constitution stated:

‘Every person whose freedom is restricted shall be immediately notified of the reasons therefore; shall be informed of his/her rights in writing; shall be immediately enabled to contact his/her relatives and lawyer; and shall be brought before the investigation authority within twenty four (24) hours as of the time of restricting his/her freedom.

‘Investigation may not start with the person unless his/her lawyer is present. A lawyer shall be seconded for persons who do not have one. Necessary assistance shall be rendered to people with disability according to procedures prescribed by Law.

‘The Law shall regulate the provisions, duration, and causes of temporary detention, as well as the cases in which damages are due on the state to compensate a person for such temporary detention or for serving punishment thereafter cancelled pursuant to a final judgment reversing the judgment by virtue of which such punishment was imposed.

‘In all events, it is not permissible to present an accused for trial in crimes that may be punishable by imprisonment unless a lawyer is present by virtue of a power of attorney from the accused or by secondment by the court.’⁵⁹

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Independence

2.8.3 A February 2014 report by the International Bar Association, ‘Separating Law and Politics: Challenges to the Independence of Judges and Prosecutors in Egypt’ found that:

‘Although independence is constitutionally protected and the highest courts frequently rule against the government, the Ministry of Justice is given wide powers over judges which provide scope for abuse. These include the right to assign judges to courts around the country, the ability to decide which judges are seconded to work in government ministries and the right to initiate disciplinary actions against judges. These

⁵⁷ Jane’s Information Group Sentinel Security Assessment: Egypt, Internal affairs, updated 23 January 2015. Available on subscription only. Accessed 27 January 2015

⁵⁸ Hiil, Rule of Law Quick Scan Egypt Prospects and Challenges, April 2012
http://www.hiil.org/data/sitemanagement/media/Quickscan_Egypt_130812_digitaal_def.pdf
Accessed 9 February 2015

⁵⁹ Constitution of the Arab Republic of Egypt [Egypt], 18 January 2014,
<http://www.refworld.org/docid/3ae6b5368.html> Accessed 27 January 2015

powers threaten independence as they allow the Minister to reward or punish serving judges, and therefore provide an incentive for judges to please the government.

'The legal framework also gives a role to the executive branch in the appointments system, particularly at the higher judicial level, allowing scope for politicised decision-making. A lack of transparency and the absence of public examinations for appointments also leads to a perception – if not a reality – of nepotism.

Other challenges for the judiciary include the underrepresentation of female judges, the need for increased professionalism and resources, and the continued use of military and other exceptional courts.'⁶⁰

2.8.4 The USSD report for 2013 observed that:

'The 2012 constitution and the July 8 [2013] Constitutional Declaration provided for the independence and immunity of judges, although the courts were subject to government influence. At various points throughout the year, they exhibited autonomy and freedom from executive influence by declaring some of Morsy's decrees illegal or unconstitutional while he was president. The government generally respected court orders in non political cases but not always in politically charged cases.'⁶¹

2.8.5 Freedom House observed in its report covering 2014 that:

'The Supreme Judicial Council, a supervisory body of senior judges, nominates most members of the judiciary. However, the Justice Ministry plays a key role in assignments and transfers, giving it undue influence over the courts. The judiciary was at the center of the political process following the 2013 coup. Supreme Constitutional Court chairman Adli Mansour served as interim president, and judges played a leading role in the drafting of the constitution. The new charter significantly enhances the judiciary's autonomy, including by allowing each major judicial entity to receive its budget as a single line item and permitting the Supreme Constitutional Court to appoint its own chairman.

'A number of criminal cases in 2014 featured severe violations of due process and demonstrated a high degree of politicization in the court system, which typically resulted in harsh punishments for perceived enemies of the government. Three deeply flawed mass trials in March, April, and December led to death sentences for 1,400 suspected Islamists, though most were later reduced to life in prison.

'The new constitution allows for trials of civilians by military courts, which have traditionally been used to target government critics. Charges brought in military courts are often vague or fabricated, defendants are denied due process, and basic evidentiary standards are routinely disregarded.'⁶²

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Fair trial

2.8.6 Human Rights Watch, in its January 2015 World Report 2015 - Egypt, noted:

⁶⁰ International Bar association, Separating Law and Politics: Challenges to the Independence of Judges and Prosecutors in Egypt, 10 February 2014, Executive summary
<http://www.ibanet.org/Document/Default.aspx?DocumentUid=15887C66-917B-4456-9C02-56300CD66590>
Accessed 9 February 2015

⁶¹ United States Department of State, 2013 Country Reports on Human Rights Practices - Egypt, section 1e, 27 February 2014, available at: <http://www.refworld.org/docid/53284ae79.html> Accessed 2 March 2015

⁶² Freedom House, Freedom in the World in 2015, Egypt, , 16 February 2015, Rule of Law
<https://freedomhouse.org/report/freedom-world/2015/egypt#.VTX7ufmMPMo>, accessed on 1 April 2015

'Egypt's judiciary exhibited serious procedural deficiencies that deprived detainees of basic due process rights. Though authorities in November 2013 lifted the state of emergency imposed at the time of Morsy's removal, judges often renewed pre-trial detention orders despite a lack of evidence that would warrant prosecution.

'Many trials violated Egyptian law as well as international standards. In March and April, a criminal court judge in the governorate of Minya handed down the death penalty to more than 1,200 people allegedly involved in two attacks on police that resulted in the death of one officer. The judge did not allow the defendants the right to mount a meaningful defense or ensure that all had access to counsel.

'The first trial, which resulted in 529 death sentences, lasted less than an hour, and only 74 defendants were present. The court also barred some defense lawyers from attending. In the second trial, which yielded 683 death sentences, none of the defendants attended.

'Following legally mandated advice from the grand mufti, Egypt's top religious authority, the judge confirmed 220 of the death sentences, which the prosecutor general automatically appealed as required by law. In December, a separate judge in the governorate of Giza issued preliminary death sentences to 188 people accused of attacking a police station in August 2013 and killing 14 policemen. According to the Brotherhood, 259 of its members, including Supreme Guide Mohamed Badie, have been sentenced to death since Morsy's ouster.'⁶³

2.8.7 The report also considered the scope of military trials:

'Egypt's 2014 constitution permits military trials for civilians, and on October 27, 2014, al-Sisi issued a decree expanding military court jurisdiction to cover crimes that occur on any public, state-owned, or "vital" property. Since the decree, prosecutors have referred at least 455 people – the vast majority of them Brotherhood members – to military court. In April, a military court sentenced a social media manager for the online news website Rasd to one year in prison for helping to leak a tape of remarks by al-Sisi during his time as defense minister. The court acquitted one Rasd employee and handed down three-year sentences to an army conscript and two other men who remain at large. In May and September, military courts handed down one-year sentences to 10 people – most of them Brotherhood members or allied politicians – for attempting to cross into Sudan illegally. In November, a military court in Suez sentenced 17 people to between 5 and 10 years in prison for throwing rocks and incendiary devices at soldiers during the violence following Morsy's removal.'⁶⁴

2.8.8 In its annual report for 2014 Amnesty International considered that:

'Trials before the criminal courts were riddled with due process violations. Some trials proceeded in the absence of the defendants and their lawyers. In others, judges prevented defendants or their lawyers from presenting evidence in their own defence or cross-examining prosecution witnesses. In many cases, courts convicted defendants despite an absence of substantive evidence against them.

'Many trials were conducted within the Tora Police Institute, adjacent to the Tora Prison Complex, with families and independent media unable to attend. Defendants were also unable to communicate with their lawyers during court sessions because they were confined behind a dark glass screen.

⁶³ Human Rights Watch, World Report: Egypt 29 January 2015, <http://www.refworld.org/docid/54cf83ad15.html> Accessed 9 February 2015

⁶⁴ Human Rights Watch, World Report: Egypt 29 January 2015, <http://www.refworld.org/docid/54cf83ad15.html> Accessed 9 February 2015

'The Public Prosecution increasingly did not seek to determine individual criminal responsibility, instead bringing identical charges against groups of accused, and relied heavily on reports and testimonies by police and security forces. The impartiality and independence of the investigations were thus brought into question.'⁶⁵

- 2.8.9 A joint report of 31 October 2014 by No Military Trials for Civilians, Egyptian Commission for Rights and Freedoms (ECRF) and the Cairo Institute for Human Rights Studies (CIHRS) submitted for the UN Universal Periodic Review entitled, 'The State Of Right To Free And Fair Trial', stated, under the heading 'violations of pre-trial rights in practice':

'There has been a consistent failure on the part of the authorities to inform detainees of the reason for their arrest or detention at the time of apprehension. Individuals are only informed of the charges they face when they are brought before a prosecutor. Detainees generally have access to lawyers when they are brought before the prosecutor, but not always, as the presence of a lawyer during interrogation is not compulsory.

'Detainees are generally unable to speak in private with their lawyers before interrogation. This has been the case in most interrogations involving individuals detained in the context of protests since January, 25th, 2011. This has been documented for example relative to individuals detained in the context of the clashes in Mohamed Mahmoud Street in Cairo in November 2011 and February 2012, as well as in relation to clashes near the Presidential palace in December 2012, and more recently in the cases of the Shura Council protest in November 2013 and in the 25 January 2014 protests.

'The right to trial within a reasonable time or to release from detention is consistently violated. At the level of the prosecution, preventive detention orders have been used as a rule rather than the exception, with the pretext of internal security offered, despite a lack of evidence or witnesses in support of police reports. Whereas the purpose of preventive detention should be to prevent the accused from escaping, tampering with evidence, intimidating witnesses or harming others, its blanket use in practice seems more designed as a way to enact punishment without trial than as a legitimate tool of public safety.'⁶⁶

- 2.8.10 The report further noted under the heading, 'violations of the right to a fair trial in practice':

'Criminal courts have generally opted to hold closed hearing sessions and ban publication of proceedings, which has limited the access of the public to court proceedings, reducing the transparency and credibility of those trials. This has been the case relative to the majority of cases relating to the unlawful killing of protestors that occurred during the 2011 uprising as well as in the trials of Muslim Brotherhood supporters and leaders after 30 June 2013. While the authorities have argued that there would be a threat to public order or morality from holding the hearings publicly, in fact public interest in the outcome of the trials, and the guarantee of free trials, suggest the hearings should be public...

⁶⁵ Amnesty International, Amnesty International Report 2014/15, 25 February 2015

<https://www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/report-egypt/> accessed 4 May 2015

⁶⁶ No Military Trials for Civilians, Egyptian Commission for Rights and Freedoms (ECRF) and the Cairo Institute for Human Rights Studies (CIHRS) ,The State Of Right To Free And Fair Trial, 31 October 2014. B- Violations of pre-trial rights in practice, paragraphs 12-14 http://www.cihrs.org/wp-content/uploads/2014/10/UPR-report-on-the-right-to-free-and-fair-trial.EN_.pdf

‘Defendants and their lawyers are generally prevented from meeting confidentially or at all before trial sessions to discuss the case. Lawyers often have difficulties obtaining the case file to prepare before the trial session, and in some cases only get to read the case file during the trial session. Often the request of the defence team to submit the testimony of defence witnesses is rejected and only prosecution witnesses are allowed to testify in front of court. Judges limit themselves to examining the evidence brought in the case file and virtually never seek to investigate the case themselves, although they have the power to do so by law.’⁶⁷

2.8.11 The USSD reported for 2013 that:

‘Defendants are presumed innocent and are usually informed promptly and in detail of the charges. There are no juries. Civilian criminal trials usually are public. Military courts are not open to the public. Defendants have the right to consult an attorney in civilian courts, and the government is responsible for providing counsel if the defendant cannot afford a lawyer. Defendants in military courts have the right to consult an attorney but sometimes were denied timely access to counsel. In both systems the law allows defendants to question witnesses against them and to present witnesses and evidence on their own behalf, and it provides defendants and their attorneys the right to access government-held evidence. Military courts sometimes ruled so quickly that defendants were unable to exercise these rights.

‘In civilian and military courts, defendants have the right of appeal up to the Court of Cassation and the Military Appeals Court. Sentences by military courts are subject to certification by the president. The president and the grand mufti must confirm all death sentences. Lawyers and NGOs asserted that military court trials did not meet basic standards of due process, since defendants often were tried in a matter of hours, frequently in groups, and sometimes without access to an attorney.’⁶⁸

2.8.12 The October 2014 joint report by No Military Trials for Civilians, Egyptian Commission for Rights and Freedoms (ECRF) and the Cairo Institute for Human Rights Studies (CIHRS) submitted for the UN Universal Periodic Review stated with regards to ‘military trials of civilians’ that:

‘Military trials of civilians take place without the presence of lawyers chosen by the defendants, or even a chance for defendants to communicate with such lawyers. Military prosecutors and judges follow orders by their superiors and are subject to rules for officers in terms of punishments and per se cannot be considered as independent or not subject to influence from their superiors in the hierarchy. The right to a public hearing is denied.

‘Military justice does not meet the minimum standards for neutrality or independence from the executive authority. Verdicts issued by military courts only enter into force after ratification by the president, and they are only subject to appeal after being ratified. This means the execution of these courts’ judgments is dependent on the will of the president, giving him more power than the military judge himself. The president may reduce, overturn, or suspend the sentence, overturn the judgment and close the case, or order a retrial.

⁶⁷ No Military Trials for Civilians, Egyptian Commission for Rights and Freedoms (ECRF) and the Cairo Institute for Human Rights Studies (CIHRS) , The State Of Right To Free And Fair Trial, 31 October 2014. Violations of the right to a fair trial in practice, paragraphs 41 and 43 <http://www.cihrs.org/wp-content/uploads/2014/10/UPR-report-on-the-right-to-free-and-fair-trial.EN.pdf>

⁶⁸ United States Department of State, 2013 Country Reports on Human Rights Practices - Egypt, section 1e, 27 February 2014, available at: <http://www.refworld.org/docid/53284ae79.html> Accessed 2 March 2015

‘The law only permits convicted persons to appeal after the sentence is ratified. As a result, the president may delay ratification to prevent convicted persons from lodging an appeal, which was the case with numerous judgments issued by military courts in the last four years.’⁶⁹

2.8.13 Following the outcome of the country’s Universal Periodic Review on 20 March 2015, Amnesty International expressed concern that:

‘...Egypt rejected all recommendations to stop trials of civilians before military courts, despite agreeing to recommendations to respect due process and guarantee fair trials. The authorities greatly expanded the remit of military courts in October 2014 and over 3,000 civilians have faced trials before them in the last five months alone, according to recent figures from the activist group No to Military Trials. Amnesty International considers such trials to be fundamentally unfair and to breach a range of key fair trial safeguards.’⁷⁰

2.8.14 According to Human Rights Watch:

‘The first trial of former Egyptian President Mohamed Morsy was compromised by due process violations, the appearance of bias and an absence of conclusive evidence. He was convicted on April 21, 2015, and sentenced to 20 years in prison.

‘A review of the prosecution’s case file summary by Human Rights Watch found little evidence other than the testimony of military and police officers to support Morsy’s conviction for complicity in the unlawful detention, torture, and intimidation of protesters carried out by top aides and Muslim Brotherhood supporters when he was president in December 2012. The full judgment has not yet been made public.’⁷¹

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2.9 Freedom of movement

Within Egypt

2.9.1 The US Department of State, in its annual report covering 2013, noted that ‘the law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights, albeit with some notable exceptions, including the handling of refugees and asylum seekers...Citizens and foreigners may not travel in areas of the country designated as military zones.’⁷² appeared on the list after July 3 [2013].⁷³

⁶⁹ No Military Trials for Civilians, Egyptian Commission for Rights and Freedoms (ECRF) and the Cairo Institute for Human Rights Studies (CIHRS) ,The State Of Right To Free And Fair Trial, 31 October 2014. Violations of the right to a fair trial in practice, paragraphs 45 and 46 http://www.cihrs.org/wp-content/uploads/2014/10/UPR-report-on-the-right-to-free-and-fair-trial.EN_.pdf

⁷⁰ Amnesty International, Egypt must take immediate measures to address the systemic violations of human rights and end impunity; Human Rights Council adopts Universal Periodic Review outcome on Egypt, 10 April 2014 <https://www.amnesty.org/download/Documents/MDE1212622015ENGLISH.pdf> accessed 4 May 2015

⁷¹ Human Rights Watch, Morsy Trial Badly Flawed, 26 April 2015

<http://www.hrw.org/news/2015/04/25/egypt-morsy-trial-badly-flawed> accessed 4 May 2015

⁷² US Department of State, Country Reports on Human Rights Practices 2013, Egypt, 27 February 2014, section 2d <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220350> Accessed 19 January 2014

⁷³ US Department of State, Country Reports on Human Rights Practices 2013, Egypt, 27 February 2014, section 2d <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220350> Accessed 19 January 2014

- 2.9.2 The Global Detention Project in its Egypt Detention Profile, updated October 2014, noted:
- ‘At border points and in military zones such as the Sinai Peninsula the army may apprehend individuals for unauthorized entry as the military is responsible for guarding the borders of southern and western Egypt... Sinai is a military zone and anyone arrested there can be brought before a military prosecutor and subsequently tried before a military court...’⁷⁴
- 2.9.3 Freedom House noted in its annual report covering 2014 that Freedom of movement was ‘severely affected by the government’s counterinsurgency efforts in the Sinai in 2014’, including imposing curfews and other travel restrictions.⁷⁵
- 2.9.4 The Australian Department of Foreign Affairs and Trade (DFAT) assessed that Egyptians can and do internally relocate. Their 2014 Egyptian country report stated:
- ‘Cities, such as Cairo and Alexandria, experience far less societal discrimination as communities representing multiple religious and socio-economic identities operate closely on a day-by-day basis. These urban areas also have fewer incidents of violence or harassment as a result of societal discrimination (though DFAT notes some of the largest sectarian incidents in the last three years have taken place in Cairo and Alexandria). Egyptians can relocate to these areas to escape discrimination in their hometowns, and to lessen the risk of future discrimination and harm. People also move to different parts of Egypt for economic reasons.
- Those people that are wanted by the state (e.g. criminals or senior Muslim Brotherhood officials) will find it difficult to internally relocate.’⁷⁶

Exit

- 2.9.3 The Migration Policy Centre’s, [Egypt Migration Factsheet, April 2013](#), stated, ‘The 2012 Constitution stipulates that freedom of movement, residence and immigration shall be safeguarded, and that no citizen may be deported from or prevented from returning to the country, nor be prevented from leaving the country (Article 42).’⁷⁷
- 2.9.4 However, the US Department of State, in its annual report covering 2013, noted that ‘The Civil Aviation Authority, in cooperation with the Ministry of Justice and the Ministry of Interior, maintained a “no-fly” list that prevented defendants in some court cases from exiting the country. MB [Muslim Brotherhood] members and other individuals wanted by the interim government appeared on the list after July 3 [2013]. Authorities also prevented at least one MB member not wanted by the interim government from traveling as well’.⁷⁸

⁷⁴ Global Detention Project, Egypt Detention Profile, Last updated: October 2014 (Apprehending authorities, custodial authorities, and jurisdictions and Victims of trafficking),

<http://www.globaldetentionproject.org/countries/africa/egypt/introduction.html> Accessed 21 April 2015

⁷⁵ Freedom House, Freedom in the World 2015: Egypt, 28 January 2015, (G. Personal Autonomy and Individual Rights: 7/16 (-1), <https://freedomhouse.org/report/freedom-world/2015/egypt#.VUllppTA4Xw>, Accessed 30 April 2015

⁷⁶ Australian Department of Foreign Affairs and Trade (DFAT) Country Report, Egypt, (Internal Relocation, para. 5.35 and 5.37), 28 January 2014, <http://www.immi-gv-au.net/media/publications/pdf/cgn-egypt.pdf> Accessed 19 January 2015

⁷⁷ Migration Policy Centre, Egypt Factsheet, April 2013, <http://www.migrationpolicycentre.eu/docs/factsheets/Factsheet%20Egypt.pdf> Accessed 26 May 2015

⁷⁸ US Department of State, Country Reports on Human Rights Practices 2013, Egypt, 27 February 2014, section 2d <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220350> Accessed 19 January 2014

For more information on the Muslim Brotherhood see [Country Information and Guidance – Egypt: Muslim Brotherhood, October 2014](#)

- 2.9.5 Human Rights Watch reported in its annual report covering 2014 that ‘Journalists, academics, former lawmakers and human rights defenders were among those charged with crimes or banned from travel outside Egypt’.⁷⁹
- 2.9.6 The US Department of State also noted that ‘men who have not completed compulsory military service may not travel abroad or emigrate. Completion of military service is indicated on national identification cards. Married Baha’is and their children faced difficulties obtaining national identification cards because the government did not recognize Baha’i marriages as legitimate. As a result some Baha’i men of draft age were unable to establish that they had fulfilled or were exempt from military service and therefore were unable to obtain passports’.⁸⁰

Women

- 2.9.7 According to a 2013 governmental nation-wide sexual harassment study ‘Study on Ways and Methods to Eliminate Sexual Harassment in Egypt’ sponsored by UN Women and the National Council for Women in partnership with National Planning Institute and Demographics Centre in Cairo, 86.5 per cent of women in Egypt do not feel safe on public transport. The study showed that public transportation ranks as the second-highest place where sexual harassment takes place, with public streets being the highest.⁸¹
- 2.9.8 The DFAT report noted, ‘Urban middle class women will likely have a greater ability to find work and shelter, and will likely have access to a greater number of people that could support them than women from poorer and more conservative areas.’⁸²
- 2.9.9 The US Department of State noted that ‘Police officials reportedly forced unmarried young women, sometimes including those in their 30s, to present their father’s written permission to obtain a passport and to travel, although this is not required by law’.⁸³
- 2.9.10 The NGO Nazra for Feminist Studies, reported in its written statement submitted to the UN Human Rights Council that the Egyptian government issued travel bans to ‘punish Women Human Right Defenders (WHRDs)’ such as that against ‘prominent WHRD Esraa AbdelFattah on January 13, 2015, who did not know she had a travel ban issued against her, and found out about it by coincidence when she was in the airport traveling to Germany’.⁸⁴

⁷⁹ Human Rights Watch, World Report 2015: Egypt, 29 January 2015 (Free Expression), <http://www.hrw.org/world-report/2015/country-chapters/egypt?page=2>, Accessed 30 April 2015

⁸⁰ US Department of State, Country Reports on Human Rights Practices 2013, Egypt, 27 February 2014, section 2d <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220350> Accessed 19 January 2014

⁸¹ UN Women, From play-acting to real-life action: a journey to end harassment on public transit in Egypt, 27 February 2013 <http://www.unwomen.org/en/news/stories/2013/2/from-play-acting-to-real-life-action#sthash.yDkvHSIm.dpuf> Accessed 19 January 2014

⁸² Australian Department of Foreign Affairs and Trade (DFAT) Country Report, Egypt, (Internal Relocation, para. 5.36), 28 January 2014, <http://www.immi-gv-au.net/media/publications/pdf/cgn-egypt.pdf> Accessed 19 January 2015

⁸³ US Department of State, Country Reports on Human Rights Practices 2013, Egypt, 27 February 2014, section 2d <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220350> Accessed 19 January 2014

⁸⁴ Nazra for Feminist Studies, Written statement submitted by the Nazra for Feminist Studies, a non-governmental organization in special consultative status; Escalation in the Targeting of Women Human Rights Defenders (WHRDs) under the Current Egyptian Government [16 February 2015] [A/HRC/28/NGO/96], 23 February 2015, http://www.ecoi.net/file_upload/1930_1425550837_g1503367.pdf, Accessed 30 April 2015

- 2.9.11 Amnesty International reported in January 2015 that ‘The consequences of the relentless sexual and gender-based violence against women and girls in the public sphere are dire for women’s freedom of movement and enjoyment of other rights, ranging from political participation to access to education and health. Simple daily activities become a struggle, and women and girls tend to make arrangements in relation to their travel routes and daily plans with a view to mitigating exposure to the risks of sexual harassment and assaults’.⁸⁵

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2.10 Corruption

- 2.10.1 In its 2014 Corruption Perceptions Index (CPI), published December 2014, Transparency International ranked Egypt 94th in the world corruption ranking of 175 countries, giving a CPI score of 37.⁸⁶ (The Corruption Perceptions Index ranks countries and territories based on how corrupt their public sector is perceived to be. A country or territory’s score indicates the perceived level of public sector corruption on a scale of 0 (highly corrupt) to 100 (very clean).
- 2.10.2 The Freedom House report, Freedom in the World 2015 – Egypt (published 16 February 2015 and covering 2014) noted:
- ‘Corruption is pervasive at all levels of government...Official mechanisms for investigating and punishing corrupt behavior remain very weak, and the major revelations and prosecutions that emerged after Mubarak’s ouster in 2011 have faltered since the 2013 coup...
- ‘As with its predecessors, the Sisi administration offered very little transparency regarding government operations and budget making. The military is notoriously opaque with respect to its own extensive business interests across several sectors of the Egyptian economy.
- ‘There was a civil society consultation process for the new constitution, though civic and opposition groups did not have a significant impact on the final document, and the drafting committee itself was not representative of the general population.’⁸⁷
- 2.10.3 The US Department of State’s Country Report on Human Rights 2013, published 27 February 2014, noted that the law provides criminal penalties for official corruption, but the government did not consistently enforce the law. The report stated that ‘the Central Agency for Auditing and Accounting was the government’s anticorruption body and submitted biennial reports to the People’s Assembly that were not available to the public. The auditing and accounting agency stationed monitors at state-owned companies to report corrupt practices. Observers did not judge the agency to be effective, independent, or sufficiently resourced, and it did not actively collaborate with civil society.’⁸⁸

⁸⁵ Amnesty International, ‘Circles of Hell’: Domestic, Public and State Violence Against Women in Egypt, January 2015, (Pervasive Violence in the Public Sphere), http://www.amnestyusa.org/sites/default/files/mde_120042015.pdf, Accessed 30 April 2015

⁸⁶ Transparency International, Corruption Perception Index (CPI), <https://www.transparency.org/cpi2014/results#myAnchor1> Accessed 2 March 2015

⁸⁷ Freedom House, Freedom in the World 2015 - Egypt, 16 February 2015, available at: <http://www.refworld.org/docid/54e46b46e.html> Accessed 2 March 2015

⁸⁸ United States Department of State, 2013 Country Reports on Human Rights Practices - Egypt, 27 February 2014, Section 4 available at: <http://www.refworld.org/docid/53284ae79.html> Accessed 2 March 2015

2.10.4 Reporting on 'inhumane detention conditions for women and girls at police stations' a January 2015 Amnesty International report noted:

'Given the failure of the penal system to meet the most basic needs of incarcerated women, poor women who cannot afford to purchase basic foodstuffs, personal hygiene items, medical supplies, or to bribe officials to secure "privileges", suffer disproportionately in custody.'

'The frequency of family visits seems to vary from police station to police station, in part based on the ability of the detainee's relatives' to bribe their way in, and only last for a few minutes. In some police stations, such visits take place inside the buildings, meaning that detainees have no outdoor time throughout their period of incarceration.'⁸⁹

2.10.5 According to a March 2015 European Commission report:

'Corruption and lack of transparency remained issues of concern in 2014. In the Global Competitiveness Index released in August 2014, Egypt ranked 118th. In the 2014 Constitution, Egypt's highest audit institution (the Central Audit Office) retained the relative increase in independence it gained under the 2012 Constitution, but the related laws were not put in place. There was significant corruption in dealings related to land properties and in the security administration.'⁹⁰

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2.11 Forged and fraudulently obtained documents

2.11.1 A Wikileaks cable from the US embassy in Cairo, dated 13 September 2009 and passed to the Telegraph in February 2011 stated:

'In March 2008, Egypt introduced a new, state-of-the-art, machine readable, photo digitized passport. The new passport incorporates material from eight different EU countries. The new passport is currently being issued only in Cairo. Egypt also issues state-of-the-art national ID cards that incorporate several security features. The issuance of both the ID card and the passport are tightly controlled. In addition, as a result of the computerization and centralization of civil documents in the Civil Affairs Administration in Cairo five years ago, birth, death, marriage, and divorce records are easily verifiable and under close and constant control.'⁹¹

2.11.2 The same source also noted:

'...post has found that it is extremely easy for a couple to have a genuine Egyptian birth certificate issued based only on a handwritten note from a doctor. In addition, with the birth certificate a valid Egyptian passport can be issued. Finally, the Health Offices that issue the birth certificates do not keep the letters of the doctors. Because of the concern

⁸⁹ Amnesty International, 'Circles of Hell' domestic, public and state violence against women in Egypt, 21 January 2015, (Violence against women and girls in custody p.51) and (Inhumane detention conditions for women and girls at police stations p.61)

http://www.amnestyusa.org/sites/default/files/mde_120042015.pdf accessed 1 May 2015

⁹⁰ European Commission, Implementation Of The European Neighbourhood Policy In Egypt Progress In 2014 And Recommendations For Actions Accompanying The Document Joint Communication To The European Parliament, The Council, The European Economic And Social Committee And The Committee Of The Regions, 25 March 2015, Other governance-related issues p.8

http://www.ecoi.net/file_upload/1226_1427815882_egypt-enp-report-2015-en.pdf accessed 1 May 2015

⁹¹ The Telegraph, Fraud Summary - Cairo, 15 February 2011 (11. Host Country Passport, Identity Documents and Civil Registry), <http://www.telegraph.co.uk/news/wikileaks-files/egypt-wikileaks-cables/8327190/FRAUD-SUMMARY-CAIRO.html> Accessed 11 March 2015

regarding malafide travelers from and through Cairo, many western countries have an Airport Liaison Officer (ALO) stationed at Cairo's airport.⁹²

- 2.11.3 UNHCR reported in March 2015 that 'Since the beginning of 2015, UNHCR has been alerted of the arrest of six Syrian national at Cairo International Airport for reasons related to either possession of forged renewal of national passport (received from Turkey) or forged Egyptian residency permits, which confirms a new trend. Four have since been released'.⁹³

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2.12 Citizenship and nationality

- 2.12.1 The US Office of Personnel Management's 'Citizenship Laws of the World' report states that citizenship is based on Law no. 17, promulgated on June 22, 1958 and that the law is based on the concept of legitimate descent:

By Birth: Birth within the country of Egypt does not automatically confer citizenship. Citizenship by birth is only granted under the following conditions: Child born in Egypt, out of wedlock, to an Egyptian mother, when the father is unknown or stateless, is considered a citizen of Egypt. Child born in Egypt of unknown parents is automatically granted Egyptian citizenship.

By Descent: Child, born in wedlock, whose father is an Egyptian citizen, is automatically a citizen of Egypt, regardless of the child's country of birth.

By Naturalization: There is no standard law for naturalization. Different categories of people face varying requirements. Some groups include: Persons born in Egypt, of a father who was born in Egypt, and who is a member of a racial minority, faces no residency requirements if their language is Arabic or religion is Islam. Person, who was born in and has resided most of their life in Egypt, may opt for Egyptian nationality upon reaching the age of majority. However, a presidential decree is required.

Woman who marries an Egyptian national becomes a citizen of Egypt, providing that she declares her desire to acquire her husband's nationality to the Minister of the Interior. Upon making the declaration, two years of marriage must follow before citizenship is granted.

Most other persons face a residency requirement of 10 years, as well as the necessity of obtaining a presidential decree, for citizenship to be granted.

Dual Citizenship: Not Recognized. Exceptions: Voluntary renunciation of Egyptian citizenship is only valid when the person has obtained prior official authorization. Person must obtain presidential authorization to abandon their Egyptian nationality. In such cases where authorization is not obtained, dual citizenship can exist by default.

However, a woman who marries a foreign national and declares her intention to acquire her husband's nationality can lose her Egyptian citizenship without prior authorization and thus would not acquire this form of dual citizenship.

⁹² The Telegraph, Fraud Summary - Cairo, 15 February 2011 (13. Areas of Particular Concern), <http://www.telegraph.co.uk/news/wikileaks-files/egypt-wikileaks-cables/8327190/FRAUD-SUMMARY-CAIRO.html> Accessed 11 March 2015

⁹³ UNHCR, Syrian Refugees; Inter-Agency Regional Update; 4 March 2015, 4 March 2015, http://www.ecoi.net/file_upload/1930_1425998964_syrian-refugee-crisis-inter-agency-regional-update-20150304.pdf, Accessed 30 April 2015

Loss Of Citizenship: (See "Exceptions" to "Dual Citizenship" above for explanation of need for prior authorization in renunciation of citizenship.) In all cases of loss of citizenship, a presidential decree is required. Due to the uncertainty created by the emphasis on prior authorization, questions pertaining to loss of citizenship should be directed to the Egyptian embassy.

Voluntary: Voluntary renunciation of Egyptian citizenship is allowed, provided the person obtains prior authorization through a presidential decree. For aid in the process of properly renouncing Egyptian citizenship, contact the nearest Egyptian Embassy.

Involuntary: The following are grounds for involuntary loss of Egyptian citizenship: Person voluntarily obtains foreign citizenship. Person commits certain offenses. Person who takes permanent residency abroad will lose citizenship after six months.’⁹⁴

2.12.2 The Open Study Foundations October 2010 ‘Citizenship Law in Africa, A Comparative Study’ added the following:

- ‘Egypt requires an applicant for naturalisation to “be knowledgeable in Arabic.”
- ‘Egypt’s 1975 Nationality Law originally provided that a child of an Egyptian woman born outside the country could not be an Egyptian citizen from birth unless born out of wedlock or to a stateless or unknown father. In 2004, however, an important reform amended the law to provide that children born to Egyptian mothers were Egyptian citizens regardless of their father’s status or their place of birth. Those born before the law came into effect (in November 2005) could apply for their citizenship to be recognised. Thousands of people immediately applied for Egyptian citizenship under the new law, and by 2006 it was estimated that 17,000 people had obtained citizenship, most of them born of Sudanese and Syrian fathers. More were then expected to apply, as the Ministry of the Interior announced that applicants for Egyptian citizenship would be exempted from the LE1,200 fee previously required.

The law also provided for foreign wives of Egyptian men to be eligible for citizenship by naturalisation, provided the relevant minister does not object (Article 7); however, this right is not granted to non-Egyptian spouses of Egyptian women, who must follow the criteria stipulated for naturalisation, as for any other foreigner living in the country (Article 4).

Although the new law creates new opportunities for citizenship for children born to foreign fathers, the application of the law places considerable constraints in terms of access to the provision. Applicants for citizenship have to provide, among other documents, the birth certificates of both parents, the mother’s identity card and her father’s birth certificate, and the marriage contract. The process of obtaining an identity card and passport can be long and frustrating, even for members of the educated elite.

Most problematically, probably the largest group of children in Egypt affected by this law—those children born of Palestinian fathers and Egyptian mothers—are still not regarded as eligible for Egyptian citizenship, though the law does not explicitly state this exception. The roots of the Palestinian exception go back to 1959, when the Arab League issued a decree that Palestinians, as a way of preserving their identity, should not be given citizenship in other Arab countries.

⁹⁴ US Office of Personnel Management, Citizenship Laws of the World, March 2001 (Egypt), <http://www.multiplecitizenship.com/documents/IS-01.pdf> Accessed 11 March 2015

- 'Identification documents are mandatory for all Egyptians and necessary to obtain access to employment, education, registration of births and deaths, recognition of marriage, and other state services, as well as most commercial transactions. A person who cannot produce a national ID upon request by a law enforcement official commits an offence punishable by a fine of LE100–200 (US\$18–35). For years, the Egyptian government denied Egyptians who were not members of one of the three recognised religions—Islam, Christianity, or Judaism—the right to access such documents. Members of the small Baha'i minority in Egypt, numbering some 2,000, were those most affected by these laws.

In addition, on the basis of their interpretation of Shari'a rather than any Egyptian law, government officials regularly deny those who convert from Islam to any other religion the option to change their religious affiliation on their official documentation. The courts have usually supported officials in this practice.

In March 2009, the Supreme Administrative Court overturned a previous 2006 decision and upheld the right of Egypt's Baha'is to obtain official documents, including identity cards and birth certificates, without revealing their religious affiliations or having to identify themselves as Muslim or Christian. Three days later, the Egyptian Interior Ministry accepted the ruling by issuing a decree that introduced a new provision into the Implementing Statutes of Egypt's Civil Status Law of 1994 and instructed Civil Status Department officials to leave the line for religion blank for adherents of religions other than the three the state recognises. The decree came into force on April 15.⁹⁵

- 2.12.3 Amnesty International reported in January 2015 that 'Article 6 of the Constitution explicitly grants nationality to children of Egyptian mothers, stipulating that the law defines the conditions necessary to attain citizenship' but 'In practice, the authorities continue to deny citizenship to children of Egyptian mothers and Palestinian fathers. Egyptian women's right to pass their nationality to their spouses is not the same as that of Egyptian men'.⁹⁶

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⁹⁵ Open Study Foundations, Citizenship Law in Africa, A Comparative Study, October 2010 (Naturalisation, p.6; Reforms in North Africa, pages 50/51; Egypt recognises the right of adherents of "non-recognized" religions to documentation, p. 87), http://www.opensocietyfoundations.org/sites/default/files/citizenship-africa_20101118.pdf Accessed 11 March 2015

⁹⁶ Amnesty International, 'Circles of Hell': Domestic, Public and State Violence Against Women in Egypt, January 2015, (The Egyptian Constitution), http://www.amnestyusa.org/sites/default/files/mde_120042015.pdf, Accessed 30 April 2015

Annex A: Map



See also [Maps of the World](#)⁹⁷
[Egypt Political Map](#)⁹⁸

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⁹⁷ UN Maps (via Maps of the World), Egypt <http://www.mapsofworld.com/egypt/> Accessed 28 April 2015

⁹⁸ Emaps Egypt Political Map <http://www.emapsworld.com/egypt-political-map.html> Accessed 28 April 2015

Change Record

Version	Date	Change References
1.0	26/05/2015	First version of updated template.

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