

# GENERATION JAIL

EGYPT'S YOUTH GO FROM PROTEST TO PRISON

**AMNESTY**  
INTERNATIONAL



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## EXECUTIVE SUMMARY

### A generation of young Egyptian activists that came to the fore around the ousting of repressive ruler Hosni Mubarak in 2011 is today languishing behind bars.

Both the Egyptian authorities and the country's international partners celebrated the role of youth activists in the mass demonstrations of the "25 January Revolution". But today mass protests have given way to mass arrests, as 2011's "Generation Protest" has become 2015's "Generation Jail".

Amid a crackdown on their political opponents that has seen sweeping arrests, the authorities have been ruthlessly settling the score with the prominent youth that challenged them four and a half years ago in Cairo's Tahrir Square and in the streets across the country. At the same time, the authorities have been trying to ensure that youth will not be able to challenge them in the future.

Young activists and opposition figures have been caught up in a crackdown on dissent which began with President Mohamed Morsi's administration and leaders of the Muslim Brotherhood movement after Morsi's ousting in July 2013, but which rapidly expanded to encompass anyone who has dared to challenge the authorities' political narrative.

The authorities have said that they didn't come to power following a military coup, but were following the will of the Egyptian people after mass protests against Morsi and the Muslim Brotherhood. They

continue to contend that peaceful protests against their rule threaten Egypt's "stability and security".

While the authorities have not published official figures as to the numbers held, estimates have run into the tens of thousands – with one group of human rights activists estimating that over 41,000 had been detained or facing criminal charges as of last May (see box, "Scale of the crackdown").

Those now held include youth from across the whole of Egypt's political spectrum. These young men and women have played a wide range of roles in the years since the 2011 uprising, from taking part in youth movements and working for human rights organizations to joining Mohamed Morsi's short-lived administration. They range from internationally known activists and human rights lawyers, to students arrested simply because the clothes they wore had political slogans.

The Egyptian authorities have justified their crackdown by claiming that they are restoring "stability and security" to the country, noting a rise in attacks targeting the army, security forces and ordinary Egyptians. Yet they have also shown zero tolerance for peaceful dissent. The Protest Law, passed in November 2013, has become a fast-track to prison. The law effectively makes protests subject to official authorization by the Interior Ministry, while handing security forces the power to use excessive force to disperse unsanctioned demonstrations and arrest their participants.

With thousands now detained on copy-cat accusations of protesting without authorization, taking part in political violence and committing public order offences, mass trials have become a staple of Egypt's criminal justice system. In practice, such trials have undermined the right to a fair and

public hearing by a competent, independent and impartial tribunal – with courts handing down verdicts based on little to no evidence.

While courts have jailed protesters by the dozens or hundreds, security forces responsible for gross human rights violations have largely walked free, with the Public Prosecution failing to conduct independent and impartial investigations into the killings of protesters, or reports of torture and other ill-treatment.

World leaders have broken promises made after the “25 January Revolution” to support Egypt’s young activists in their calls for bread, freedom and social justice. Instead, states have clamoured to seal lucrative trade deals and to provide arms and equipment to Egypt at the expense of human rights and the rule of law.

Amnesty International is urging the Egyptian authorities to stop their relentless crackdown on dissent, and to immediately free anyone detained for peacefully exercising their rights to freedom of expression, association and assembly. The Protest Law, which has become a symbol of repression, should be scrapped.

The organization is also warning that unless Egypt’s international partners take action to hold the authorities to account for their actions, there will be nothing to stop the authorities from wiping out the very generation that they were lauding just a few years ago. Amnesty International is concerned that, at the moment, Egypt’s partners are welcoming the country’s government back into the international fold with only mutterings of protest over continuing human rights violations and, at

the same time as resuming the transfers of military aid and equipment. At the very least, a strong and unified message of concern is needed from states that say they care about human rights in Egypt, including in the United Nations Human Rights Council.

Four and a half years after the “25 January Revolution”, Egypt is more than ever a police state. By jailing the country’s youth for protesting, for their political activities, or their human rights activism, the authorities are crushing the country’s future. It’s time for world leaders and Egypt’s international partners to stand by the promises they made to Egypt’s youth in 2011 and not let the authorities’ crackdown go unchallenged.

## METHODOLOGY

This short briefing highlights the journey of 14 young Egyptians from protest to prison, to illustrate the wider crackdown. It focuses on the youth who took part in the political upheavals around the uprising in 2011 and in the years that followed.

Some of those whose cases are detailed in this briefing are prominent activists who were courted by Egypt’s international partners, as well as policy and opinion-makers, in the years that followed the 2011 uprising. But others are young Egyptians detained simply for being in the wrong place at the wrong time.

The organization spoke with the detainees’ representatives, including where possible their lawyers, friends and families. Where available, it also reviewed the case files against them. This briefing does not aim to provide a comprehensive list of cases of concern to Amnesty International in Egypt.

No briefing could hope to capture every key case, or to do justice to the numbers now detained as part of Egypt’s crackdown on dissent.<sup>1</sup>

“And above all, we saw a new generation emerge – a generation that uses their own creativity and talent and technology to call for a government that represented their hopes and not their fears; a government that is responsive to their boundless aspirations.”

US President Barack Obama, February 2011.<sup>2</sup>

“I have come to Cairo to listen, to hear the hopes and aspirations of the Egyptian people... Together, you stood in solidarity on Tahrir Square. You organized on Facebook. Texted on cell phones. Flashed messages across the Internet...”

UN Secretary-General Ban Ki-moon, March 2011.<sup>3</sup>

<sup>1</sup> For cases of journalists detained, see: Amnesty International, *Egypt: Journalists jailed or charged for challenging the authorities’ narrative* (Index: MDE 12/1573/2015), 2 May 2015: <http://bit.ly/1DOLgUE>

<sup>2</sup> The White House, *Remarks by the President on Egypt*, 11 February 2011: <http://1.usa.gov/1IliVX>

<sup>3</sup> The UN Secretary-General, *Speech at El Sawy Culture Wheel Centre, entitled ‘Listening to the People: A Changing Arab world and the UN’ [as prepared for delivery]*, 21 March 2011: <http://bit.ly/1LiZraL>

## FROM PROTEST TO PRISON

Protesters have returned to the streets time and time again since 2011's "25 January Revolution" to challenge Egypt's authorities and security forces. Mass demonstrations have shaken governments and captured international attention as protesters braved deadly crackdowns by the police and in some cases army troops.

Young Egyptians have played a leading role in mass protests. These young activists come from all walks of life and political backgrounds. Some belong to the youth movements that emerged in Egypt ahead of the 2011 uprising that toppled repressive ruler Hosni Mubarak. Others have come from Egypt's human rights movement, labour movement or the political opposition. Still others have supported the Muslim Brotherhood movement. What is clear is that it has been young men and women from deprived neighbourhoods or underprivileged

backgrounds who have often paid the highest price for their activism – most of those killed in the 2011 uprising were unemployed youths who were struggling to live in dignity or provide for their families.<sup>4</sup>

While these different groups came together in the 18-day uprising that toppled Hosni Mubarak from power in February 2011, in the years since Egypt has seen increasing political polarization.

Under Mohamed Morsi opposition figures, including young activists, increasingly faced criminal investigations and prosecution on charges of defaming public officials and religion. The prosecutions increasingly became a way for the authorities to silence criticism of their rule.<sup>5</sup>

The first mass protests against Mohamed Morsi's rule began in November 2012. They came after the President triggered a political crisis by issuing a decree that prevented judges from hearing lawsuits against his decisions, or ruling on the legality of a controversial Constitutional Assembly that was drafting Egypt's new Constitution.

As the protests continued, they increasingly saw clashes between Mohamed Morsi's supporters and opponents. The peak of the violence was on the night of 5 December 2012, when pro and anti-Morsi supporters fought in the streets around the Federal Palace (known as "Kasr Al Ittihadiya").

### SCALE OF THE CRACKDOWN

The Egyptian authorities have not published official figures on the numbers of those arrested, detained and prosecuted as part of their crackdown on dissent.

Security forces had detained at least 16,000 people, including 3,000 from the top and middle leadership of the Muslim Brotherhood, by March 2014, according to estimates by government and security officials published by the Associated Press. The agency later updated the figure to 22,000.

However, human rights activists claimed that the true figure is likely to be much higher and in May 2014 published a list of over 41,000 people who were arrested, indicted or sentenced.

Since then, courts have jailed or sentenced to death hundreds of people for allegedly taking part in protests and political violence. The Interior Ministry has announced it has reclassified some police

stations as prisons, with Egypt's National Council for Human Rights also expressing concern that existing facilities were struggling to cope with the numbers of detainees.

The authorities have justified the crackdown by pointing to a rise in political violence, including attacks by armed groups. There is no question Egypt faces attacks by armed groups, with the killing of civilians, including three judges in an attack in mid-May 2015, as well as at least 600 security officers, particularly in the north of the Sinai Peninsula. However, such threats must not be used as a pretext for trampling upon human rights.

#### Sources:

**Associated Press, *Egypt crackdown brings most arrests in decades*, 16 March 2014:** <http://bit.ly/1JWvXIN> ; and **Wiki Thawra:** <http://bit.ly/1mHhoEH>

**The National Council for Human Rights, *Tenth annual report* [original in Arabic], pp38-39:** <http://bit.ly/1JWvWhl>

<sup>4</sup> Amnesty International, *Egypt rises: Killings, detentions and torture in the '25 January Revolution'* (Index: MDE 12/027/2011), 19 May 2011: <http://bit.ly/1TwXYTN>

<sup>5</sup> Amnesty International, *More face charges in Egypt's escalating free speech and dissent crackdown*, 3 April 2013 <http://bit.ly/1QFoL1e>

Hundreds were injured and at least 10 people died, most of them supporters of Mohamed Morsi as documented by Amnesty International.<sup>6</sup>

In June 2013, rising discontent with the rule of President Mohamed Morsi and the Muslim Brotherhood movement whose supporters and allies dominated the government erupted onto the streets in new mass demonstrations. Mohamed Morsi's supporters staged counter-protests. While most of the demonstrations were peaceful, in some cases they saw a succession of deadly clashes between the two sides that the security forces failed to intervene to prevent or stop.<sup>7</sup>

On 3 July 2013, the Egyptian army announced that it had removed President Mohamed Morsi and his government from power and suspended the Constitution. The public figures who backed the President's ousting included representatives of the army, security forces, political opposition and religious officials, who argued that the legitimacy of their actions was based on the "will of the Egyptian people". Since then, the Egyptian authorities have frequently spoken of a "July 2013 Revolution" which they say swept Mohamed Morsi and his administration from power.

While the new authorities claimed their legitimacy was based on mass protests, in the two years that have passed since Morsi's ousting, mass protests have given way to mass arrests. The authorities have launched a sweeping crackdown aimed at stopping protests and silencing dissenting voices once and for all. While the crackdown began with Mohamed Morsi and leading Muslim

## VIOLENCE IN PROTESTS

Amnesty International fact-finding teams have documented isolated incidents of violence by individuals during protests since January 2011, such as stone-throwing, the use of Molotov cocktails, fireworks, as well as shotguns – however the security forces' response to such violence was far from proportionate and did not distinguish between the peaceful majority and individuals using violence.

Amnesty International also documented deadly partisan violence between President Mohamed Morsi's supporters and opponents during his ousting in July 2013. There were clashes between individuals armed with bladed weapons and firearms. In subsequent demonstrations in July and August 2013, some Morsi supporters also attacked and killed security officers and damaged government buildings, as well as launching sectarian attacks on Coptic Christian communities.

A peaceful assembly does not automatically lose its peaceful character if there is sporadic or isolated violence or other unlawful behaviour by some within the crowd. Amnesty International considers that policing of assemblies should always be guided by human rights considerations. The fact that an assembly is illegal, or that minor violations of the law occur during a peaceful assembly, should not necessarily lead to a decision to disperse it.

Similarly, where a small minority tries to turn a peaceful assembly into a violent

one, police should ensure that those who are protesting peacefully are able to continue to do so, and not use the violent acts of a few as a pretext to restrict or impede the exercise of rights of a majority. Any decision to disperse an assembly should be taken only as a last resort and carefully in line with the principles of necessity and proportionality, i.e., only when there are no other means available to protect a legitimate aim and when the level of threat of violence outweighs the right of people to assemble. The security forces should prioritize peaceful settlement of disputes as a means of avoiding the escalation of disputes.

Amnesty International has always called for those responsible for human rights abuses to face justice. However, in such cases the onus falls on the Public Prosecution to prove that a specific individual was responsible for an unlawful act of violence – or else that an individual incited the commission of the offence, participated in its planning or execution, or offered the perpetrator practical assistance. In practice, the authorities have used these acts of a small minority to impose arbitrary restrictions on the right to freedom of assembly, and to punish hundreds of peaceful protesters for the actions of a few.

**Source: UN Special Rapporteur on extrajudicial, summary or arbitrary executions, *Report of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions* (UN Doc A/HRC/17/28), 23 May 2011, para42.**

<sup>6</sup> Amnesty International, "More protestors are killed since President Morsi's advent to power", *Egypt: Rampant impunity: Still no justice for protestors killed in the '25 January Revolution'* (Index: MDE 12/004/2013), 25 January 2013:

<http://bit.ly/1QFnes4>

<sup>7</sup> Amnesty International, *Egypt risks spiralling into partisan violence* (Index: MDE 12/039/2013), 25 July 2013: <http://bit.ly/1FooZOy>

Brotherhood figures, it has expanded far beyond them in the years since July 2013.

As the arrests have continued, it has become very clear that the authorities have not forgotten the 2011 protests, nor have they forgiven those who succeeded in toppling the administration of Hosni Mubarak. Today, many of the young protesters who played a role in the 2011 uprising and in the years beyond are in prison, joining the thousands of people jailed for their alleged support of Mohamed Morsi and the Muslim Brotherhood.

A new wave of arrests that began in mid-2015 has seen security forces arrest dozens of people and detain them incommunicado for prolonged periods, in conditions that in some cases may amount to enforced disappearances. The activist group "Freedom for the Brave" reported that it had documented over 160 such cases since April 2015 – with families and lawyers unable to establish contact with detainees in over 60 of them.<sup>8</sup>

Those targeted have included several activists from the "6 April Youth Movement", an activist movement of young people that emerged in the years ahead of the 2011 uprising and whose members had called for a general strike on 11 June 2015. Those who were subsequently referred to the Public Prosecution were faced with charges of belonging to a banned group as the judiciary had outlawed the "6 April Youth Movement" (see below). The Muslim Brotherhood separately reported that security forces had been carrying out arrests

of its supporters and detaining them incommunicado.

Those detained in the wave of new arrests include 23-year-old university student Esraa El-Taweel, whose family believe was detained by security forces in Cairo on 1 June 2015, along with two of her male friends amid the arrests of dozens of young people in the area that evening.

The security forces repeatedly told Esraa El-Taweel's family and their lawyers that they were not holding her, and they remained without any information as to her whereabouts for 17 days. At time of writing, there were breaking reports that Esraa el-Taweel had been located in Qanater Prison, a prison for women in Cairo, with two of her male friends also found in Tora Prison.

Israa Eltaweel was shot by a sniper from a police armoured vehicle during the celebrations of the "25 January Revolution" on 25 January 2014 in Cairo, according to her family. Since then she has been in a wheelchair and does not move from it.

Those detained also include Islam Salah El-Deen Ateeto, a student at Ain Shams University who disappeared from the campus on 19 May 2015 and turned up in a morgue the next day with several gunshot wounds. Students at the university claimed that before Islam Salah El-Deen Ateeto's disappearance from campus they had seen an unknown man in plainclothes approach him, accompanied by a faculty member, while the student was taking an exam. The Interior Ministry subsequently announced that Islam Salah El-Deen Ateeto had been wanted in connection with the murder of a

police official, and that security forces had located him at his "safe house" and shot him dead after he opened fire on them.<sup>9</sup>

The new arrests have come as President Abdel Fattah al-Sisi's administration reaches out to the international community in an effort to rebuild ties. President al-Sisi has made it clear that he sees dissent as a threat to Egypt's stability and security. As a candidate for office in May 2014, he told an interviewer that he supported the Protest Law, and that: "*irresponsible protests... will bring Egypt down.*"<sup>10</sup>

The President hit back at criticism of the authorities in a visit to Berlin, Germany, in early June 2015. In a public address, he stated that Morsi's ousting had followed a popular uprising and denied that his administration was clamping down on human rights. The President made his address as thousands of the political opposition languished in jail.

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<sup>8</sup> See the statement on the group's Facebook page: <http://on.fb.me/1KjYW1H>

<sup>9</sup> Defense League of Islam Ateeto's Rights, *Report about the torture and murder of Islam Salah El-Deen Ateeto by the Egyptian Police*: <http://bit.ly/1G4Lbyx>; and Interior Ministry's statement: <http://on.fb.me/1JbKqK9>

<sup>10</sup> See transcript and video of interview in Arabic at ONA, 5 May 2014: <http://onaeg.com/?p=1648159>; and in English at Mada Masr, *Sisi's first TV interview (part 2): We have to move, to sprint*, 7 May 2015: <http://bit.ly/1Foldog>

## THE PROTEST LAW: A FAST-TRACK TO JAIL

Legislation signed into law by the interim President in November 2013 made it illegal to stage a demonstration or other public gathering without prior authorization from the Interior Ministry, in practice banning any anti-government protest. The Law Regulating the Right to Public Gatherings, Processions and Peaceful Protests (Law 107 of 2013, the Protest Law) also gave security forces sweeping powers to disperse unauthorized peaceful demonstrations or public gatherings with excessive force.

Since its passing in November 2013, the Protest Law has become a fast-track to prison. Security forces have exercised a zero-tolerance policy towards protests, breaking up demonstrations as soon as protesters gather using batons, water cannons, tear gas and shotguns. Security forces made-up of riot control police, special-forces and plainclothes officers from the Criminal Investigations Unit and National Security Agency have rounded up protesters by the dozen – as well as bystanders and journalists.

### Crushing restrictions on freedom of assembly

The law gives the Interior Ministry wide discretionary powers over protests. It requires protest organizers to submit complete plans for any gatherings of more than 10 people to the Interior Ministry at least three days in advance – and 24 hours in advance for electoral campaigning meetings. The law also gives the Interior Ministry the authority to cancel a demonstration or change its route, in effect meaning that demonstrations can take place only with the Ministry's prior authorization.

The law also allows the Minister of Interior and Egypt's regional Governors to declare

public spaces off limits for protest. These include public areas surrounding presidential palaces, parliaments, ministries, diplomatic missions and embassies, court buildings, hospitals, prisons, police stations or points, military zones and heritage sites. The law further imposes blanket prohibitions on protests and public gatherings of a "political nature" in places of worship. Since the "25 January Revolution", many protest marches began after prayers at mosques – a practice continued by Mohamed Morsi's supporters since his ousting.

Protesters convicted of breaking the law face up to five years in prison and fines of 100,000 Egyptian pounds (US\$13,100).

### A license to use excessive lethal force

The law also gives the security forces a legal framework for the use of excessive force, including firearms against peaceful protesters deemed to have committed a "crime punishable by law". The law allows security forces to disperse peaceful protests for not complying with the law's requirements, including on broad grounds such as disrupting traffic and holding demonstrations in places of worship.

Moreover, under the law, any violent act committed by a small minority of protesters – or even just one – can be used as a legal justification for dispersing the entire demonstration. The law provides for the police to use shotguns and rubber bullets, including to disperse peaceful protesters.

The law further allows security forces to respond to the use of firearms by protesters by "means proportionate to the level of threat to lives, money and property". The inclusion of "money and property" in this provision violates international law and standards, which permit security forces to use firearms only

when that is the sole means of defence against an imminent threat of death or serious injury.

The Protest Law adds to the already formidable array of Egyptian laws that restrict the right to freedom of peaceful assembly, in violation of Egypt's obligations under international human rights law. Other such legislation includes Law 10 of 1914 on gatherings, which prescribes imprisonment and fines for individuals refusing orders to disperse from public gatherings composed of more than five people with the purpose of endangering "public peace"; and Law 14 of 1923 relating to public meetings and demonstrations, which gives unfettered powers to security forces to disperse any demonstration deemed to endanger "public order."

Amnesty International considers the arbitrary restrictions and the powers given to security forces to use excessive force under the Protest Law and other such legislation regulating public assemblies to breach Egypt's obligations to guarantee the right to freedom of peaceful assembly under Article 21 of the International Covenant on Civil and Political Rights (ICCPR) as well as Article 73 of the Egyptian Constitution. The organization has repeatedly urged the Egyptian authorities to amend the Protest Law and other legislation or scrap them altogether.

### Sources:

**The UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.**

**For an analysis of other protest legislation, see: Amnesty International, "4. The case for police reform", *Agents of repression: Egypt's police and the case for reform* (Index: MDE 12/029/2012), 2 October 2012: <http://bit.ly/1K0wgKA>**

“To Egypt’s youth, males and females, the hope of the future, the carriers of education and enlightenment torches, I say: This country is for you, and needs you ... You sparked the trigger for the revolution... but the country is still in a pressing need of your work...”

President Abdel Fattah al-Sisi, inaugural address, June 2014.<sup>11</sup>

## TRUMPED-UP CHARGES AND POLITICALLY MOTIVATED PROSECUTIONS

The Public Prosecution, the official body which investigates crimes and prosecutes them in court, has relentlessly targeted protesters. In practice, it arraigns dozens or hundreds of defendants in each protest-related case, charging each suspect with “protesting without authorization” in violation of the Protest Law and a catalogue of criminal offences that range from murder and attacking the security forces to vandalism and blocking roads.

The prosecutions seem aimed at silencing continued dissent in the streets, and have become a pretext for the authorities to lock away their political opponents.

Defence lawyers told Amnesty International that in most cases the Public Prosecution does not substantiate the charges against

individual defendants with material evidence. Instead, prosecutors often rely solely on the testimonies of the security forces, police reports and investigations of the National Security Agency.

Prosecutors in charge of investigations typically show little regard for establishing individual responsibility for alleged crimes. In many cases examined by Amnesty International, the Public Prosecution has held dozens or sometimes hundreds of people responsible for the alleged unlawful conduct of a few individuals during protests.

In some cases, prosecutors have relied on legislation that makes accomplices to a crime liable for the same punishment as the perpetrator, or makes them liable because they instigated or abetted a crime.<sup>12</sup> In practice, the Public Prosecution has abused this legislation to charge protesters or bystanders as accomplices to crimes committed during demonstrations simply because of their alleged presence on the scene, but without any material proof that they had committed a criminal offence. In two notable cases in El-Minya, the Public Prosecution charged hundreds of people as accomplices to the brutal murder of two police officials and the son of a police officer.<sup>13</sup>

In some protest-related cases, the Public Prosecution has also pressed charges against individuals such as broadcasting “false information” in order to undermine Egypt’s national security or “stirring up sedition”.<sup>14</sup> Such criminal charges violate Egypt’s obligation under international law.

Some criminalize conduct that is protected as the legitimate exercise of human rights, including the right to freedom of expression under Article 19 of the ICCPR. Some of the charges are vague and overbroad and violate the principle of legality, which includes the requirement that laws must be sufficiently clear and precise for an individual to regulate their conduct accordingly.

## THE RISE OF MASS TRIALS

With dozens or hundreds of defendants on the charge-sheets, mass trials increasingly have become a feature of Egypt’s criminal justice system. In practice, such proceedings have eroded the rights of the defendant to examine the case against them and mount an effective defence.

In many cases, protest-related trials have taken place before special circuits of the criminal courts established to speedily try security and terrorism-related matters.<sup>15</sup> In practice, such courts have been prepared to convict dozens or even hundreds of defendants with little or no material evidence, solely on the basis of testimonies of the security forces. Judges have been prepared to accept evidence presented by the Public Prosecution at face value – despite security officers routinely admitting upon cross examination that they could not remember details about individual defendants.

In some high-profile cases documented by Amnesty International, courts have

<sup>11</sup> Speech at Qubba Palace, 8 June 2014.

<sup>12</sup> See eg Penal Code Articles 40–44 on joint liability, Article 89 on belonging to a gang and 95 on “inciting” crimes.

<sup>13</sup> Amnesty International, *Court Sentences 37 To Death, 491 To Life In Jail* (Index: MDE 12/023/2014), 30 April 2014: <http://bit.ly/1d3KZHF>; and *Court sentences 183 to death, jails five* (Index: MDE 12/038/2014), 24 June 2014: <http://bit.ly/1IQPIBK>

<sup>14</sup> See eg Penal Code Article 80(d) on “broadcasting false news or information”; Article 86 and 86(bis), on “advocating terrorism” and Article 102 on “sedition”.

<sup>15</sup> See for example, Aziz, Sahar, Carnegie Endowment for International Peace, *Egypt’s Judiciary, Coopted*, 20 August 2014: <http://ceip.org/1IQLMau>



## THE RIGHT TO FAIR TRIAL

### Under the Egyptian Constitution

Egypt's Constitution sets down some safeguards against arbitrary arrest as well as enshrining some fair-trial guarantees. Article 54 prohibits the questioning of a person unless their lawyer is present, and gives detained suspects the right to challenge their detention before a court.

Under Article 96, a person accused of a crime is presumed innocent until proven guilty in a fair trial in which the right to defend themselves is guaranteed. Article 98 guarantees the right of defence, in person or by proxy.

### Under the Code of Criminal Procedures

The government has recently proposed changes to the Code of Criminal Procedures which would erode the rights of defendants in cases to call witnesses in their defence, or to examine – or have their representatives examine – witnesses testifying against them. The proposals, as

announced by the Cabinet in mid-February 2015, would give judges powers to disregard witness testimonies. Leading human rights activists and Egypt's Bar Association have criticized the proposals. President al-Sisi had not signed the draft legislation into law at time of writing.

### Under the ICCPR

Article 9 (1) of the ICCPR stipulates that everyone has the right to liberty and security of person, and that no one shall be subjected to arbitrary arrest or detention. The article further provides that anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of their detention and order their release if the detention is not lawful.

Article 14 of the ICCPR provides that everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.

Article 14 further guarantees that everyone is entitled, when charged with a criminal offence, to be presumed innocent until proved guilty according to the law.

In addition, everyone must have adequate time and facilities for the preparation of their defence and to communicate with counsel of their own choosing; to be tried without undue delay; to be tried in their presence, and to defend themselves in person or through legal assistance of their own choosing.

Under the ICCPR, everyone has the right to examine, or have examined, the witnesses against them and to obtain the attendance and examination of witnesses on their behalf.

### Sources:

*Al-Youm Al-Saba', Nasser Amin: Amendment of the Criminal Procedure Code will kill justice in Egypt (original in Arabic), 19 February 2015: <http://bit.ly/1Diqoby>*

ICCPR, Article 9 (1) and (4); and Article 14(1), (2) and (3).

deliberately undermined defendants' right to a fair trial by blocking their access to key evidence, obstructing defendants or their lawyers from attending the trial, or even by threatening defence lawyers and witnesses.

Defence lawyers have complained that the authorities had delayed granting them access to the case file, denying them access to vital evidence and information about the case.

In some cases, courts have also changed the time and location of proceedings without informing defence counsel. In one case, during the trial of activists Yara Sallam, Sanaa Seif and other alleged protesters in Cairo in June 2014, the court changed the

location of a hearing without telling the defendants' lawyers or families, forcing them to rush 25km from Heliopolis to Helwan to reach the court on time.

In another case, during the trial of leading activist Alaa Abd El Fattah and other protesters in June 2014, the court in Cairo convened over 30 minutes before it was scheduled to sit and then tried the defendants in their absence and sentenced them to lengthy jail terms. Security forces then arrested Alaa Abd El Fattah and two other defendants when they arrived for the hearing ahead of the scheduled time.

In some cases, Egyptian courts have conducted grossly unfair trials which have

systematically violated fair trial guarantees enshrined in both the Constitution and international human rights law.

Two cases that have epitomized the failures of the justice system in Egypt were the proceedings by El-Minya Criminal Court in March and April 2015, in which the court began legal proceedings to sentence over 1,200 people to death in two cases, after holding a few short hearings. After an international outcry, the court sentenced 37 to death in one case and 183 in another. Egypt's highest court of law, the Court of Cassation, subsequently overturned both verdicts.

Defence lawyers who have protested judges' decisions have in some cases also faced threats and intimidation. During one of the trials in El-Minya Governorate in March 2014, the presiding judge ordered armed security forces to surround defence lawyers after they called on him to recuse himself. During the trial of well-known protester and political activist Ahmed Douma, the presiding judge ordered the Public Prosecution to open criminal investigations into defence lawyers on charges of contempt after they protested his decisions.

Mass trials have also raised logistical concerns. With court buildings often unable to accommodate the dozens or hundreds of defendants standing trial in each case, and security forces often unwilling to transfer the defendants from prisons to courts, courts have increasingly sat in police academies, most notably at Tora Police Institute inside Tora Prison. Such proceedings have undermined the presumption that the defendants are innocent until proved guilty. In practice, families and the public are not allowed to enter the court complex as officials do not issue them with permits, in violation of the right to a public hearing.

At the trials held at the Tora Police Institute annexed to Tora Prison, officials have installed an opaque glass dock that prevents defendants from hearing the proceedings or communicating with their legal representatives, unless the presiding judge gives them leave to do so.

Today those detained in Egypt for protesting, or political activism, have little chance of a fair trial. They face prosecution on trumped-

up charges not substantiated by material evidence, under laws that arbitrarily restrict freedoms of assembly and expression and which do not comply with international law. In many of the individual cases documented below by Amnesty International, courts have also failed to respect the defendants' due process rights. Far from dispensing justice impartially, the criminal justice system has become a tool to stifle peaceful dissent and silence opposition voices.

## PROTESTERS JAILED, OFFICIALS FREED

The authorities have routinely dismissed criticism of the Public Prosecution and court system as "interference in the judiciary" and a violation of Egypt's "sovereignty". In practice, however, the Public Prosecution has prosecuted the government's critics and political opponents while largely ignoring human rights violations by officials and the security forces.

The thousands of protesters hauled before the courts by the Public Prosecution stand in stark contrast to the handful of security forces prosecuted for human rights violations since January 2011. With the Office of the Public Prosecution either unable or unwilling to conduct independent investigations, peaceful protesters have suffered while officials responsible for torture and unlawful killings have walked free.<sup>16</sup>

The fact remains that not a single member of the security forces, or public official, has faced criminal charges for the deaths of hundreds of protesters at Rabaa al-Adawiya

and al-Nahda Squares on 14 August 2013, despite evidence gathered by Amnesty International and other groups that security forces used arbitrary and abusive force.<sup>17</sup> Courts have also jailed and sentenced protesters to death in their hundreds while clearing Mubarak-era officials of complicity in the hundreds of protester deaths during the 2011 uprising.

Eyewitnesses who have testified about human rights violations have also faced criminal charges aimed at intimidating and silencing them. In March 2015, the Public Prosecution charged with "unauthorized protesting" 17 eyewitnesses to the killing of a 32-year-old woman activist, Shaimaa Al-Sabbagh, by security forces during a peaceful protest on 24 January 2015. They included noted human rights defender Azza Suleiman, who told Amnesty International that she saw the incident from a nearby café. A Cairo court acquitted the group of the charges against them in May 2015, but the case remains open as the Public Prosecution has appealed the decision.

In a separate case, on 11 June 2015 a court sentenced a police officer to 15 years in prison, after convicting him with causing the death of Shaimaa al-Sabbagh. While the case was a rare example of a member of the security forces being held to account for a human rights violation, the Public Prosecution did not charge the officer with murder, but with "beating" Shaimma al-Sabbagh to death – which carried a softer penalty.

<sup>16</sup> Amnesty International, *Egypt: Rampant impunity: Still no justice for protestors killed in the '25 January Revolution'* (Index: MDE 12/004/2013), 25 January 2013: <http://bit.ly/1QFnes4>

<sup>17</sup> Amnesty International, *Egypt: Security forces must show restraint after reckless policing of violent protest*, 23 August 2013: <http://bit.ly/1Fop2dd> ; and *Egypt: 'People were dying all around me': Testimonies from Cairo violence on 14 August 2013* (Index: MDE 12/046/2013), 16 August 2013: <http://bit.ly/1G6xHCF>

## THE YOUTH ACTIVISTS

Activists from Egypt's youth movements were among the first to be jailed for defying the Protest Law. They include well-known political and human rights activists who have repeatedly protested since the 2011 uprising for reforms of Egypt's government, judiciary and security forces – including people from the full range of Egypt's political spectrum, from leftist activists to supporters of the Muslim Brotherhood movement.

Since July 2013, the authorities have cracked down on such youth movements. They include the "6 April Youth Movement", an activist group formed to support striking workers that helped to organize the mass protests which toppled Hosni Mubarak from power in February 2011.

A court banned the "6 April Youth Movement's" activities in April 2014 after ruling that it had committed "espionage" and accepted foreign funding without government permission, according to a court ruling seen by Amnesty International. The ruling appeared aimed at silencing the "6 April Youth Movement's" frequent criticism of the authorities. The group reported new arrests of its members after it called for a general strike in mid-June 2015.

The Public Prosecution is currently considering a separate case filed against the 6 April Youth Movement by a pro-government lawyer accusing it of being a "terrorist organization".

AHMED MAHER, MOHAMED ADEL & AHMED DOUMA

**"Do the Egyptian authorities have any idea what the consequences are of shutting down the peaceful political sphere, or the consequences of restricting freedom of expression and peaceful demonstrations?"**

Ahmed Maher, letter from prison seen by Amnesty International.

Youth-movement leaders Ahmed Maher, 34, and Mohamed Adel, 35, and political activist Ahmed Douma, 25, were the first to be imprisoned for defying the Protest Law. The men are serving three-year prison sentences, handed down by a misdemeanour court in December 2013.

Ahmed Douma is also serving a separate, 25-year prison sentence for protesting, handed down in February 2015, as well as a three-year prison sentence for contempt of court.

Ahmed Maher and Mohamed Adel are leading figures in the "6 April Youth Movement". Ahmed Douma is a well-known blogger and protester.

Security forces arrested Ahmed Maher inside the Abdeen Misdemeanours Court on 30 November 2013, when the activist turned himself in to the Public Prosecution for questioning over allegations that he had taken part in an unauthorized protest against the Protest Law on 26 November 2013 (see "Alaa Abd El Fattah").

While the Public Prosecution was questioning Ahmed Maher inside the court building, the security forces clashed with his supporters while they protested outside.

Security forces arrested Ahmed Douma at his home on 3 December 2013, accusing him of taking part in the violence outside the court building. Defence lawyers told Amnesty International that the activist had been inside the court during the clashes.

Security forces then arrested Mohamed Adel on 18 December 2013, during a raid on the Egyptian Center for Economic and Social Rights, where he had been volunteering. The activist told his lawyers that security forces had taken him to an unknown location where they beat him. They detained him incommunicado until the day of his trial, 22 December 2013. Witnesses later told the court that Mohamed Adel had tried to restrain the protesters and was not involved in the violence.

The Abdeen Misdemeanours Court convicted all three men, on 22 December 2013, of taking part in an "unauthorized demonstration" around the court, as well as "attacking the security forces, destroying public property and disturbing public order".

The court sentenced them to three years in prison with labour, a 50,000 Egyptian pound (US\$6,500) fine and an additional three years' probation.

An appeals court upheld their conviction on 7 April 2014. During their appeal hearing, Mohamed Adel and Ahmed Douma told the presiding judge that security forces had beaten them in a court holding cell after they asked their guards to remove their handcuffs. The Court of Cassation, Egypt's highest court of law, upheld their conviction on 27 January 2015.

By jailing two leading members of the "6 April Youth Movement", along with a well-known protest figure, the authorities appeared determined to show youth activists and young opposition figures that they were

prepared to ruthlessly enforce the new Protest Law.

In the weeks and months that followed the arrest of Ahmed Maher, Mohamed Adel and Ahmed Douma, the authorities widened a crackdown that until then had largely focused on Mohamed Morsi's alleged supporters. They made it clear that they would tolerate no more demonstrations or dissent, whatever the source.

#### 'THE CABINET INCIDENT'

Ahmed Douma is also serving a separate, life imprisonment sentence of 25 years on charges of taking part in violence during protests in December 2011.

Protesters had staged a sit-in outside the Cabinet Offices in central Cairo against the Supreme Council of the Armed Forces, the military body that ruled Egypt in the months after Hosni Mubarak's ousting. Clashes between the army and protesters that began on 16 December 2011 led to five days of violence that resulted in the deaths of at least 17 protesters, as well as hundreds of injuries.<sup>18</sup> The violence also resulted in damage to a number of public buildings damaged, including the Cabinet Offices and the Egyptian Scientific Institute.

The military forces arrested hundreds of protesters, subjecting many to torture or other ill-treatment in detention. The protests would become iconic of the military's repressive rule, after footage emerged of soldiers beating a woman protester in the street and pulling up her clothes to expose her bra as she lay prone.<sup>19</sup>

An judge appointed to investigate the incident in May 2012 indicted hundreds of protesters on charges of "staging a gathering that threatens public peace with the aim of assaulting the military and police forces" and other offences, including disruption of traffic, unauthorized possession of objects used to attack people, and throwing rocks and Molotov cocktails at public buildings. Investigations failed to hold any members of the army responsible for the deaths and injuries of protesters. The trial then continued throughout the political tumult of the next two and a half years.

The Cairo Criminal Court jailed Ahmed Douma for 25 years for his alleged role in the protests on 4 February 2015, also fining him 17 million Egyptian pounds (US\$2.2 million). Defence lawyers had protested that the trial was grossly unfair.

The Public Prosecution had charged the activist with attacking government buildings and security forces and setting fire to the Egyptian Scientific Institute during the demonstrations.

The court also handed down 25-year sentences against 229 others and 10-year sentences against 39 children (under 18) on the same charges in their absence, according to state media. Those jailed for life included a woman beaten by the armed forces while they broke up the demonstrations. She was sentenced in her absence.

Defence lawyers for Ahmed Douma withdrew from the case in November 2014 after the court refused to include key evidence in the case, including testimonies

against the security forces in the same incident.

The presiding judge also referred members of Ahmed Douma's defence team to the Public Prosecution on accusations of contempt of court after they protested his decisions.

In December 2014, the presiding judge jailed Ahmed Douma for three years and fined him 10,000 Egyptian pounds (US\$1,300) after holding him in contempt of court for asking the presiding judge about his Facebook account during the hearing.

In February 2015, the presiding judge threatened to hand down a further three-year sentence against Ahmed Douma when handing down the sentence after the activist sarcastically applauded the verdict, video footage of the court hearing showed.

Ahmed Douma is now serving a total of 31 years after he was sentenced to two three-year jail sentences, and a life sentence (25 years).

<sup>18</sup> "3. Crackdown on Cabinet Offices Sit-in", *Brutality unpunished and unchecked: Egypt's military kill and torture protesters with impunity* (Index: MDE 12/017/2012), 2 October 2012: <http://bit.ly/1G6xIGt> (*Brutality unpunished and unchecked*)

<sup>19</sup> "5. Sexual and gender-based violence against women activists", *Brutality unpunished and unchecked*.

## ALAA ABD EL FATTAH

**“The regime in Egypt is waging war against the young who dare to dream of a bright future for themselves and their country.”**

The family of Alaa Abd el-Fattah and Sanaa Seif, in a statement to Amnesty International in June 2015.

Leading opposition activist Alaa Abd El Fattah, 33, is serving a five-year prison sentence for protesting. A criminal court in Cairo jailed him in February 2015 after convicting him of leading a protest outside the upper house of parliament, known as the Shura Council, in November 2013.

A vocal critic of the authorities, Alaa Abd El Fattah served time in prison under Hosni Mubarak and shot to prominence in the months after the 2011 uprising, when military prosecutors ordered his arrest. The repeated arrests have taken their toll. Alaa Abd El Fattah missed the birth of his first child and saw his sister, Sanaa Ahmed Seif, detained for protesting in June 2014 (see below). He was in detention when his father, the leading human rights lawyer Ahmed Seif al-Islam, died following heart surgery in August 2014. He was not allowed to visit his father in hospital before he lapsed into unconsciousness.

His family said in a public statement at the time:<sup>20</sup>

*“And now, finally, they have done that which he cannot bear: they prevented him from being at the side of his father, to support him as he went into open-heart surgery, and*

*they prevented him from visiting until his father fell unconscious.”*

Alaa Abd El Fattah has staged repeated hunger strikes in protest at his imprisonment.

Security forces arrested dozens of protesters on 26 November 2013, after using excessive force to break up a peaceful demonstration by the No to Military Trials group in front of the Shura Council. The group had been protesting against a provision in Egypt’s then-draft Constitution that allowed civilians to face trial before military courts. The security forces used water cannon, tear gas and batons to break up the demonstration. Security forces arrested dozens of people.

Amnesty International spoke to a number of those subsequently released, who said that security forces beat those they detained with their hands, batons and sticks. Some of the women protesters also told Amnesty International that security forces in civilian clothes had forcibly dragged them on the ground into police vehicles, beat and punched them, and pulled their hair.

The security forces arrested Alaa Abd El Fattah at his home two days after the protest. His wife Manal Hassan told Egyptian media that the security forces had beaten him and slapped her during the arrest. The Public Prosecution ordered Alaa Abd El Fattah’s detention while it investigated accusations that he had led the protest.

In March 2014, Alaa Abd El Fattah and 24 other men faced trial before the South Cairo Criminal Court on charges of “protesting without authorization” and a string of public order offences, including attacking the security forces and stealing a police radio.

The court ordered Alaa Abd El Fattah’s release on bail.

Defence lawyers raised questions over the impartiality of the judge presiding over the case, noting that Alaa Abd El Fattah had accused him of election fraud in an official complaint in 2005. His defence team filed a motion for the presiding judge to recuse himself, but an appeals court rejected it.

On the morning of 11 June 2014, the South Cairo Criminal Court tried and convicted all 25 men in their absence, sentencing them to 15 years in prison and fining them 100,000 Egyptian pounds (US\$13,100). Lawyers told Amnesty International that the court began the trial before its scheduled time, without giving the lawyers or defendants any notice. The court, sitting at the Tora Police Institute, handed down the sentences at 9.10am – breaking internal South Cairo Courts regulations that trials should start at 9.30am.

Security forces then arrested three of the defendants, including Alaa Abd El Fattah, at 9.30am, when they arrived to attend the trial. The court subsequently ordered a retrial after the defendants appealed the in absentia convictions. “Evidence” presented by the Public Prosecution against Alaa Abd El Fattah during a hearing on 10 September 2014 included a family video of his wife at home.

The judges hearing the case finally recused themselves on 15 September 2014, ordering the release of Alaa Abd El Fattah and the two other detained protesters.

A second retrial began before a different panel of judges on 27 October 2014 in the Tora Police Institute, with 20 of the 25

<sup>20</sup> *Statement from the Family of Alaa Abd El-Fattah, 19 August 2014:*  
<http://on.fb.me/1J5ZFo1>

defendants present. The 20 defendants who attended the hearing then remained in detention as the trial continued. On 23 February 2015, the South Cairo Criminal Court jailed Alaa Abd El Fattah for five years for leading an “unauthorized protest”, sentencing 18 others to three-year terms for protesting and one man to five years for carrying a knife.<sup>21</sup>

The court also fined each of the men 100,000 Egyptian pounds (US\$13,100) and ordered that Alaa Abd El Fattah and one other protester serve five years’ probation following their release and that all the others serve three years’ probation.

At time of writing, Alaa Abd El Fattah was also standing trial along with ousted President Mohamed Morsi on charges on “insulting the judiciary”. They are part of a group of 25 that includes figures from across Egypt’s political spectrum, including officials from the Muslim Brotherhood movement as well as their political opponents. The charges relate to alleged statements by members of the group in the media over a period of several years which the Public Prosecution is arguing insulted the judiciary, a criminal offence in Egypt.<sup>22</sup>

Alaa Abd El Fattah is well-known for his calls for sweeping reforms of the government, security forces and judiciary. The farcical nature of his trial for protesting, which saw him jailed in absentia and “evidence” based on home videos, has served to expose the lengths to which the authorities are prepared to go to settle old scores with the activists that opposed them.

<sup>21</sup> Defence lawyers told Amnesty International that the man had the knife because he worked in a restaurant. Security forces claimed they had found the knife in his backpack hours after his arrest.

## MAHMOUD MOHAMED AHMED HUSSEIN

**“You’ve spent nearly 500 days in jail, and my heart couldn’t be sadder at the injustice that you and so many others like you are facing.”**

The brother of detained student Mahmoud Mohamed Ahmed Hussein.

Mahmoud Mohamed Ahmed Hussein was an 18-year-old student when security forces arrested him on his way home from a protest against the military rule and Muslim Brotherhood on 25 January 2014. Today he remains detained without charge or trial, after spending a year and a half in detention.

He was singled out by the security forces at a checkpoint for wearing a “Nation without Torture Campaign” T-shirt and a scarf with a logo celebrating the “25 January Revolution”.

His family said that after arresting him, security forces tortured Mahmoud Hussein to force him to “confess” to terrorism-related activities, beating him and using an electric shock device on his face, back, hands and testicles.

After enduring several hours of such torture, Mahmoud Mohamed Ahmed Hussein told the National Security officer who was questioning him that he would “confess” to whatever they wanted. The officer then filmed the student “confessing” to

possessing explosives, belonging to a “terrorist” group, receiving money to protest, and participating in an unauthorized demonstration. Mahmoud Mohamed Ahmed Hussein’s family told Amnesty International that they had seen the signs of torture when they visited him.

Mahmoud Mohamed Ahmed Hussein is detained in an appeals detention facility near the Cairo Security Directorate, in a small cell that is infested with insects and which holds over 40 other prisoners. He spent his 19th birthday in prison, and has been unable to complete his studies. He also missed his brother’s wedding.

Courts have routinely renewed Mahmoud Mohamed Ahmed Hussein’s provisional detention without charge or trial. His family told Amnesty International that security forces were no longer bringing him to court to attend the hearings.

His brother told Amnesty International on 8 June 2015:

*“Today, President Abdel Fattah al-Sisi completes his first year in office. Many of the promises he made have yet to be fulfilled. He has praised the youth of this country, yet so many of them are languishing in jail.”*

In the years after Mohamed Morsi’s ousting, the crackdown on dissent has expanded far beyond the President’s administration and the leaders of the Muslim Brotherhood. Today, even the most innocuous acts can make you a target for arrest. The authorities have made it clear that they see anyone who deviates from their political narrative as a

<sup>22</sup> *El Watan, Today: The trial of Morsi and 24 others, including Tawfiq Okasha, for ‘insulting the judiciary’* [original in Arabic], 22 May 2015: <http://bit.ly/1LkKqVv> ; and *Al-Youm Al-Saba’, Video: The start of the first hearing of the ‘Morsi’ trial and that of 24 others for insulting the judiciary* [original in Arabic], 23 May 2015: <http://bit.ly/1fjbbja>

threat, whether they be an internationally known political activist or just a student who is wearing the wrong T-shirt. Mahmoud Mohamed Ahmed Hussein's detention reflects their determination to nip in the bud a future generation of activists, protesters and opposition political leaders.

#### PROLONGED DETENTION WITHOUT CHARGE OR TRIAL

The Egyptian Code of Criminal Procedures allows for judicial authorities to hold felony suspects without charge or trial for prolonged periods – in some cases providing for indefinite detention.

Article 137 of the law allows the Public Prosecution to order the detention of an individual while prosecutors investigate whether the suspect was involved in a crime, but before formally charging them with a criminal offence and bringing them to trial.

Articles 143, 202 and 203 of the law give courts the power to extend the provisional detention of such suspects for periods of up to 45 days, at the request of the Public Prosecution. After the detention period expires, a court must review the case and decide whether to release the individual or to extend their detention.

Article 143 of the law sets a two-year limit for the provisional detention of suspects in crimes punishable by life imprisonment or death.

Following amendments to the Code of Criminal Procedures in September 2013

by Decision 83 of 2013, there is now no ceiling to the provisional detention if the person is sentenced to life imprisonment or death and a higher court had overturned the sentence. In this regard, the higher court could renew the provisional detention for indefinite periods of up to 45 days each.

In some cases, the law has led to suspects languishing in prison for over a year while investigations continue. Defence lawyers and families of suspects held for months in provisional detention told Amnesty International that, in practice, courts regularly renewed detention orders at the request of the Public Prosecution without considering the merits of the case and that the renewal proceedings usually lasted just a few minutes.

Amnesty International opposes the use of provisional detention without charge or trial where it leads to indefinite or prolonged periods of detention.

## THE HUMAN RIGHTS ACTIVISTS

As the crackdown has continued, human rights activists have increasingly found themselves among those targeted.

In practice, leading Egyptian human rights NGOs have scaled down their activities for fear of reprisals from the authorities. Seven leading Egyptian human rights organizations announced in November 2014 that they were boycotting the UN Universal Periodic Review of Egypt for fear of reprisals.<sup>23</sup> One prominent NGO subsequently announced that it was relocating to Tunis because of tightening restrictions.<sup>24</sup> Prominent human rights workers have also faced questioning by the Public Prosecution and security forces.

Last year, the Ministry of Social Solidarity had warned it would hold "accountable" any NGOs which remained unregistered under the Law on Associations (Law 84 of 2002), which places sweeping restrictions on registered NGOs. NGO staff subsequently told Amnesty International that the authorities had been rejecting or ignoring their requests to register under the law, exposing them to the threat of prosecution.

In the last few months, human rights workers have also faced questioning over their funding and activities by a "committee of experts", appointed by a judge investigating whether NGOs are complying with the heavily restrictive Law on Associations (Law 84 of 2002).

Committee members questioned staff at the Cairo Institute for Human Rights Studies on 9 June 2015, after questioning staff at the Egyptian Democratic Academy (EDA) last April. Four of the EDA's senior staff are subject to travel bans while the investigations continue.

Egyptian human rights organizations fear the investigations will lead to their closure and the prosecution of their staff.

The Egyptian authorities have gone so far as to bar dissenting voices from travelling abroad, so as not to upset the carefully constructed narrative of a government that is delivering on its promises of stability and security. In June 2015, security officials at Cairo International Airport banned the head of the Egyptian Commission for Rights and Freedoms from travelling to Germany to speak before the Bundestag (Parliament) about the human rights situation in Egypt, in a visit timed to coincide with that of President al-Sisi.<sup>25</sup>

International NGOs have also faced increasing restrictions. The Carter Center announced it was closing its doors in mid-October 2014, while the authorities barred senior representatives of Human Rights Watch from entering the country in August 2014 and a staff member of the Danish Institute for Human Rights in October 2014.

YARA SALLAM & SANAA AHMED SEIF

**"All of a sudden, without anyone expecting it, people took to the streets... they are revolting against everything that we've been trying to call for, like against injustices, against inequality. They are mostly young people."**

Yara Sallam, interviewed by Amnesty International in December 2011.

Award-winning human rights defender Yara Sallam, 29, and activist film-maker Sanaa Ahmed Seif, 21, are serving a two-year sentence for unauthorized protesting.

Security forces arrested both women on 21 June 2014, after breaking up a demonstration in the Cairo suburb of Heliopolis.

The protesters had been heading towards the Ittihadiya presidential palace in the early evening, but their march was disrupted by attacks by men in plainclothes, who hurled broken glass at them and then physically assaulted them armed with knives and other bladed weapons.

Security forces then used tear gas to disperse the protesters when they reached Ismailiya Square, arresting around 30 people at the scene and in the surrounding streets.

<sup>23</sup> Joint statement, *Because of threats against human rights institutions, human rights organizations decided not to share in the activities of the review of the human rights file in Egypt before the United Nations* [original in Arabic], 4 November 2014: <http://ecesr.org/?p=769069>

<sup>24</sup> Cairo Institute for Human Rights Studies, *After 20 years: CIHRS moves its regional and international programs outside Egypt*, 9 December 2014: <http://bit.ly/1D2Kh9m>

<sup>25</sup> Egyptian Commission for Rights and Freedoms, *Press Release on Banning the Executive Director of ECRF from Travel*, 2 June 2015: <http://bit.ly/1IQPoZW>



Lawyers for Yara Sallam say that she did not take part in the demonstration. They told Amnesty International that a group of men in civilian dress detained her along with her cousin while they were buying water from a kiosk. The men then handed both over to the security forces, who arrested them.

The security forces quickly released Yara Sallam's cousin, but kept the human rights defender detained when they discovered that she worked for a human rights organization, the Egyptian Initiative for Personal Rights. The security forces then questioned the detained group without lawyers present, with the interrogation of Yara Sallam focusing on her work for the organization and its management.

The Public Prosecution charged 22 of those arrested with "taking part in an unauthorized demonstration that endangered public order and security" in breach of the Protest Law; "vandalizing property"; "making a show of force in order to terrify and threaten the lives of passers-by"; and "participating in a gathering of over five people in order to disturb the public order and commit crimes".

The group's subsequent trial before the Heliopolis Court of Misdemeanours was marred by a series of due process violations. Officials changed the location of the trial from the Heliopolis Court building to the Tora Prison Institute in Helwan on 29 June 2014 without telling the group's defence lawyers. On the morning of the trial, the lawyers, families and journalists had to rush from Heliopolis to Helwan, around 25km away.

A tinted glass screen installed in the courtroom meant that the defendants could not properly hear the trial or communicate with their defence counsel.

On 26 October 2014, the court sentenced Yara Sallam, Sanaa Ahmed Seif and 20 others to three years in prison. Lawyers for the group told Amnesty International that evidence presented in court – including audiovisual material – had not proved that any of the group had taken part in violence.

In an appeal hearing on 28 December 2014, a court reduced the sentence against the group to two years' imprisonment, also cancelling a 10,000 Egyptian pound fine (US\$1,300) imposed by the lower court.

Yara Sallam has a long history of human rights work. She is well known for her work on women's rights at Nazra for Feminist Studies. In October 2013, the Pan-African Human Rights Defenders Network awarded her the North African Shield for working towards the advancement of human rights in Africa.

Ramy Raoof, a well-known Egyptian activist and close friend of Yara Sallam, told Amnesty International in June 2015:

*"It is very hard to write about a close friend who you deeply miss. A friend who you can't see and talk with at any time as it used to be; mixed feelings of anger and passion while thinking of friends in prison – but I will try. Yara is solid in her commitment to ... defending others who need help and companionship. Her absence is strongly obvious in our lives, and I wish [that] no single human gets stripped of basic liberties."*

Before her arrest, Sanaa Ahmed Seif would often visit detainees in police stations – including, on occasion, members of her own family – to provide them food, supplies and moral support. She also worked as an assistant and editor on films about post-uprising Egypt, including the Oscar-nominated documentary *The Square*. Sanaa Ahmed Seif comes from a family of

prominent activists, including her brother Alaa Abd El Fattah, and sister Mona Seif, who campaigns against military trials for civilians and other human rights violations.

In a statement to Amnesty International in June 2015, her family said:

*"Our children, Alaa and Sanaa, are serving prison sentences of five and two years for dreaming, thinking, speaking. The fact that they, and hundreds of activists, are in prison shows how the entire justice system in Egypt – the police, prosecution and judiciary – has become a willing weapon in the regime's hand."*

*"But for us, at least we know where our children are. The disappearance of dozens of young people over the past weeks is a terrifying escalation."*

## MAHIENOUR EL-MASSRY

**“We draw our strength from her strength, but there is something we cannot replace, and that is her presence with us. For whenever one of us tries to assume the role that she had been doing, we discover the difficulty of what she [had been] doing...”**

The sister of Mahienour El-Massry, to Amnesty International in June 2015.

Human rights lawyer Mahienour El-Massry is serving a 15-month prison sentence, along with journalist Youssef Shaaban and political activist Loay El-Kahwagy.

An appeals court in Alexandria jailed her and the two others on 31 May 2015, after upholding their conviction for staging an “unauthorized protest” outside a police station and trumped-up public order offences.

The three had taken part in a protest outside al-Raml Police Station on 29 March 2013, in solidarity with lawyers who said police officers at the station had assaulted them. The sit-in inside the police station continued late into the night, with protesters gathering outside the station in solidarity.

Hundreds of security and army officers broke up the protest at the police station at around 1.30am, arresting many at the scene including Mahienour El-Massry, Youssef Shaaban and Loay El-Kahwagy. Youssef Shaaban’s wife, Ranwa Mohamed Youssef

Ali, said in a television interview that police officers had sexually assaulted her as they were trying to arrest her husband.

While the security forces released those they had arrested at the scene later that day, the Public Prosecution prosecuted them over their involvement in the demonstration and a court in February 2015 sentenced the group to two years in prison for offences including “protesting without authorization”, “damaging police property”, “attacking security forces” and “threatening public security”.

The court tried Mahienour El-Massry, Youssef Shaaban and Loay El-Kahwagy in their presence and eight other people in their absence.

Both Mahienour El-Massry and Loay El-Kahwagy have already served time in prison following a conviction in a separate case of “protesting without authorization” outside the Alexandria Criminal Court on 2 December 2013 while it was retrying two police officers accused of killing an 28-year-old man in June 2010.

The court sentenced Mahienour El-Massry in her absence to two years in prison in January 2014. She challenged the verdict, and was present when the court upheld the two-year sentence in May 2014. She was then held in the Abadeya Damanhour women’s prison for four months. The court of appeal reduced her sentence in June 2014 to six months’ imprisonment and a fine of 50,000 Egyptian pounds (US\$6,500). She was finally released in September 2014 after her lawyers challenged the verdict before Egypt’s highest court of law, the Court of Cassation. The court is yet to look into the

case. Loay El-Kahwagy is serving out the sentence at Borg El-Arab Prison.

Mahienour El-Massry is a prominent human rights lawyer in Alexandria, where she plays a leading role in defending workers’ and refugees’ rights. During her detention in 2014 she was awarded the prestigious Ludovic Trarieux Human Rights Prize.<sup>26</sup> She is also known for her political activism as a member of the Revolutionary Socialists group. Her sister Maysoon El-Massry told Amnesty International in June 2015:

*“Every time we attended one of the hearings in this case, we would laugh so hard and mock the absurdity of the arguments made, and we’d come out of the hearing with a strong belief that it would end without anything further because it is a comically trumped-up case that carries many legal contradictions.”*

*“In the hearing on 11 May 2015 [when Mahienour El-Massry was detained by court-order], we did not leave laughing. We left the hearing without Mahienour and without Youssef Shaaban, and with a strong sense that the police and regime no longer needed to dress-up or hide their attempts to silence the voice of the revolution and seek revenge on all those who expressed an opinion on it.”*

*“She is strong and optimistic despite all of this. That is not to say that prison is a simple matter, but she simply decided to deal with this bad experience with a spirit of optimism. She has not stopped trying to help others even while inside... she has been following the cases of the ghaarimat [women imprisoned for not paying their debts] in prison with her, and has contributed in fact to the release of more than one.”*

<sup>26</sup> Ludovic Trarieux, *The 19th “Ludovic-Trarieux” Human Rights Prize 2014 awarded to Mahinour al-Masry (Egypt)*: <http://bit.ly/1Cf5FmK>

## ACTUAL OR PERCEIVED MUSLIM BROTHERHOOD SUPPORTERS

The security forces have ruthlessly cracked down on supporters of Mohamed Morsi and the Muslim Brotherhood, with anyone connected to the movement or the ousted President at risk of arrest. Some of those who protested against Morsi's removal did not support the President or the Muslim Brotherhood, but opposed his forcible removal by the military on principle, citing the threat to the rule of law.

The crackdown has extended to the children of Muslim Brotherhood officials, as well as student activists who peacefully demonstrated on campus.

The authorities have banned the Muslim Brotherhood itself, striking it from the list of approved non-governmental organizations and in December 2013 declaring it to be a "terrorist organization". A court then ordered the dissolution of the Freedom and Justice Party, formed by the Muslim Brotherhood to contest legislative elections, in August 2014.

In the months since, the Egyptian government summarily ordered the closure and dissolution of hundreds of NGOs which officials claimed were linked to the Muslim Brotherhood.

## MOHAMED SOLTAN

Mohamed Soltan, 27, was deported from Egypt to the USA on 30 May 2015 after spending almost two years in detention – much of it on hunger strike. Originally a dual national, he had to give up his Egyptian citizenship to be returned to the USA.

A court had jailed him for 25 years on 11 April 2015 for spreading "false information" and funding a protest", along with others in the "Rabaa Operations Room" case.

Mohamed Soltan had been working with a media committee which reported on violations by the security forces against supporters of ousted President Mohamed Morsi. He sustained a gunshot wound in his left arm on 14 August 2013, when security forces violently broke up a mass sit-in by the ousted President's supporters at Rabaa al-Adawiya Square in Cairo.

The security forces raided Mohamed Soltan's home in Cairo on 25 August 2013 to arrest his father, a Muslim Brotherhood senior member. When they could not find him, they arrested Mohamed Soltan, who was recovering from surgery on his injured arm – also arresting three of his friends who were visiting him.

Following his arrest, the authorities transferred Mohamed Soltan between different police stations, before transferring him on 27 August 2013 to Wadi al-Natrun Prison, 120km from Cairo. After waiting in a police van for over four hours, he had to walk into the prison between two rows of police officers, who beat him and the other prisoners as they walked. He later described it as being "beaten like chicken". The security forces then took the prisoners to a hall where they ordered them to remove their clothes and stand in their underwear. The prisoners stood handcuffed in the hall while facing the wall. Security forces told the

## HUNGER STRIKES

Scores of detainees have gone on hunger strike in the last few months in protest at poor prison conditions and what they say are politically motivated cases brought against them.

Prison authorities have not provided hunger-striking detainees with adequate medical care, and in some cases have punished them by ordering their transfer to solitary confinement

men that they would beat anyone who tried to look back.

The authorities eventually transferred Mohamed Soltan to the Tora Prison complex. A cellmate removed the supporting metal pins from Mohamed Soltan's arm without anaesthetic or sterilization, after prison officials refused to transfer him to hospital.

Mohamed Soltan's health severely deteriorated after he began his hunger strike in January 2014. He ate no food and only drank water with sugar. After he began his hunger strike, the prison authorities transferred him to solitary confinement as a punishment.

His family stated that he passed out from a low level of blood sugar several times – remaining unconscious for several hours. He also began to bleed from his mouth and nose. According to his lawyer, prison authorities only transferred him to the prison medical unit when he lost consciousness and returned him to his cell when he came round.

On some occasions, prison authorities ordered Mohamed Soltan's transfer to a public hospital after the prison's medical

staff refused to be held liable for his deteriorating condition.

#### THE 'RABAA OPERATIONS ROOM'

Mohamed Soltan was just one of 51 defendants in the 'Rabaa Operations Room' case. The Public Prosecution had charged the defendants with forming or participating in media committees at the Rabaa al-Adawiya sit-in in Nasr City, and continuing to do so after the protest's forcible dispersal by security forces in August 2013. The Public Prosecution accused the defendants of spreading "false information" and inciting violence against state institutions – including the army and police (the security forces).

The case saw leading Muslim Brotherhood figures standing trial alongside 15 journalists and other media workers working for outlets that included Ahrar 25 Channel; Amgad TV; Al-Aqsa Channel; Rassd News; and the Youm7 news website.

The defendants in the case included Muslim Brotherhood Supreme Guide Mohamed Badie, as well as Gehad El-Haddad, one of the young guard of the Muslim Brotherhood who became the movement's spokesperson, and acted as a senior adviser to the Freedom and Justice Party. He had represented a new, youthful face for the Muslim Brotherhood.

The court jailed 37 of the defendants for 25 years, including Mohamed Soltan, Gehad El-Haddad and 14 of the journalists. The court sentenced 14 others to death, including Mohamed Badie, Mohamed Soltan's father Salah Soltan and a journalist for the official newspaper of the Freedom and Justice Party.<sup>27</sup> The court sentenced a number in

their absence, including four of the journalists.

The casefile, seen by Amnesty International, was based entirely on the testimony of the security forces and the National Security Agency and contained little to no hard evidence against any of the defendants.

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<sup>27</sup> Amnesty International, "The 'Rabaa Operations Room'", *Egypt: Journalists jailed or charged for challenging the authorities' narrative* (Index: MDE 12/1573/2015), 2 May 2015: <http://bit.ly/1DOLgUE>

IBRAHIM HALAWA

**“We have to keep going because we are fighting for our brother’s life.”**

Somaia Halawa, to Amnesty International in June 2015.

Irish national Ibrahim Halawa, 19, is facing trial along with hundreds of others for taking part in protests in Cairo in August 2013. He and 493 other people are on trial for their alleged role in violence during protests that took place on 16 and 17 August 2013, in the Ramsis area of central Cairo. At least 97 people died in the protests – most as a result of excessive force by the security forces.

Ibrahim Halawa was 17 years old at the time of his arrest. He and his three sisters were among those arrested after taking refuge in Al Fath Mosque in central Cairo. There was an exchange of fire between the security forces and individuals on the outer perimeter of the mosque, in which the security forces have alleged the protestors were involved. However, Amnesty International researchers who were present at the time noted that the protesters were all locked inside the inner part of the mosque at the time of the alleged shooting.

According to the case file, seen by Amnesty International, most of the over 100 witnesses due to be called in the trial are police officers or government officials.

Ibrahim Halawa sustained a gunshot wound to his hand when the security forces stormed the mosque. The authorities have

not given him access to medical care for his injury, and the only treatment he received was from a cellmate who happened to be a doctor.

Ibrahim Halawa's family live in Ireland, and he and his sisters had travelled to Egypt on holiday. While Ibrahim Halawa is an Irish national, he is facing trial as an Egyptian citizen because of his family origins. His father, who is a senior Muslim religious official in Ireland, is of Egyptian origin.

In June 2015, Ibrahim Halawa's family announced he was beginning a hunger strike in protest at his ongoing detention.

His sister, Somaia Halawa, told Amnesty International:

*“When we were released on bail after three months we felt like we got our freedom back but not all of it. Rather than recovering from all the bad things that happened in prison, you have to pretend like you’re strong. It feels like being in a coma. You have to fake your smile.*

*“Our life changed 360 degrees. I wanted to teach children and now I have to deal with politicians, with the media. All of a sudden you have to be experts in campaigning, to know every detail.*

*“Hopefully, when Ibrahim comes out our real lives can continue. Two years have been taken away from Ibrahim. They will have such an effect on him. He will pretend his is strong but when he comes back, will he be angry? Will he be weak?”*

**“The role of young people has been well documented already, but never to be underestimated in terms of what they did and what they continue to do to make the demands for their own political future.”**

EU High Representative Catherine Ashton, July 2011.<sup>28</sup>

<sup>28</sup> European Union, *Remarks by EU High Representative Catherine Ashton on ‘The EU Response to the Arab Spring’*, 12 July 2011: [https://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/123726.pdf](https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/123726.pdf)

**ABRAR AL-ANANY, MENATALLA MOUSTAFA  
& YOUSRA ELKHATEEB**

**“Not a day passes when I don’t think of her, when I don’t wonder for how long she can keep it up, how long till they break her.”**

A family member of Menatalla Moustafa, to Amnesty International.

University students Abrar Al-Anany, and Menatalla Moustafa, both 19, and teacher Yousra Elkhateeb, 23, are detained awaiting a retrial them on charges of protesting without authorization. The women are among the many students arrested for taking part in protests against the Egyptian authorities.

The Mansoura Criminal Court on 21 May 2014 sentenced Abrar Al-Anany and Menatalla Moustafa to two years in prison for their involvement in a protest at Mansoura University on 12 November 2013 that turned violent.

The court sentenced Yousra Elkhateeb to six years in prison for taking part in the protest, as well as for her participation in an earlier demonstration on 29 October 2013, despite her lawyers providing evidence that she had not taken part in it.

The court found the women guilty of breaching older legislation restricting protests,<sup>29</sup> belonging to a banned organization that uses “terrorist methods”, “thuggery”, attacking the security forces and destroying public property.

Eyewitnesses and university security officials had testified that the three women had not been involved in the clashes.

The women were not in court to hear the verdict and only found out about it four days later, after their families visited them in Mansoura Public Prison.

The Court of Cassation overturned their conviction on 12 April 2015 on procedural grounds. The women remain detained awaiting a retrial.

The clashes at Mansoura University on 12 November 2013 broke out during a protest held by student supporters of the Muslim Brotherhood movement, banned by the authorities. They lasted more than five hours and left at least 70 people injured.

After university security guards tried and failed to take control of the situation the university’s President called on the security forces to intervene. They went into the university campus with armoured vehicles and fired tear gas to disperse the students: they arrested at least 23 students, including the three women.

According to witnesses and their lawyers, the three women had not been involved in the clashes. They had taken part in protests peacefully and then sought safety in a room at the university’s faculty of pharmacy as soon as the clashes began.

Amnesty International has seen a copy of a letter from the security department at Mansoura University to the Public Prosecutor stating that the three women did not take part in the violence and asking for them to be released.

A family member of Menatalla Moustafa told Amnesty International in June 2015:

*“Twenty months. It’s been just under twenty months since the last time I heard her laugh. I remember the day she was arrested like it was yesterday, the message I received and how my hands turned cold...”*

*“Her absence is a deep gnash of pain, time stolen from her and from us. We try to take hope from the letters she sneaks out to us, comforting us when she is the one in need of comfort, and yet with each passing day, we see her smile falter more and more.*

*“She talks about her spells of dizziness, the inhumane conditions she’s in, how wardens mock her and humiliate her, how basic rights have suddenly become a privilege. Every day her illegal detention chips a little bit more from her, and every day, we can do nothing but pray.”*

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<sup>29</sup> Protest Law 10 of 1914. See box “Protest Law: A fast-track to jail”.

**HATEM AHMED ZAGHLOUL ALI****“Welcome to the village of death penalties.”**

Ahmed Shabeeb, a lawyer and resident of Mattay village, where Hatem Ahmed Zaghoul Ali lived before he and 36 others were sentenced to death.

High-school student Hatem Ahmed Zaghoul Ali was one of 37 people sentenced to death in April 2014 in a grossly unfair trial. He was just 17 at the time. He spent months condemned to death, before the Court of Cassation overturned his conviction and those of the others in January 2015. However, he remains detained while he awaits a retrial.

Hatem Ahmed Zaghoul Ali was among the hundreds of people charged with attacking a police station in Mattay village on 14 August 2013 and murdering a police official in a nearby hospital. The violence began after security forces in Greater Cairo used deadly force to break up protests by supporters of Mohamed Morsi, triggering days of revenge attacks on police stations and government buildings across the country.

Security forces arrested Hatem Ahmed Zaghoul Ali at his home at midnight on 2 February 2014. They did not present an arrest warrant, nor did they give any reason for his detention. The teenager then faced trial with 545 people before the El-Minya Criminal Court on charges that included murdering a police officer and attempted murder of two others, “protesting without permission”, “possessing weapons without a license” and “destroying public buildings”.

Defence lawyers told Amnesty International that just two hearings took place, on 22 and 24 March 2014, during which the court did not allow them to present their defence or cross-examine prosecution witnesses. The

court also refused to grant defence lawyers adequate time to examine the 3,000-page case file. The court tried many of the defendants in their absence because security forces did not bring some of those they had detained to court.

The judges hearing the case unanimously agreed to sentence 528 of the defendants to death during the hearing on 24 March 2014. The court then referred the case to Egypt's grand mufti, the country's highest religious official, for his review. By law, Egyptian courts must give the grand mufti an opportunity to review any proposed death sentence, but are not bound by his opinion.

The court gave its final verdict on 28 April 2014, convicting 528 of the defendants of the charges against them and sentencing Hatem Ahmed Zaghoul Ali and 36 men to death and 491 others to life imprisonment terms of 25 years. The court did not explain why it had reversed its earlier decision to sentence all of the defendants to death. Security forces failed to bring any of the defendants to court to hear the verdict. The court condemned Hatem Ahmed Zaghoul to death, despite the fact that both Egyptian and international law prohibits death sentences for anyone under 18 years of age at the time of the alleged offence.

The trial has had a devastating effect on Mattay village, where many families have at least one relative imprisoned or condemned to die in the case, a lawyer living there told Amnesty International. Some in the village told Amnesty International's representative that they had lost faith in Egypt's criminal justice system altogether.

The Court of Cassation overturned the conviction and sentences on 24 January 2015, and a new panel of judges at El-Minya Criminal Court is to retry the case. All those held in the case remain in detention pending retrial.

## CONCLUSION

### Egypt's 2011 "Generation Protest" has now become 2015's "Generation Jail".

President Abdel Fattah al-Sisi's government has made it clear that there is no room for further protest or political dissent. The President and his administration have told Egyptians and the world that what is needed now is "stability", not human rights, presenting the two as opposing choices rather than complimentary factors needed in a country under the rule of law. The authorities have returned to the repressive tactics of a police state, crushing peaceful dissent in the streets, restricting opposition groups and jailing their critics and political opponents.

Today, many of the figureheads of the 2011 uprising that toppled Hosni Mubarak are in prison. However, Abdel Fattah al-Sisi's government must know that they cannot turn back the clock. The police state and repressive tactics are feeding into an atmosphere of dissatisfaction and disenfranchisement.

The international community must also learn the lessons of the 2011 uprising. After backing Hosni Mubarak throughout much of the 18-day uprising, the US and European Union (EU) leaders met his downfall with calls for the authorities to respond to the "boundless aspirations" of Egypt's youth and to open "the way to faster and deeper

reforms, and an orderly transition to democracy."<sup>30</sup>

In the period that followed, policy-makers and world leaders alike fêted young activists in Egypt and across the region, with UN Secretary-General Ban Ki-moon saying the world should "listen" to the region's youth's calls for democracy and better job opportunities.<sup>31</sup> EU officials announced a "new approach" for the Middle East and North Africa region based on "a shared commitment to the universal values of human rights, democracy and the rule of law".<sup>32</sup>

Yet today, these states and leaders seem to have forgotten the youth they championed as agents of change. While some governments have muttered disquiet over continuing human rights violations, they have also spoken of the need for "stability and security" in Egypt and quietly resumed transfers of arms and military aid to the country's army and security forces.

The result has been that Egypt's appalling human rights record has largely escaped meaningful scrutiny at an international level. While some states have publicly expressed concern over individual cases, they have not worked to hold Egypt to account in international bodies such as the UN Human Rights Council. States have not proposed any action to use the mechanisms of the Council to address the deaths of hundreds of protesters at the hands of the security forces since July 2013, nor the detention of

thousands of the government's critics and political opponents.

Instead, states have welcomed Egypt back into the international fold, with the Egyptian government also announcing that the country will seek election to a non-permanent seat on the UN Security Council. A routine review of Egypt's human rights record before a working group of the Human Rights Council saw the authorities in March 2015 agree to review restrictions on freedoms of expression, association and assembly. Yet without further pressure and action at the Council, there will be little reason for Egypt to implement reforms. Egypt's government knows that they are not due to face further scrutiny from the Human Rights Council until the next Universal Periodic Review – in 2019.

As long as the international community remains silent, Egypt's human rights crisis will only worsen. Without co-ordinated action by states at the UN Human Rights Council, and within the EU bloc, the Egyptian authorities will ride roughshod over human rights and the rule of law.

It is critical that states do not make the same mistakes they did under Hosni Mubarak, ignoring gross human rights violations in the name of security – and in some cases handing the authorities the tools to commit them while looking the other way. The international community must realise that long-term stability and security in Egypt cannot be achieved by crushing the dreams and aspirations of the country's youth.

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<sup>30</sup> The White House, *Remarks by the President on Egypt*, 11 February 2011: <http://1.usa.gov/1l1l1VX>; and EU, *Joint statement by President of the European Council Herman Van Rompuy, President of the European Commission Jose Manuel Barroso, and EU High Representative Catherine Ashton on recent developments in Egypt*, 11 February 2011: <http://bit.ly/1Fnnikg>

<sup>31</sup> UN, *UN Secretary-General Ban Ki-moon's keynote address to the Global Colloquium of University Presidents at Columbia University [as prepared for delivery]*, 2 April 2012: <http://bit.ly/1GRlMrj>; see also, eg: US Embassy, *U.S. Ambassador Applauds Dynamism of Egypt's Youth*, 14 May 2011: <http://1.usa.gov/1B1ghFY>; and *Time*, "The Protester", *Person of the year 2011*, 14 December 2011: <http://ti.me/1Gtwurl>

<sup>32</sup> See The High Representative of The Union For Foreign Affairs And Security Policy and the European Commission, *A New Response to a Changing Neighbourhood: A review of European Neighbourhood Policy*, 25 May 2011, p2: <http://bit.ly/1Ralthv>



## RECOMMENDATIONS

### Amnesty International urges the Egyptian authorities to:

- Immediately and unconditionally release all individuals detained solely for peacefully exercising their rights to freedoms of expression, association and assembly;
- Drop trumped-up charges, including charges of public-order offences, aimed at punishing individuals for peacefully exercising their rights to freedoms of expression, association or assembly;
- Release others, or else charge them promptly with a recognizably criminal offence and try them fairly in line with international standards, without recourse to the death penalty;
- Disclose the whereabouts of all detainees held incommunicado and immediately grant them access to their families, lawyers and doctors;

- Ensure that detainees on hunger strike are not subjected to punitive measures and receive adequate medical care;

- Repeal the Law on Protests (Law 107 of 2013) and other legislation that arbitrarily restricts the right to freedom of peaceful assembly.

### Amnesty International urges Egypt's partners to:

- Suspend the transfer of arms and equipment that could be used by the police or army in internal repression, such as cracking down on protests with unnecessary or excessive force. This arms suspension must continue until a full, prompt and impartial investigation into unlawful killings and other serious violations of human rights by the security forces the past several years has been carried out and those responsible are brought to justice.

**AMNESTY  
INTERNATIONAL**



**Amnesty International** is a global movement of more than 7 million people who campaign for a world where human rights are enjoyed by all. We reach almost every country in the world and have more than 2 million members and supporters who drive forward our fight for rights, as well as more than 5 million activists who strengthen our calls for justice. Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards. We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

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