

AI Index: PRE 01/295/2012
19 June 2012

Egypt: Unrestrained army powers threat to human rights

Egypt's ruling military council's decision to grant itself unrestrained powers, ahead of the results of the presidential elections, sets the country on the path to further human rights violations, Amnesty International said.

Unless these powers are curtailed, the organization has warned, the military will be able to continue to trample on human rights with impunity.

Egypt's Constitutional Declaration, issued in March last year, gave the army the power to rule until Egyptians elect a president and a parliament. However, on Sunday the ruling Supreme Council of the Armed Forces (SCAF), amended the Declaration to give themselves control over all matters relating to the armed forces. The amendments effectively remove the army from civilian oversight.

A key amendment permits Egypt's President to call on the army to combat "internal unrest". If this came to pass, Egyptian law would have to specify the army's jurisdiction, its powers of arrest and detention, and conditions where it is entitled to use force.

"It is deeply worrying that the army has paved the way for it to continue to arrest and detain civilians, as well as to use force against protesters, with no effective oversight of their actions," said Philip Luther, Amnesty International's Director for the Middle East and North Africa.

"The Egyptian army – with its poor human rights record – should in no circumstances have the powers of arrest, detention and investigation over civilians".

Amnesty International has documented serious human rights abuses by the Egyptian army since it took power in February 2011. Such abuses have included arbitrary arrest, torture and the unfair trials of thousands of civilians by military courts.

The organization condemned a decision last week by the Ministry of Justice to grant military police and intelligence officers the same powers as police, when dealing with civilians suspected of national security and public order offences.

Amnesty International has also documented a series of lethal crackdowns on protests by the Egyptian army. These have included the killing of 27 protesters around the Maspero building in Cairo in October; 50 in Mohamed Mahmud Street, near the Interior Ministry in Cairo in November; and 17 in protests around Cairo's Cabinet Building in December.

"Given the army's record of excessive use of force against protesters, the armed forces should not be deployed to police peaceful demonstrations," said Philip Luther.

The new provisions raise serious concerns about whether there will now be any way to hold the army accountable for human rights abuses.

Under the amendments, in the event that the army does intervene in “unrest”, Egyptian law shall set out “details of situations involving non-liability” for the army’s actions. Amnesty International is concerned that the vaguely worded language may be a move by the army to protect its forces from investigation and prosecution for human rights abuses.

“The army’s move highlights its determination to both remain above the law and to trample on the rule of law,” said Philip Luther.

“To date, purported military investigations into army abuses have not succeeded in holding a single member of the armed forces to account.”

The amendments to the Declaration also give the army the power to form a new constituent assembly – a body set up to write Egypt’s next Constitution and representing the various groups of society - in the event that the existing Constituent Assembly is unable to complete its work. The amendments go further by allowing the SCAF to object to any article proposed by a constituent assembly.

Amnesty International is concerned that this would give the army a way to reject any attempt by a constituent assembly to restrain the military and put it under civilian oversight – or to hold its forces accountable for human rights abuses.

The organization has said that it is crucial that any constituent assembly ensures equal participation and representation of women and minorities.