

# **EGYPT: 'SHOUTING SLOGANS INTO THE WIND'**

HUMAN RIGHTS CONCERNS  
AHEAD OF THE  
PARLIAMENTARY ELECTIONS

**AMNESTY  
INTERNATIONAL**



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# INTRODUCTION

*"You can't keep shouting slogans into the wind."*

Bahaa Saber, a political activist arrested and beaten by Egyptian security forces in a demonstration in Cairo on 13 April 2010.<sup>1</sup>

*"The NDP and its Government abide by fairness and transparency of the upcoming elections."*

A statement by the ruling National Democratic Party (NDP) on 12 May 2010.<sup>2</sup>

On 28 November 2010 Egyptian voters go to the polls to elect members of the lower house of parliament, the People's Assembly. The parliamentary elections are widely seen by many in Egypt and abroad as a crucial tipping point in the country's political life, not least because the results will have a considerable impact on next year's presidential election, expected to take place in the autumn of 2011.

Under Article 76 of Egypt's Constitution, amended in 2005 ahead of the last presidential election in 2005, only candidates nominated by a political party established for at least five years and occupying at least five per cent of the seats in both the People's Assembly and the Consultative Shura Upper House Council will be able to run against President Muhammad Hosni Mubarak, or whoever the ruling National Democratic Party (NDP) nominates to succeed him. The amendments also require that any individuals wishing to stand as independent candidates first obtain the support of at least 250 elected officials, including at least 65 members of the People's Assembly, 25 members of the Shura Council and 10 members of every local council in at least 14 governorates in order to be eligible to stand for election. Such officials may only endorse one candidate. It seems likely that these requirements will act as a close to insuperable impediment to aspiring independent candidates, given the NDP's domination of all of these elected bodies.

The current elections to the People's Assembly are being held against a backdrop of increasing calls for an end to the national state of emergency, which has been in force since 1981, throughout the period of President Mubarak's rule, and growing public dissatisfaction over the government's policies. This has seen a rash of strikes by workers and other protests over the rising cost of living, low wages and lack of labour rights, as well as protests by human rights and civil society activists demanding political and constitutional reforms to allow for free and fair elections and for an end to impunity for abuses by the security forces.<sup>3</sup>

The rise in the number of voices calling for reform has been met with increasing repression by the authorities, using the very emergency powers that many Egyptians have been urging them to abolish. Many such critics, in fact, have faced arrest, detention, prosecution on trumped-up criminal charges and unfair trials. Others have been labelled by the authorities as a threat to security and public order to justify their arrest and detention without charge or trial.

In the run-up to voting on 28 November, the government has imposed further restrictions on political opposition activists, curtailing their rights to freedom of expression, association and assembly. In doing so, they have continued to rely on state of emergency powers, which were

most recently renewed for another two years in May 2010. As well, they have imposed new limitations on media outlets and telecommunications companies which appear intended to impede the electorate's access to information about opposition political parties and their policies and plans.

In Cairo and other cities, activists peacefully demonstrating in the streets in favour of political and constitutional reform, fair elections and against police violence and impunity have been forcibly dispersed; and some have been subjected to arbitrary arrest and beaten up by the security forces. In particular, the authorities have again targeted members and supporters of the Muslim Brotherhood (MB), which has been banned since 1954 and which is unable to directly contest the elections but which, in the past, has thrown its weight behind the election of independent candidates, helping to secure their election to seats in the People's Assembly. On 9 October 2010, Mohamed Badie, the MB's leader, announced that it would again field candidates for election who supported the MB but who would stand as independents, only for this to be followed by a wave of new arrests of MB activists and supporters, some of whom remain in detention. As well, members of other groups calling for political reform, including the 6 April Movement and the Egyptian Movement for Change (Kefaya) have been similarly targeted, as also have activists from the National Association for Change (NAC), a movement linked to Mohamed ElBaradei, former head of the International Atomic Energy Agency (IAEA), and who calls for political reform in Egypt.

Egypt's independent media and communications have also been targeted: editions of newspapers reporting stories that the authorities consider politically-sensitive have been summarily seized and destroyed, and several satellite television channels have been suspended by their state-owned broadcaster. Journalists and human rights activists have been prosecuted on criminal defamation charges.

Calls for political reform made by foreign governments such as that made by US President Barack Obama when he called for the Egyptian government to allow "a vibrant civil society, open political competition, and credible and transparent elections in Egypt"<sup>4</sup> have been brushed aside. Generally, the government has strongly repudiated such calls, dismissing them as undue interference in Egypt's internal affairs and listing the measures which the government says it has taken to ensure free and fair elections under existing legislation.

This briefing lists many of the human rights concerns that Amnesty International has documented since the beginning of 2010, including tightening restrictions on freedom of expression, association and peaceful assembly in the run-up to the parliamentary elections. Amnesty International is concerned that the pattern being established is one that is already familiar from previous elections which were carried out amid, and marred by, serious human rights violations.

Amnesty International is calling on Egyptian authorities to ensure that the abuses of the past are not replicated again, either during this parliamentary election or in the run-up to next year's presidential election, and to uphold the rights of all Egyptians to peacefully exercise their human rights without fear or discrimination. To this end, the authorities must heed the growing calls for human rights reform, including for an end to the state of emergency, and for an end to the impunity currently enjoyed by Egypt's security forces which both undermines justice and the rule of law and fuels further human rights violations.

The authorities must instruct and require the security forces to uphold the rights of voters and candidates without discrimination during the election campaign and on voting day, and to refrain from using unreasonable or excessive force when policing political rallies, demonstrations and other legitimate activities.

## THE PARLIAMENTARY ELECTIONS

Around 40 million Egyptians are reportedly eligible to vote in the 28 November elections to the People's Assembly.<sup>5</sup> Elections to the upper house of parliament, the Shura Council, were held in June; and the presidential election is expected to take place in 2011. A second round of voting will be held on 5 December in districts where no candidate has secured an absolute majority.<sup>6</sup> A total of 508 seats are being contested, 64 of which are now reserved for women candidates following amendments to electoral law in June 2009. A further 10 members of parliament will be directly appointed by the Egyptian President, Muhammad Hosni Mubarak.

The NDP currently holds a majority in both houses of parliament.

Ahead of the elections, on 9 November, a coalition of Egyptian human rights organizations issued a statement documenting what they called an "...unprecedented climate of intimidation created by the authorities within printed and visual media, especially in independent media" and an "escalating violent crackdown on the right to peaceful assembly and political participation."<sup>7</sup>

## LESSONS FROM PAST ELECTIONS

Previous elections in Egypt have often been marred by the same human rights violations that are taking place today, and such abuses are often most pronounced during the election period. The last elections to the People's Assembly, in November/December 2005,<sup>8</sup> were marked by mass arbitrary arrests of opposition party supporters; and activists and voters faced violence, arbitrary arrests and intimidation, including in order to prevent them from voting. Members of the security forces were reported to have prevented voters from casting their votes in some places and to have arrested local non-governmental election monitors, or to have prevented them from accessing polling stations, although they possessed official accreditation documents issued by the Ministry of Justice.<sup>9</sup> In addition, hundreds of people suspected of supporting the Muslim Brotherhood were arrested and detained after voting began in early November.<sup>10</sup>

On 7 December 2005 police violence culminated in shootings outside polling stations which left at least 11 people dead and many more injured. The killings occurred when police fired into crowds of people who wished to gain access to polling stations in al-Daqahlia, al-Sharqia and other areas in order to cast their votes in run-offs to the third and last phase of Egypt's parliamentary elections. The polling stations concerned had been closed or cordoned off by the police.<sup>11</sup> The authorities failed to order an independent investigation into the killings and the circumstances in which the police used lethal force.

Security forces were also reported to have used violence against demonstrators in the run-up to the last presidential election in September 2005. On 25 May 2005, the Egyptian security forces violently suppressed demonstrations organized in Cairo by the Egyptian Movement for Change (Kefaya). The Kefaya movement, established in late 2004, is a broad coalition of political activists opposed to the presidency of Muhammad Hosni Mubarak. The demonstrators were calling for a boycott of a national referendum on constitutional

amendments which, they argued, were intended to restrict potential candidates from contesting the presidential elections in opposition to President Mubarak.

In one incident near the Saad Zaghlul Mausoleum and the Press Syndicate in Cairo demonstrators and journalists covering the protests were reported to have been beaten by security forces in plainclothes. Police in riot gear also stood by and allowed groups of NDP supporters to attack demonstrators and journalists with impunity.<sup>12</sup> Those assaulted included women and journalists working for national newspapers, including Nawal 'Ali, 'Abeer al-'Askary, Hany al-'Asr, Iman Taha Kamel and Abdel Halim Qandil; some were reported to have been sexually assaulted by NDP supporters.<sup>13</sup> Again, no steps were taken by the authorities to rein in the security forces or even violent NDP supporters, and an investigation into the incidents by the Public Prosecution was closed in late 2005 because the alleged perpetrators were not identified.<sup>14</sup>

## CONSTITUTIONAL AMENDMENTS ERODE HUMAN RIGHTS

The forthcoming elections to the People's Assembly are the first elections to the lower house to take place after the Egyptian Constitution was amended again in March 2007, following previous amendments made in May 2005 before the presidential and parliamentary elections.

In February 2005, President Mubarak put forward a proposal before parliament to amend Article 76 of the Egyptian Constitution in order to allow for multi-candidate presidential elections. While welcoming this move, some political and human rights activists considered the proposal "insufficient" and staged demonstrations in favour of greater political reform and the lifting of the state of emergency. To many, it appeared that the aim of the constitutional change was to further cement the power of the NDP by creating virtually insurmountable obstacles for both the Muslim Brotherhood, which has circumvented its banning by supporting "independent" candidates in previous elections, and other opposition parties. The amendments were passed in a national referendum on 25 May 2005.<sup>15</sup>

Further amendments to the Constitution proposed by President Mubarak in December 2006 were rushed through parliament and endorsed in a referendum in March 2007 that was boycotted by the political opposition and widely criticized by independent national monitors.<sup>16</sup>

They included an amendment to Article 179, which has been seen as paving the way for a draconian new anti-terrorism law which would effectively transfer certain state of emergency powers into statute law and override Constitutional guarantees against arbitrary arrest and detention, police searches without a warrant, and bugging of telephone calls and other private communications (set out in Articles 41(1), 44 and 45(2) of the Constitution). As yet, however, the expected new anti-terrorism law is still to be introduced and enacted. The constitutional amendments also allow President Mubarak to bypass the ordinary courts and refer terrorism suspects – including civilians – to a judicial authority of his choice, including military and emergency courts which have no right of appeal and a long history of conducting unfair trials.

## THE ROLE OF THE MINISTRY OF INTERIOR

The Ministry of Interior continues to play a central role in running Egyptian elections.



Potential candidates must register with the Ministry of Interior in their governorate. It is also the ministry tasked with registering and compiling lists of voters, and in practice carries out much of the administration – and policing – of elections.<sup>17</sup> Abuses have frequently been reported at polling stations, where voters have been subjected to harassment and intimidation by both the security forces and by supporters of the NDP with the apparent complicity of the security forces.

The Ministry of Interior also wields, and utilizes, the extensive powers it possesses under the state of emergency. In particular, the State Security Investigations (SSI), security police who report to the Minister of Interior, has used these powers to crack down on peaceful dissent in the name of upholding public security, including by using powers of administrative detention under which individuals are held without charge or trial. In recent weeks, as in previous election periods, police and other law enforcement officials belonging to the Ministry of Interior have been responsible for numerous abuses, including mass arbitrary arrests of opposition activists.

## INSTRUMENTS OF REPRESSION

*"The Emergency Law is not used to limit any electoral or political activity and the state of emergency has not affected the immense political activity and the unprecedented freedom of expression seen in our society."*

A statement by the ruling National Democratic Party (NDP) on 12 May 2010.<sup>18</sup>

*"Practices allowed for by the Emergency Law have been frequently applied in circumstances that have no clear link to terrorist violence [including] the arrest and detention of a number of Internet bloggers critical of the Government, human rights activists, members of the country's largest opposition group the Muslim Brotherhood, and journalists."*

Report by Martin Scheinin, UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.<sup>19</sup>

*"It's just a new look for the old emergency law...[the law] will still be used against the opposition because authorities can accuse any of them of terrorism."*

George Ishak, member of the National Association for Change and ex-coordinator of the Egyptian Movement for Change (Kefaya) movement.<sup>20</sup>

All national elections and referendums that have been held since President Mubarak's accession to power in 1981 have been held under the almost three decades-long national state of emergency. This was most recently renewed, for a further two years, on 11 May 2010. As Amnesty International has previously documented, the state of emergency has provided a context for, facilitated and entrenched patterns of serious human rights violations. These include arbitrary government restrictions on the rights to freedom of expression, association and assembly; the use of detention without charge or trial for prolonged periods during which those detained are denied any effective means to challenge their continuing imprisonment; torture and other ill-treatment; and unfair trials before military courts and special courts, the (Emergency) Supreme State Security Courts. State security forces, meanwhile, have been allowed to commit human rights violations, including arbitrary arrests and torture, with virtually total impunity.

The Egyptian authorities announced in May 2010 that they had reduced the application of Emergency Law (No. 162 of 1958, as amended) so as to use its powers only against those suspected of involvement in terrorist-related activities or drugs offences. In reality, however, the security forces have continued to use emergency powers against those who legitimately exercise their rights to express peaceful dissent.

### WIDE-RANGING POWERS

**Article 3(1) of the Emergency Law is the most pernicious.**

It gives the authorities the power to "restrict people's freedom of assembly, movement, residence, or passage in specific times and places; arrest suspects or [persons who are] dangerous to public security and order [and] detain them; allow searches of persons and places without being restricted by the provisions of the

Criminal Procedure Code; and assign anyone to perform any of these tasks." All this can be exercised by a simple "oral or written order".

Rights to freedom of expression, association and assembly are further restricted by the Anti-Terrorism Law (Law No. 97 of 1992).<sup>21</sup> Amnesty International notes that abuses could be entrenched by draft counter-terror legislation that is largely intended as a permanent replacement for the state of emergency. However, the definition of terrorism already existing under the Egyptian law is quite broad, covering "any threat or intimidation" with the aim of "disturbing the peace or jeopardizing the safety and security of the society."

In March 2006, the government announced that a committee had been charged with drafting a new anti-terrorism law to replace the emergency legislation. Amnesty International sent a memorandum to the Egyptian government detailing abuses under emergency legislation, and asking for an opportunity to see and comment on the draft law. The organization also called on the Egyptian authorities to ensure that the law defines "acts of terrorism" clearly and in unambiguous terms, in line with the principle of legality, and in a manner that does not impinge upon or criminalize the exercise of rights and freedoms guaranteed under international human rights law, including freedom of expression, association and peaceful assembly.<sup>22</sup>

To date, the Egyptian authorities have not made the draft legislation's contents known. As part of the Universal Periodic Review before the UN Human Rights Council in February 2010, the Egyptian authorities claimed that the draft legislation would respect human rights. However, they also rejected a recommendation for them not to introduce emergency powers into the Constitution.<sup>23</sup>

## UNNECESSARY AND EXCESSIVE USE OF FORCE BY POLICE

Demonstrators calling for political reform and for an end to police abuses have often been victims of violence and excessive force at the hands of the police, particularly when dispersing demonstrations. Increasingly, photographic and video evidence of such violence has been posted on the internet by victims and witnesses to the events but they have rarely, if ever, resulted in official investigations into police abuses or those responsible being prosecuted or subjected to disciplinary action, even in cases where deaths have occurred allegedly as a result of police abuses. On the contrary, the authorities have exhibited such complacency as to suggest, at the least, official acquiescence in police violence against peaceful demonstrators.

In one incident during the December 2005 parliamentary election, police fired live ammunition, rubber bullets and tear gas into crowds seeking to vote at polling stations that police had closed or cordoned off in al-Daqahlia, al-Sharqia and other areas. At least 11 people were reported to have been killed but no official investigation is known to have been held to determine whether the police use of lethal force was excessive, and no police officers were known to have been prosecuted.

In recent months, the case of **Khaled Mohammed Said** has been increasingly adopted by Egyptians as the symbol of the security forces' use of excessive force. Khaled Said, a 28-year-old man, was severely beaten by two plainclothes police officers in an internet café in Alexandria on 6 June 2010. He was reportedly dragged out of the café and the beating continued until he died. The two officers allegedly responsible for his death were subsequently charged with harsh treatment, beating and torture, as well as unlawful arrest. They have not been charged with direct responsibility for his death. Their trial, which is being

observed by Amnesty International, is continuing. If convicted, they could face between three and 15 years' imprisonment.<sup>24</sup>

Following Khaled Said's death, a number of demonstrations have been staged in Egypt demanding an end to impunity for police, including in the cities of Cairo and Alexandria. These have also been forcibly dispersed by the Egyptian security forces. Protestors have reported being arbitrarily arrested and detained in police trucks for hours before being left in remote areas after their belongings, including shoes and mobile phones, were confiscated from them (see below).

Amnesty International fully recognizes that the Egyptian authorities have a duty to protect public safety and to apprehend and prosecute those who commit crimes but in doing so they must abide at all times with international law and Egypt's obligations under the International Covenant on Civil and Political Rights (ICCPR) and other international human rights treaties. This includes respecting – indeed, protecting – the rights of all individuals to freedom of expression, association and assembly, including to peacefully express dissent, and to do so without discrimination. It also means upholding international standards on policing and the use of force, according to which police and other law enforcement officials may not use disproportionate or unreasonable force, and must not use lethal force other than in strictly limited circumstances, such as when their own, or others', lives are clearly at risk. As well, when lethal or other possibly excessive force is used, the authorities must ensure that its use is fully and independently investigated and that any police or other officials responsible for misuse of force are held accountable.<sup>25</sup> Amnesty International has documented many instances where Egyptian policing has fallen well short of these standards, and this has been most pronounced during election periods.

In practice, the Egyptian authorities have commonly employed undue restrictions and sweeping measures, sometimes backed up by excessive force, to quash the legitimate exercise of the rights to expression, to peaceful protest and to strike.

## THE USE OF ARBITRARY DETENTION

Administrative detention and other forms of arbitrary detention have also been used by the Egyptian authorities to curtail political activism. Under the Emergency Law, the Minister of Interior may order the detention without charge or trial of anyone suspected on the basis of the vaguely defined grounds of endangering “national security” or “public order”. Amnesty International has documented scores of cases in which detainees have continued to be held under a succession of such detention orders, in some cases after they have been previously acquitted when charged and brought to trial. In others cases, detainees have been detained without any charge or trial despite repeated court orders for their release. Administrative detainees, moreover, can be held for very long periods; some have been held continuously since the early 1990s.<sup>26</sup> Other government critics and people exercising their human rights, such as young demonstrators, have been arrested and detained for periods ranging from a few hours to a few days outside any legal framework and without any effective means to challenge their detention.

**Ragab Mohamed El Banna** has been repeatedly detained because of his connection to the Muslim Brotherhood. An unsuccessful candidate in the 2005 parliamentary elections, he has been detained without charge or trial since 5 December 2009. On 18 March 2010, four

months after his arrest, the Kafr El Sheikh Criminal Court ordered his immediate release; however, the Minister of Interior promptly issued a new detention order against him effectively circumventing the court decision.<sup>27</sup>

## EMERGENCY AND MILITARY COURTS

Under the Emergency Law, the President is empowered to bypass the ordinary courts and refer terrorism suspects for trial before any judicial authority that he chooses, including the (Emergency) Supreme State Security Courts, established under emergency law. There is no right of appeal from these courts, in breach of international standards for fair trial, and they have a long history of conducting unfair trials.

Under Article 6 of the Code of Military Justice, the President is also empowered to transfer any case – including cases of civilians – to a military court. This procedure has been followed in cases of members of the Muslim Brotherhood who, although civilians, have been tried and sentenced by military courts. This practice violates the right of every individual to a fair and public hearing before a competent, independent and impartial tribunal established by law, and such trials have been criticized the UN's Special Rapporteur on the protection of human rights while countering terrorism, Martin Scheinin. In October 2009, he stated: "The Special Rapporteur wishes to reiterate the view of the Human Rights Committee, which in 1993 stated that 'military courts should not have the faculty to try cases which do not refer to offences committed by members of the armed forces in the course of their duties.'"<sup>28</sup>

In November 2009, the Supreme Court of Military Appeals confirmed sentences of up to seven years' imprisonment imposed on 18 leading members of the Muslim Brotherhood, who had been subjected to a grossly unfair trial before a military court in Cairo in April 2008. Amnesty International repeatedly sought to send an independent observer to the trial but was denied access to the military court.<sup>29</sup>

**Khairat al-Shatir** and 16 other prominent Muslim Brotherhood members were arrested in pre-dawn raids on 14 December 2006. They were subsequently charged with terrorism-related and money laundering offences, membership of a banned organization, and providing students with weapons and military training, charges which they denied. On 29 January 2007, a Cairo criminal court dismissed all charges against Khairat al-Shatir and his co-defendants and ordered their immediate release. However, they were kept in detention and served with administrative detention orders. A week later, on 4 February 2007, President Mubarak, ignoring the court's verdict, directed that they and 23 other alleged members of the Muslim Brotherhood should be referred to the Supreme Military Court in Heikstep, Cairo for trial. In April 2008, 25 of the accused, including seven who were tried in their absence, were convicted and sentenced to prison terms of up to 10 years. Khairat al-Shatir was sentenced to seven years' imprisonment. Fifteen defendants were acquitted and released but banned from travelling abroad. Eighteen of the defendants appealed, but this was rejected by the Supreme Court of Military Appeals on 17 November 2009. Earlier, in July 2009, an administrative court ordered that 13 of those sentenced who had by then served three-quarters of their prison terms should be released, but the government failed to comply with this ruling.

## ACTIVISTS TARGETED

*"Our biggest problem is the lack of human rights."*

Ahmed Maher, co-founder of the 6 April Movement.<sup>30</sup>

*"It's a clear message to young people to stay out of politics."*

Osama al-Ghazali Harb, Head of the Democratic Front Party (DFP), and uncle of detained activist Shadi al-Ghazali Harb.

Amnesty International is particularly concerned that members of opposition political parties contesting the November election have been targeted by the Egyptian security services. The organization has documented instances where members of such parties have been arrested, either individually or en masse, by Egyptian security forces. In the months leading up to the election, activists belonging to groups calling for political reform have also become a target.

On the morning of 14 September 2010 **Shadi al-Ghazali Harb**, a doctor and political activist, was arrested at Cairo International Airport. He had apparently intended to travel to the United Kingdom (UK) to take fellowship exams to join the Royal College of Surgeons. After being stopped by airport security, he was escorted away by plainclothes security officials after being blindfolded and handcuffed. Following his release on 15 September, Shadi al-Ghazali Harb said he had been interrogated about his alleged support for the "together for change" campaign in the UK, which supports Mohamed ElBaradei and questioned about his alleged participation in campaigns to oppose either Gamal Mubarak, son of the current president, or Omar Suleiman, the head of the national intelligence service, becoming the next Egyptian President.<sup>31</sup>

Shadi al-Ghazali Harb is a nephew of the leader of the Democratic Front Party (DFP). His arrest followed the brief arrests of two DFP members, Amr Salah, a researcher at the Cairo Institute for Human Rights Studies, who was arrested by plainclothes security officials on 9 September and released the following day, and Ahmed Eid, who was held for several hours on 10 September.

### SUPPORTERS OF THE NATIONAL ASSOCIATION FOR CHANGE (NAC)

The Egyptian authorities have also targeted supporters of Mohamed ElBaradei, former head of the International Atomic Energy Agency (IAEA), who has spearheaded the National Association for Change (NAC), a movement which calls for political and constitutional reform. The authorities publicly warned against "illegal demonstrations" a few hours ahead of his return to Egypt on 19 February 2010, when many people turned out to welcome him. Arrests of activists known to support ElBaradei's campaign for political reform soon followed.

**Taha Abdel Tawwab Mohamed**, a physician from Fayoum, was summoned to the SSI offices in Fayoum in the evening of 7 March 2010 after the security forces had barred political activists from holding a meeting to call for political and constitutional reform. He later said that SSI officials stripped him of his clothes and beat him all over his body, apparently because of his public support for Mohamed ElBaradei. Released the following day, he said he

was warned by officials not to tell anyone that he had been subjected to torture and other ill-treatment. Subsequently, lawyers from the Arabic Network for Human Rights Information and the Hisham Mubarak Law Center filed complaints before the Public Prosecutor but, to date, no action is known to have been taken to bring the perpetrators to justice.

On 20 March 2010, SSI raided the house of **Maha Magdy al-Khadrawi**, a student activist; she was not arrested but the SSI agents seized books and a computer. A few hours earlier she had collected signatures from students at Ain Shams University who support calls for constitutional reform and free and fair presidential elections in 2011.<sup>32</sup>

On 1 September security forces are reported to have prevented members of the Lawyers Syndicate from organizing a peaceful march in Cairo in support of the NAC. Organizers told the newspaper *Al-Masry Al-Youm* that they had requested permission from the Ministry of Interior to hold the march but received no clearance; although a conference organized by supporters of Gamal Mubarak had been allowed to take place in the same area. Three NAC activists were said to have been briefly detained by the security forces.<sup>33</sup>

## SUPPORTERS OF THE MUSLIM BROTHERHOOD

*"There is increasing pressure on opposition candidates, especially the Muslim Brotherhood... This is not a free environment to operate in. It is a suffocating atmosphere."*

Mohamed Elkatatny, head of the Muslim Brotherhood's parliamentary bloc.<sup>34</sup>

*"They are a disbanded group that has been prohibited from engaging in any political activity."*

Minister of Interior Habib al-Adly on the Muslim Brotherhood.<sup>35</sup>

The authorities have carried out repeated waves of arrests of MB members over many years which have often intensified in the run-up to, during and after local and parliamentary elections. Those detained have included prospective MB candidates, albeit standing as "independents", their supporters and activists, who have been arrested days or months before the poll often, it would seem, with the intention of disrupting the MB's election campaigning. Many such detainees have then been held without charge or trial for months before being released; many have been held on grounds similar to charges on which they have previously been acquitted in court.

Lawyers representing members of the MB say more of them were arrested in 2009 than in any year since 2005: a total of 5,022, of whom 3,101 were detained under emergency legislation. Some were issued with administrative detention orders immediately following their arrest; others were officially placed in administrative detention only after first being brought before the public prosecution to face charges.

On 16 November, a spokesman for the Muslim Brotherhood claimed that almost 600 MB members and supporters had been arrested across Egypt since Mohamed Badie', the MB's leader, announced on 9 October 2010 that the MB will put up candidates for the People's Assembly election. Many supporters of the group were held only briefly but in mid-November, some 250 were said to be still detained.<sup>36</sup>

The Muslim Brotherhood has considerable popular support and is widely seen as the main

rival to Egypt's ruling NDP. Although officially banned since 1954, the MB has continued to operate openly and leaders and supporters of the organization have stood as independent candidates in previous parliamentary elections.<sup>37</sup>

State interference in the MB's election campaigning appears to be increasing in the run-up to the poll on 28 November. On 26 October, at least 75 MB supporters were arrested in Alexandria; according to media reports, they had put up campaign posters in support of an independent parliamentary candidate close to the MB.<sup>38</sup> The authorities say the posters contained religious slogans, banned under Law No. 173 of 2005 regulating the exercise of political rights. The High Elections Commission (HEC), the body which oversees the elections, has announced that any candidate found to be using religious slogans will be disqualified.<sup>39</sup>

Earlier, on 8 March, security forces arrested **Ibrahim Megahed**, a student at the Qwesna Polytechnic Institute in Manufiya, for posting a wall journal about risks to Jerusalem's al-Aqsa Mosque. He was reportedly beaten by police at the time of his arrest and at the police station to which he was taken, and threatened with torture. He appeared before the Public Prosecutor, who charged him with membership of the Muslim Brotherhood and possession of leaflets but ordered his release on bail, pending further investigations. However, he was not released. He was taken to the SSI offices in Shebin al-Kum, served with an administrative detention order and transferred to Damanhur Prison, where he was held without access to a lawyer and his family until his release on 12 June 2010.<sup>40</sup>

On 8 February at least 16 MB members were reported to have been arrested across Egypt in raids conducted by SSI officials. Those held including the MB's deputy chairman, **Mahmoud Ezzat**, and two other senior members, **Essam el-Erian** and **Abdel Rahman Al-Barr**. They were all held until early April.<sup>41</sup>

## TARGETING OF OTHER GROUPS

The Egyptian authorities have also cracked down on other opposition groups, including members of the 6 April Movement. Begun as an online network on Facebook in 2008 to support striking workers in the town of El-Mahalla El-Kubra, it has since grown into a large youth movement which calls for an end to the state of emergency and greater respect for human rights. Others targeted include members of the Egyptian Movement for Change (Kefaya) whose members, like those of the 6 April Movement, have staged a number of protests in recent calling for political reform and the termination of the state of emergency.

On 27 October, security officials arrested four members of the 6 April Movement – **Salwan Muhammad Said**, **Mohammad Abdallah**, **Mahmoud Ahmed Hamed** and **Magdy Abdel-Rahman** – who were charged with holding an unauthorized public gathering and distributing leaflets calling for a boycott of the election. They were then released on bail.<sup>42</sup>

Students have also been a focus of attention. Students at the universities of Banha, Helwan and Kafr el-Sheikh were questioned and some were apparently suspended in October for distributing leaflets and putting up posters seen as supportive of the Muslim Brotherhood.<sup>43</sup> However, on 23 October, the High Administrative Court ruled that security forces belonging to the Ministry of Interior should not be present in universities, upholding a lower court ruling given in 2008. Four days later, the Minister of Education was reported to have confirmed that



the government would abide by the ruling while warning that it would “not allow illegal movements on campus to guide students towards certain directions” as the “university is not a place for political conflicts.”<sup>44</sup>

## DEMONSTRATORS UNDER ATTACK

*"I don't know why the Interior Ministry is so lenient with [demonstrators]... Instead of using water hoses to disperse them, the police ought to shoot them; they deserve it."*

NDP representative Hassan Nash'at el-Qassas, during a parliamentary meeting on 18 April 2010, at which human rights violations committed by the security forces against protesters were being discussed.<sup>45</sup>

*"It is saddening to see the regime arrest so many of its citizens for the simple reason they were peacefully demonstrating for change... [the] legitimacy of the regime is based on how far it respects the rights of citizens"*

Mohamed ElBaradei, figurehead of the National Association for Change (NAC).<sup>46</sup>

The ongoing crackdown on demonstrations is one of the most visible signs of the authorities' determination to suppress voices calling for reform and those who criticise their policies. In the last year, there have been an increasing number of demonstrations, including by student activists, members and supporters of the MB and opposition groups such as the NAC, 6 April Movement and the Egyptian Movement for Change (Kefaya).<sup>47</sup>

The authorities have also clamped down on social protests, such as unauthorized strikes by public and private sector workers demanding improved wages and working conditions. Many have aired their grievances in sit-ins and other protests in front of government buildings in Cairo; some have then been forcibly dispersed by the security forces who have barred the media from the areas concerned apparently to prevent wider reporting.<sup>48</sup>

Demonstrators are routinely detained. Often, the authorities' tactic is to surround demonstrators with police in riot gear, following which plainclothes security officials move in and carry out arrests. Those detained are then usually held until the protest has been dispersed and then released; sometimes they are first transported to remote locations and then dumped after their mobile phones, money and footwear has been taken from them. Others may be charged with vaguely-worded offences such as "shouting and demonstrating"; "assaulting police officers verbally and by gesture"; and "blocking road traffic", while some may be served with administrative detention orders.

The following are just some of the many examples where protesters have been dispersed by the Egyptian security forces.

### 23 OCTOBER 2010

On 23 October 2010 several demonstrations calling for an end to torture and impunity were forcibly dispersed by the security forces. Around 30 demonstrators were reportedly arrested across Alexandria, including in front of a court building and in the neighbourhood of Sidi Gaber. One of those detained told Amnesty International that before the demonstrators were released they were strip searched and had their mobile phones and ID cards taken. They were then permitted to dress, but their footwear, mobile phones and ID cards were not returned. The demonstrator reported that during the night of 23 October the detainees were put in

micro-buses and beaten by security officials, before each detainee was blindfolded and dropped off alone on the highway, at intervals of approximately 5km.

#### 21 SEPTEMBER 2010

On 21 September 2010 security forces policing demonstrations in Cairo, Alexandria and Port Said reportedly beat and arrested demonstrators calling for political reform. The protests had been organized by the 6 April, Kefaya and other groups to voice their opposition to Gamal Mubarak, General Secretary of the Policy Committee of the NDP and son of President Mubarak, from becoming Egypt's next President. Some 40 demonstrators were reported to have been arrested in Cairo, 50 in Alexandria and 10 in Port Said; those detained were then taken in police vehicles to remote locations where they were released. The security forces were also said to have confiscated film taken by BBC and Al Jazeera camera crews seeking to report on the protests.<sup>49</sup>

One woman among the demonstrators detained in Cairo told Amnesty International that she was stopped by three members of the security forces because they suspected her of carrying political leaflets. They took her to a police van, beat and insulted her, then released her half an hour later.

#### 20 JUNE 2010

Fifty-five protestors were arrested in Cairo on 20 June 2010, following anti-torture demonstrations. Hundreds of activists had taken to the streets to demand that police officers accused of killing Khaled Mohammed Said, on 6 June 2010, should be brought to justice. Five others arrested following similar protests in Alexandria were charged with unauthorized public gathering and the use of violence against the security forces, then released on bail. The security forces reportedly used excessive force during the demonstrations and some protestors said they were beaten, tortured and sexually abused during their short detention.<sup>50</sup>

#### 13 APRIL 2010

On 13 April 2010 hundreds of people joined a demonstration calling for political reform in Cairo organized by the Kefaya movement. The protest, which was staged outside the Public Prosecutor's Office at the High Court (*Dar al-Qada al-Ali*), was forcibly dispersed by the security forces who, according to one eyewitness who spoke to Amnesty International, sealed off the area and beat many men and women, including elderly people.<sup>51</sup>

Activist **Bahaa Saber** was arrested during the demonstration and his brutal arrest was captured on a video widely circulated on the web. He was beaten and dragged along the street and says that while being taken in a police car to Boulaq Abu El Ela Police Station he was repeatedly hit on the face with a shoe by security officials. He was taken into the police station in a blindfold, stripped naked, and had his hands tied behind his back following which he was subjected to further beating, and was insulted and spat upon. Five hours later, he was given new clothes and transferred to Azbakeyya Police Station. Lawyers were allowed to see him, as well as a doctor from El Nadim Centre for the Psychological Treatment and Rehabilitation of Victims of Violence who was able to examine him. Aida Seif El Dawla, from the Nadim Centre, told Amnesty International:

*"When I saw Bahaa Saber, he was in bad shape. The left side of his face was bruised and swollen, also his eye. He had a cut wound in the upper part of the left cheek. He had bruises*

*on his arms and back and had difficulty moving one of his fingers of his left hand."*

Bahaa Saber was interrogated by the North Cairo Prosecution, who at first refused to refer him for forensic examination, despite requests by lawyers present from a number of organizations, including the Egyptian Centre for Economic and Social Rights, the El Helali Foundation for Liberties and Hisham Mubarak Law Center. He was then transferred to the Egyptian Red Crescent Hospital for a preliminary medical examination on the night of 13 April, but his lawyers were prevented from going with him. His release on bail was ordered by the Prosecutor on 15 April, after his lawyers appealed a previous 15-day preventive detention order.<sup>52</sup>

#### 6 APRIL 2010

On 6 April 2010 more than 90 people were detained in Cairo for taking part in demonstrations calling for political reform and an end to the state of emergency. The security forces were deployed en masse along the main gathering points in Cairo, as well as in a number of universities, in order to prevent assemblies from taking place. Many protestors were cordoned off by security forces before being reportedly beaten and kicked as they sought to converge on Tahrir Square in central Cairo. Others were reportedly beaten with sticks and threatened with knives by plainclothes security forces.

Most of those arrested were also ordered to hand over their mobile phones and identity documents. The authorities also barred journalists from covering the protests and confiscated their equipment. Those affected included an Al Jazeera correspondent, a reporter for Egyptian Dream TV, a journalist for *al-Karama* newspaper and a photographer from the newspaper *Al-Masry Al-Youm*. Several arrests were also made in Alexandria train station, where many people were prevented from travelling to Cairo to join the demonstrations. Former presidential candidate, Ayman Nour, and several members of his al-Ghad political party were reportedly prevented from leaving the party's offices in central Cairo.<sup>53</sup>

Following the demonstrations, on 18 April 2010 a meeting of parliament's national security and human rights committee was convened to discuss possible human rights violations by the security forces. During the meeting a representative of the ruling NDP, Hassan Nash'at el-Qassas, told members of the committee that the police should shoot demonstrators. The statement attracted widespread national and international criticism. At the same meeting, an Assistant Minister of Interior denied that the security forces broke the law in dealing with protesters and that Egyptian law permits police to use force against those who seek to disturb public order. Following Hassan Nash'at el-Qassas's comments, the Legislative Committee of the parliament reprimanded the MP for "wrongdoing" but no other sanction is known to have been taken against him.<sup>54</sup>

# INDEPENDENT VOICES TARGETED

*"When a governmental decree is passed suddenly without giving logical justifications for passing it, one should worry. And when such a decree comes amid a series of measures which aim at muzzling freedom, our worries should double."*

Bahei-El-Din Hassan, Director of the Cairo Institute for Human Rights Studies.<sup>55</sup>

As the elections for the People's Assembly approach, the Egyptian authorities have tightened restrictions on freedom of expression. Politically-sensitive stories have been suppressed, and candidates running under slogans deemed to be religious have been threatened with disqualification. Defamation charges have been brought against those voicing criticism of government authorities. The Egyptian authorities have also moved to block discussions about human rights.

## DEFAMATION CHARGES

Amnesty International is concerned at the way criminal defamation charges are used by the Egyptian authorities to target those critical of the authorities and public officials. Amnesty International considers these prosecutions to be part of stepped up efforts by the Egyptian authorities to silence their critics and those who expose human rights abuses.<sup>56</sup>

**Hamdi Kandil**, the spokesperson for the National Association for Change, is facing a criminal defamation lawsuit brought by the Egyptian Minister of Foreign Affairs. A well-known journalist, Hamdi Kandil had criticized the minister in a 3 May 2010 article in the *Al-Shuruq* newspaper. On 18 May 2010, Hamdi Kandil was reportedly informed by the Public Prosecution that he was facing charges of insulting and libelling a public servant or citizen performing their work. If convicted, he faces possible imprisonment and a fine. His trial is reportedly set for 20 November 2010.<sup>57</sup> If imprisoned Amnesty International would consider Hamdi Kandil to be a prisoner of conscience.

On 18 September 2010, the Khalifa court in Cairo dismissed defamation charges against two leading human rights lawyers and a well-known blogger. Lawyers **Gamal Eid** and **Ahmed Seif El-Islam Hamad** had been accused of "defamation" and "the use of threats". Blogger **Amr Gharebia** had been charged with "misuse of communication tools". Gamal Eid is director of the Arabic Network for Human Rights Information (ANHRI) and Ahmed Seif El-Islam Hamad is the founder of the Hisham Mubarak Law Center (HMLC). All three had been prosecuted following a complaint made against them by a judge after he was accused of plagiarizing an ANHRI report on restrictions on the internet in Arab states in a book he had written.<sup>58</sup>

Human rights lawyer **Nasser Amin** is also facing a defamation case, brought by a judge who is a vice president of the State Council. The case relates to statements made by Nasser Amin to *Al-Dostour* newspaper, published on 3 March 2010, in reaction to the vote by the General Assembly of the State Council against the appointment of women as State Council judges. Nasser Amin had described this as contrary to Egypt's Constitution and obligations under international human rights law. The case is currently being examined by the Public

Prosecutor, who may decide to refer it to a criminal court. Nasser Amin is the Director General of the Arab Centre for the Independence of the Judiciary and Legal Profession (ACIJLP).<sup>59</sup>

## INTERNATIONAL EXPERTS CONDEMN DEFAMATION CHARGES

**In November 2008 UN Working Group on Arbitrary Detention (WGAD) ruled that Egyptian blogger Karim Amer is arbitrarily detained, and called for his release. In February 2007, Karim Amer had been sentenced to four years' imprisonment for publishing material on the internet that was critical of Islam and Egyptian President Hosni Mubarak.**

The WGAD also said that charges related to defamation, libel and slander should be dealt with by the Egyptian authorities under civil, not criminal, law, and that there should not be prison sentences for such charges.

In a landmark ruling, the WGAD stated: "The fundamental right to freedom of opinion and expression, which is the core basis of the human rights system, must prevail when it implies political criticism, even when this criticism is focused in the activities of some concrete persons who have assumed high political responsibilities."<sup>60</sup>

## POLITICAL MESSAGES STIFLED

On 2 September 2010 an anonymous group of activists began a poster campaign in Cairo calling for Omar Suleiman, head of Egypt's national intelligence service, to become Egypt's next President.<sup>61</sup> The campaign followed a similar campaign in late July/August by activists backing Gamal Mubarak for the presidency. Coverage of the pro-Suleiman campaign, however, was quickly blocked by the security forces. The editor of *Al-Masry Al-Youm* newspaper reported that 30,000 copies of the paper's 3 September edition had been seized by the security forces on the evening of 2 September. The paper was reportedly told that if they wanted to publish they must remove the article about the Omar Suleiman campaign.<sup>62</sup> Copies of the *Al-Dostour* newspaper, which also included reports on the Suleiman poster campaign, were also reportedly destroyed.<sup>63</sup>

In October, the opposition Al Wafd Party reported that state television and at least four private broadcasters had refused to air its campaign advertisements.<sup>64</sup> On 25 October the Head of Egypt's Radio and Television Union said that advertisements for political parties must have the approval of the High Elections Commission (HEC).<sup>65</sup> According to the HEC, Al Wafd had proposed advertising for a time outside the short period permitted for official election campaigning, which begins only in mid-November 2010.<sup>66</sup>

## MEETINGS CANCELLED

In the last week of September the Egyptian authorities are reported to have cancelled an international conference on freedom of association organized by the One World Foundation that was due to be held in Cairo two days later. The government dismissed the US authorities' criticism of the decision which, they said ignored "the reality of the Egyptian position, which encourages civil society."<sup>67</sup> The US-based press freedom organization Freedom House, a persistent critic of media curbs in Egypt, which had been due to attend the conference, said some of its staff members had been banned from entering the country.<sup>68</sup>

In February 2010, by contrast, the Egyptian authorities had permitted an international

conference on freedom of association to take place in Cairo under the patronage of the EU and the League of Arab States.<sup>69</sup>

Between 31 October to 5 November a delegation of MPs from the German parliament's Committee for Human Rights and Humanitarian Affairs visited Egypt. While they were able to meet with the National Council for Human Rights, they reported that they were unable to secure meetings with representatives of the Egyptian authorities, and a planned meeting with the Ministry for Religious Affairs<sup>70</sup> was cancelled. Following the visit, the German delegates criticised the crackdown on political freedoms before the election, noting the arbitrary arrests of members of the opposition.<sup>71</sup>

## STEMMING THE FLOW OF INFORMATION

*"We have been operating in Cairo for 12 years. What has changed? Does the voice of 'Cairo Today' need to be toned down?"*

Amr Adeeb, presenter of Al-Qahira Al-Yawm ("Cairo Today"), which was taken off the air in September 2010.<sup>72</sup>

*"It is no coincidence that the two shows have stopped... As for the rest of the programs and talk shows, the owners were given orders to tone down."*

Mohamed Abdel Qudous, representative of the Egyptian Journalists' Union.<sup>73</sup>

As the election approaches, the Egyptian authorities have taken new steps to control the flow of information. Media outlets such as satellite television and SMS services have been made subject to new warnings and restrictions, ostensibly to "better regulate" their providers. In reality, these measures appear intended to further stifle peaceful political expression and the free flow of information in the period of election campaigning.

## FREEDOM OF EXPRESSION

**Media freedom remains curtailed despite the July 2006 amendments to the Penal Code intended to realize President Hosni Mubarak's 2004 undertaking to abolish prison sentences for publishing offences.**

Certain publishing offences, such as insulting public officials, continue to incur custodial sentences and journalists have been sentenced to prison terms and heavy fines as a result. There are a number of articles in the Penal Code which allow for the imprisonment of journalists and others for their peaceful activities. These include Articles 80(d), 98bis(b), 98(f), 102, 102bis, 171, 178, 179, 181, 188, 201 and 308 of the Egyptian Penal Code, which have been frequently used to criminalize freedom of opinion and expression, and to punish journalists, bloggers and others who are considered to be critical of the authorities.<sup>74</sup>

Draft legislation on audio-visual media would further restrict freedom of expression, proposing that journalists found to have damaged "social peace", "national unity", "public order" or "public values" should face up to three years in prison. A draft law examined by the parliamentary legislative committee in May 2009 stipulated prison sentences and heavy fines for defaming any of the monotheistic religions or their prophets or the publication of such defamatory statements.<sup>75</sup>

Egypt is a party to the International Covenant on Civil and Political Rights (ICCPR), and under Article 19 is obliged to respect freedom of expression. Article 19 of the ICCPR states that everyone has the right to hold opinions without interference, and the right to freedom of expression, including through any media

of their choice. While Article 19 does allow for certain restrictions to freedom of expression, such restrictions must simultaneously be provided by law, pursue an aim recognized as lawful and be necessary and proportionate to the accomplishment of that aim.

## SMS SERVICES BLOCKED

On 11 October 2010 organizations using SMS services to send messages, en masse, to their subscribers were informed by the National Telecommunications Regulatory Authority (NTRA) that they must obtain a license. The move has been widely perceived as another attempt to limit freedom of expression before the November parliamentary elections.

This requirement will effectively limit the ability of independent news services, human rights groups and political parties to communicate with their members and subscribers. In order for political parties to be granted the license they must be legally registered<sup>76</sup> – this means that the Muslim Brotherhood, which is said to have used SMS campaigns during the 2005 parliamentary election campaign, and others will not be able to use these methods of communication. News services are also subject to the new restrictions. On 11 October 2010, the newspaper *Al-Masry Al-Youm* reported that it and a number of other news services had been notified that they must obtain approval from the Ministry of Information and the Supreme Press Council in order to send news alerts via SMS.<sup>77</sup>

On 12 October 2010 an adviser to the Minister of Communications and Information Technology told the Associated Press news agency that the measure was not intended to curb political activity and that there would be a grace period for organizations to obtain the license.<sup>78</sup> The details of the period given, however, remain unclear. The licenses are also prohibitively expensive – some organizations will reportedly have to pay up to US\$88,000 for registration licenses and an equivalent amount as a guarantee.<sup>79</sup> Furthermore, in order to obtain a license, organizations are expected to conform to Egypt's 2003 Telecommunication Regulation Law, which includes "commitments related to National Security restrictions."<sup>80</sup> The 2003 law defines National Security as "All related to the Armed Forces, Military Production, Ministry of Interior and Public Security, National Security Authority, the Presidency and all Authorities related to these entities".

## TV CHANNELS SUSPENDED, PRESSURE ON JOURNALISTS

The period running up to the elections has also seen increasing restrictions on media content. Some independent media have been suspended and information deemed politically sensitive by the government has been suppressed. Individuals who have voiced criticism of the authorities have also been removed from their roles. In October, the Egyptian offices of a number of international and other broadcasters received letters from the authorities warning them against reporting on "sectarian strife" – in effect, warning them that issues considered sensitive by the authorities are off limits. It has also been reported that television channels must obtain a permit from the Egyptian Radio and TV Union (ERTU) to continue to broadcast live feeds.<sup>81</sup>

On 19 October 2010 the Egyptian Ministry of Information announced that NileSat, a state-owned satellite broadcaster, had been ordered to suspend 12 television channels, apparently because they were in violation of their broadcasting licences.<sup>82</sup> The channels were reportedly suspended for various reasons, including for allegedly insulting religious sensibilities and broadcasting pornography.<sup>83</sup> A further 20 television channels were reportedly given warnings.<sup>84</sup> On 1 October 2010 NileSat had similarly suspended the TV channel Al Badr,



purportedly for violating its terms and conditions.<sup>85</sup> Four other TV channels were also reportedly suspended in early October by Egypt's Media Free Zone.<sup>86</sup>

Questions about state controls on the Egyptian media and the existence of "red lines" not to be crossed were raised on 4 October 2010 when prominent journalist **Ibrahim Eissa** was fired from his role as editor of *Al-Dostour* newspaper by the paper's new publisher, the leader of the opposition Al Wafd party. *Al-Dostour* had published an article written by Mohamed ElBaradei. Following the dismissal, a number of the paper's staff staged a strike protesting what they saw as the political nature of the decision and calling for Ibrahim Eissa to be reinstated. The decision to sack Ibrahim Eissa came as his current affairs programme on the On TV channel was cancelled.

In early October it was reported that **Alaa Sadeq**, a sports critic, had been banned from appearing on state television programmes. The move by the Egyptian authorities reportedly followed his criticism of the Interior Ministry's policing of a football match. Two sports programmes hosted by him were taken off air.<sup>87</sup>

## RECOMMENDATIONS

Amnesty International is calling on the Egyptian authorities to uphold the human rights of all Egyptians without discrimination in the run-up to the elections to the People's Assembly, as well as at all other times. The Egyptian authorities must end violations of the rights to freedom of expression, association and assembly and provide redress. In particular, the Egyptian government should:

### END EMERGENCY POWERS

- End immediately the state of emergency and repeal all provisions of the Emergency Law;
- Ensure that the draft anti-terrorism law being formulated does not entrench the practices that have facilitated human rights abuses under the state of emergency, including indefinite detention without criminal trial;
- Immediately make public the draft anti-terrorism law, and ensure transparent and broad-based consultation and review of the law, which includes national and international civil society;
- Seek the repeal of those aspects of Article 179 of the Constitution that purport to give sweeping powers of arrest to the police, and allow the Egyptian President to bypass ordinary courts and refer people suspected of terrorism to military and special courts;
- Release all those detained under the Emergency Law for whom release orders have been issued by a competent court;
- Pending repeal of the Emergency Law, review and revise the provisions relating to court review of the legality of detention to ensure that anyone detained by order of the Minister of Interior appears in court without delay and that court orders for release are not circumvented by issuing new administrative detention orders;
- Stop referring security-related cases involving civilians to military and emergency courts.

### PROTECT DEMONSTRATORS AND VOTERS

- Ensure that security forces do not use unnecessary, excessive or disproportionate force when policing demonstrations and comply fully with the international standards governing the use of force by law enforcement officials, as set out in 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;
- Ensure that peaceful protestors are not arbitrarily arrested and detained or subjected to torture or other ill-treatment;
- Ensure that the security forces protect voters at polling stations without discrimination,

and do not harass or intimidate them.

## RESPECT FREEDOM OF EXPRESSION, ASSOCIATION AND PEACEFUL ASSEMBLY

- Repeal or amend with a view to bringing in line with international law provisions of the Penal Code which infringe on freedom of expression, in particular Articles 80(d), 98bis(b), 98(f), 102, 102bis, 171, 178, 179, 181, 188, 201 and 308;
- End the use of criminal defamation to punish criticism of government officials.
- Release immediately and unconditionally prisoners of conscience – that is anyone deprived of liberty solely for the peaceful exercise of their right to freedom of conscience, thought, opinion, expression, association or assembly.

## END IMPUNITY

- Modify the definition of the crime of torture in Egyptian law to bring it into full conformity with the definition in Article 1(1) of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in particular by explicitly prohibiting all forms of cruel, inhuman or degrading treatment or punishment, making clear that the prohibition is absolute and must not be suspended under any circumstances, including during a state of war or other public emergency;
- Ensure that all allegations of torture or other ill-treatment are investigated promptly, thoroughly and impartially and that officials responsible for the torture or other ill-treatment of prisoners are brought to justice, and that victims receive full reparation;
- Take all appropriate criminal or administrative measures against officials who fail to comply with safeguards against human rights abuses;
- Investigate circumstances where security forces are reported to have use excessive force against demonstrators and bring the perpetrators to justice.

## ENDNOTES

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