

EGYPT

HUMAN RIGHTS IN CRISIS: SYSTEMIC VIOLATIONS AND IMPUNITY

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INTRODUCTION

Egypt is facing a human rights crisis, with thousands detained as part of a wide-ranging crackdown on dissent, over 1,400 people killed in protests and political violence in the last year alone, and torture and other ill-treatment rife in prisons and police stations. While the security forces have enjoyed near-total impunity for such human rights violations, government opponents, activists and journalists have been jailed for criticising the authorities or challenging their narrative of events since the ousting of President Mohamed Morsi. The authorities have also taken few steps to address discrimination and violence against women and religious minorities, as well as the far-reaching poverty that fuelled the uprising in 2011.

This document is based on a submission prepared for the United Nations Universal Periodic Review (UPR) of Egypt in October-November 2014. In it, Amnesty International evaluates the implementation by Egypt of recommendations made by other states in the previous cycle of the UPR. While Egypt accepted important recommendations in the previous review in 2010, successive governments have failed to secure their implementation. No checks have been put in place to prevent the use of excessive force and torture by the security forces, restrictions on the rights to freedom of expression, association and assembly continue in law and practice, and the authorities have continued with forced evictions from informal settlements. Moreover, the government has yet to accept visit requests by several UN Special Procedures.

With respect to the national human rights framework, Amnesty International is concerned that the human rights guarantees in the Constitution are insufficient to meet Egypt's international obligations. National legislation is widely deficient, and fails to effectively criminalize torture, or to ensure the effective, independent and impartial investigation of human rights violations under the Code of Criminal Procedures. Legislative restrictions on the rights to freedom of expression and peaceful assembly continue to be in place and may be further tightened in the near-future. Current restrictions include the criminalization of defamation of public officials and of religion, restrictions on NGO registration and funding, and the punishment of striking workers with imprisonment and fines. Discrimination against women and religious minorities is perpetuated in law and practice, and the death penalty is retained for a wide range of offences.

Since the 2011 uprising, security forces have routinely used excessive force against protesters, resulting in hundreds of deaths, and subjected detainees to torture and other ill-treatment, while enjoying near-total impunity for these violations. Amnesty International is further concerned about the lack of due process for detainees and unfair trials, including the use of military courts to try civilians, the handing down of hundreds of death sentences following grossly unfair proceedings and the criminal prosecution of government opponents, activists and journalists for criticizing the authorities. Amnesty International has also documented attacks against religious minorities, sexual assaults against women protesters, and the use of excessive force and threats of *refoulement* against refugees, asylum-seekers and migrants.

In the last section of this document, Amnesty International makes a number of recommendations to the government of Egypt to address the concerns raised in this submission.

FOLLOW UP TO THE PREVIOUS REVIEW

Amnesty International welcomed the human rights commitments made by Egypt during its first UPR in 2010. However, successive governments since the “25 January Revolution” in 2011 have failed to implement these pledged reforms and have instead been responsible for serious, pervasive violations of human rights. Today, human rights in Egypt are in crisis.¹

In 2010, Egypt accepted a recommendation to ensure that the security forces acted with “restraint”.² Yet, ever since the beginning of the 2011 uprising, the security forces have used unnecessary and excessive force on an unprecedented scale, killing hundreds of peaceful protesters and others. In 2010, Egypt also accepted recommendations to combat torture; however, torture continues to be used.³

Egypt further accepted recommendations to protect freedom of expression and association; however, it has not advanced, but continues to arbitrarily restrict these rights.⁴ Moreover, since it rejected recommendations to end prison terms for “acts damaging to an individual’s honour” and to revise legislation on journalists, Egypt has continued to prosecute and imprison journalists, activists and others for allegedly criticising state authorities, public officials or religion.⁵ Egypt also rejected a recommendation to allow NGOs to receive international funding without state approval, and has cracked down on NGOs which have done so.⁶

Egypt also accepted recommendations to promote freedoms of thought, conscience and religion and to address sectarian violence.⁷ However, religious minorities have faced continued discrimination in building and maintaining places of worship, as well as deadly sectarian attacks.

In addition, Egypt accepted a recommendation to strengthen efforts to ensure housing for all citizens.⁸ However, the authorities continue to forcibly evict residents from informal settlements and have failed to remedy the plight of thousands of slum-dwellers who live in unsafe areas that threaten their lives and health.

Egypt did not answer recommendations to respond positively to requests by UN Special Procedures to visit the country.⁹ In practice, it continues to deny them access. Egypt also rejected a recommendation to ensure that individuals under its jurisdiction have access to the complaints mechanisms of the UN human rights treaty bodies.¹⁰

Egypt also rejected a recommendation to develop campaigns to promote tolerance and eliminate gender-based discrimination.¹¹ Since then, women have continued to face discrimination in law and practice, as well as high levels of sexual and other gender-based violence.

THE NATIONAL HUMAN RIGHTS FRAMEWORK

THE CONSTITUTION

The 2014 Constitution contains improved human rights guarantees, although these are insufficient to meet Egypt's international human rights obligations. The Constitution does not establish the supremacy of international law over national legislation and fails to address endemic human rights problems such as prohibiting military trials of civilians and forced evictions.¹²

LEGISLATIVE FRAMEWORK AND POLICY

National law facilitates human rights violations by the security forces. The Penal Code does not effectively criminalize torture in accordance with international law and standards.¹³ The law also allows the security forces to use unnecessary and excessive force, including lethal force.¹⁴

Despite lifting the state of emergency in May 2012, the authorities have maintained emergency-style legislation in national law.¹⁵ The Anti-Terrorism Law (Law 97 of 1992) contains an overly broad definition of terrorism, and the authorities are drafting more repressive legislation, apparently to suppress the Muslim Brotherhood.¹⁶ Both the Constitution and Code of Military Justice (Law 25 of 1966) provide for unfair trials of civilians before military courts. The Code of Criminal Procedures also provides for extended periods of preventive detention without formal charge or trial.¹⁷

Egyptian law also facilitates impunity for human rights violations. The Code of Criminal Procedures fails to require the separation of investigation and prosecution roles and the law mandates police officers to collect evidence of alleged crimes, enabling them to tamper with evidence or withhold information, and undermining the principle that investigations into allegations of serious human rights violations must be independent and impartial.¹⁸ The Constitution and Code of Military Justice also give the military judiciary jurisdiction over alleged human rights violations by the army.¹⁹

National law restricts rights to freedom of expression, association and assembly. The Penal Code criminalizes defamation of public officials and religion.²⁰ The Law on Associations (Law 84 of 2002) restricts human rights organizations' legal registration and international funding; successive governments – including the current one – have considered adopting even more restrictive legislation.²¹ In November 2013, the president approved Law 107 of 2013, restricting the right to peaceful assembly.

National law also fails to uphold the rights to work and to form and join trade unions. Successive governments have not implemented a system for a fair minimum wage.²² The Law on Trade Unions (Law 35 of 1976) mandates a single national trade union federation to which all trade unions must belong. The Penal Code and other legislation punish striking workers with imprisonment and heavy fines.²³

Women and girls continue to face discrimination in law and in practice. The Personal Status Law discriminates against women in marriage, divorce and custody

rights; under the Inheritance Act (Law 77 of 1943) women only receive half the inheritance of men. Government policies, such as removing electoral quotas in 2011, have adversely affected women's right to participate in public life.

In June 2014, the outgoing president passed a new decree to combat violence against women in public, amending two articles of the Penal Code to define and criminalize sexual harassment. However, Amnesty International is concerned that the definition of sexual harassment under the law is limited to acts committed with the intention of "receiving sexual gratification from the victim" (Articles 306 (bis A, B)). The new president, Abdel Fattah al-Sisi, then ordered the government and security forces to stamp out sexual harassment, after a series of attacks on women demonstrators in Tahrir Square around his inauguration.

Such measures are welcome, but have yet to translate into a comprehensive strategy to combat violence against women, including domestic violence and sexual and gender-based violence in detention. Despite these steps, the Penal Code does not adequately define the crime of rape and continues to criminalize adultery.²⁴ In December 2011, an administrative court banned forced "virginity testing", but in March 2012 a military court cleared a doctor accused of subjecting women protesters to such tests. Although national law prohibits female genital mutilation (FGM), in practice women and girls continue to face this abuse.²⁵ The Penal Code prohibits abortion in all cases.

The authorities continue to use the Law on Debauchery (Law 10 of 1961) to criminalize consensual sexual relations between individuals in private.

Egyptian law and policies also discriminate against religious minorities. Coptic Christians face restrictions in building and maintaining places of worship.²⁶ Law 263 of 1960 criminalizes the "public activities" of the Bahá'ís.

The law also does not fully guarantee the right to adequate housing, or protects those living in informal settlements, including against forced evictions.²⁷

Egyptian law continues to provide for the death penalty for a wide range of offences.

NATIONAL COUNCIL FOR HUMAN RIGHTS

The authorities established the National Council for Human Rights (NCHR) in 2003.²⁸ Since October 2011, the International Co-ordinating Committee of National Institutions for the Promotion and Protection of Human Rights has repeatedly deferred accrediting the NCHR, citing concerns over the lack of criteria for selecting appointees.²⁹ The NCHR has called on new President Abdel Fattah al-Sisi to give it unfettered access to prisons, and has undertaken some prison visits.

FAILURE TO CO-OPERATE WITH THE UN SPECIAL PROCEDURES AND TREATY BODIES

Egypt has yet to facilitate the visits of a number of UN human rights experts, such as the Special Rapporteurs on torture and other forms of cruel, inhuman, degrading treatment or punishment, on freedom of peaceful assembly and of association, and on extrajudicial, summary or arbitrary executions, and the Working Group on arbitrary detention.³⁰ The authorities are routinely late in reporting to treaty bodies.³¹

PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

EXCESSIVE AND UNNECESSARY USE OF FORCE

Since the 2011 uprising, the security forces have repeatedly used unnecessary and excessive, including lethal, force to disperse demonstrations, causing hundreds of deaths. During the “25 January Revolution”, the security forces killed at least 840 demonstrators and others, as well as a number of prisoners. Since the ousting of President Morsi on 3 July 2013, over 1,400 people have died in protests and political violence, many due to excessive and unnecessary force by the security forces.³²

- On 9 October 2011, soldiers deployed by the then military authorities used excessive force to disperse a protest by Coptic Christians around the Maspero state television building in Cairo, killing 27 people.
- On 26 January 2013, security forces in Port Said used excessive force against protesters who were marching to the city’s prison, killing 28 people. At least 10 others died in further violence over the following two days.
- On 14 August 2013, the security forces used excessive, including lethal, force to disperse pro-Morsi protests at al-Nadha Square in Giza and at Rabaa al-Adawiya Square in Nasr City; at the latter, at least 550 protesters and eight security forces died in the ensuing violence.³³ The scale of the violence on this one day dwarfed even the 2011 uprising.
- On the third anniversary of Egypt’s 2011 uprising, security forces sought to prevent anti-government gatherings, breaking up marches and rounding up hundreds of protesters and bystanders. At least 64 people were killed and hundreds injured in the violence that broke out as security forces tried to clear the protests.

TORTURE AND OTHER ILL-TREATMENT

Since the 2011 uprising, detainees have continued to report torture or other ill-treatment by the security forces upon arrest and in detention. Under the rule of the Supreme Council of the Armed Forces (the SCAF), military personnel have also tortured detainees.³⁴ At least 80 detainees died in custody in the year since Mohamed Morsi’s ousting as president on 3 July 2013, according to WikiThawra, an initiative run by the Egyptian Center for Economic and Social Rights.

Detainees have frequently complained of severe beatings by the security forces during arrest, arrival at police stations and during transfer between prisons, as part of so-called “welcome parties”. They include supporters of Mohamed Morsi, as well as political activists and others who have criticized the interim authorities.

Torture is routine in police stations and unofficial places of detention, with members of the Muslim Brotherhood and their supporters particularly targeted. It is carried out by both the military and police, including in premises belonging to the National Security Agency, in many cases with the objective of obtaining confessions or to force detainees to implicate others.

Among the methods of torture employed are techniques previously used by state

security during former President Hosni Mubarak's rule. These include electric shocks, rape, and handcuffing and suspending detainees from open doors. Another hanging method, known as "the grill", involves handcuffing the detainee's hands and legs to an iron rod and suspending the rod between two opposite chairs until the detainee's limbs go numb. Security forces then start using electric shocks on the person's legs.

- Security forces repeatedly beat Al Jazeera Arabic journalist Abdallah Elshamy in the weeks following his arrest on 14 August 2013. According to information available to Amnesty International, the beatings persisted during his initial detention at a police station and transfer to different prisons.³⁵ Abdallah Elshamy was released in June 2014 following a prolonged hunger strike.
- M.R.S, a 23-year old student arrested in February 2014 near Nasr City, told Amnesty International that he was held for 47 days and tortured, sexually assaulted and raped during interrogations by security forces. He is currently out of prison, but his case is still pending.³⁶
- Dozens of civilians have been subjected to enforced disappearance and held for months in secret detention at a military camp, where they were subjected to torture and other ill-treatment to make them confess to crimes, according to evidence gathered by Amnesty International. Former detainees at Al Azouly Prison, inside Al Galaa Military Camp in Ismailia, told Amnesty International that they had been tortured there, including with electric shocks and burns during interrogations at the military camp.³⁷

LACK OF DUE PROCESS, UNFAIR TRIALS AND SELECTIVE JUSTICE

Since July 2013, the security forces have arrested thousands of Morsi supporters, detaining many without access to lawyers, families and any means to challenge the lawfulness of their detention.³⁸

According to official estimates published by the Associated Press in March 2014, at least 16,000 people have been detained over the past year as part of a sweeping crackdown against Mohamed Morsi's supporters and other groups and activists that have expressed dissent. Other estimates are much higher. According to WikiThawra, more than 40,000 people were detained or indicted between July 2013 and mid-May 2014.³⁹

Under the SCAF, military courts tried thousands of civilians unfairly; such unfair trials continue today, targeting the authorities' opponents.⁴⁰

Successive governments have used the judicial system to target their political opponents and government critics, launching politically motivated criminal investigations and prosecutions.⁴¹ In contrast, the Public and Military Prosecutions have largely ignored systemic human rights violations by the security forces and army.

- Ousted President Mohamed Morsi is currently on trial in three separate criminal cases on allegations of espionage, involvement in political violence and staging a jail-break during the 2011 uprising. He will also face trial for insulting the judiciary.⁴² The army and security forces arrested Mohamed Morsi and nine of his aides on 3 July 2013 and detained them for months in conditions amounting to an enforced disappearance. At time of writing, aide Khaled al-Qazzaz does not face criminal charges, despite more than a year in detention, including several months in conditions amounting to enforced disappearance.

- Prominent Muslim Brotherhood lawyer Abdelmonim Abdelmaqsoud was arrested on 4 July 2013 at Tora Prison after visiting the prison in his capacity as legal counsel. He was detained pending investigations into his alleged role in political violence. Amnesty International is concerned that the case against Abdelmonim Abdelmaqsoud is motivated by his long-standing involvement with the Muslim Brotherhood as their chief lawyer.
- Security forces arrested high-school student Khaled Mohamed Bakara on 25 November 2013, after his teachers saw him with stationery with symbols used by the Muslim Brotherhood. He was released on bail of 500 Egyptian pounds (US\$72) on 22 December 2013, but may still face criminal charges and trial.⁴³
- On 6 May 2014, a military court sentenced five civilians to one year in prison, including Khaled Hamza, the former editor of Muslim Brotherhood website Ikhwanweb. Military police arrested the men, all supporters of Mohamed Morsi, on 25 February 2014 at the border with Sudan as they were while trying to leave the country.⁴⁴ Their lawyers have said the men have faced torture and other ill-treatment in detention.

ATTACKS BY ARMED GROUPS AND POLITICAL VIOLENCE

Since 3 July 2013, armed groups have increasingly attacked army checkpoints, security personnel and government buildings and, in some cases, ordinary Egyptians and foreign tourists.⁴⁵ Both supporters and opponents of Mohamed Morsi have committed serious human rights abuses in the political violence that preceded and followed his ousting in July 2013.⁴⁶

IMPUNITY FOR HUMAN RIGHTS VIOLATIONS

There is near-total impunity for human rights violations by the security forces and the army, including for violations committed during and since the 2011 uprising. Public Prosecution investigations into violations by the security forces have not been independent, impartial or effective; when, exceptionally, authorities have prosecuted police officers for human rights violations, the courts have generally acquitted them.⁴⁷ Military-led investigations into human rights violations by the army have also failed to deliver truth and justice.⁴⁸ Such investigations have not held senior officials criminally accountable for human rights violations.

Both the SCAF and Mohamed Morsi suppressed the findings of the fact-finding committees they appointed to investigate human rights violations.⁴⁹ The fact-finding committee appointed by President Adly Mansour in December 2013 lacks the mandate and powers to conduct effective investigations.⁵⁰ In January 2014, the minister for transitional justice declared that the time was “not right” for transitional justice.⁵¹

- On 18 March 2014, a court jailed a police captain for 10 years for his role in the killing of 37 detainees on 18 August 2013, who died when security forces fired tear gas into the police vehicle transferring them to Abu Zaabal Prison. Three lower-ranking members of the security forces also received one-year suspended sentences. An appeals court then overturned the verdict on 7 June, continuing a longstanding trend of courts acquitting security forces accused of abuses, handing them light or suspended sentences, or overturning their convictions on appeal.

FREEDOMS OF EXPRESSION, ASSOCIATION AND ASSEMBLY

Since the uprising, journalists and activists have faced criminal investigation and prosecution for criticising the authorities, public officials or religion. Some

journalists have also faced unfair military trials.⁵²

Successive governments have maintained arbitrary restrictions on the registration, funding and activities of NGOs, and the security forces have raided NGO offices.

- On 23 June 2014, a court jailed Al Jazeera English staff Mohamed Fahmy, Peter Grete and Baher Mohamed after convicting them of broadcasting false news and involvement with the Muslim Brotherhood. In 12 court sessions, the Prosecution failed to produce a single shred of solid evidence linking the journalists to a terrorism organization or proving they had “falsified” news footage. An Amnesty International trial observer recorded several irregularities, with prosecutors obstructing the defendants’ right to review and challenge the evidence presented against them.⁵³
- Journalist Ahmed Abu Deraa faced a military trial following his arrest in September 2013, after suggesting that military operations in the Sinai were targeting ordinary Egyptians, mosques and homes. On 5 October 2013, a military court gave him a six-month suspended prison sentence.⁵⁴
- Journalists Amr Al Qazzaz and Islam Farahat, from the Rasd network, were arrested in November 2013 for leaking videos of Abdel Fattah al-Sisi and a number of government documents. The two journalists stood trial before a military court, which acquitted Amr Al Qazzaz but sentenced Islam Farahat to one year in prison and a fine of 500 Egyptian pounds (US\$70).⁵⁵
- In June 2013, a criminal court convicted 43 people of working at unregistered NGOs and receiving international funding without government approval.⁵⁶ The trial followed raids on Egyptian human rights organizations and international non-governmental organizations in December 2011.
- In September 2013, a Cairo court banned the activities of the Muslim Brotherhood and ordered the authorities to confiscate its assets. In December 2013, the government designated the Muslim Brotherhood as a “terrorist organization”. The authorities have yet to put forward any evidence to support the designation, or to link the group to specific armed attacks.
- On 22 May 2014, security forces raided the Egyptian Center for Economic and Social Rights, briefly arresting at least 15 activists and lawyers. According to one of them, the security forces beat the activists with their hands and rifle butts. Some of the women activists also allegedly faced sexually harassment during the arrests. The raid was the second one on the Centre in six months.⁵⁷
- On 28 April 2014, the Court of Urgent Matters banned the activities of the 6 April Youth Movement and ordered the authorities to shut down its headquarters, after ruling that the group was involved in “co-operating with foreign states, including the US, to cut the US [military] aid, possessing weapons, protesting and spreading chaos in the country”, and had “distorted Egypt’s image”. The movement had led many of the mass protests during the 2011 uprising.

Since November 2013, the security forces have enforced the protest law (Law 107 of 2013), regularly dispersing demonstrations and detaining protesters for peacefully exercising their right to freedom of assembly. Some of the protesters now face prison.⁵⁸

- On 26 November 2013, the security forces in Cairo used excessive force to break up a peaceful protest against the new law on protests outside the parliament building. Security forces arrested dozens of people at the scene and

later arrested prominent activist Alaa Abd El Fattah at his home.⁵⁹ On 11 June 2014, a court convicted 25 people in absentia of breaking the protest law and pm a range of trumped-up charges, sentencing them to 15 years in prison. Security forces then arrested Alaa Abd El Fattah and two other men who had been waiting outside the court.⁶⁰

- On 22 December 2013, a court jailed leading political activists Ahmed Maher and Mohamed Adel and blogger Ahmed Douma for breaking the protest law. They are currently serving three-year prison sentences. Ahmed Maher and Mohamed Adel are leading members of the 6 April Youth Movement.
- Security forces arrested peaceful protesters Abrar Al-Anany, Menatalla Moustafa and Yousra Elkhateeb on 12 November 2013 at Mansoura University, following clashes between supporters and opponents of the Muslim Brotherhood which eyewitnesses, university security and the women's lawyers said they were not involved with. On 21 May 2014, a court sentenced the women to between two and six year-prison terms. They are currently held in Mansoura Public Prison.⁶¹
- Human rights activist Mahienour El-Massry was sentenced to two years in prison on 20 May 2014 for taking part in an unauthorized protest in December 2013. The protest was initially peaceful, but some of the demonstrators turned to violence after police forcibly dispersed the assembly. Amnesty International has reviewed video footage and photographs of the protest and spoken to other participants and a local human rights organization and has concluded that she was not involved in the violence.⁶²
- Human rights defender and NGO staff member Yara Sallam, activist Sanaa Ahmed Seif and 20 other detainees are currently standing trial on charges of protesting without authorization, vandalizing property and disturbing public order. The group was arrested after security forces dispersed a demonstration against the protest law in the Cairo suburb of Heliopolis on the evening of 21 June. Some are bystanders who did not take part in the demonstration.⁶³

THE RIGHT TO WORK AND TRADE UNION RIGHTS

The security forces have forcibly dispersed striking workers picketing their places of work and in some cases they have faced criminal prosecution.⁶⁴

- In September 2012, five workers at the Alexandria Container and Cargo Handling Company were sentenced to three years' imprisonment and a fine by a misdemeanours court after it convicted them in absentia of striking illegally. They remained free pending a retrial in their presence on 16 June 2013, when the court acquitted all five of them.

SEXUAL AND GENDER-BASED DISCRIMINATION AND VIOLENCE

Women continue to face discrimination in public life and their right to work.⁶⁵ For decades, women have been excluded from representation in law-making bodies, the government and the judiciary. During SCAF rule, women protesters faced state violence from the army and security forces, including forced "virginity tests" in March 2011.⁶⁶ Women and girls continue to face high levels of sexual harassment and, since late 2012, women protesters have faced repeated sexual attacks around Cairo's Tahrir Square.⁶⁷

- On 9 March 2011, army forces violently dispersed protests in Tahrir Square and detained 18 women, 17 of whom were subsequently beaten, prodded with electric shock batons, subjected to strip searches and forced to submit to "virginity tests". To date, there has been no accountability for these abuses and

in March 2012 a military court acquitted the army doctor accused of carrying of the “tests”.

- In December 2011, soldiers and security forces beat women protesters in the streets around government buildings in Cairo, before subjecting women detainees to torture and ill-treatment in detention. Some women reported being groped and threatened with sexual violence. The events, known as the “Cabinet Events”, saw soldiers filmed beating a prone woman protester and exposing her underwear.
- Women taking part in protests around Tahrir Square faced a wave of sexual violence in June-July 2013. Volunteer groups working to stop the violence in the square and assist survivors have documented 168 cases of mob sexual attacks between 30 June and 3 July 2013.
- Women demonstrators around Tahrir Square faced renewed violence when Abdel Fattah al-Sisi took office as Egypt’s new president on 8 June 2014, with women’s groups and human rights organizations stating they had documented at least nine cases of sexual assaults.⁶⁸ A harrowing video of one of the attacks, published on-line, was widely covered in both Egyptian media and the international press, prompting criticism of the authorities’ inaction on violence against women in the public sphere.

Since the 2011 uprising, Amnesty International has continued to document instances where individuals have faced arrest and criminal charges on the basis of their real or perceived sexual orientation. Since last year, the authorities appear to have launched a crackdown on such individuals, with arrests frequently reported in Egyptian media and by activists working on the issue.

RELIGIOUS MINORITIES

Religious minorities have reported an upsurge in discriminatory attacks. Coptic Christians have faced rising violence, culminating on 14 August 2013, with dozens of attacks on churches, businesses and homes in which the security forces failed to intervene.⁶⁹ Shi’a Muslims have also faced attacks.⁷⁰

- Coptic Christians faced an unprecedented level of violence after the Rabaa al-Adawiya dispersal on 14 August 2013; sectarian attacks left four dead and 200 Christian properties and 43 churches damaged. The authorities said the attacks were “terrorism”, yet failed to ensure adequate, impartial and independent investigations – including into the security forces’ failure to prevent and stop the violence.
- On 23 June 2014, Coptic Christian-convert Bishoy Armia was sentenced to five years in prison for “inciting sectarian strife”. Egyptian media reported that the security forces had arrested him in Minya in December 2013, apparently while he was trying to document incidents of sectarian violence. Bishoy Armia, whose birth name is Mohammed Hegazy, had previously petitioned the authorities to change his religious designation on his official identification card.⁷¹
- Coptic Christian teacher Dimyana Obeid Abd Al Nour was detained on 8 May 2013, after she went to the public prosecution’s office in Luxor to respond to charges of “defamation of religion”. The case against her was based on a complaint lodged by the parents of three of her students alleging that she had insulted Islam and the Prophet Muhammad during a class. In June 2013, a court fined her 100,000 Egyptian pounds (US\$14,000). In June 2014, an appeals court handed down a six-month prison sentence against her.⁷²

- On 25 January 2013, a Cairo court upheld a lower court's verdict against Coptic Christian Alber Saber Ayyad, sentencing him to three years' imprisonment for "defamation of religion", in relation to videos and other material he posted online which the court deemed "offensive".⁷³

THE RIGHT TO ADEQUATE HOUSING

The authorities have failed to uphold the right to adequate housing for residents of informal settlements. The authorities have taken measures to identify and address unsafe areas, but have yet to evacuate some hazardous areas and re-house the residents. The authorities continue to carry out forced evictions in slums; plans to develop the Greater Cairo region by the 2050s may also lead to mass forced evictions.⁷⁴

- Egypt's security forces forcibly evicted at least 1,200 families in the Ezbet Al-Nakhl district of Cairo on 18 February 2014. The authorities had made no attempt to consult with the residents and did not give them any notice. Eyewitnesses told Amnesty International that the security forces had fired live ammunition into the air to intimidate the residents who tried to object. They also saw police officers dragging two women by their hair, beating children and arresting men who refused to leave their homes.⁷⁵

REFUGEES, ASYLUM-SEEKERS AND MIGRANTS

The authorities do not respect the rights of refugees, asylum-seekers and migrants in Egypt. The security forces regularly arrest refugees, asylum-seekers and irregular migrants crossing into Egypt, sometimes using excessive force against them.⁷⁶ Sudanese activists in Egypt have faced harassment and threats of *refoulement*.⁷⁷ Recently, refugees from Syria have faced arbitrary arrests and unlawful detention, and some have faced *refoulement*.⁷⁸ The authorities have failed to end human rights abuses by criminal groups holding refugees, asylum-seekers and migrants captive in the Sinai Peninsula.⁷⁹

- On 17 September 2013, a boat carrying at least 200 people left the Egyptian port city of Alexandria. It was heading to Italy when it was intercepted and pulled back to shore by the Egyptian navy. Most of those on board the boat were refugees from Syria. The navy approached the boat and, according to witnesses, fired several shots into the hull of the boat. As far as Amnesty International is aware no shots were fired from the boat carrying the refugees. The incident resulted in the death of two people who were shot. All of the refugees were detained by the security forces.
- In February 2013, an Eritrean activist recorded a phone call she made to an eight year-old girl and her father, held captive in Sinai. The girl described being "beaten with sticks and fire" and being fed "one bread every two days." She had reportedly already seen three people die during their captivity. Her father told the activist how his daughter cried for 24 hours after watching her mother being subjected to electric shocks. He said he, his wife and daughter were forcibly seized in eastern Sudan at the beginning of January 2013, and were sold between three different groups between Kassala and Sinai.
- Darfuri refugee Abdel Moneim Adam Suleiman was arrested in Cairo in May 2012 and threatened with forcible return to Sudan. He was subsequently resettled in Norway, together with his family, after an intervention by the Office of the United Nations High Commissioner for Refugees in Egypt.

THE DEATH PENALTY

The courts have continued to hand down hundreds of death sentences, some in absentia. Some trials observed by Amnesty International that resulted in death sentences were grossly unfair. Some have also seen leading Muslim Brotherhood figures sentenced to death. One execution took place in October 2011. Seven people have been executed since 16 June 2014, after the authorities resumed executions. In some cases, military courts have sentenced civilians to death.⁸⁰

According to information gathered by Amnesty International, since January 2014 the judiciary has recommended the death penalty for at least 1,247 people pending the Grand Mufti's religious opinion, and upheld death sentences against 247. Most are thought to be supporters of ousted President Mohamed Morsi.

- On 28 April 2014, a criminal court in the Upper Egypt city of Minya sentenced 37 people to death and 491 others to life imprisonment following a grossly unfair trial.⁸¹ All faced charges of involvement in an attack on a police station in the village of Mattay on 14 August 2013, the murder of a police officer and the attempted murder of two other police officers, as well as belonging to the banned Muslim Brotherhood movement. The court had decided to sentence 528 of the defendants to death in a previous session.
- On 21 June 2014, the same court sentenced 183 people to death following another grossly unfair trial. They included Mohamed Badie, the detained General Guide of the Muslim Brotherhood.⁸² All faced charges of involvement in deadly violence around the police station in the village of al-Adwa on 14 August 2013. The court had earlier decided to sentence 683 of the defendants to death.⁸³
- On 19 June 2014, the Giza Criminal Court recommended death sentences for 14 Muslim Brotherhood officials and other well-known government opponents.⁸⁴

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the government of Egypt to:

Reform the security forces

- Establish an independent accountability and oversight body with authority over all aspects of police operations. Such a body should have an independent, effective and impartial complaints mechanism that can deal with complaints about security forces' misconduct and human rights violations, and with independent investigation teams, to deal specifically with complaints against or involving the police or security forces;
- Make public a clear structure of the various security branches with a clear chain of command.

End excessive and unnecessary force

- Ensure that police and other state agencies that exercise law enforcement functions adhere to 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, by giving clear instructions that force may only be used when strictly

necessary and only to the extent required for performance of their duty, and that lethal force may only be used when strictly unavoidable in order to protect their lives or the lives of others;

- Ensure that any legislation on the use of force, whether when policing demonstrations or carrying out arrest, has clear provisions requiring police officers to seek to de-escalate situations and to minimize damage or serious injury in restoring public order;
- Prohibit the use of firearms as a means to disperse a crowd and to limit the use of firearms to the protection of life and against serious injury.

End torture and other ill-treatment

- Ensure that all those detained are protected from torture or other ill-treatment, and that detention conditions meet the UN Standard Minimum Rules for the Treatment of Prisoners and the Basic Principles for the Treatment of Prisoners;
- Establish a mechanism that provides for the mandatory conduct of independent, unrestricted and unannounced visits to any places where anyone may be deprived of their liberty (including the right to conduct confidential interviews with any detainees of the visiting body's choice without law enforcement officials present or otherwise listening), including any national security and military facilities;
- End immediately the use of incommunicado detention;
- Prohibit by law the use or admissibility in judicial proceedings of statements or confessions obtained through torture or other ill-treatment;
- Ensure that individuals are only held in publicly listed places of detention under the oversight of judicial authorities, including military facilities and those of the National Security Agency. In this respect, amend Article 1bis of Law 396 of 1956 (the Law on Prison Regulations), which states that people can be held in places of detention specified in this Law as well as in places defined by decree by the Minister of Interior;⁸⁵
- Ensure that prison administration is put under the supervision of the Ministry of Justice, rather than the Ministry of Interior;
- Modify the definition of the crime of torture in national law to bring it into full conformity with the definition in Article 1(1) of the UN Convention against Torture, 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 due process and the right to fair trial

- Ensure officers carrying out arrests identify themselves to those arrested and notify them in writing of the reasons for the arrest, the authority ordering the arrest, and the place where they will be detained;
- Ensure that all detainees can exercise their right to consult a lawyer of their choice in private, and to have a lawyer present during questioning and the making of statements, from the outset of detention and throughout the period in custody;
- Ensure that the families of those detained are informed promptly of the place of detention of their relatives, and any subsequent transfers to other places of detention, without delay;

- Ensure that all those detained on recognizably criminal charges are tried in proceedings that fully conform with international fair trial guarantees, such as the right to challenge the legality of their detention and the right to adequate defence, including the right to have access to a lawyer at all stages of judicial proceedings, the right to have adequate time and facilities to prepare a defence, and the right to have witnesses cross-examined;
- Cease trying civilians before military courts: to transfer any ongoing cases to civilian courts for a new trial, in proceedings that meet international standards for fair trial and without recourse to the death penalty, or release the defendants; and order fair re-trials in civilian courts for all civilians already convicted by military courts, or release them;
- Repeal the Anti-Terrorism Law (Law 97 of 1992) or else amend it to be consistent with international standards. Ensure any legislation enacted to replace the Anti-Terrorism law conforms with international law and standards.

Combat impunity

- Ensure that investigations into human rights violations committed since 30 June 2013, including by the fact-finding committee established on 21 December 2013, are effective, impartial, independent, and set up in accordance with human rights law and standards;
- Ensure investigations include all incidents where security forces, including the army, have used excessive and unnecessary lethal force against protesters; torture or other ill-treatment; sectarian violence; and sexual assaults on women;
- Ensure investigative mechanisms have powers of subpoena, search and seizure, and to compel members of the Ministry of Interior and armed forces to testify, regardless of their rank and affiliation;
- Ensure the findings of investigations into human rights violations are made public; and bring those responsible for human rights violations to justice in proceedings meeting international standards for fair trial, regardless of their rank, and without recourse to the death penalty;
- Ensure all investigations into killings follow the methods set out in the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. Findings should be presented to judicial authorities with the view of bringing those responsible to justice. Such judicial authorities must include effective safeguards against interference and/or influence from police or security officers, as well as politicians. Those appointed for this task must be individuals of integrity and ability with appropriate qualifications, and must enjoy the trust of victims;
- Ensure that bodies mandated with gathering evidence against protesters are independent of the suspected perpetrators of human rights violations or the agencies to which they belong;
- Bring those responsible for serious human rights violations, regardless of their rank, to justice in fair trials and without recourse to the death penalty;
- Provide the Human Rights Council with regular updates on the progress of the investigations into human rights violations.

Uphold freedoms of expression, association and assembly

- Immediately and unconditionally release all prisoners of conscience detained solely for peacefully exercising their rights to freedoms of expression, association and assembly;

- Uphold the right to freedom of expression, including by protecting the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers and through any media; and by refraining from imposing undue restrictions on Internet and mobile telecommunications services;
- Repeal or amend, with a view to bringing into conformity with international law, the provisions of the Penal Code that infringe freedom of expression, in particular Articles 80(d), 98bis(b), 98(f), 102, 102bis, 171, 178, 179, 181, 188, 201 and 308, as these allow for the imprisonment of journalists and others for vaguely defined offences, such as harming “national interest” or “social peace”;
- Review Law 84 of 2002 (the Law on Associations) or replace it so that national legislation complies with international standards, including to allow enable non-governmental organizations to function without impediments such as prior authorization, funding controls and administrative dissolution;
- Uphold the right to freedom of peaceful assembly and repeal or review all laws that can be used to restrict on public assemblies, such as the Anti-Terrorism Law (Law 97 of 1992), Law 10 of 1914 on gatherings, Law 14 of 1923 relating to public meetings and demonstrations and Law 107 of 2013 on public assemblies;
- Lift restrictions on peaceful striking in Labour Law (Law 12 of 2003) and repeal or amend Article 124 of the Penal Code to decriminalize the peaceful exercise of the right to strike.

Uphold the right to work and trade union rights

- Set up and enforce a system to ensure a fair minimum wage so that all workers and their families are guaranteed decent living conditions;
- Initiate legal and institutional reforms to promote and protect labour rights, including by allowing for workers to organize freely and to form independent trade unions.

End sexual and gender-based discrimination and violence

- Amend the definition of sexual harassment in Articles 306 bis A and B of the Penal Code to bring it in line with international standards, and remove the stipulation that perpetrators must have had the intention of “receiving sexual gratification”;
- Adopt new legislation, and review existing laws, in order to criminalize all forms of violence against women and girls, including by introducing legal provisions prohibiting domestic violence, including marital rape, as well as sexual harassment and assaults consistent with international law and standards;
- Amend the definition of rape in national legislation, in line with international human rights law and standards, to address and criminalize all forms of forced and coercive sexual invasion, not limited to the penetration of a penis into a vagina, but also covering forced and coerced oral and anal sexual acts, as well as forced anal or vaginal penetration with objects;
- Recruit sufficient numbers of women police officers, prison staff, prosecutors and judges to ensure the protection and fair treatment of women and girls, whether as members of the public, survivors or victims of violence, or suspects, detainees, or prisoners;
- Develop gender-specific standards, based on The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women

Offenders (the “Bangkok Rules”), following extensive consultation with police officials, prison authorities, staff and prisoners, former prisoners, as well as civil society, in order to ensure women prisoners and detainees are held in conditions and within regimes that respect and ensure their human rights and meet their gender-specific needs. The standards should detail gender-specific procedures to be followed at each stage from arrest and detention to custody during trial and criminal detention, to ensure women’s human rights are respected and, in particular, that they are protected from sexual and gender-based violence and exploitation from other prisoners, and members of the security forces and prison staff;

- Ensure all violent crimes against women, regardless of the characteristics of the victim or perpetrator, are treated as seriously as other violent crimes. Clear instructions must be given to law enforcement and judicial officials to diligently address violence and harassment against women, and law enforcement officials and public prosecutors must be held to account if they mock, offend, or pressure women victims of violence into not pursuing their complaints;
- Amend all laws and policies which discriminate against women and girls and ensure that they conform with international standards;
- Introduce temporary special measures in the formal labour market to eliminate both horizontal and vertical occupational segregation, close the wage gap between women and men and apply the principle of equal remuneration and equal opportunities at work;
- Regulate the informal sector to ensure that women in this sector are not exploited and are able to earn a living wage, and are provided social security and other benefits;
- Ensure that women are represented in public and private institutions in a way that reflect their population and lift any discriminatory practices related to their appointment in all governmental positions;
- End the arrest and prosecution of people for their real or perceived sexual orientation or gender identity and repeal laws criminalizing consensual sex between adults in private.

End discrimination and stop violence against religious minorities

- Prioritize the building and restoration of places of worship destroyed or partially damaged during sectarian attacks in August 2013 and other incidents;
- Formally repeal Presidential Decree 391/2005 requiring governors’ authorization for the restoration of churches and all other discriminatory provisions governing the building of churches, including the Ottoman Decrees;
- Take immediate measures to improve security for Coptic Christians and other minorities, including consultations with minority communities to identify appropriate measure;
- Change all laws and practices that discriminate against Christians and other religious minorities to ensure that they conform to Articles 2, 18 and 26 of the International Covenant on Civil and Political Rights, which prohibit discrimination and guarantee freedom of thought, conscience and religion and equality before the law;
- Devise and implement, in meaningful consultation with religious institutions and independent human rights and minority rights activists, a strategy to address inherent discrimination and stereotyping of religious minorities.

Uphold the right to adequate housing

- Enact and enforce a clear prohibition on forced eviction;
- Ensure a minimum degree of security of tenure for all to provide legal protection to all persons against forced eviction, harassment and other threats;
- Adopt guidelines for evictions, based on the UN Basic Principles and Guidelines on Development-Based Evictions and Displacement, and which comply with international human rights standards, including General Comment 7 of the Committee on Economic, Social and Cultural Rights;
- Ensure genuine consultation with all potentially affected people when developing plans for “unsafe areas” and “unplanned areas”, including to explore all feasible alternatives to evictions and resettlement options;
- Ensure that evictions are only carried out as a last resort after all feasible alternatives to eviction have been explored and only when all protections required under international human rights law are in place, including the requirements on consultation, adequate notice and adequate alternative housing;
- Ensure that any resettlement or alternative housing provided complies with requirements under international law on adequacy of housing, including location, security of tenure, habitability and affordability;
- Make public all plans for “unsafe areas” and “Cairo 2052” and ensure affected residents are made aware of all envisaged developments;
- Review development plans for the Greater Cairo region to ensure that they are consistent with international human rights standards, including the prohibition against forced evictions and the requirement to ensure consultation with and participation of affected communities in the decisions that affect their human rights.

Refugees, asylum-seekers and migrants

- Allow asylum-seekers meaningful access to the Office of the UN High Commissioner for Refugees and to afford them international protection;
- Immediately release individuals arrested on suspicion of attempting “illegal migration” whose release was previously ordered by the public prosecutor and who are not being charged with any crime; their continued detention is arbitrary and unlawful;
- Ensure that all refugees arrested and detained have access to due process, including access to lawyers and families;
- Ensure that refugees in detention who require medical care have access to it;
- Make urgent and substantial efforts to halt the ongoing abuses against refugees, asylum seekers and migrants in the Sinai region of the country;
- End all forcible deportations to Syria. The conflict in Syria and the widespread human rights violations, war crimes and crimes against humanity being perpetrated there mean that all those fleeing Syria should be considered refugees under the 1951 Convention or the 1969 OAU Convention, or both;
- End forced deportations of Syrians and Palestinians from Syria to other countries; Egypt has an obligation to provide protection to refugees arriving to its territory.

The death penalty

- Impose an immediate moratorium on executions, commute all death sentences and reduce the number of crimes punishable by death with a view to abolition of the death penalty.

Co-operation with UN mechanisms

- Implement recommendations by UN treaty bodies and Special Procedures, to issue a standing invitation to the UN Special Procedures and to facilitate immediately all visits requested by them;
- Ratify or accede to the international human rights treaties to which Egypt is not yet a state party, as well as the Rome Statute, and to implement them in national law.

ENDNOTES

¹ This expanded submission to the UN UPR on Egypt covers events from the “25 January Revolution”, from 25 January 2011 to 11 February 2011; the rule of the Supreme Council of the Armed Force (the SCAF), from 11 February 2011 to 30 June 2012; the rule of President Mohamed Morsi, from 30 June 2012 to 3 July 2013; and the rule of the interim authorities under President Adly Mansour. It also contains additional information and cases from June and July 2014, in the first months of the rule of President Abdel Fattah al-Sisi.

² Egypt claimed that it had either already implemented the recommendation, or was in the process of doing so. See: Recommendation 95.118 (USA) and explanatory paragraph 96, *Report of the Working Group on the Universal Periodic Review* Egypt* (UN Doc: A/HRC/14/17), Working Group on the Universal Periodic Review, United Nations Human Rights Council, 26 March 2010: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/125/48/PDF/G1012548.pdf?OpenElement>

³ Egypt accepted a number of state recommendations on combating torture. See: A/HRC/14/17, Recommendations 95.9 (Japan); 95.35 (Austria); 95.36 (Switzerland); 95.39 (Switzerland); 95.84 (France).

Egypt stated it had already implemented other state recommendations to combat torture, or was in the process of doing so. See: A/HRC/14/17, Recommendations 95.92 (Czech Republic); 95.94 (Switzerland); and explanatory paragraph 96.

Egypt deferred several other recommendations on combating torture until the 14th session of the Human Rights Council in June 2010. See: A/HRC/14/17, Recommendations 99.3 (Czech Republic); 99.5 (Switzerland); 99.7 (Brazil); 99.8 (Chile); 99.9 (France); 99.10 (Netherlands); 99.11 (Spain); 99.13 (Spain); 99.14 (Ireland); 99.15 (Germany); 99.17 (Spain); 99.18 (Ireland); 99.19 (Sweden); and 99.21 (Belgium). In June 2010, Egypt stated that it was rejecting Recommendations 99.3, 99.5 and 99.9, which called on it to accede to the Optional Protocol to the Convention against Torture (OPCAT), citing “complex legal issues”. Egypt stated it was “partly accepting” Recommendations 99.7 and 99.8, urging it to accede to or ratify international human rights treaties to which it was not a state party, but repeated its reservations over joining the OPCAT. Egypt noted Recommendations 99.10, 99.17, 99.18, 99.19 and 99.21, which urged it to facilitate the visit of the Special Rapporteur on torture, and other cruel, inhuman and degrading treatment or punishment, but stated it “would be difficult to a specific early date for this visit” and that it was studying requests “on a case by case basis”. Egypt further stated that it would consider Recommendation 99.11, urging it to give the Special Rapporteur on the promotion and protection of human rights while countering terrorism access to detention centers, at the “appropriate time”. Egypt stated it would present Recommendations of 99.13, 99.14 and 99.15 to amend the definition of torture in national law to parliament. As of March 2014, the Egyptian authorities have yet to bring the definition of torture in national law in line with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. See: *Report of the Working Group on the Universal Periodic Review* Egypt: Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review* (UN Doc: A/HRC/14/17/Add.1), Working Group on the Universal Periodic Review, United Nations Human Rights Council, 7 June 2010, para3-5, 8-9, 10, 12-14, 15-17 and 21: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/140/72/PDF/G1014072.pdf?OpenElement>

⁴ Egypt supported a state recommendation to ensure its legislation complied with the International Covenant on Civil and Political Rights for “bloggers and public access to Internet”. See: A/HRC/14/17, Recommendation 95.10 (Czech Republic). Egypt supported some state recommendations on freedom of expression, claiming that it had already implemented them or was in the process of implementing them. See: A/HRC/14/17, Recommendations 95.86 (Norway); 95.100 (Germany); 95.101 (Canada); 95.102 (Chile); 95.103 (Netherlands); 95.104 (Ireland); and 95.105 (Sweden).

⁵ Egypt rejected state recommendations to end prison terms for criminal defamation or “incitement to discrimination regarding sex, origin, language, religion or belief, and for acts

damaging to an individual's honour": See: A/HRC/14/17, Recommendations: 97.3 (USA); and 97.14 (Ireland). Egypt further rejected as "factually inaccurate" a recommendation to release bloggers and activists detained under the Emergency Law and political activists. See: A/HRC/14/17, Recommendation 98.2 (USA).

Egypt deferred a state recommendation to release people detained for exercising their right to freedom of expression on the Internet to June 2010. It then accepted the recommendation in principle, but claimed that there it knew of no cases. See: A/HRC/14/17, Recommendation 99.4 (Sweden); and A/HRC/14/17/Add.1, para6.

⁶ Egypt accepted a state recommendation to consult widely with NGOs and give them a substantive role in drafting any new NGO law. See: A/HRC/14/17, Recommendation 95.38 (Ireland). Egypt stated it was in the process of implementing, or had already implemented, other state recommendations to review the NGO law and bring it in line with international law and standards. See: A/HRC/14/17, Recommendations 95.102 (Chile); 95.88 (Spain); 95.106 (Norway); and 95.107 (Germany). Egypt rejected a recommendation to allow NGOs to receive international funding without government approval. See: A/HRC/14/17, Recommendation 97.10 (USA).

⁷ Egypt accepted several state recommendations calling for it to promote freedom of thought, conscience and religion: See: A/HRC/14/17, Recommendations 95.40 (Finland) and 95.47 (Armenia). Egypt claimed that it had implemented other recommendations on ending discrimination and sectarian violence, or else was in the process of doing so. See: A/HRC/14/17, Recommendations 95.90 (Austria); 95.96 (Finland); 95.97 (Germany); 95.98 (Chile); 95.99 (Austria); and 95.119 (USA). Egypt deferred other recommendations on discrimination against religious minorities until June 2010, when it stated it would "partly accept" recommendations to allow Coptic Christians to build and maintain places of worship and further accepted a state recommendation to allow Bahá'ís to obtain official documents. See: A/HRC/14/17, Recommendations 99.1 (Netherlands); 99.2 (USA); and 99.25 (USA); as well as A/HRC/14/17/Add.1, para1-2 and para25.

⁸ See: A/HRC/14/17, Recommendation 95.52 (Saudi Arabia).

⁹ See: A/HRC/14/17, Recommendations 99.10 (Netherlands); 99.18 (Ireland); 99.19 (Sweden) on the visit of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and Recommendations 99.16 (Czech Republic); 99.17 (Spain); 99.18 (Ireland); 99.19 (Sweden); 99.20 (Spain); 99.21 (Belgium), calling for Egypt to facilitate visits by Special Procedures. In June 2010, Egypt stated it was studying the requests on a "case by case" basis, but did not accept or reject some recommendations and stated it "partially accepted" others. See: A/HRC/14/17/Add.1, para15-17 and para18-21.

¹⁰ See: A/HRC/14/17, Recommendation 99.6 (Austria) and A/HRC/14/17/Add.1, para7.

¹¹ See: A/HRC/14/17, Recommendation 97.4 (Czech Republic).

¹² For a fuller analysis of the 2014 Constitution, see: Amnesty International, *Egypt constitution draft – improved text amid ongoing violations* (Index: MDE 12/076/2013), 9 December 2013: <http://www.amnesty.org/en/library/info/MDE12/076/2013/en>

¹³ For a fuller analysis, see: Amnesty International, "Prohibition of torture and other ill-treatment", in "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, pp31-33: <http://www.amnesty.org/en/library/info/MDE12/029/2012> (Amnesty International, *Agents of repression*).

¹⁴ For a detailed analysis of the laws, see: Amnesty International, "Freedom of assembly and states' obligations when policing protests" in "4. The case for police reform", *Agents of repression*, pp27-31; as well as Amnesty International, *Egypt: New protest law gives security forces free rein*, 25 November 2013: <http://www.amnesty.org/en/news/egypt-new-protest-law-gives-security-forces-free-rein-2013-11-25>

¹⁵ The authorities have also continued to impose limited states of emergency in times of unrest, for example between August to November 2013.

¹⁶ For an analysis of the current law, see: Amnesty International, “Egypt’s counter-terrorism laws”, *Egypt: Systematic abuses in the name of security* (Index: MDE 12/001/2007), 11 April 2007, pp7-9: <http://www.amnesty.org/en/library/info/MDE12/001/2007> (Amnesty International, *Systematic abuses*). For concerns about the draft law, see: Amnesty International, “3. Policing and impunity”, *Egypt: Roadmap to repression: No end in sight to human rights violations* (Index: MDE 12/005/2014), 23 January 2014, pp28-29: <http://www.amnesty.org/en/library/info/MDE12/005/2014/en> (Amnesty International, *Roadmap to repression*).

¹⁷ For a fuller explanation, see: Amnesty International, “Public Prosecution’s special powers” in “4. Unfair trials”, *Systematic abuses*, p23.

¹⁸ For a detailed analysis of the law and its shortcomings, see: Amnesty International, “The ‘festival of acquittal for all’”, *Egypt: Rampant impunity: Still no justice for protestors killed in the ‘25 January Revolution’* (Index: MDE 12/004/2013), 24 January 2013, pp8-11: <http://www.amnesty.org/en/library/info/MDE12/004/2013/en> (Amnesty International, *Egypt: Rampant impunity*).

¹⁹ Article 204 of the Constitution gives jurisdiction over crimes linked to the armed forces to military courts. Article 48 of the Code of Military Justice (Law 25 of 1966, as amended) allows the military judiciary to determine its own jurisdiction. The article is the subject of a legal challenge.

²⁰ In August 2012, Mohamed Morsi issued a decree to end preventive detention for journalists accused of committing “criminal acts involving newspapers”, but in practice the Prosecution has ordered the detention of journalists on a wide range of other charges, including terrorism-related offences. See, for example: Amnesty International, *Grave risk to media freedom in Egypt as journalists face ‘terror charges’* (Index: PRE01/053/2014), 29 January 2014: <http://www.amnesty.org/en/for-media/press-releases/grave-risk-media-freedom-egypt-journalists-face-terror-charges-2014-01-29>

²¹ See, for example: Amnesty International, *Egypt: Amnesty International concerns: Law on associations* (Index Number: MDE 12/025/2013), 29 May 2013: <http://www.amnesty.org/en/library/info/MDE12/025/2013/en>

²² See: Amnesty International, “Article 7 – The right to work”, *Egypt: Submission to the UN Committee on Economic, Social and Cultural Rights, 51st Session, November 2013* (Index: MDE 12/049/2013), October 2013, pp8-9: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fNGO%2fEGY%2f15542 (Amnesty International, *Submission to the UN Committee on Economic, Social and Cultural Rights*).

²³ For an analysis of the legislation, see: Amnesty International, “Article 8 – Trade union rights”, *Submission to the UN Committee on Economic, Social and Cultural Rights*, pp10-12.

²⁴ The Penal Code does not effectively define rape in line with international law and standards, nor does it explicitly criminalize marital rape. The Penal Code also provides “adulterous” husbands with more lenient sentences than “adulterous” wives.

²⁵ For an analysis, see, for example: Amnesty International, “Article 12 – The right to health”, *Submission to the UN Committee on Economic, Social and Cultural Rights*, p20. See also: “Chapter 15: Female circumcision”, El-Zanaty, Fatma and Ann Way. 2009. “Egypt Demographic and Health Survey 2008”. Cairo, Egypt: Ministry of Health, El-Zanaty and Associates, and Macro International: <http://dhsprogram.com/pubs/pdf/FR220/FR220.pdf>; and “Convincing Egyptian Doctors to ‘Do No Harm’”, UNFPA, 7 May 2010: <http://www.unfpa.org/public/home/news/pid/5566>

²⁶ Coptic Christians still require presidential decrees to build new churches. Presidential Decree 391 of 2005 made the repair, expansion or building of churches subject to a permit from the regional governor. In February 2013, an administrative court ruled against the decree following a lawsuit filed by a Coptic Christian lawyer. However, the authorities have yet to take steps to implement the ruling effectively.

²⁷ Legislation allowing for forced evictions includes provisions in the Civil Code; the Law on Local Government (Law 43 of 1979); the Law on Agriculture of 1966; the Penal Code; the Law on Expropriation for the General Interest; and the Law on Building. For a fuller analysis, see: Amnesty International, “Article 11 – The right to an adequate standard of living”, *Submission to the UN Committee on Economic, Social and Cultural Rights*, pp13-15.

²⁸ The authorities established the council under Law 94 of 2003 Promulgating the National Council for Human Rights. See: <http://www.nchregypt.org/index.php/en/about-us/establishment.html>

²⁹ The NCHR was still awaiting accreditation at time of writing. See: “Chart of the status of national institutions accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights: Accreditation status as of 28 January 2014”, International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, 28 January 2014: <http://nhri.ohchr.org/EN/Contact/NHRIs/Documents/Chart%20of%20the%20Status%20of%20NHRIs%20%2828%20January%202014%29.pdf>; and: “Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA) Geneva, 13-16 May 2013”, International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, May 2013: <http://nhri.ohchr.org/EN/AboutUs/ICCAccreditation/Documents/Report%20May%202013-Consolidated-English.pdf>

³⁰ See list of outstanding requests at: <http://www2.ohchr.org/english/bodies/chr/special/countryvisits-a-e.htm>

³¹ Egypt has been overdue on reports to almost all treaty bodies. See full list of instruments and reporting status at: http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/countries.aspx?CountryCode=EGY&Lang=EN

³² For examples of the security forces’ use of excessive and unnecessary force during the 2011 uprising, see: Amnesty International, “4. Excessive use of force against protesters” and “6. Killings of prisoners”, *Egypt rises: Killings, detentions and torture in the ‘25 January Revolution’* (Index: MDE 12/027/2011), 19 May 2011, pp28-69 and pp82-89: <http://www.amnesty.org/en/library/info/MDE12/027/2011> (Amnesty International, *Egypt rises*).

For the rule of the SCAF, see: Amnesty International, “2. Maspero protests: assault of Copts”, “3. Crackdown on Cabinet Offices sit-in” and “4. Violent dispersal of Abbaseya sit-in”, *Brutality unpunished and unchecked: Egypt’s military kill and torture protesters with impunity* (Index: MDE 12/017/2012), 2 October 2012, pp11-16, pp17-22 and pp23-26: <http://www.amnesty.org/en/library/info/MDE12/017/2012> (Amnesty International, *Brutality unpunished*); and: “2. Abuses during protests”, *Agents of repression*, pp7-19.

For the rule of Mohamed Morsi, see: Amnesty International, *Unrest continues in Egypt claiming more lives* (Index: MDE 12/008/2013), 30 January 2013: <http://www.amnesty.org/en/library/info/MDE12/008/2013/en>; and: Amnesty International, *Egypt: Uprising commemoration unleashes death and destruction*, 28 January 2013: <http://www.amnesty.org/en/for-media/press-releases/egypt-uprising-commemoration-unleashes-death-and-destruction-2013-01-28>

For June 2013 onwards, see, for example: Amnesty International, “1. Freedom of assembly and expression”, “3. Policing and impunity”, *Roadmap to repression*, pp11-22 and pp27-31; and Amnesty International, *Egypt’s disastrous bloodshed requires urgent impartial investigation* (Index: PRE01/421/2013), 16 August 2013: <http://www.amnesty.org/en/for-media/press-releases/egypt-s-disastrous-bloodshed-requires-urgent-impartial-investigation-2013-0>;

³³ Figure based on Amnesty International meetings with forensic authorities, and includes bodies examined separately at the Imam Mosque. Activists estimate the casualty numbers among protesters to be higher. In March 2014, the National Council for Human Rights stated that the death toll was 632, including eight police officers.

³⁴ For torture and other ill-treatment during the 2011 uprising, see: Amnesty International, “5. Arbitrary detentions and torture”, *Egypt rises*, pp70-81.

For the rule of the SCAF, see, for example: Amnesty International, “3. Abuses on arrest and in custody”, *Agents of repression*, pp20-24; and “6. Torture and other ill-treatment in detention”, *Brutality unpunished*, pp33-40.

For the rule of Mohamed Morsi, see, for example: Amnesty International, *Feature: Torture ties the Egyptian government to a brutal past*, 11 February 2013:

<http://www.amnesty.org/en/news/feature-torture-ties-egyptian-government-brutal-past-2013-02-11>

For the rule of the interim authorities, see, for example: Amnesty International, ‘*The walls of the cell were smeared with blood*’ – third anniversary of Egypt’s uprising marred by police brutality, 4 February 2014: <http://www.amnesty.org/en/news/walls-cell-were-smeared-blood-third-anniversary-egypt-s-uprising-marred-police-brutality-2014-0>

³⁵ For more information about the case, see: Amnesty International, *Egypt: Journalist jailed after reporting on protest: Abdallah Elshamy* (Index: MDE 12/022/2014), 28 April 2014: <http://www.amnesty.org/en/library/info/MDE12/022/2014/en>

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ANNEX

AMNESTY INTERNATIONAL DOCUMENTS FOR FURTHER REFERENCE¹

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- Egypt: Arrests of Muslim Brotherhood members and supporters (Index: MDE 12/035/2013), 17 July 2013: <http://www.amnesty.org/en/library/info/MDE12/035/2013/en>
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- Egypt risks spiralling into partisan violence (Index: MDE 12/039/2013), 25 July 2013: <http://www.amnesty.org/en/library/info/MDE12/039/2013/en>
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- 'How long are we going to live in this injustice?': Egypt's Christians caught between sectarian attacks and state inaction (Index: MDE 12/058/2013), 9 October 2013: <http://www.amnesty.org/en/library/info/MDE12/058/2013/en>
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MEMORANDA AND SUBMISSIONS

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