

## HUMAN RIGHTS IN THE MIDDLE EAST AND NORTH AFRICA: REVIEW OF 2018

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# EGYPT

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### Arab Republic of Egypt

Head of state: **Abdel Fattah al-Sisi**

Head of government: **Moustafa Madbouly (replaced Sherif Ismail in June)**

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The scope of Egypt's human rights crisis expanded, as the authorities arrested opponents, critics, satirists, current and former human rights and labour rights activists, journalists, presidential candidates and sexual harassment survivors. The authorities used prolonged pre-trial detention to imprison opponents, and restricted and harassed civil society organizations and staff. The authorities used solitary confinement that amounted to torture and other ill-treatment and enforced disappearance against hundreds of people with impunity, and failed to investigate cases of extrajudicial executions. Civilian and military courts issued mass verdicts after unfair trials and sentenced hundreds of people to death. The authorities prosecuted two women who spoke out against sexual harassment, while discriminating against women in law and practice. People were arrested on the basis of their real or perceived sexual orientation. The authorities prevented Christians from freely practising their beliefs and failed to hold to account those responsible for sectarian violence. The armed forces used US-imported banned cluster bombs in an ongoing military operation in Sinai.

### BACKGROUND

President Abdel Fattah al-Sisi won a second presidential term, with 97% of the valid votes. The authorities implemented new cuts to energy and electricity subsidies and raised the prices of publicly administered services, including water, fuel and transport, leading to sporadic small protests that police repressed. President al-Sisi renewed the state of emergency every three months.

On 9 February, the military launched operation "Sinai 2018" against militants in North Sinai. Linked to the operation, the authorities introduced restrictions on movement and closed fuel stations, suspended schools and banned some commercial activities, including fishing.

A new law approved in July allowed the president to identify senior leaders of the armed forces whom he wished to shield from prosecution for any action committed between 3 July 2013 and 10 January 2016. The period covers 14 August 2013, when the security forces and army killed up to 1,000 people in a single day during the dispersal of Rabaa al-Adawiya and Nahda square sit-ins.

### FREEDOM OF EXPRESSION AND ASSEMBLY

In January, the authorities intensified the crackdown on dissent they started in December 2017 in the run-up to the presidential elections, arbitrarily arresting at least 113 people solely for peacefully expressing critical opinions.<sup>1</sup> The crackdown targeted a broad range of independent voices, including political and media critics, and satirists.

Among those arrested were many senior political figures who had publicly criticized the president or attempted to run against him in the presidential elections. Sami Anan, the military's former chief of staff, was arrested in January after he announced his candidacy. Abdelmonim Aboufotouh, founder of the Misr Al-Qawia political party, was arrested in February in relation to media interviews he had given. In April, a military court sentenced Hisham Genina, Egypt's former top auditor, to five years in prison after he criticized the president in a media interview. In October, a court upheld a suspended three-month prison sentence for "public indecency" against former presidential candidate Khalid Ali, thereby disqualifying him from running for office again.

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<sup>1</sup> <https://www.amnesty.org/download/Documents/MDE1291072018ENGLISH.pdf>

President al-Sisi ratified two laws that muzzled independent media. The laws gave the state almost total control over print, online and broadcast media. They also allowed prosecutors to use vague charges to prosecute media entities and individuals with over 5,000 followers on social media, and give police and investigative authorities the power to monitor and block websites containing material they deemed harmful to national security.

The police responded harshly to people protesting peacefully against austerity measures. In May, security forces arrested at least 35 people on charges of “participating in unauthorized protests” and “membership in a terrorist group” for protesting against the rise in ticket prices for the Cairo metro. The authorities ordered their release on probation, which required their incarceration in a police station for 12 hours every day.

## **FREEDOM OF ASSOCIATION AND HUMAN RIGHTS DEFENDERS**

The authorities continued to harass and restrict the work of civil society organizations and their staff. Investigative judges conducting a criminal investigation into the work and funding of Egyptian civil society organizations in relation to Case 173 of 2011, banned human rights lawyer Khalid Ali from travel in October. This brought the total number of NGO workers banned from travelling to 30. The judges also summoned six directors and staff members of civil society organizations for interrogation and later ordered their release on bail.

In April, the Court of Cassation overturned the 2013 convictions of 43 staff of US and German NGOs in the first part of Case 173 regarding foreign funding of NGOs, and ordered a retrial. In December, the Cairo Criminal Court acquitted all 43 defendants.

The authorities also began implementing the repressive 2017 NGO law against new organizations attempting to register or amend their by-laws, without having issued executive regulations. In November, the government announced that it would form a committee to amend the law.

Human rights defenders continued to face reprisals for their work. In March, the authorities arrested human rights lawyers Ezzat Ghoniem and Azzoz Mahgoub for their role in supporting the families of forcibly disappeared individuals and detained them on unfounded charges. After a court ordered their release in September, they were forcibly disappeared by security forces and their whereabouts remained unknown at the end of the year.

In October, the authorities arrested at least 31 human rights defenders and lawyers, including Hoda Abdelmoniem and Mohamed Abu Horira, former spokesperson for the Egyptian Coordination for Rights and Freedoms, and held them incommunicado for 21 days, prompting the organization to suspend its activities.<sup>2</sup> On 21 November, Hoda Abdelmoniem appeared at the office of the public prosecution for questioning but was subsequently returned to incommunicado detention at an undisclosed location.

In May, labour and human rights lawyer Haytham Mohamdeen was arrested and accused of participating in a protest against the metro price rises, even though he did not participate in the protest. He was released on 30 October on probation, under which he had to spend 12 hours every week detained in a police station.<sup>3</sup>

## **UNFAIR TRIALS AND ARBITRARY DETENTION**

The authorities used prolonged pre-trial detention to imprison opponents and activists. Prosecutors and judges used vague and unfounded charges to arbitrarily detain critics, with regular renewals of detention and without referral to trial, based only on National Security Agency investigations. Among those detained were blogger Wael Abbas and satirist Shady Abu Zied, held in pre-trial detention since May on charges of “membership in a banned group” and “disseminating false information”. Wael Abbas was released on probation on 11 December, requiring him to report to a nearby police station for four hours twice a week.

Courts continued to issue verdicts after unfair mass trials. In September, the Cairo Criminal Court issued its verdict in the grossly unfair mass trial of 739 people for participating in the sit-in at Cairo’s Rabaa al-Adawiya Square on 14 August 2013, during which the security forces and army shot dead more than 900 protesters. The court sentenced 75 people to death, 47 to 25 years in prison, and 612 to prison sentences ranging from five to 15 years, including 22 children.<sup>4</sup> Among them was photojournalist Mahmoud Abu Zied “Shawkan”, who was sentenced to five years in prison after he had already spent over five years in pre-trial detention merely for taking photos of the Rabaa sit-in dispersal. Of the group, 346 had

<sup>2</sup> <https://www.amnesty.org/en/latest/news/2018/11/egypt-at-least-19-arrested-in-alarming-escalation-of-crackdown-on-human-rights-workers/>

<sup>3</sup> <https://www.amnesty.org/en/latest/news/2018/10/egypt-release-of-arbitrarily-detained-labour-rights-lawyer-a-welcome-relief/>

<sup>4</sup> <https://www.amnesty.org/en/latest/news/2018/09/egyptdeath-sentences-and-heavy-prison-terms-handed-down-in-disgraceful-mass-trial/>

spent five years in pre-trial detention and remained in prison at the end of 2018. The court also ordered the defendants to pay collectively the total amount of damages and imprisoned them for six more months for failure to pay.

## **ENFORCED DISAPPEARANCES AND EXTRAJUDICIAL EXECUTIONS**

The authorities continued to use enforced disappearances against critics and human rights lawyers and defenders, for periods of up to 30 days. According to the Egyptian Commission for Rights and Freedoms, security forces subjected at least 82 people to enforced disappearance between January and August. Islam Khalil, a former victim of enforced disappearance and torture and other ill-treatment, was forcibly disappeared for 20 days between 10 March and 1 April and then charged with fabricated offences.<sup>5</sup>

The Ministry of the Interior said that more than 164 people were shot dead in exchanges of fire with security forces during the year. Neither prosecutors nor other authorities investigated these incidents or allegations that many of the victims were unarmed and in police custody before being shot. In May, a video was published online showing military officers extrajudicially executing an unarmed child in Sinai; Amnesty International verified it as genuine.

## **TORTURE AND OTHER ILL-TREATMENT**

The authorities continued to use torture and other ill-treatment in places of detention, and subjected prisoners to prolonged and indefinite solitary confinement for periods ranging between three weeks and over four years. In some cases, prison authorities detained prisoners in small cells that lacked proper lighting, ventilation or beds, forcing inmates to sleep on the ground, and prohibited prisoners from using toilets when they needed them. They also provided insufficient food. Such treatment amounted to torture in at least six cases.<sup>6</sup> In one case, the authorities detained a 12-year-old child, Abdallah Boumidan, in solitary confinement for more than six months.

The authorities denied prisoners access to adequate medical care. They prevented human rights defender Hanan Badr el-Din,<sup>7</sup> co-founder of the Families of the Disappeared League, who has a genetic disorder that causes fever and painful inflammation of the abdomen, lungs and joints, from regularly accessing the health care she needed and only occasionally allowed her family to bring in the necessary medication.

## **DEATH PENALTY**

Courts continued to hand down death sentences after unfair mass trials and military trials.

In September, the Cairo Criminal Court sentenced 75 men to death after a grossly unfair trial. The same month, the Court of Cassation upheld death sentences against 20 men, including one aged 78.<sup>8</sup> In both cases, the court did not prove the individual criminal responsibility of those convicted, and lawyers reported that the court did not allow many of their witnesses to appear or accept evidence they tried to submit.

In March, the Military High Court upheld death sentences against Ahmed Amin Ghazali and Abdul Basir Abdul Rauf, even though the conviction relied on “confessions” extracted under torture while they were held incommunicado.<sup>9</sup> In December, the Supreme Military Court of Appeals formally accepted their appeal, overturning their death sentences and ordering a retrial.<sup>10</sup>

Tens of people convicted by both civilian and military courts were executed.

## **WOMEN’S RIGHTS**

Sexual harassment remained widespread and the authorities took limited steps to hold those responsible to account. The process for officially reporting sexual harassment remained extremely strenuous for women survivors. State institutions, including prosecutors and police stations, failed to respect the privacy of survivors, a shortcoming that had led in the past to reprisals against survivors. In a rare case, in September, a court sentenced a man to two years in prison for sexually harassing two women.

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<sup>5</sup> <https://www.amnesty.org/en/documents/mde12/9203/2018/en/>

<sup>6</sup> <https://www.amnesty.org/en/documents/mde12/8257/2018/en/>

<sup>7</sup> <https://www.amnesty.org/en/documents/mde12/8914/2018/en/>

<sup>8</sup> <https://www.amnesty.org/download/Documents/MDE1293832018ENGLISH.pdf>

<sup>9</sup> <https://www.amnesty.org/en/documents/mde12/8144/2018/en/>

<sup>10</sup> <https://www.amnesty.org/en/documents/mde12/9484/2018/en/>

The authorities arrested two women, Mouna al-Mazbouh and Amal Fathy, after they spoke out against sexual harassment in Egypt on their Facebook accounts. In September, Amal Fathy, a human rights defender, was sentenced to two years in prison.<sup>11</sup> On 30 December, an Egyptian court rejected her appeal and upheld the two-year prison sentence against her. She also faced separate charges of “membership in a terrorist group” in a second case under which she was held in pre-trial detention until her provisional release on probation on 27 December. In July, a court sentenced Lebanese tourist Mouna al-Mazbouh to eight years in prison; this was reduced on appeal in September to a suspended one-year sentence and she was released later that month.

## **FREEDOM OF RELIGION AND BELIEF**

The government continued to restrict the right of Christians to worship in law and practice, and failed to bring those responsible for sectarian violence against Christians to justice. The authorities granted full registration to only 588 out of almost 3,730 churches and associated buildings that had applied for it under the new Law on the Construction and Reparation of Churches, which required approvals from several state bodies, including security services.[update] The authorities also closed at least four churches, in some instances after they were attacked by locals and in others based on allegations that they were unlicensed or in violation of their original designation, despite having applied for registration. This practice is in violation of the Law on the Construction and Reparation of Churches, which states that the authorities must not close down churches that have applied for registration.

In February, a court sentenced 19 Muslim men to a one-year suspended prison sentence and fined a Christian man for “building an unlicensed church“ after several men attacked the church in December 2017 in a village in Giza governorate. An appeals court later struck down the conviction of the Christian man.

In April, after several men burned down the houses of Christians in a village in Beni Souef governorate and attempted to attack a church there, security forces arrested 20 Christian men and accused them of assault and “incitement to violence”, but later released them.

In August, security forces arrested five Christian men in a village in Aswan and accused them of “holding religious rituals in an unlicensed building” – a church awaiting registration – after several men surrounded the church to protest against the prayers being held there. The authorities released the attackers and the five men after agreeing to an informal settlement.

## **RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX (LGBTI) PEOPLE**

The authorities arrested and prosecuted LGBTI individuals on the basis of their real or perceived sexual orientation and gender identity.

In February, the authorities arrested two men and accused them of “public indecency”. The prosecution ordered their release after charging them with organizing a party without a licence. Also in February, nine men were arrested and detained for “habitual debauchery” under the Law on the Combating of Prostitution. In April, police arrested two men for “public indecency” and detained them, before bringing them before prosecutors. The case had not been referred to trial by the end of 2018.

## **REFUGEES’ AND MIGRANTS’ RIGHTS**

Security forces deported at least one asylum-seeker to a country where his life or safety were at risk, in violation of the principle of *non-refoulement*. Military judges prosecuted Egyptians and foreign nationals leaving or entering Egypt by land outside official crossings; these areas are considered military zones. Those convicted tended to be sentenced to terms of imprisonment, which were suspended in the case of Egyptians.

In October, security agencies arrested a Sudanese critic and held him incommunicado for three days. They then deported him to Sudan, where he was at risk of torture and other ill-treatment and faced several charges that could carry the death penalty. In January, the head of the Southern Military Region ratified a one-year suspended prison sentence issued by a military court against 13 Syrians. The authorities released 11 of the men but deported the other two to Sudan.

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<sup>11</sup> <https://www.amnesty.org/en/latest/news/2018/09/egypt-woman-human-rights-defender-and-sexual-harassment-survivor-sentenced-for-speaking-out/>

## LABOUR RIGHTS

The authorities forcibly dispersed strikes and held trade unionists in prolonged pre-trial detention. They also removed the names of hundreds of outspoken, independent candidates from ballot papers for elections for leadership roles in independent and state labour unions in June, which led to unrepresentative unions controlled by pro-government figures.

In April, security forces arrested five men and one woman for participating in a peaceful strike in Cairo over the refusal of their employers to pay annual bonuses. The prosecutor ordered their release. In October, the authorities arrested two members of the nursing trade union, a man and a woman, for “disseminating false news” and “membership in a banned group”. They were both released by the end of the year, but one of them was referred to trial in November.

## MILITARY OPERATION IN SINAI: HUMAN RIGHTS VIOLATIONS

The authorities enforced a strict media blackout on the military campaign in Sinai. The military stated on several occasions that it had used air strikes to kill individuals identified as militants, instead of attempting to apprehend them and bring them to justice.

In February, the military shared two videos on its social media accounts in relation to a military operation in North Sinai. The first showed US-made CBU-87 Combined Effects Weapons, a type of cluster bomb, being loaded onto fighter jets set to be deployed to North Sinai. The second, released 12 days later, showed an unexploded US-made Mk 118 cluster munition, which could only have been dropped by the Egyptian air force.<sup>12</sup> Cluster munitions are banned under international law.

In October, the military killed four men at a checkpoint as they were leaving their workplace. The military did not announce an investigation into the incident.

The authorities continued to harass and threaten journalists covering the military operation in North Sinai. In May, a military court sentenced journalist and researcher Ismail el-Iskandrani to 10 years’ imprisonment for his work on the operation. In September, police raided and burned down the family home of a journalist in Arish known for covering the events in Sinai for an opposition news channel based in Turkey. Police had previously raided his house and asked his family about his whereabouts.

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<sup>12</sup> <https://www.amnesty.org/en/latest/news/2018/03/egypt-use-of-banned-cluster-bombs-in-north-sinai-confirmed-by-amnesty-international/>