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**To Permanent Representatives of Member and
Observer States of the UN Human Rights Council**

RE: Addressing the situation of human rights in Egypt at the 26th session of the UN Human Rights Council

Geneva, 30 May 2014

Excellency,

We remain deeply concerned by the human rights situation in Egypt, and strongly urge your delegation to ensure that the deteriorating human rights situation in the country is addressed by the Human Rights Council (HRC) through a resolution at its upcoming 26th session.

On 7 March 2014, [a joint declaration](#) by 27 states on the human rights situation in Egypt during the 25th session of the UN Human Rights Council expressed concern about violations of the rights to freedom of association, assembly and expression. It also noted the government's failure to introduce effective accountability measures to address the persistent violations of fundamental freedoms that have occurred throughout the last four years in Egypt, and particularly the unprecedented scale of killings of protesters since July 3, 2013.

Despite commendable acknowledgment of a number of human rights obligations in Egypt's new constitution, recent developments have shown that state institutions continue to blatantly violate many of Egypt's international human rights obligations. States at the Human Rights Council should remind these institutions of their international and national obligations and demand that human rights protection and promotion are priorities on the agenda of the new president and government.

Lack of accountability for serious and continuing human rights abuses

In their declaration, 27 UN member states called on Egypt *"to carry out prompt, independent and impartial investigations into the killings of protesters and security forces during violent events since 30 June 2013, to make the findings public and to bring to justice those responsible in accordance with Egypt's international human rights obligations and commitments."*

This 26th session of the Council convenes almost a year since the first mass killings of protesters following the ouster of former President Mohamed Morsi. Authorities have failed to hold police and army officers and other officials accountable for the repeated use of excessive and lethal force. In fact, authorities continue to deny any wrongdoing on the part of security services in dealing with demonstrations, including the violent dispersal of the Raba'a and Nahda sit-ins in

August 2013, in which security forces killed up to 1000 protesters, according to then Prime Minister Hazem al-Beblawi. Prosecutors have failed to investigate any military or police officers for their unlawful use of force, even though they have detained thousands of protesters for alleged violations during demonstrations.

In December 2013, Interim President Adly Mansour established a fact-finding committee “to gather information and evidence that accompanied the June 30, 2013 revolution and its repercussions.” We remain concerned by the lack of consultation in the selection of this Commission’s members by the Presidency, as well as by the complete lack of transparency in its work. There has been no communication from the commission’s members to civil society or the media on the investigations, and there is no indication that this body has the authority to compel agencies responsible for the use of excessive force to cooperate. Moreover, like the final reports of two previous inquiry commissions, established in 2011 and 2012, the findings of these investigations, scheduled to be submitted to the President in September 2014, will not be made public.

On March 19 President Mansour requested the Justice Ministry to open a judicial investigation into the Raba’a and Nahda dispersals, but the Ministry of Justice announced that it would not be assigning a judge to investigate these events.

Threats to the independence and functioning of the judiciary

Recent judicial practices cast serious doubts on the independence of the judicial system and on its ability to ensure accountability. In the last month and a half, first instance courts have recommended death sentences for more than a thousand people allegedly responsible for the killing of two police officers. The UN High Commissioner for Human Rights called the trials “shocking” and an “outrageous” breach of international human rights law in which a court “has imposed the death sentence on huge groups of defendants after perfunctory trials.”^[1] 10 UN and African human rights experts called the sentence a “continuing and unacceptable mockery of justice” and stated that a failure to embark on critical reforms of Egypt’s legal system is “likely to undermine any prospects for long-term reconciliation and justice in the country.”^[2]

On 24 March, Minya Felony court judge Said Youssef announced that he was referring the cases of 529 defendants to the Grand Mufti for his opinion as to whether the court could sentence them to death. This summary session, held solely to announce the court’s intention to impose capital punishment in the absence of the defendants and lawyers, was preceded by a single session that lasted under an hour. During this session, the prosecution did not put forward evidence implicating any individual defendant in the killing in question while the court prevented defense lawyers from presenting their case or calling witnesses. On April 28, the court, upon receipt of the Grand Mufti’s opinion, issued its verdict sentencing 37 individuals to death and 492 to life imprisonment. On the same day, the same court initiated procedures to sentence another 683 men to death, again referring the case to the Grand Mufti.

On April 28, the Cairo Court of Urgent Matters issued a ruling banning the activities of the April 6 Youth Movement, a key player in organizing the January 25, 2011 mass protests and critic of the interim Egyptian government, on the grounds that it allegedly engaged in espionage and defamed Egypt's image abroad. Authorities can use this ruling to criminalize a range of activities that fall within the definition of peaceful opposition.

On May 6, the Cairo Court of Urgent Matters issued a ruling banning former members of the dissolved National Democratic Party from running in the upcoming People's Assembly elections. This ruling contradicts an earlier Supreme Constitutional Court 14 ruling in June 2012 which found unconstitutional Article 1 of Law 17/2012 amending the law on the exercise of political rights —known as the Political Isolation Law.

Freedom of assembly, association and expression

We remain deeply concerned by the provisions of Law 107/ 2013 (assembly law) as it grants the Interior Ministry the right to ban any protest, forcibly disperse protests, and arrest demonstrators on vague grounds such as “attempt[ing] to influence the course of justice” or “imped[ing] citizen's interests.”

The imprisonment of opposition figures, political activists, journalists and rights defenders, supporters of the deposed President Mohamed Morsi and other dissidents, has continued unabated. The Egyptian Center for Economic and Social Rights has documented over 20,000 arrests between July 3, 2013 and December 31, 2013. The latest update from independent online group, Wiki Thawra, for prosecuted or detained persons from 3 July 2013 to 15 May 2014 is 41,163 people. The numbers have only increased since, with over 1,000 protesters arrested since January 25, 2014, according to the Interior Ministry. Government officials have acknowledged that authorities have detained at least 16,000. Many of those detained were rounded up solely as a result of peaceful exercise of the rights to free assembly, association, and expression or membership in the Muslim Brotherhood.

On 20 May 2014, the Sidi Gaber Misdemeanor Court in Alexandria confirmed a two-year jail sentence as well as a 50,000 LE fine against human rights lawyer Mahinour Al Masry and eight other human rights defenders and activists on charges of violating the protest law and demonstrating without a permit on 2 December 2013.

On 7 April 2014, a Cairo appeals court upheld a three-year jail sentence for three of Egypt's most prominent activists, Ahmed Douma, Ahmed Maher, and Mohamed Adel, on charges of organizing a protest without authorization and allegedly assaulting a police officer.

Egypt continues to hold four Al Jazeera journalists in detention in violation of the new constitution as well as international human rights law. Abdullah El-Shamy, on a hunger strike for more than 100 days at the time of writing, has been held without formal charge since August 14, 2013. Three other Al Jazeera journalists, Mohamed Fahmy, Peter Greste, and Baher Mohamed, arrested on December 29, 2013, are standing trial on charges including “spreading

false news” and “aiding a terrorist organization,” a reference to the Muslim Brotherhood. 17 other journalists and opposition activists have been similarly accused of having ties to the Brotherhood and “defaming Egypt’s image abroad.”

On 22 May 2014, in a worrying escalation of the crackdown against independent human rights organizations in Egypt, the office of the Egyptian Center for Economic and Social Rights (ECESR) in Alexandria was raided by armed police forces, who used force, including allegedly sexually assaulting at least two women who were present, and arrested at least 15 individuals, including two employees of ECESR and two minors, as well as confiscated equipment and papers from the office. All those arrested were later released without charges on the same day.

Sexual violence against women in the public sphere is not only systematic but has gone largely unpunished. These crimes whether committed by state officials or non-state actors must be independently, impartially and fully investigated with a view to bringing those responsible to justice. Successive Egyptian governments have failed to address violence against women, with serious implications for women's participation in the political transition of their country.

We once more ask your delegation to mobilize the Council to address the grave and continuing human rights abuses identified in this letter and to urge the Egyptian authorities to:

- **amend the assembly law to bring it in line with international standards,**
- **immediately drop charges against and release all those detained solely for the exercise of their rights to free expression, association, and assembly, including national and international media personnel arrested in the context of performing their duties as journalists,**
- **cease ongoing arrests and prosecution of demonstrators solely for exercising their right to freedom of opinion and assembly under the pretext of violating the assembly law and/or other legislations,**
- **provide detainees with full due process rights, including establishing a clear evidentiary basis to incriminate any individual defendant, as well as and the opportunity to mount a meaningful defense,**
- **Adopt national strategies for combating violence against women and eliminating all forms of discrimination against women, ensuring the effective consultation and involvement of women’s rights groups and other civil society organizations throughout the process, and**
- **ensure accountability for grave human rights violations.**

The Human Rights Council should also stress that it preserves the right to call for an international inquiry into grave violations committed since January 2011 unless meaningful accountability occurs on a national level.

We thank you for your attention.

Yours sincerely,

Amnesty International

Centro de Estudios Legales y Sociales (CELS)
CIVICUS - World Alliance for Citizen Participation
Conectas Human Rights - Brazil
Commonwealth Human Rights Initiative
East and Horn of Africa Human Rights Defenders Project
Euro-Mediterranean Human Rights Network (EMHRN)
FORUM-ASIA Asian Forum for Human Rights and Development
Human Rights Watch
International Federation for Human Rights (FIDH)
International Service for Human Rights
Tahrir Institute for Middle East policy
Vigilance for Democracy and the Civic State

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