

Amnesty International

Public Statement

Egypt's draft protest law paves the way for fresh bloodshed

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Egypt's draft protest law paves the way for new bloodshed, Amnesty International warned today. If signed by interim President Adly Mansour, the law would both arbitrarily restrict the right to freedom of peaceful assembly and give the security forces a free rein to use excessive and lethal force – including against supporters of ousted President Mohamed Morsi.

Under the draft, the security forces have the power to disperse unauthorized peaceful protests with water cannons, tear gas and batons. The draft law also allows the security forces to use lethal force to defend “financial interests” without providing any definition, a move likely to allow abusive interpretations.

Egypt's authorities have ignored the lessons of past crackdowns that have left hundreds dead, Amnesty International said. Instead of taking the steps urgently needed to rein in the security forces, they have proposed a law that treats peaceful protesters like criminals, and gives the security forces new powers to crush them. It entrenches abusive provisions already present in other Egyptian law.

Since 3 July, over 1,300 people have died in protests and political violence. Of these, 483 people died in Cairo on 14 August when security forces forcibly dispersed pro-Morsi protesters in Rabaa al-Adawiya and al-Nahda in Cairo – including nine members of the security forces.

Amnesty International has also documented many cases where the security forces failed to police protests effectively, leaving Mohamed Morsi's supporters and opponents to wage bloody street battles.

Under international law, Egypt must uphold the right to freedom of assembly. International law and standards state that security forces must not use lethal force, except when there are no other alternatives to protect life or prevent serious injury.

UN standards also state that, when dispersing assemblies that are unlawful but non-violent, security forces should avoid the use of force or only use the minimum extent necessary.

The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials also state that, in violent protests, the security forces may not use firearms except in self-defence or defence of others against the imminent threat of death or serious injury.

Egyptian law already allows for the security forces to use live fire to disperse protests that threaten “public security”, or to protect lives, financial interests or infrastructure.

However, under the draft law protest organizers face a range of new bureaucratic hurdles. The authorities would also gain sweeping powers to arbitrarily deny permission for any planned protests on vaguely defined grounds such as “security or public order”, “hampering citizens' interests” or “delaying traffic”.

In practice, the authorities are likely to use the law to ban any protests in support of Mohamed Morsi or the Muslim Brotherhood movement.

Under Article 6 of the draft law, protest organizers must notify the police before staging demonstrations. They must hand over their names to the authorities, and detail the protest's route, time, aims and give an estimate of how many people will take part.

Anyone found to have broken the law, such as by staging a protest after the notified time, faces a fine of up to LE100,000 (US\$43,500) and a prison sentence up to three years. In other cases, the law provides for fines for up to LE300,000 (US\$87,000) and prison terms for up to 15 years.

The UN expert on freedom of assembly has recommended that States assume protesters intend to hold peaceful assemblies as best practice. The Special Rapporteur on the right to freedom of peaceful assembly and of association has also stated that fundamental freedoms should not be subject to previous authorization by the authorities but, at the most, to a prior notification procedure.

The draft law tightly restricts freedom of assembly, banning sit-ins lasting more than a day, and any protests in places of worship. Mohamed Morsi's supporters have often gathered around places of worship since he was ousted in July.

Article 10 of the draft law gives the Interior Ministry the power to postpone, cancel or change the route of a protest. It does not state that prohibiting protests should only take place when necessary and proportionate in order to achieve a legitimate aim.

Such Interior Ministry decisions could be challenged before administrative courts, but in practice this would force protest organizers to fight costly and time-consuming legal battles.

In practice, the proposed legal regime would subject the right to peaceful assembly to prior authorization by the Ministry of Interior, rather than a procedure of prior notification. This amounts to an undue restriction on the right to freedom of assembly.

Egypt's draft protest law is more repressive than similar legislation proposed by Mohamed Morsi's government, Amnesty International has said.

Under Mohamed Morsi's rule, the authorities discussed a draft law on demonstrations that imposed bureaucratic restrictions on protest organizers, and gave Governors the power to postpone demonstrations, or impose blanket prohibitions on public gatherings.

The earlier draft also allowed for the use of water cannon, tear gas and batons by security forces to disperse peaceful protests. However, it did not provide blanket bans on sit-ins or provide for the security forces to use lethal force.

President Adly Mansour should not sign any protest law that does not fully meet international law and standards, Amnesty International has said.

The organization has urged the interim President to scrap the draft legislation or send it back to the drawing board.

The draft law has been waiting for President Adly Mansour's signature since 10 October, when it was sent to him by the Office of the Prime Minister after being approved by the Cabinet.

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