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Egypt must return to rule of law as state of emergency ends

The end of Egypt's 31-year state of emergency must signal a return to the rule of law, Amnesty International said after the measure timed out on Thursday, two years after it was last renewed by the government of Hosni Mubarak.

"The Egyptian authorities must make a clean break with state of emergency practices by combating the systemic abuses it facilitated and which still continue today under military rule," said Ann Harrison, Amnesty International's Deputy Director for the Middle East and North Africa.

"These include serious human rights violations such as brutal crackdowns on peaceful protesters, arbitrary arrests, torture and unfair trials of civilians under military law."

While Egypt's parliament has allowed the state of emergency to lapse, it has not been able to end unfair trials for civilians before military courts.

Amendments to the Code of Military Justice, a law which in practice allows for civilians to be tried before military courts, were passed by parliament in May.

However the amendments were not wide-ranging enough to stop the army from continuing to try civilians before military tribunals. Around 100 people detained following a protest in May in Cairo's Abbaseya neighbourhood are currently facing military prosecution.

Since the "25 January Revolution", military courts have sentenced thousands of civilians in unfair trials for crimes such as "thuggery" and "breaking the curfew".

Amnesty International is also calling on the Egyptian authorities and parliament to challenge the climate of impunity fostered by the state of emergency.

"Under Mubarak, security forces enjoyed near total impunity for human rights abuses, including the systemic torture of detainees," said Ann Harrison.

"It now falls to the Egyptian authorities and parliament to challenge the climate of impunity fostered by the state of emergency."

Systemic torture and other ill-treatment went largely unchallenged during the state of emergency. Under the army's rule, such abuses have included the forced "virginity tests" on women protesters in March 2011, and the beating of protesters detained following the sit-in outside the Egyptian government's cabinet building in December.

Impunity under the Supreme Council of the Armed Forces (SCAF) has also continued for violations committed during the brutal suppression of demonstrations by the security forces and the army.

The crackdowns include protests at Cairo's Maspero building in October, in which 27 people were killed; near the Interior Ministry in November in which 50 people were killed; and around the Cabinet building in December, in which 17 people were killed. To date, the SCAF have yet to hold a single member of the security forces to account.

Under Mubarak, the state of emergency gave Egypt's security forces the power to operate above the law. The now-disbanded State Security Investigations service (SSI), in particular, committed serious human rights violations, including torture, arbitrary detention and enforced disappearance, for which its members have yet to be held to account.

Amnesty International is calling on the authorities to launch independent and impartial investigations into all human rights violations committed under the state of emergency, and to bring anyone found responsible to justice in fair trials and without recourse to the death penalty.

Under Mubarak, the state of emergency was used to hold tens of thousands of people in administrative detention without charge or trial for months or years – often in defiance of repeated court orders for their release. The Emergency Law also fostered a parallel justice system of emergency courts, which flaunted the basic guarantees of a fair trial, such the right to appeal to a higher tribunal.

Amnesty International is calling for the authorities to release anyone still held under the Emergency Law, or to charge them with a recognizable criminal offence and try them before a civilian court under procedures which fully conform to international fair trial standards.