



General Assembly

Distr.: General
27 February 2012

English only

Human Rights Council

Nineteenth session

Agenda item 4

Human rights situations that require the Council's attention

Written statement* submitted by the Cairo Institute for Human Rights Studies, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2012]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Human rights in Egypt: A year of revolution, a year under military rule

The 18 days prior to Mubarak's ousting carried unparalleled hopes and aspirations for the creation a democratic state that respects and promotes human rights and liberties. Such aspirations were echoed throughout the Arab region, as Egyptians continued to sacrifice immensely for such goal. Nonetheless, more than one year following Mubarak's removal, Egypt is witnessing an unprecedented deterioration in the status of almost all human rights and freedoms, as Egyptians continue to make great sacrifices in the hope of a better future.

The Supreme Council of the Armed Forces (SCAF) assumed control of the country's affairs on February 11, 2011, amid numerous pledges to soon turn over power to a civilian, elected authority. Despite promises that it would administer the country for a six-month transitional period, during which a new constitution would be written, and legislative and presidential elections would be held, more than one year later, only legislative elections were successfully completed and the People's Assembly convened.

The past year under the administration of the SCAF was characterized by severe, and at times unprecedented, human rights violations. Over 100 protesters were killed in several incidents around Egypt, while several thousands were injured, most of whom received pellets and rubber bullets to their eyes. Police and army used live ammunition, rubber bullets, pellets, tear gas, electric batons, and at times even ran over protesters with tanks, to quell largely peaceful demonstrations. Torture continued in detention facilities resulting in the death of at least three detainees, and was extended to be used by Military and civil police to disperse protests and persecute activists. Testimonies of protesters support that several places were used in certain incidents by the army and police for torture, such as the Egyptian Museum, the Cabinet, People's Assembly, the Shura Council, the Ministry of Interior's premises, in addition to the streets, where protesters were chased and beaten severally (sometimes using electric batons) leading at times to their death. Cases of the abduction of protesters and activists for brief periods of times with the purpose of intimidation or extracting confessions is also on the rise. The SCAF has until now rejected all calls to open independent investigations into any of the crimes committed by its troops. However, very recently the SCAF opened an internal investigation into the instances of virginity tests, torture and killings in Maspero, for potential charges of unintentional killing and cruel, inhuman, or degrading treatment.

Laws banning strikes and protests liable to impede work were passed and the infamous emergency law was unconstitutionally prolonged with amendments adding to its crimes, such as the widely interpreted crime of "thuggery." Over 12,000 civilians were referred to unfair military courts under the pretext of taking cautious measures to fight the security vacuum, yet such a vacuum was still not filled when as late as February 2012 over 70 football fans died in a football match while police stood idly by. On January 24, 2012 Field Marshal Tantawi, head of SCAF, announced the lifting of the emergency laws that have governed Egypt's political life for 31 consecutive years. However, the decision of the Field Marshal was not to revoke the law but rather to suspend its applications on certain crimes except for thuggery.

Restrictions against freedom of the media included interference in the editorial policies of certain papers, dominance over certain media sectors, and preventing some programs and presenters from airing. Additionally, restrictions on freedom of association reached its peak, with 43 workers in international human rights NGOs appearing before court on criminal offenses, and trials of several other national human rights defenders likely to follow.

Freedom of assembly

The SCAF issued Law n. 34/2011 mandating prison terms and a fine of no less than \$3,315 and no more than \$8,289 for any person who promotes, by any public means, protests or sit-ins that obstruct the operation of any state institution or public or private authority. This law is applicable only during the state of emergency, of which the continued application is considered unconstitutional based on the provisions of the provisional Constitutional Declaration, which explicitly end the emergency law after six month of its adoption in March 2011.

A few vivid examples of protests where disproportional and lethal use of force were used largely against peaceful protests are as follows: Starting from February 26, almost all protests where violence was used included the use of electric batons against protesters in addition to mass arrests and referrals to military trials. In dispersing a sit-in in March 9 “virginity tests” were conducted on 17 female protesters in military prison following their arrest from the Tahrir square. On October 9, military vehicles crushed more than 12 demonstrators, most of them Copts, who were on their way to the Maspero television building, and shot 15 more with live ammunition, bringing the death toll in this incident to 27. The peaceful protestors were demanding stricter security on churches and protection of Christian houses of worship. Furthermore, copious amounts of tear gas was used, in addition to live ammunition and rubber bullets, to disperse demonstrators on Mohammed Mahmoud Street in November 2011, killing more than 43, many of them asphyxiated. In December, protestors occupying the space in front of the Cabinet building were beaten and female protesters stripped in the streets. 399 people who were present in the environs have been referred to a criminal court, among them minors. Yet, there is no information on any investigation conducted with any member of the army who were seen committing these crimes.

Although the SCAF has more than once apologized for the criminal acts of the security forces, it has taken no genuine measures to end abuses, provide accountability, or prevent their recurrence.

Freedom of opinion and expression

The former regime’s security practices and its crackdown on all forms of freedom of opinion and expression was perhaps a primary cause of the 25 January revolution. Unfortunately, as any observer of freedom of opinion and expression in the post-revolution period will notice, the conduct of the security apparatus does not differ radically from that in the Mubarak era.

Some satellite channels, such as Jazeera Live Egypt, were shut down and its office stormed on the grounds that they were operating without a license and airing programs via the internet, which is illegal under infamous draconian Egyptian legislations passed by Mubarak. Army personnel raided the offices of al-Hurra and Channel 25 while the two channels were covering the ongoing Maspero massacre, allegedly because they aired footage of army vehicles crushing demonstrators. Additionally, journalists and photographers and paramedics have been beaten and shot at repeatedly, most noticeably during the dispersing of protests in November and December, in an attempt to prevent the truth from reaching the public.

The methods of Mubarak’s security apparatus have been employed in dealing with activist and bloggers who have written articles critical of the SCAF’s performance. Activists and bloggers have been detained and subjected to smear campaigns in some media outlets. Such was the case of activist and blogger Maikel Nabil Sanad, who

criticized the army. Sanad remained in detention for charges of “insulting the military establishment” from March until he was released on January 24 following an amnesty by the president of SCAF. Blogger Alaa Abdelfattah was also imprisoned for over a month in October 31 in connection with the Mapero massacre. Reasons behind his imprisonment are thought to be linked to an article he published in Al Shorouk newspaper, accusing the army of killing the Coptic protesters in October 12.

Violations of the various rights and freedoms cannot be viewed apart from each other, as they all serve the purpose of creating a climate of fear for any dissenting voices critical of SCAF. Accountability remains elusive as dozens of fact finding commissions have yielded no substantial outcomes, and are in fact used to enshrine impunity, while the real perpetrators remain untouched. Accountability for crimes committed during and after the revolution is yet to be fulfilled.

The prosecution of Mubarak and members of his regime remains until now a political issue rather than a legal one. All verdicts thus far have been issued on charges of corruption and mishandling of public funds. Mubarak, his two sons, his Minister of Interior, Prime Minister, Minister of Housing, other secretaries, as well as other close confidants of Mubarak such as his right-hand-men Hussein Salem and Ahmed Ezz, are all on trial on charges of corruption for the illegal amassing of wealth. The former Minister of Interior was already sentenced a few months ago to 12 years in prison for charges of corruption. None of them were convicted for acts of killing, torture, or any other civil and political rights violations committed during or prior to the revolution. In the nine months of trials, only two low-ranking police officers have been convicted, both in absentia, of killing protesters during the January revolution. In other cases, trials of policemen accused of killing protesters during the January 25 Revolution have ended in acquittals, with one such recent decision setting off a riot in the courthouse. It is in such an environment that the revolution continues in Egypt.
