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Human rights situations that require the Council's attention

Written statement* submitted by the Cairo Institute for Human Rights Studies (CIHRS), 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.

[10 May 2013]

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

Human rights in the Arab Republic of Egypt

The Cairo Institute for Human Rights Studies calls on the Council and the international community to take action to ensure that the current Egyptian government takes sufficient steps to end human rights violations in Egypt. Until now, the ruling party, the Freedom and Justice Party, has not demonstrated the necessary political will to ensure accountability for current and past violations. Rather, state officials and members of the ruling party have incited violence against protesters, opposition leaders, and media, thus increasing political tensions and decreasing chances for an inclusive political dialogue. Moreover, the lack of independent and transparent inquiries into continuing patterns of violations and the use of inflammatory political rhetoric have undermined citizens' confidence in government officials and state institutions and left victims feeling that they must defend themselves, which exacerbates the dire state of political, economic, and social instability in the country.

Rather than taking steps to end rights violations, the current authorities have frequently blamed other parties for ongoing problems in the country. For example, Egypt's Christian minority has been blamed for many of the clashes and protests that have taken place since November 2012. The president, the minister of information, and others affiliated with the ruling party have accused the media of exacerbating the crises experienced by the country through their coverage of events. Members of Egypt's upper house of parliament even called the women who were violently assaulted while participating in public protests in recent months responsible for the attacks against them.

Moreover, since President Mohamed Morsi was elected in June 2012, the presidency and its appointed government have cultivated an environment of impunity and committed serious human rights violations, including extrajudicial killings, sexual assaults, torture, arbitrary arrests, and the resumption of military trials of civilians. Media professionals, democracy activists, protesters, and human rights defenders have all been targeted. In addition, the current Egyptian government and parliament have directly contributed to the establishment of a legal framework hostile to the fundamental principles of human rights, from the constitution to an arsenal of repressive bills on freedom of association and assembly which deviate widely from international standards.

Attacks against protesters, including extrajudicial killings:

- In the past 9 months, at least 60 demonstrators have been killed and many more injured by excessive force used by the police in the context of protests. Most disturbing is the use of live ammunition to disperse protesters. The police have also used both rubber and iron shot shell pellets and tear gas, at times resorting to lethal force.
- Additionally, the police failed to protect civilians from attacks during the anti-government demonstrations at the Ittihadiyya Presidential Palace¹ and to prevent or break up the ensuing street battles between opponents and supporters of the president on 5 and 6 December 2012, resulting in the killing of an estimated 11 individuals.

¹ For further details about this incident, see report issued by CIHRS at: http://www.cihrs.org/wp-content/uploads/2012/12/Ittihadiyya.rep_.CIHRS_.Eng_.Dec_.pdf.

Torture and enforced disappearances:

- In the absence of real and meaningful police reform, torture continues to be carried out in detention facilities and even in public places, leading in a number of cases to the death of detainees. The police continue to use torture as a method of interrogation in their criminal investigations and as a form of interrogation and punishment against political activists. For instance, on 1 February 2013, protester Hamada Saber was stripped naked, beaten, and dragged through the street by the police before being released. On 27 January 2013, activist Mohamed el-Guindy was arrested by the police; he died on 4 February from injuries which indicated that he had been tortured while in detention.
- Torture was also reported during the clashes at the Ittihadiyya Presidential Palace. Victims testified to having been severely beaten by supporters of the ruling party to extract confessions on the night of 5-6 December and that the police in the area were aware of the torture occurring but did not intervene.

Military trials of civilians:

- Until now, the authorities have shown no real commitment to end military trials. On 18 November 2012, at least 25 civilians were arbitrarily arrested by the military and sent to military trials in the context of a land dispute between the military and inhabitants of the island Qursaya.
- Article 198 of new constitution, passed in December 2012, explicitly allows for military trials of civilians. Additionally, a newly adopted law grants military officers the right to arrest civilians.

Violations targeting the media and freedom of expression:

- Restrictions on the media include interference in the editorial policies of newspapers, state control over certain media sectors, and the censoring of some programs and presenters. Confiscations of newspapers have also been reported. Tens of cases have been filed against journalists, including cases brought by the Presidency. Journalists, media personnel, and cartoonists have received death threats for publishing content deemed critical of the presidency or the Muslim Brotherhood.
- In the last year, several cases of “defamation of religion” were filed against bloggers, teachers, and artists, in clear violation of principles of freedom of expression. In most of these cases, Egyptian courts have found the defendants guilty of contempt of religion.

Sectarian Violence:

- Sectarian clashes broke out in Al-Khosous, Qalioubiya governorate (north of Cairo) on 5 April 2013, resulting in 5 deaths. While about 30 individuals were arrested, the state nevertheless proceeded to hold a “reconciliation meeting” for the community, thus avoiding taking the legal measures necessary for accountability.
- 2 days later, clashes occurred at the St. Mark Cathedral and the papal seat during the funeral procession for the Al-Khosous victims. The attack on the Cathedral, the seat of the Coptic Orthodox Church, marks an unprecedented escalation against a symbol of the Christian community in Egypt. It is the first such incident since this religious complex was inaugurated in 1968.
- In both incidents, the police failed to intervene to protect citizens; in some cases, police were directly involved in clashes.

These patterns of violations are a continuation of those witnessed in Egypt following the January 25th uprising. Despite the submission of the report of the independent fact-finding committee that was appointed following presidential elections in June 2012 to investigate violations committed during the 18 days of the uprising and 18 other incidents in which the police and military committed violations against protesters, the president has refused to publish it. This, combined with acquittals of police officers and political leaders accused of instigating killings of peaceful protesters, casts doubt on the political will of the current government to ensure accountability for violations.

Instead, the ruling party has advocated legislation that aims to limit freedoms of expression, association, and assembly. Recent bills on association seek to restrict the fields of NGO work, consider associations' assets to be public funds, declare all NGO employees to be "civil servants", provide for security surveillance of NGO activities, and impose draconian restrictions on foreign funding².

Equally repressive is the bill on demonstrations in public places, which prohibits any "disturbance of security or public order, prohibiting the hindrance to citizens' interests, blocking roads and other means of transport, obstructing traffic, attacking personal property, or hindering the freedom to work." Such broad conditions could effectively render any demonstration illegal. The bill would also punish any demonstrator who disrupts the flow of traffic with a prison sentence of no less than three months as well as a fine.³

Recommendations to the Egyptian Government:

- Ensure that law enforcement officials who violate the rights to freedom of peaceful assembly are held accountable;
- Ensure that victims of violations of the right to freedom of peaceful assembly have access to effective remedy and redress;
- Train law enforcement officials to intervene adequately and in a timely manner in cases where two contending groups are likely to clash;
- Release accurate information on all those detained and formally arrested;
- Release accurate information on all violent clashes that have occurred since President Morsi assumed power;
- Ensure the neutrality of the army in the context of political disputes, and revoke the recent law that authorizes the army to police citizens;
- Publish, without delay, the report of the fact-finding committee on violations committed between January 25, 2011, and June 30, 2012;
- Discuss with the United Nations Special Rapporteur on Freedom of Assembly and Association means to ensure the security of protesters and to regulate peaceful protests;
- Accept, with no further delay, all pending visit requests by the UN Special Rapporteurs and Working Groups.

² See CIHRS, Strangling Civil Society with Repressive Laws: Morsi's Bill to Nationalize Civic Activity Must be Retracted <http://www.cihrs.org/?p=5875&lang=en>

³ See Ragab Taha, New Draft Law Aims to Criminalize Peaceful Demonstrations, <http://www.cihrs.org/?p=5861&lang=en>

Recommendations to Human Rights Council member states:

- Urge the Egyptian government to:
 - Take serious steps towards reforming the Egyptian security establishment;
 - Ensure that adequate mechanisms for accountability are established to end the legacy of impunity for perpetrators of torture, arbitrary detention, and extrajudicial killings;
 - Withdraw the current bills which would severely restrict the freedoms of association and assembly, and ensure that all new legislation fully complies with international standards, protects the role of civil society, and guarantees Egyptians' right to peaceful protest.
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