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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD

CIVIL AND POLITICAL RIGHTS

Written statement* submitted by the Association for World Education,
a non-governmental organization on the Roster

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

[9 March 2003]

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

Two exemplary cases in Egypt re: Human Rights bodies / state security/ 'states of emergency'/ Military Tribunals

I. Human Rights Defender Dr. Saad Eddin Ibrahim, Director of Cairo Ibn Khaldun Center for Development Studies

1. "Egyptian laws are autocratic by nature," said Neged Borai, a leading Egyptian lawyer and political reform advocate, thus contradicting Egypt's last Report to the CERD implying that it was a country of democracy and justice in the Middle East, where human rights were taught in elementary schools. Mr. Borai was quoted on 29 July 2002 by Nadia Abou El Magd (AP from Cairo) regarding the re-sentencing of Prof. Saad Eddin Ibrahim, a staunch advocate of democracy and human rights and Chairman of the Ibn Khaldun Center for Development Studies (ICDS).
2. The internationally renowned professor of sociology at the American University of Cairo was jailed in June 2000 with twenty-seven of his colleagues by State Security forces, and both the ICDS and the affiliated Egyptian Women Voters Support Center were closed down. This followed the publication of the ICDS's courageous 'Appeal to the Egyptian Nation' – in regard to the brutal killing in January 2000 of 21 Copts at Al-Khosheh in Upper Egypt (the fortieth collective attack on Copts since 1972). We widely circulated this 'Appeal' in April 2000 at the Commission – both the Arabic original and an abridged two-page English version. (The fiasco of the Al Khosheh trial continues, finally leading to the recent conviction of two of the murderers, and the release of all the other accused.) Similar charges had been brought in December 1998 against Hafez Abu Saad, the general secretary of the Egyptian Organization for Human Rights when he also defended the Copts.
3. Dr. Ibrahim was convicted on 21 May 2001 by a 'Supreme State Security Court' (Law N° 105 of 1980, established in the context of a State of Emergency, according to Law N° 162 of 1958, as amended), for receiving funds without authorisation, dissemination of false information abroad, and appropriating money by fraudulent means. He received a seven years sentence with hard labour. The charges made a mockery of the Egyptian justice system. National and international organizations condemned this arbitrary sentence, alleging that the prosecution was politically motivated. Amnesty International adopted Dr. Saad Eddin Ibrahim and three other human rights defenders as 'prisoners of conscience', following their conviction and imprisonment
4. Ibrahim and five others were released by Egypt's highest Appeals Court, which ruled on 6 February 2002 that the State Security Court had acted improperly; a retrial was ordered which began on 27 April 2002. Although all the allegations were refuted by witnesses, the prosecution merely retried the case from the first trial. On 29 July 2002, the ailing 63 year-old Ibrahim, who suffers from a grave neurological problem, was again sentenced on trumped-up charges. He was accused of the "embezzlement of foreign funds, receiving foreign funds without authorization [from July 1997 to July 2000, by the EU Commission supported programme of voter education (170,000 euros), and also for the League of Egyptian Women Votes (145,000 euros), partly funded from MEDA Democracy programme], and tarnishing Egypt's image" (AP, 29 July). The court's speedy verdict condemned him to "seven years in prison for his efforts to register voters, monitor elections and report attacks on Egypt's Coptic Christians." (NYT editorial titled, The Shame of Egypt, 31 July & IHT, 1 August 2002; also, Thomas L. Friedman, Bush's Shame, NYT, 4 Aug. 2002)

5. Sara Hamood of Amnesty International in London condemned the verdict; she declared that the charges were “*politically motivated*”; Amnesty also stated: “*This trial against human rights defender Saad Eddin Ibrahim aims to silence the human rights movement in Egypt.*” Human Rights Watch declared that the “*trial falls in the context of a number of blows intended to muzzle civil society in Egypt.*” A *Washington Post* editorial commented that: “*In Egypt, a man who has tirelessly promoted moderation and tolerance and human rights was sent to prison by a regime that consistently makes the wrong choices...*”. It has been thought that President Mubarak refused “*to forgive Ibrahim's greatest offense: publishing an article calling attention to the fact that the Egyptian dictator is grooming his son to succeed him.*” (30 July and & IHT 31 July) To conclude with a last quotation from a key editorial: “*While hardly the worst example of dictatorship in the Middle East, Egypt is one of the saddest.*” (NYT 31 July & IHT 1 August 2002)
 6. A taboo subject, rarely mentioned in media reports, is that Ibrahim — a Muslim, who holds dual U.S. and Egyptian citizenship, and is married to an American — had participated freely in academic symposiums everywhere, including Israeli universities. During the period before and after his arrest, a culture of hate continued to spew out anti-American and antisemitic rhetoric from the Egyptian government-controlled media, culminating in the showing, during Ramadan/ November 2002, of the Dream satellite TV channel series: “*A Horseman Without a Horse,*” based on the 100-year-old forgery, *The Protocols of the Elders of Zion* (Cf. AWE’s written statement: E/CN.4/2003/NGO/4), while Dr. Saad Eddin Ibrahim was accused in the media of being a “*traitor*” and “*sold to the enemies.*” (*Le Monde* ,31 July 2002)
 7. In response to a legal defence appeal, Egypt’s Court of Cassation overturned the conviction, and on 3 December 2002 it ordered a third trial for Dr. Ibrahim and for three of his colleagues, all of whom were released from prison; on 4 February 2003, the Court heard the final appeal of Dr. Ibrahim and his Ibn Khaldun co-defendants. The final verdict is expected on 18 March 2003, the day after the opening of the Commission on Human Rights. Edward Said commented: “*As the Arab world spins into further incoherence and shame, it is up to everyone of us to speak up against these terrible abuses of power. No one is safe unless every citizen protests what in effect is a reversion to mediaeval practices of autocracy.*” (Marwa Abdel Rehim, AFP, 2 Feb. 2003). To this, the AWE would add: the same applies at the UNCHR.
 8. The Association for World Education shares the hopes of the international community that, in the end, the Court of Cassation’s decision will prevail, demonstrating publicly that justice and respect for the rule of law in Egypt exists. Failing this, the Commission should act forcibly under the appropriate operative paragraphs of its Resolution 2002/17: Cooperation with representatives of United Nations human rights bodies; Resolutions 2002/42: Question of arbitrary detention; Resolution 2002/43: Independence and impartiality of the Judiciary, jurors and the independence of lawyers.
- II. Dr. Neseem Abdel Malek, former Director of the Cairo El-Khanka Mental Hospital, a member of the Coptic minority
9. Egypt is an example of a State’s constant misuse of military tribunals and its ubiquitous ‘state of emergency’ System, reintroduced in 1981 after the assassination of President Anwar Sadat. Although not at war, this emergency system was again extended for a further three years in February 2003; it automatically refers any civilian to a military court by a presidential decision if the case falls under the general category: “*act of terrorism*” (art. 6, Act N° 52, 1966).

10. The case of Dr. Neseem Abdel Malek has been highlighted by the Association of World Education since 1998 at several UN bodies – as an exemplary case of how a blatantly iniquitous criminal justice system functions, facilitating an automatic condemnation, without appeal, on what is often inadequate evidence. Thus, false accusations of bribery from a previously certified Islamist assassin, Saber Abu Ulla, who had killed four foreign tourists in a Cairo hotel in 1993, was accepted. This notwithstanding the fact that his first accusation of bribery was made against Dr. Sayed El-Qut, a Deputy Health Minister and former head of a mental institute, who had certified him insane in 1993. Also, he had previously stated that his acts were part of his *Jihad* for Allah and that he would target ‘infidels’. Just prior to his execution in May 1998 he regretted, on Egyptian TV, not having killed more ‘infidels’. Finally, his modified and accepted allegations of bribery against the Coptic head of the El-Khanka clinic in September 1997 were clearly motivated by a hatred of Christians – and Saber’s own mother contradicted him in court on the bribery charge!

11. Opinion N° 10/1999 of the Working Group on Arbitrary Detention (E/CN.4 /2000/4 Add.1,pp.52-55) laid out all these facts and requested the Egyptian Government to review the case of Dr. Neseem Abdel Malek, unjustly condemned to 25 years imprisonment with hard labour by a military court. Our written Statement (E/CN.4/ 2001/NGO/49) contains the full text of this Opinion N° 10/1999 (Egypt) and the brief "Reply of the Government of Egypt." (E/CN.4/2000/4, §27,28), as well as our own brief comments.

12. The conclusion of Opinion N° 10/1999 is unambiguous: “*The deprivation of liberty of Dr. Neseem Abdel Malek is arbitrary, as being in contravention of articles 9 and 10 of the Universal Declaration of Human Rights and articles 9 and 14 of the International Covenant on Civil and Political Rights and falls within category III of the applicable categories to the consideration of the cases submitted to the Working Group.*” (§19). It continues: “*Consequent upon the opinion rendered, the Working Group requests the Government: to take the necessary steps to remedy the situation, and bring it in conformity with the standards and principles set forth in the Universal Declaration of Human Rights.*” (§20)

13. Three years after Opinion N° 10/1999 was submitted to the Commission, these recommendations have still been ignored by Egypt. However, the arbitrary sentence of imprisonment pronounced by a military tribunal under the ‘state of emergency’ regulations — without any right of appeal for the defendant— was reduced from 25 to 10 years in January 2000. Nonetheless, an innocent man — a distinguished doctor and highly-respected member of the Coptic community, whose wife and two young children await his homecoming — continues to rot in prison, whereas Islamists are pardoned..

14. The Association for World Education again calls on the Commission to consider this exemplary case and, as a retrial is impossible under the existing law, to request President Hosni Mubarak — in view of WGAD Opinion N° 10/1999 — to grant freedom to Dr. Neseem Abdel Malek by a presidential pardon on compassionate grounds for Coptic Easter 2003.