



# General Assembly

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## Human Rights Council

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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.

[11 February 2013]

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

## Clashes at the Ittihadiyya Presidential Palace

On the night between 5 and 6 December 2012, clashes at the Ittihadiyya Presidential Palace in Cairo led to at least 11 deaths and hundreds of injuries. The following written intervention provides a summary of the clashes themselves and events surrounding the clashes and provides several recommendations for steps to be taken in future. The intervention is based on a report on those events prepared by the Cairo Institute on 18 December 2012, titled “Al-Ittihadiyya: ‘Presidential Palace’ Clashes in Cairo, 5 and 6 December 2012”, available at <http://www.cihrs.org/?p=5361&lang=en>. The clashes at the Palace are particularly worthy of attention in that they mark the first instance since the election of President Morsi in which the right to peaceful assembly has been countered via a civilian counter-demonstration, mobilized by the political forces in power.

1. On 4 December 2012, in continuation of a week of demonstrations, opposition demonstrators held peaceful protests in front of the Ittihadiyya Presidential Palace. A number of protestors remained over night and throughout 5 December, staging a peaceful sit-in. In response to these protests, the Muslim Brotherhood and the Freedom and Justice Party called for their own supporters to stage a demonstration in the square on the night of 5 December.

2. In response to this call, supporters of the Muslim Brotherhood, the Freedom and Justice Party, and other Islamist groups and parties assembled after prayers at nearby mosques and began moving towards the Presidential Palace. Initial clashes began at 4 p.m., when opposition protestors participating in the sit-in were cornered by groups of angry Morsi supporters who rushed towards them from different directions. The Morsi supporters, armed with tasers, clubs, rocks and chains began to beat the protestors, and after driving them away from the premises of the presidential palace tore down their tents and took or destroyed their contents.

3. Following these attacks, a number of Muslim Brotherhood-owned and affiliated websites began declaring that hash, alcohol and US dollars (insinuating that the opposition was a product of foreign funding) had been found in the tents.

4. Following reports of these clashes, additional opposition protestors began to arrive on the scene, and the intensity of the clashes intensified.

5. During the course of the clashes, a number of opposition protestors were captured by Morsi supporters. These protestors were subjected to severe beatings, according to eyewitness testimonies and video. Morsi supporters were also recorded on video suggesting that they had tortured these individuals in order to extract confessions that they were paid thugs. Such video was released by Rasd, for instance, a Facebook group known to be affiliated with the Muslim Brotherhood. Dozens of captured protestors were held for several hours after being captured, with at least 49 only released the evening of the following day. In addition to being detained and beaten, a number of female activists were sexually assaulted while detained.

6. A number of those captured by Morsi supporters were already injured individuals taken following attacks on field hospitals. Ambulances and medics were also reportedly prevented from reaching injured protestors.

7. One such detained and tortured individual was Mina Philip Gad. He was stripped of his clothes, tortured, and held for hours because he was believed to be a member of the opposition protestors. Mina reported being questioned repeatedly as to his name, which he refused to say for fear that he might be subjected to further retaliation as a result (as Mina is a name typically given to Coptic men). A number of other sources also suggested a high

degree of sectarian discrimination during the clashes. Footage shot by Al-Watan newspaper showed Morsi supporters stating they had arrested two opposition protestors because they were Christian. One man who lived near the area of the clashes was beaten by Morsi supporters for stating that he was Egyptian when asked his religion.

8. Several journalists were attacked during the protests. Al Housseiny Abu Deif, a journalist with Al-Fagr newspaper, was shot with live ammunition and his camera stolen; he died 6 days later. At least 6 other reporters were also attacked.

9. Morsi supporters who were captured by opposition supporters were also beaten.

10. The particular arms used during these clashes and by which sides are hard to verify, but there are reports that in addition to the weapons mentioned above, Molotov cocktails, tear gas, pellets, blanks, and live ammunition were used.

11. Security forces were present throughout the clashes. For the first 5 hours, until 9:30 p.m. on the evening of 5 December, they made no effort to prevent the clashes. At 9:30, they attempted to assemble in a cordon between the groups of protestors, but withdrew shortly thereafter. At 11:30 p.m. they made another attempt to control the situation, by firing tear gas canisters. Testimony suggests that when they did take action, the police acted alongside the Morsi supporters, standing in front of them facing the protestors or firing tear gas canisters from the ranks of Morsi supporters towards the opposition supporters.

12. Security forces were also present for but did not intervene in the torture of opposition protestors by Morsi supporters. According to some testimonies, in some instances security forces even encouraged such torture. Morsi supporters also handed many of those they captured over to the police, claiming that they were captured thugs. Reports suggest 90 individuals were handed over to Heliopolis prosecution, including 20 children between the ages of 15-18. Almost all of those handed over had been subjected to torture while detained by Morsi supporters, and many were in critical condition, suffering the effects of electric shocks, stab wounds, bruises, and broken bones.

13. In a televised speech on 6 December, President Morsi referred to confessions of detained protestors as evidence that they were hired thugs, that they possessed weapons, and that they had received money to attack the Presidential Palace. The speech was aired when the prosecution's investigation of the detainees was just starting, suggesting that the President was referring to the confessions extracted via the illegal detention torture of opposition protestors by Morsi supporters. Moreover, contrary to Morsi's statement, none of those detained confessed before the prosecution to the possession of weapons or to receiving money.

14. Several obfuscatory and incorrect reports and claims were made in the days following the clashes. On 5 April, for example, Al-Ikhwan Online, the Muslim Brotherhood website, published an article stating that Ahmed Maher, coordinator of the April 6 Youth Movement, had headed a group of thugs who attacked and killed members of the Muslim Brotherhood during the protests. The following day, the page published a correction, noting that Maher was not present during the clashes.

15. According to several lawyers representing the detainees, District Attorney Mostafa Khater was pressured not to release the detainees. Most were released on 7 December however; information from the Arabic Network for Human Rights Information suggests 135 were released while 4 remained in custody. Mr. Khater was then transferred from his post 5 days later on order from Egypt's newly appointed Public Prosecutor, allegedly in retaliation for his decision to release the detainees. Following his protest and the submission of a letter of complaint, Mr. Khater was reinstated.

16. The clashes that occurred at the Ittihadiyya Presidential Palace involved individual bad actors as well as inadequate response by the security forces. In addition, the above facts

are particularly troubling in so far as the government itself, including the Freedom and Justice Party and the office of the President, encouraged the clashes, was involved in reporting false and one-sided information obtained via torture after the event, and has failed to take adequate steps to investigate what occurred.

17. In light of these events, the Cairo Institute recommends that the government of Egypt take the following general and specific steps:

**General steps**

- Take all necessary steps to ensure that public employees and law enforcement officials are adequately trained in relation to the right to freedom of peaceful assembly;
- Ensure that law enforcement officials who violate the right 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 remedies;
- Train law enforcement officials to be able to properly respond in the context of assemblies generally, and for situations where two opposing groups are demonstrating in the same locality in particular;
- Discuss with the UN Special Rapporteur on Freedom of Assembly and Associations means to ensure the security of protestors and to regulate peaceful protests;
- Ensure investigation and accountability wherever torture occurs or the right to life is compromised;
- Enact rights respecting legislation on the right to freedom of assembly.

**Specific steps**

- Provide for an impartial, independent and transparent investigation into the clashes;
- Release accurate information on all those detained, released, and formally arrested in the aftermath of the clashes;
- Hold those responsible for torture and other criminal violations during the clashes accountable.

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