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EGYPT

Muzzling Civil Society

INTRODUCTION

In the last few years, the Egyptian authorities have managed to muzzle civil society by threatening with detention and imprisonment those who oppose or publicly criticize the government's policies. Journalists, writers, human rights defenders, non-governmental organization (NGO) activists and political activists have been and continue to be particularly at risk of being detained in connection with "offences" which merely amount to the exercise of their rights to freedom of expression and association.

Over the past decade new laws and decrees have curtailed rights to freedom of expression and association. Human rights activists have been detained on the basis of dubious charges, such as "disseminating false information abroad that would harm Egypt's interests". Journalists have been imprisoned for libel of officials. Non-violent political activists have been tried before military courts. Members of religious groups, including women and young people, have been brought to trial and sentenced to prison terms. In short, the Egyptian authorities are implementing a policy aimed at muzzling civil society. Freedom of expression in Egypt is also threatened by armed Islamist groups who have failed to revoke calls for the killing of civilians whom they consider to be political enemies or "atheists", including intellectuals, writers and academics.

Prisoners of conscience are currently serving terms of up to five years' imprisonment, while scores of possible prisoners of conscience are held for months in pre-trial detention accused of membership of an illegal organization but without being formally charged. Thousands of political detainees, including possible prisoners of conscience, also remain held, without charge or trial, in administrative detention under the Emergency Law, in some cases for more than a decade.

Amnesty International is concerned that in Egypt people are imprisoned solely for exercising rights which are guaranteed under international treaties to which Egypt is a state party. Amnesty International calls on the Egyptian government to comply with its international obligations and to release immediately and unconditionally all prisoners of conscience who are detained for their political, religious or other conscientiously held beliefs and who have not used or advocated violence.

BACKGROUND

Civil society institutions in Egypt, such as political parties, non-governmental organizations (NGOs), professional associations and trade unions, and the news media, face ever-increasing legal restrictions and government control. Human rights defenders and NGO activists have been targeted for their reporting on human rights violations in the country. Since the last amendments to the press law were introduced in 1996, the risk of journalists being sentenced to prison terms has increased.

The Egyptian authorities frequently detain alleged non-violent political opponents for extended periods of pre-trial detention. During the months leading up to the parliamentary elections scheduled for November 2000 the risk of political activists being detained has increased significantly, apparently to prevent them from standing as candidates or participating in elections. In the latest clampdown, hundreds of alleged Muslim Brothers have been detained under broad charges, such as "membership of an illegal

organization". Of the 500 or so alleged Muslim Brothers detained since May 2000, at least 150 were still in detention at the end of August.

Following a leadership dispute within the opposition party *al-'Amal* (Labour), the Political Party Committee, a government body in charge of licensing parties and overseeing their activities, imposed a freeze on the party's activities in May 2000 and suspended its newspaper *al-Sha'ab* (The People). On 19 July 2000 the prosecution filed charges against the leadership of the party and the newspaper, accusing them of links with the banned Muslim Brothers and other Islamist groups.

The Egyptian authorities frequently impose restrictions on publications, including censorship, confiscation and banning of newspapers. Opposition newspapers are generally printed and distributed by the government-owned publishing houses. Some independent newspapers are printed in tax-free zones and their distribution in Egypt requires ministerial authorization. All these measures force journalists to practice self-censorship. Publications by NGOs have also been prohibited. In January 2000 the Egyptian Organization for Human Rights (EOHR) reported that it had learned by chance of an administrative decree issued in September 1999 which orders a ban on the organization's journal *Huquq al-Insan* (Human Rights) as well as on several publications of other institutions, including *al-Mugtama' al-Madani* (Civil Society) of the Ibn Khaldun Center. However, both journals continued to be issued without the ban being enforced.

Egyptian Legislation

Over the past decade new Egyptian legislation has progressively restricted the exercise of the rights to freedom of expression and association, in particular the Anti-Terror Law (Law 97 of 1992), the Press Law (Law 95 of 1996) and the Law on Civil Associations and Institutions (Law 153 of 1999), also referred to as the law on non-governmental organizations (NGOs). These new laws and other provisions, such as Military Decree No. 4 of 1992, stipulate prison sentences for a variety of offences, which might merely amount to the exercise of the rights to freedom of expression and association, and have been used to detain and imprison government critics. The introduction and implementation of these laws are clearly in conflict with Egypt's obligations under national laws and international treaties. Article 47 of the Egyptian Constitution stipulates: "Freedom of opinion is guaranteed and everyone has the right to express his opinion and to publish it in the form of speech, writing, photography or any other means of expression within the limits of the law. Self-criticism and constructive criticism is a guarantee for the safety of the national structure."

- **The Emergency Law**

The state of emergency in Egypt imposes serious restrictions on the exercise of the right to freedom of expression and association in Egypt. The Emergency Law (Law No. 162 of 1958 as amended) provides the President with wide-ranging powers, including the censorship, confiscation and closing of newspapers on the grounds of "public safety" and "national security". The law empowers the executive to order the prolonged detention without charge or trial of anyone suspected of being "a threat to national security and public order"¹.

¹ In January 1998, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression reported to the UN Commission on Human Rights that "the use and abuse by governments of anti-terrorism and national security legislation remains a grave concern. Many governments use these laws to restrict freedom of opinion and

Since 1967 Egypt has been ruled almost permanently under the state of emergency, initially imposed because of the Arab-Israeli war that year. It was lifted in May 1980, following the implementation of the Camp David accord between Israel and Egypt. The state of emergency was re-imposed on 6 October 1981, following President Anwar al-Sadat's assassination. Since that date, it has been renewed regularly. It was extended for another three-year period in May 2000. This almost permanent state of emergency is in contradiction of Egypt's obligations under Article 4 of the International Covenant on Civil and Political Rights (ICCPR) and under the African Charter on Human and Peoples' Rights (African Charter), which allows for no derogation.

Amnesty International believes that emergency legislation has brought about a deterioration in the enjoyment of human rights and has resulted in an increased risk of human rights violations in Egypt. Amnesty International is concerned that under the existing emergency law some basic provisions of the ICCPR have been violated, including Article 9 (prohibition of arbitrary detention) and Article 14 (fair trial). Furthermore Amnesty International believes that emergency legislation has been used to place impermissible restrictions on other rights, including the right to freedom of thought (Article 18), expression (Article 19) and association (Article 22), thereby constituting further violations of Egypt's obligations under the ICCPR.

In the light of the serious human rights violations that have been facilitated by emergency legislation, Amnesty International has strong reservations about the continuation of the state of emergency. In February 2000, Amnesty International asked the Egyptian government to consider not renewing the state of emergency and to conduct a review of the emergency legislation in order to bring it into line with international human rights standards. The state of emergency was extended in May 2000 without any review having been conducted. Amnesty International recommends that while the state of emergency remains in force a number of measures should be taken to minimize the risk of abuse (see recommendations, page 22).

- **The Anti-terror Law**

With the upsurge of political violence in the early 1990s the Anti-Terror Law was passed in 1992. However, the law not only targets the activities of armed groups, but also criminalizes non-violent

expression and the right to receive and impart information. Further, abuse of the powers granted under such laws often leads to: both prolonged and short-term arbitrary detention; torture, [...] threats and intimidation; the closure of media outlets; the banning of publications and programming; bans on public gatherings; bans and prohibitions on organizations, groups and associations that are in no way associated with terrorism and violence; strict censorship of all forms of communication; and tolerance, if not actual support for the abuses and crimes committed by police and military groups."

The Special Rapporteur further observed that "in a number of countries, the authorities continue to maintain firm control over the media and individuals' free speech. This often goes hand in hand with undue restrictions on public protest and demonstrations, which call into question the right itself, as well as restrictions on the activities of independent trade unions or organizations of civil society. Furthermore, action taken by States and their agents against individuals [...] and actions against groups and organizations - such as the banning of opposition or ideologically diverse parties and professional associations - seriously erode the public's right to know and to receive and impart information." [E/CN.4/1998/40]

political opposition activities, and has been the legal basis for the trials of more than a hundred alleged Muslim Brothers before military courts in 1995, 1996 and 1999-2000. Dozens of alleged Muslim Brothers have been sentenced to prison terms after being accused of affiliation with an illegal organization, but not of using or advocating the use of violence.

- The Press Law

In May 1995 the parliament passed new legislation which introduced stiffer penalties for journalists with regard to a variety of offences, including mandatory prison sentences in libel cases. Protests and campaigning by media professionals forced the government to amend the law. However, Law 95 of 1996 only reduced some of the penalties but retained prison sentences for various offences, including defamation, insult and false information. Under Article 185, insulting a public official in relation to the conduct of the official's duty or service can be punished with a maximum of one year's imprisonment. Article 303 stipulates imprisonment of up to two years for defamation of a public official in relation to the conduct of the official's duty or service. Article 307 states that sentences should be doubled in cases where insult or defamation have been produced as printed material.



The Press Law, cartoon by prisoner of conscience 'Issam al-Din Hanafi, see page 9.

Libel laws in the penal code are discriminatory by stipulating higher penalties, including imprisonment, when the plaintiff is a public official, such as a member of the government or a public servant. Under the penal code, as amended by the 1996 Press Law, defamation of an ordinary citizen can be punished by up to one year's imprisonment and if

the plaintiff is a public official the maximum penalty increases to two years' imprisonment. The longest prison sentences for journalists convicted of libel have been in a case where the plaintiff was a government minister.

- The NGO Law

On 26 May 1999 the Law on Civil Associations and Institutions (Law 153 of 1999) was passed by the Egyptian parliament which Egyptian and international human rights organizations sharply criticized for imposing restrictive conditions on civil society institutions in violation of international law, in particular the right to freedom of association as guaranteed under international law, including Article 22 of the ICCPR and Article 10 of the African Charter. Concerns about the law focused on requirements to receive prior government approval for board elections, affiliation with foreign organizations and funding, among other issues. Violations of the law were punished by penalties of up to one year's imprisonment.

In May 2000 the UN Committee for Economic, Social and Cultural Rights called for the amendment or repeal of the NGO Law in order to conform with Egypt's international obligations and national legislation. The Committee expressed concern that the law "gives the government control over the rights of NGOs to manage their own activities, including seeking external funding".

On 3 June 2000, a couple of days after the deadline for NGOs to register under the new law expired, the Constitutional Court found that the law was unconstitutional on procedural grounds². The Egyptian authorities announced that while Law 153 of 1999 is suspended, its predecessor Law 32 of 1964 applies. However, this law imposes in many respects even more restrictive conditions on the operation of NGOs. Egyptian civil society representatives, including human rights activists who had campaigned against the new law, applauded the ruling of the Constitutional Court.

The Egyptian authorities have also criminalized NGO activities through Military Decree No. 4 of 1992 which carries a minimum of seven years' imprisonment for receiving funding without permission from the authorities. According to Amnesty International's knowledge, no Egyptian court has so far based a verdict on this military decree, but it has been referred to by the prosecution as the legal basis for the detention of NGO activists, including human rights defenders.

- "Offences against religion"

The penal code contains a number of articles which aim to protect religions and religious sites from acts of aggression (Article 160) as well as from provocative acts. Article 161 provides for imprisonment for acts which include "imitating religious ceremonies (...) with the intention of mockery". However, the majority of people tried in connection with offences against a religion are charged under Article 98 (f) of the penal code which stipulates imprisonment for "exploiting religion (...) for extremist ideas with the aim of provoking a conflict or of showing scorn or contempt for one of the divinely revealed religions (...) or harming national unity or social peace".

Amnesty International believes that Article 98 (f) of the penal code which prescribes prison sentences of a minimum of six months and a maximum of five years for "exploiting religion" is vaguely worded and has been abused in such a way as to allow for the imprisonment of prisoners of conscience.

² The Court found that the law should have been presented to the *Maglis al-Shura*, the Egyptian Upper House, and further commented that disputes between NGOs and authorities should be referred to administrative courts rather than criminal courts of first instance.

Some defendants have been sentenced for the publication of materials discussing religious issues, whilst others have been imprisoned because their religious practice has been considered a criminal offence. Over the last two years at least 30 people have been brought to trial under charges based on Article 98 (f) for “exploiting religion for extremist ideas”, though none of these defendants has used or advocated the use of violence.

Egypt’s international obligations

Safeguards lacking in domestic legislation are guaranteed in the Egyptian Constitution and are given additional support from Egypt’s international obligations as a state party to treaties such as the ICCPR and the African Charter. These documents guarantee core rights to freedom of expression, association and religion.

- **Freedom of expression**

Egypt acceded to the ICCPR in April 1982 which sets out the right to freedom of expression in the following terms in Article 19:

- “(1). Everyone shall have the right to hold opinions without interference.*
- (2). Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.*
- (3). The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:*
 - (a) For respect of the rights or reputations of others;*
 - (b) For the protection of national security or of public order (ordre public), or of public health or morals.”*

The African Charter, which Egypt ratified on 20 March 1984, also guarantees the right to freedom of expression in Article 9(2) which states: “Every individual shall have the right to express and disseminate his opinions within the law”.³

³ As regards “claw-back” clauses in the African Charter such as “within the law” the African Commission on Human and Peoples’ Rights has pronounced that: “The Commission is of the view that the “claw-back” clauses must not be interpreted against the principles of the Charter. Recourse to these should not be used as a means of giving credence to violations of express provisions of the Charter”. [Decision 212/98 Amnesty International/Zambia, 12th Annual Report of the African Commission on Human and Peoples’ Rights.]

- Freedom of association

The right to freedom of association is set out in Article 22 of the ICCPR:

"(1.) Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

(2.) No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

(3.) Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention."

The African Charter also guarantees the right to freedom of association in Article 10.

- Freedom of religion

The right to freedom of thought, conscience and religion is set out in Article 18 of the ICCPR:

"(1). Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

(2). No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

(3). Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

The right to freedom of conscience and religion is also guaranteed under Article 8 of the African Charter. Under Article 151 of the Egyptian Constitution, international treaties such as the ICCPR and the African Charter became part of domestic legislation after they had been signed by the President of the Republic, ratified by parliament, and published in the official law gazette.

JOURNALISTS

Libel laws have been used to imprison journalists who have criticized government officials, but who have not advocated violence or gone beyond acceptable criticism in line with the principles of freedom of expression. Since the 1996 Press Law was introduced, the number of criminal libel suits filed against journalists by government officials and private individuals has increased dramatically. Amnesty International has recorded numerous cases of journalists sentenced to prison terms ranging from three months to two years. However, in many cases sentences have not been implemented pending judicial review.

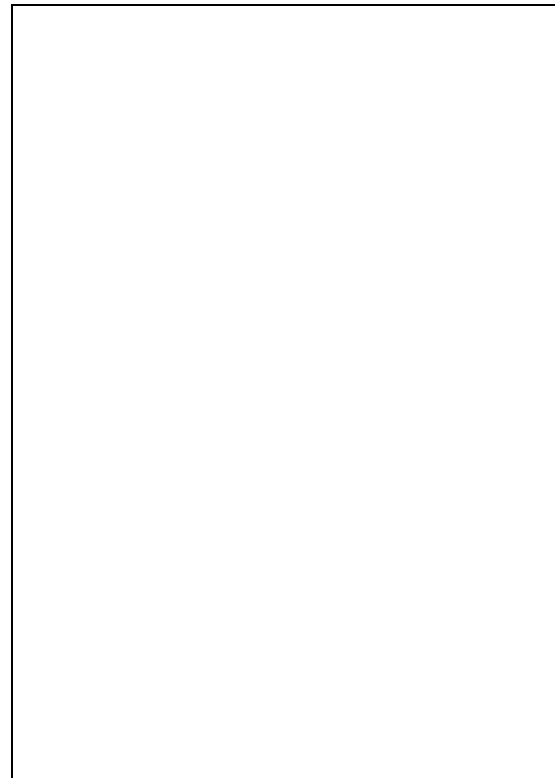
Journalists imprisoned in 1998

In 1998 for the first time since the amendments to the Press Law were introduced, four journalists served several months of imprisonment following their convictions in libel cases.

On 24 February 1998 the Cairo Court of Appeal upheld a libel conviction of two journalists of the newspaper *al-Sha‘ab* (The People), **Magdi Ahmad Hussein**, editor-in-chief, and **Muhammad Hilal**, in a case brought against them by ‘Ala al-Alfi, the son of the former Minister of Interior. The court sentenced them to one year’s imprisonment for having published several articles suggesting the son of the Minister of Interior had used his father’s influence for his business dealings in Egypt. Magdi Ahmad Hussein was arrested on 8 March at Cairo Airport and Muhammad Hilal gave himself up on 10 March 1998. Both served several months in Mazra‘at Tora Prison in Cairo until July 1998 when the Court of Cassation quashed their sentences. A further libel case was brought against **Magdi Ahmad Hussein** and **Muhammad Hilal** in 1998 by Hassan al-Alfi, the former Minister of Interior, for publishing articles in 1997 in *al-Sha‘ab* newspaper accusing him and his family of involvement in wide-scale corruption. However, Hassan al-Alfi dropped the law suit in 1999, having reached an out-of-court settlement.

In March 1998 an appeal court upheld the sentence of six months’ imprisonment of **Gamal Hussein Fahmi** in a libel case brought against him by Tharwat ‘Abaza, a prominent writer and deputy secretary of the *Maglis al-Shura* (Upper House), for an article he had written in the Nasserist newspaper *al-Arabi*. Gamal Hussein Fahmi was imprisoned for four months in Mazra‘at Tora prison until the Court of Cassation quashed the sentence in August 1998.

In May 1998 an appeal court decreased the prison sentence from one year to three months in a libel case brought by Tharwat ‘Abaza against **‘Amer Nassif**, the correspondent of the Lebanese newspaper *al-Safir* (The Ambassador). ‘Amer Nassif served his three months’ prison sentence.



Magdi Hussein, editor of *al-Sha‘ab* newspaper

Two years' imprisonment : minister vs opposition journalists

On 14 August 1999 the South Cairo Criminal Court convicted three journalists of *al-Sha'ab* newspaper **Magdi Ahmad Hussein**, **Salah Badawi** and **'Issam al-Din Hanafi**, a cartoonist, to two years' imprisonment on charges of libelling Dr Youssif Wali, the Deputy Prime Minister and Minister of Agriculture (case number 5260/1999). The charges against the journalists related to a series of articles and cartoons in *al-Sha'ab* between December 1998 and April 1999 in which a whole range of accusations were published against the minister, including claims that his dealings with Israel constituted treason. Magdi Ahmad Hussein and Salah Badawi did not apply for a suspension of their sentences which could have been granted until a review of the case by an appeal body. They were imprisoned a few days after having been convicted. 'Issam al-Din Hanafi went into hiding for several weeks.

On 5 December 1999 the Court of Cassation found that the defendants' request to hear the plaintiff's testimony at court should have been granted, and ordered a retrial of the case before a different circuit of the criminal court. The sentences against the defendants were suspended and the Public Prosecutor ordered the release of the detainees. The retrial of Magdi Ahmad Hussein, Salah Badawi, 'Issam al-Din Hanafi and 'Adel Hussein, a fourth defendant in the case who had been sentenced to a fine, was opened on 7 February 2000. However, the retrial was held before a circuit of the criminal court which had previously been involved in the case when it turned down a complaint by the defence in May 1999 against the composition of the Court of First Instance. On 21 March 2000 Dr Youssif Wali gave testimony before the court in a session with restricted access for the public and the media. On 8 April 2000 the court upheld the sentences of two years' imprisonment against Magdi Hussein and Salah Badawi. 'Issam al-Din Hanafi's prison sentence was reduced to one year and 'Adel Hussein was fined. Magdi Ahmad Hussein, Salah Badawi and 'Issam al-Din Hanafi have been in detention in Mazra'at Tora Prison since April 2000.

In its verdict of 14 August 1999 the South Cairo Criminal Court explicitly referred to several articles by Salah Badawi in which he claimed that Dr Youssif Wali, the Minister of Agriculture, was acting in the interest of Israel and thereby causing harm to the Egyptian agricultural sector and consumers of agricultural products in Egypt. In the context of such accusations the journalists labelled Dr Youssif Wali a "traitor". The journalists' accusation of treason against a government official in connection with Israel reflects their refusal of "normalization" of relations with Israel which is shared among other members of the opposition in Egypt, including the party *al-'Amal* (Labour) which publishes *al-Sha'ab*. The drawings of cartoonist 'Issam al-Din Hanafi included the national symbol of Israel, the Star of David, being attached to the minister's name and a dagger labelled with the name of the minister sticking in a map of Egypt.

Amnesty International recognizes that officials in Egypt, as elsewhere, may wish to seek legal redress for written or oral statements that they consider defamatory. However, it is widely recognized that public officials should expect to be subjected to a greater degree of public criticism than other individuals, and that the degree of restriction permitted to protect an individual's reputation should be more limited in the case of a public official than a private person⁴. The organization also argues that using

⁴ In the January 2000 report to the UN Commission on Human Rights the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression in January 2000 "urges all Governments to ensure that press

criminal proceedings in libel cases implies that the defendant is responsible for an injury to society at large. Amnesty International does not consider that the alleged libel in this case constitutes any such injury to society. It believes that libel complaints such as this should be addressed in civil proceedings in which a complainant can seek redress for personal injury to their reputation. Criminal legislation should not be used in such a way as to stifle criticism of public officials.

Amnesty International regards Magdi Ahmad Hussein, Salah Badawi and 'Issam al-Din Hanafi as prisoners of conscience who have been sentenced for the non-violent expression of their opinion and urges the Egyptian authorities to take swift action to ensure their immediate and unconditional release.

“The hanging sword of Damocles”

Amnesty International is concerned about cases in which the Egyptian authorities have kept investigations open for months or even years, in an obvious attempt to muzzle the expression of views critical of the government.

For example, on 28 July 1998 police officers confiscated two publications on Saudi Arabia by **Hamda Iman**, a journalist at the Egyptian newspaper *al-Arabi*. Copies of Hamda Iman's books “The Role of the Saudi Clan Regarding the Creation of the State of Israel” and “Honour Lost in the Saudi Desert” were confiscated at his home and at the Madbuli publishing house. Hamda Iman was interrogated for several hours by the state security prosecution in the Misr al-Gadida district of Cairo on 17 and 18 October 1998 in the presence of lawyers, including representatives of the EOHR. The prosecution accused Hamda Iman of having violated Article 77 (f) of the penal code which stipulates an unspecified period of imprisonment for anyone who commits “hostile acts [...] towards a foreign state which set Egypt at risk of war or of cutting its political relations” with the concerned state. The case against Hamda Iman is still under investigation, although no indictment has been issued against him. Hamda Iman told Amnesty International delegates that about a week after the interrogation by the prosecution he was approached by a security officer who cautioned him not to publish any further criticism of the Saudi Arabian government. Amnesty International calls for the investigations against Hamda Iman to be formally closed.

Ahmad Fu'ad and **Ahmad Khamis**, two university students and members of *al-'Amal* party, were arrested in August 1999 for having written political slogans on a wall near the main railway station in Cairo. Both were released in September 1999. The slogans protested at the normalization of relations with Israel and against prison sentences for journalists of *al-Sha'ab* in a libel case brought against them by the Minister of Agriculture. In February 2000 the State Security Prosecution announced that the trial would commence on 9 March 2000 on the basis of Article 102 bis of the penal code which stipulates imprisonment for spreading propaganda that “disturbs public security or frightens people or harms public interests” . However, by August 2000 and after several postponements, the trial before the

offences are no longer punishable by terms of imprisonment, except in cases involving racist or discriminatory comments or calls to violence. In the case of offences such as “libelling”, “insulting” or “defaming” the head of State and publishing or broadcasting “false” or “alarmist” information, prison terms are both reprehensible and out of proportion to the harm suffered by the victim. In all such cases, imprisonment as punishment for the peaceful expression of an opinion constitutes a serious violation of human rights.” (E/CN.4/2000/63, para 205)

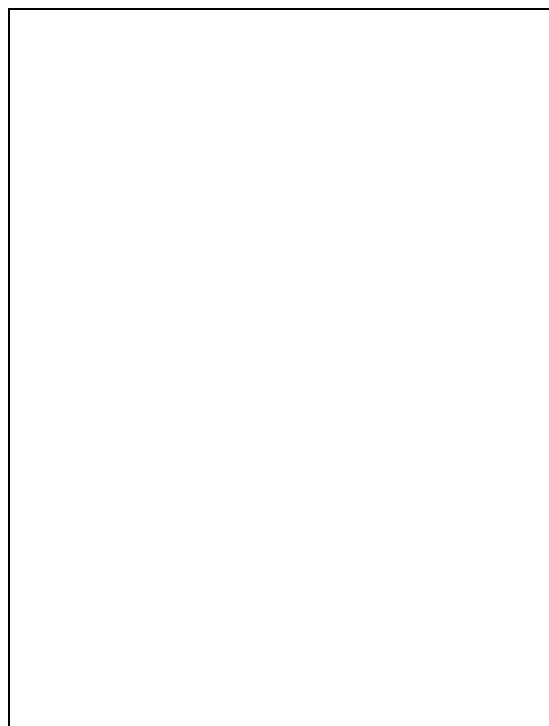
Emergency State Security Court for Misdemeanours in al-Azbekiya had not opened. Amnesty International calls for the charges against Ahmad Fu'ad and Ahmad Khamis to be dropped.

HUMAN RIGHTS DEFENDERS AND NGO ACTIVISTS

The Egyptian Organization for Human Rights

A prominent example of the authorities' practice of keeping investigations open for months and even years in an attempt to silence government critics is the case against **Hafez Abu Sa'ada**, Secretary General of the EOHR⁵. Investigations were opened in November 1998 after the EOHR had published a report on human rights violations in the predominantly Coptic Christian village of al-Kushh, Upper Egypt, in 1998 and led to Hafez Abu Sa'ada's detention between 1 December and 6 December 1998, when he was released on bail after widespread protests by human rights organizations in Egypt and abroad.

The initial charges against Hafez Abu Sa'ada and other members of the EOHR were based on *"accepting funds from a foreign country with the aim of carrying out acts that would harm Egypt, [and of] disseminating false information abroad that would harm the country's national interests"*. Hafez Abu Sa'ada was accused of accepting a cheque of about \$25,000 from the British embassy in 1998 for a project on women's rights, without giving required notification to the authorities.



Hafez Abu Sa'ada, Secretary General of the EOHR

On 13 February 2000 the General Prosecution Office announced that the case would be referred for trial before the (Emergency) Supreme State Security Court (ESSSC), under Military Decree No. 4 of 1992. However, subsequently Hafez Abu Sa'ada, who was abroad when the referral was made public, received oral assurances from the authorities that his case would not be pursued and he returned to Egypt in March 2000.

⁵ The EOHR has been operating under difficult conditions for many years. Since its establishment in 1985 the organization has not been able to obtain official registration and has continued to operate "in formation". At the end of July 2000 the Ministry of Social Affairs initially gave oral notification confirming the official registration of the organization. However, a few days later the EOHR was informed that the registration had been postponed "for security reasons".

Amnesty International believes that the charges brought against Hafez Abu Sa'ada were connected to the EOHR's reporting of human rights violations in Egypt and are contradictory to both the letter and the spirit of both the ICCPR and the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

The Centre for Trade Union and Workers' Services

In October 1999 **Fathi al-Masri**, board member of the Centre for Trade Union and Workers' Services, was arrested in the town of al-Mahalla al-Kubra. He was accused of "disturbing public order", because he had distributed leaflets criticizing medical services at a state-owned company. He was released after four weeks, but the investigations against him and another staff member remain open. Amnesty International calls for the investigations against them to be closed.

The Ibn Khaldun Centre

On 30 June 2000 human rights defender **Dr Sa'ad Eddin Ibrahim**, Director of the Ibn Khaldun Center for Development Studies⁶ and lecturer at the American University in Cairo (AUC) was arrested at his home in Cairo. During the following days several of the Ibn Khaldun Center's staff, including the finance director **Nadia 'Abd al-Nur**, and people affiliated with the institution were detained.

Defence lawyers present at Dr Sa'ad Eddin Ibrahim's first appearance before the State Security Prosecution on 1 July 2000 reported that questions focused on several accusations, including receiving foreign funding without the permission of the authorities, falsification of election documents and dissemination of false information harmful to Egypt. Accusations of receiving foreign funding without authorization are based on Military Decree No. 4 of 1992. However, the prosecution has failed to indicate clearly and for all charges under what provisions of the Egyptian law they are being prosecuted.

Dr Sa'ad Eddin Ibrahim, Nadia 'Abd al-Nur and three of their colleagues were released on bail on 10 August but the case remains open. By the end of August 2000 all people detained in the course of the investigations against the Ibn Khaldun Center had been released.

DETENTION AND TRIALS OF ALLEGED MUSLIM BROTHERS

Over the past few years hundreds of alleged Muslim Brothers have been detained for weeks or months in so-called preventive detention before being released without trial⁷. In 1999 more than 160 alleged Muslim Brothers were held, dozens of them for just under six months, the maximum period after which,

⁶ The Ibn Khaldun Center conducts research into and awareness activities on socio-political issues, including minority rights. The institution was established in 1988 as a private company and recently applied for registration under the now suspended NGO Law (Law 153 of 1999).

⁷ Preventive detention differs from administrative detention as people held under preventive detention are formally charged and held in detention during the investigation. If the investigation is closed because the charges cannot be substantiated, the detainees are released.

according to the Criminal Procedure Code, a decision has to be taken on whether to proceed to trial. There have been hundreds of new arrests of alleged Muslim Brothers which are seen to be linked to upcoming legislative elections. Of the 500 or so alleged Muslim Brothers detained since May 2000, at least 150 were still in detention at the end of August.

In the run-up to the parliamentary elections held in November and December 1995, hundreds of alleged Muslim Brothers, including several prominent members of professional associations and former members of parliament were detained. Dozens of them were tried and 61 received prison sentences of up to five years. The trials in 1995 and 1996 occurred at a time when the boards of several professional associations, including the Bar Association and the Medical, Teachers' and Engineers' Associations, were dominated by Muslim Brothers. Detentions and prison sentences prevented many alleged Muslim Brothers from participating in the parliamentary elections and those within professional associations, or from standing as candidates.

At present there are still two people held in Mazra'at Tora Prison who were sentenced in 1995 to five years' imprisonment for alleged membership of the Muslim Brothers, namely **'Abd al-Mun'im Abu al-Futuh 'Abd al-Hadi and Al-Sayid Mahmoud 'Izzat Ibrahim 'Issa.**

The trial of 20 professionals in 1999-2000

On 25 December 1999 the trial (case number 18/1999) of 20 professionals charged with affiliation to an illegal organization began before the Supreme Military Court. Sixteen of the defendants had been arrested in the afternoon of 14 October 1999 during a meeting they were holding in the office of the Union of Islamic Engineering Organizations in the Ma'adi district of Cairo. The four others had reportedly been arrested on 15 October 1999 at their homes. The 20 defendants came from different professional backgrounds. They include university professors, physicians, lawyers, engineers, pharmacists and accountants. Two of the defendants were tried on charges similar to those of which they are currently accused before the Supreme Military Court in 1995. Muhammad Sa'd 'Aliywa al-Sayid Taha was sentenced to three years' imprisonment and Sa'd Zaghlul al-'Ashmawi Muhammad Sabir al-'Ashmawi was acquitted. The 20 professionals have been held since their arrest at Mazra'at Tora Prison, near Cairo, and have been allowed to receive regular visits from their relatives and lawyers.⁸

⁸ The 20 defendants are Muhammad Badi'a 'Abd al-Magid, a university professor; Midhat Ahmad al-Haddad, an engineer; Sa'd Zaghlul al-'Ashmawi Muhammad Sabir al-'Ashmawi, a physician; Mukhtar Muhammad Mohib al-Din Nouh, a lawyer; Muhammad 'Ali Isma'il Bishr, a university professor; 'Abdullah Zein al-'Abidin Suleiman, a pharmacist; Khalid Muhammad Ahmad Badawi, a lawyer; Ahmad Ibrahim Ahmad al-Halawani, a teacher; Muhammad Hisham Mustafa Muhammad, a physician; Sayid 'Abd al-'Azim Mahmud Haikal, a physician; Ibrahim Rashidi Ibrahim Muhammad, a lawyer; Ahmad Shawqi 'Abd al-Sattar, a veterinarian; 'Ali 'Abd al-Rahim Muhammad 'Abd al-Hafez, a university professor; Ahmad 'Abd al-Rahim Muhammad, a university professor; 'Atif 'Abd al-Galil 'Ali al-Simari, an accountant; Ibrahim 'Ali al-Sayid Hussein, a pharmacist; 'Abdu Mustafa 'Abd al-Rahman 'Abd al-'Aynein al-Bardawil, a physician; Muhammad Sa'd 'Aliywa al-Sayid Taha, a surgeon; Ahmad Muhammad 'Abd al-Anwar, an engineer; and Ahmad Mahmud Hassan Muhammad, an accountant.



Four of the alleged Muslim Brothers at the Supreme Military Court, February 2000 - © Cairo Times

Charges against the defendants include affiliation to an illegal organization, “disrupting social peace”, reviving an illegal organization and recruiting supporters, and aiming to control the activities of professional associations. All except one defendant are charged with obtaining and possessing the publications of an illegal organization. While the indictment charges the defendants with affiliation to an illegal organization, it does not specify the name of that organization. However, the trial is widely referred to by the media as a case against “Muslim Brothers”.

The charges are mainly based on Article 86 bis, Article 88 bis (b), Article 88 bis (c) and Article 88 bis (d) of the penal code. Article 86 bis provides for prison terms for involvement in an illegal organization which “calls for the obstructing, by any means, of provisions of the Constitution and the Law”. The prosecution has produced video and audio tapes of the meeting in the office of the Union of Islamic Engineering Organizations in Ma‘adi as evidence, but the defence lawyers claim that the voices on the tape have not been adequately identified. A witness for the prosecution, a security officer, has claimed that the audio tapes were recorded by one of the 20 defendants. Other evidence brought by the prosecution includes more than 150 publications, none of which is known to be banned in Egypt, seized in the homes of the defendants.

There are certain parallels between the present trial of 20 professionals and the trials of alleged Muslim Brothers in 1995 and 1996 before military jurisdiction. Detentions and prison sentences prevented many alleged Muslim Brothers from participating in or standing as candidates during the parliamentary elections and board elections within professional associations. The arrest of the 20 professionals in October 1999 occurred a few days after the High Administrative Court had cleared the way for board elections in the Bar Association (which had been under sequestration since 1996). Three of the defendants are members of the Bar Association, including Mokhtar Nouh, a former member of parliament. He had previously been the treasurer of the Bar Association. The verdict in the trial was initially scheduled for late July 2000 after the board elections were due to have taken place. However, the board elections were postponed, as was subsequently the date for the verdict of the trial.

In both cases, those detained included former members of parliament and members of boards of professional associations, the charges brought are similar and the defendants were arrested prior to elections. Some of the defendants arrested in 1995 were expected to stand for the parliamentary elections. Some of those arrested in 1999, such as Mokhtar Nouh and Khaled Badawi, were expected to run for the Bar Association elections. The fact that the cases in 1995 and 1996 and the present case were all referred to military courts by special presidential decrees further emphasizes the political nature of these trials.

Trial observation by Amnesty International

Amnesty International delegates observed the trial of the 20 professionals at the Supreme Military Court on 7 and 12 March 2000. The delegates were able to attend two hearings in which witnesses for the defence were heard.

On 7 March 2000 one of the defence lawyers questioned a witness about the activities of two defendants, 'Abdallah Zein al-'Abidin al-Suleiman and Ibrahim 'Ali al-Sayid Hassan, within the Egyptian Pharmacists' Association. When the defence asked whether the defendants had been connected with any activities related to violence the president of the court intervened, stating that in the indictment none of the defendants was charged with violence.

The 20 defendants were tried on charges which are in conflict with the defendants' rights to freedom of expression and association as guaranteed under international human rights treaties to which Egypt is a state party, such as Article 19 (2) of the ICCPR. The Human Rights Committee, the ICCPR monitoring body, in its General Comment 10, emphasized that "restrictions on the exercise of freedom of expression ... may not put in jeopardy the right itself" and must be justified as being "necessary". Article 22 (1) of the ICCPR states: "Everyone shall have the right to freedom of association with others [...]". The African Charter also places an obligation on the Egyptian authorities to respect the rights to freedom of expression and association.

Amnesty International has raised its concerns about trials of civilians before military courts with the Egyptian authorities for several years. Since October 1992 hundreds of civilians have been referred to military jurisdiction on the basis of special presidential decrees. In several cases defence lawyers have withdrawn from cases at military courts in protest at the trial proceedings. In these situations the president of the military court has appointed former military judges to be defence lawyers, against the wishes of the defendants.

Trials before these courts violate some of the most fundamental requirements of international law: the right to be tried before a competent, independent and impartial court established by law, and the right to appeal to a higher court. Egypt's civilian judges are appointed for life by a high judicial council. Military judges, on the other hand, are serving military officers appointed by the Minister of Defence for a two-year term, which can be renewed for additional two-year terms at the discretion of the Minister of Defence. This does not provide sufficient guarantees of independence. The strong link between the military courts and the executive branch of government also casts doubts on their impartiality.

In July 1993 the UN Human Rights Committee reviewed Egypt's record of implementing the ICCPR and expressed deep concern about military courts trying civilians, concluding that "military courts should not have the faculty to try cases which do not refer to offences committed by members of the armed forces in the course of their duties".⁹

Amnesty International considers that these 20 defendants have been detained and tried solely on grounds of membership or support of the Muslim Brothers and are consequently prisoners of conscience. They should be released immediately and unconditionally.

PRISON SENTENCES FOR "OFFENDING RELIGION"

Writers sentenced for "offending religion"

- **Salah al-Din Muhsin**

43-year-old writer **Salah al-Din Muhsin** spent five months in pre-trial detention until his conviction in July 2000 when he received a suspended sentence of six months' imprisonment in relation to several of his publications.

Salah al-Din Muhsin was arrested at his home in Cairo on 10 March 2000 and copies of books he had written were confiscated. The State Security Prosecution repeatedly extended the detention order and charged Salah al-Din Muhsin under Article 98 (f) of the penal code. The indictment of 6 May 2000 refers to the following publications: *Musamarat al-Sama'* (Lecture of the heaven), *Mudhakkirat Muslim* (Memoirs of a Muslim) and *Irti'ashat Tanwiriya* (Shivers of Enlightenment). According to Amnesty International's information, Salah al-Din Muhsin's publications reflect his views on society, including religious issues, which might be considered controversial but do not advocate violence or incitement to hatred. The trial of Salah Al-Din Muhsin was opened at the State Security Court for Misdemeanours in Giza on 17 June 2000. On 8 July he received a suspended sentence of six months' imprisonment and was subsequently released.

Amnesty International considers the detention and sentence of Salah al-Din Muhsin to be in violation of Egypt's international obligations, in particular Article 19 of the ICCPR and Article 9 of the African Charter. Amnesty International believes that the imprisonment of Salah al-Din Muhsin cannot be justified as being necessary for "the protection of national security or of public order (ordre public), or

⁹ Comments of the Human Rights Committee, 48th session, - CCPR/C/79/Add.23, pg. 3, para.9.

of public health or morals". Amnesty International considers Salah al-Din Muhsin to have been a prisoner of conscience.

- **'Ala Hamed**

'Ala Hamed was sentenced to eight years' imprisonment in December 1991 on the grounds that his book entitled *Massafa fi 'Aql Rajul* (Distance in a Man's Mind) was a threat to national security and social peace. The book's publisher, **Muhammad Madbuli** and its printer, **Fathi Fadl**, received similar sentences. However, the sentences which remain valid for 10 years have not been implemented so far, because the required ratification of the sentence by the Prime Minister has not been forthcoming.

In November 1992 the Cairo Court of Misdemeanours sentenced **'Ala Hamed** to one year's imprisonment for another of his publications *al-Firash* (The Bed). **'Ala Hamed** was charged on the grounds that his book contained "disrespect for religious men (clerics)" and advocates "immorality, sexual freedom and disregard of the legitimacy of marriage" in violation of Article 178 of the penal code which provides up to two years' imprisonment for violations of "public morality". The sentence was upheld by an appeal court in May 1997. Subsequently, **'Ala Hamed** was imprisoned for more than two months, until the Court of Cassation suspended the sentence in August 1997. The Court of Cassation has yet to decide whether or not there were procedural irregularities in the trial.

Religious groups

Since 1998, members of two religious groups have been arrested and tried under Article 98 (f). In both cases, Amnesty International is concerned that the detention and trial of the members of these two religious groups under charges based on Article 98 (f) are in violation of Egypt's international obligations, in particular the right to freedom of thought, conscience and religion in Article 18¹⁰ and the rights to freedom of expression in Article 19 guaranteed in the ICCPR. Amnesty International considers them to be prisoners of conscience and calls for their immediate and unconditional release.

Amnesty International is further concerned that the defendants have been tried before an Emergency State Security Court for Misdemeanours, an exceptional court which denies defendants the right to appeal against its verdict and sentences in violation of Egypt's international obligations under Article 14 (5) of the ICCPR.

- **Muhammad Ibrahim Mahfouz and his followers**

¹⁰ The Human Rights Committee, in its General Comment with regard to Article 18, noted that "*The terms 'belief' and 'religion' are to be broadly construed. Article 18 is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions. The Committee therefore views with concern any tendency to discriminate against any religion or belief for any reason, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility on the part of a predominant religious community. [...] The Committee observes that the freedom to 'have or to adopt' a religion or belief necessarily entails the freedom to choose a religion or belief, including the right to replace one's current religion or belief with another or to adopt atheistic views, as well as the right to retain one's religion or belief.*" The right to freedom of conscience and religion is also guaranteed under Article 8 of the African Charter.

Fourteen alleged members of a religious group were arrested in Alexandria in 1998. Their group allegedly held regular private religious gatherings which advocated modifying basic Islamic rules, including rules for prayer times and destination of pilgrimage. These 14 people were charged under Article 98 (f). On 26 July 1999 an Emergency State Security Court for Misdemeanours in al-'Atarein (case 193/1999) sentenced the alleged leader of the group, **Muhammad Ibrahim Mahfouz**, to the maximum penalty under Article 98 (f) of five years' imprisonment and 13 of his followers to prison terms ranging from one to three years. Six of the defendants have served their prison sentence of one year. The following seven people are at present serving prison sentences of three years: **Muhammad Ibrahim Muhammad 'Ali Hassan, Anwar Muhammad Mustafa 'Ali, Sa'd al-Sayid Sa'id Salim, 'Abdu Gaber 'Ali Hassan, Al-Sayid Muhammad 'Abdallah Salim, Muhammad Ahmad 'Abd al-'Aziz Ghanim and Muhammad Zaki Hussein Sabri.**

Amnesty International has noted media reports that in addition to the above mentioned 14 people, **Ibrahim al-Sayid Ibrahim**, who was 17 years old when the group was detained in 1998, was sentenced before a juvenile court to three years' imprisonment.¹¹ Amnesty International has not been able to confirm this report. If Ibrahim al-Sayid Ibrahim was sentenced under the same legal provisions as the other 14 people, Amnesty International would consider him to be a prisoner of conscience and call for his immediate and unconditional release.

- **Manal Wahid Mana'i and others**

Manal Wahid Mana'i,

the alleged leader of a religious group, and 14 of her followers were arrested in December 1999 in al-Sayida Zainab district of Cairo and charged under Article 98 (f). The group is accused of attributing divine status to the late Sufi¹² Sheikh 'Umar Hassanein. The trial against Manal Wahid Mana'i, **Hisham 'Abd Abu Farikha, 'Abd al-Hamid Muhammad Kamil, Muhammad Sharif al-Damardash, Manar 'Ali Hassan 'Allam (f), Muhammad Ahmad Gallal Tumum, Sharif Qassim 'Amara, al-Sayid 'Ali Mahmud al-Dib, Gamal Muhammad 'Abd al-'Al, 'Abd al-Rahman Muhammad 'Abd al-'Al, Muhammad Mahmud Hamuda, Hamid 'Abd al-Basit Muhammad Mahmud, Ahmad Sayid Abu Talib, Mirhan 'Issam al-Din 'Issa (f), Mana al-Sayid Ibrahim** opened



Manal Wahid Mana'i (center) - © Cairo Times

¹¹ Agence France Presse, 1 August 1999.

¹² Sufism implies a mystical approach to Islam.

on 7 June 2000 before the Emergency State Security Court for Misdemeanours in al-Sayida Zainab. All 15 defendants remained in detention during the course of the trial.

Coptic Christian sentenced for insulting Islam

On 16 July 2000 the Sohag Criminal Court sentenced Sourial Gayed Ishaq, a 37-year-old Coptic Christian of the village of al-Kushh in Upper Egypt, to three years' imprisonment for "publicly insulting Islam" (case number 3669/2000). He was charged under Article 160 and 161 of the penal code for cursing Islam and the Muslim practice of fasting during the month of Ramadan. Amnesty International considers Sourial Gayed Ishaq to be a prisoner of conscience and calls for his immediate and unconditional release.

Sourial Gayed Ishaq was accused of having insulted Islam on 31 December 1999 when violent clashes broke out between the Muslim and Christian communities of al-Kushh. Following that incident on 2 January 2000, at least 20 Christians and one Muslim were killed in an outbreak of sectarian violence in al-Kushh. On 4 and 5 June 2000 trials were opened before Dar al-Salam Criminal Court and Sohag Criminal Court respectively against 135 defendants in connection with the killings.

THOUSANDS OF ADMINISTRATIVE DETAINEES

Thousands of political detainees, including possible prisoners of conscience, remain in administrative detention¹³ under Article 3 of the Emergency Law, despite having been issued release orders by Egyptian courts. Most of them are suspected of membership of or sympathy with armed Islamist groups.

There are no official accounts available of the number of administrative detainees. However, the total number of administrative detainees has dropped steadily over the past years. Since the end of 1997 several thousand political prisoners, the majority of them being administrative detainees, have been released and there have been significantly fewer cases of new administrative detentions. Despite these major releases several thousand administrative detainees remain held, many for years and in some cases for over a decade.

One case amongst thousands: Dr Mahmoud Mubarak Ahmad

Amnesty International has received information on many individual cases of administrative detainees. The following case stands for the fate of many others.

Dr Mahmoud Mubarak Ahmad, a suspected Islamist sympathizer and a medical doctor working in a hospital in Kitkata, a village in Sohag in the south of Egypt, was arrested on 24 January 1995 by officers of the State Security Intelligence (SSI). No one was informed of his arrest or his whereabouts

¹³ Administrative detention is ordered by the executive branch of a government without a judicial warrant, without the filing of any criminal charges, and without the intention of bringing the detainee to trial. For details about procedure of administrative detention under the Emergency Law, please refer to "Egypt: indefinite detention and systematic torture, the forgotten victims", (AI Index: MDE 12/13/96).

until 14 July 1995 when, after a long search, his family learned that he was detained in Istiqbal Tora Prison. The family also learned that Dr Mahmoud Mubarak Ahmad had been arrested while driving from Kitkata to Sohag and that he had been held in the SSI branch in Sohag first, then in Sohag Prison, before he was transferred to Istiqbal Tora Prison. He was reportedly accused of membership of a secret organization but at the end of 1995 a court ordered his release. Instead of being released he was issued with a new detention order and was transferred to al-Wadi al-Gadid Prison. In 1999 the UN Working Group on Arbitrary Detention (WGAD) decided the administrative detention of Dr Mahmoud Mubarak Ahmad to be arbitrary and in conflict with Egypt's international obligations [WGAD Decision No. 15/1999]. In early 2000, the Egyptian government replied to WGAD and confirmed the detention of Dr Mahmoud Mubarak Ahmad under article 3 of the emergency legislation [WGAD Report E/CN.4/2000/4.29].

Amnesty International has, on many occasions, reminded the Egyptian Government of its obligations under international treaties and drawn its attention to the requirement that detainees be brought before a judicial authority without delay and charged, or released, as stipulated by Article 9(4) of the ICCPR and by Principle 11.1 of the United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Body of Principles). Article 7 of the African Charter places similar obligations on the Egyptian authorities.

ABUSES AND DEATH THREATS BY ARMED GROUPS

Influential leaders of armed Islamist groups in Egypt have on several occasions reiterated a commitment to the halting of violence which appears to have been largely observed since the end of 1997. However, leaders of armed groups have not yet publicly revoked death threats which they had issued against individuals.

In June 1992 the Egyptian writer **Farag Foda** was killed following death threats by armed Islamist groups against him as an alleged "apostate". A statement issued by *al-Gama'a al-Islamiya* (Islamic Group) in bulletin no 7, dated June 1992, claimed responsibility for the killing, accusing Farag Foda of being an apostate, of advocating the separation of religion from the state, and favouring the existing legal system in Egypt rather than the application of *Shari'a* (Islamic law). Farag Foda, a professor of agriculture and a columnist, was known for his writings on political Islam and freedom of expression. He was shot dead outside his office in Cairo by two masked armed men on a motorcycle. He died for his beliefs.

On 14 October 1994 **Naguib Mahfouz**, Egypt's best known writer and the 1988 Nobel prize winner for literature, who had also received death threats, was stabbed in the neck with a knife while leaving his house in Cairo and preparing to get into a car. He spent seven weeks in hospital. *Al-Gama'a al-Islamiya* claimed responsibility for his attempted assassination. On 10 January 1995 a military court sentenced two people to death for their part in the attempted murder of Naguib Mahfouz.

In a statement issued outside Egypt on 21 June 1995, *al-Gihad* (Holy Struggle) claimed that **Dr Nasr Hamed Abu Zeid**, a university professor, was an apostate and threatened him with death. On 14 June 1995 a Cairo court of appeal ruled that Dr Nasr Abu Zeid had insulted the Islamic faith through his writings and that he and his wife should separate because, as a Muslim, she should not remain married

to an “apostate”. In August 1996 the Court of Cassation in Cairo upheld the June 1995 ruling. A month later, in September 1996, the Giza Court of Emergency Matters ordered “a suspension of the execution” of the ruling made by the Court of Appeal in June 1995. An Islamist lawyer appealed against the new ruling but in December 1996 another court upheld the September 1996 ruling. After the death threat by *al-Gihad* was issued and published in national newspapers and international news agency reports Dr Nasr Hamed Abu Zeid and his wife, Dr Ibtihal Younis, left Egypt to live abroad. Dr Nasr Hamed Abu Zeid and his wife continue to challenge their forced divorce before a judicial appeals body in Egypt.

Other well-known figures said to have been threatened by the two armed Islamist groups included feminist writer Dr Nawal al-Sa‘dawi and the actor and comedian ‘Adel Imam.

Amnesty International calls on the armed groups to publicly revoke all death threats, without further delay.

RECOMMENDATIONS TO THE EGYPTIAN GOVERNMENT

Amnesty International is concerned that in violation of Egypt’s obligations under international law people continue to be imprisoned in connection with acts which amount to no more than the exercise of the right to freedom of thought, conscience and religion and of the rights to freedom of expression and association. The non-violent exercise of these rights is guaranteed under international human rights treaties to which Egypt is a state party. Since 1995 more than 100 prisoners of conscience, all of them civilians, have been tried before military courts, which fall short of international standards for fair trial. Thousands of political prisoners, including possible prisoners of conscience, remain in detention for years without charge or trial.

Amnesty International calls on the Egyptian authorities:

- to release immediately and unconditionally all prisoners of conscience;
- to review or abolish articles of the penal code and other legislation that, in violation of international standards, stipulate prison sentences for the mere exercise of the right to freedom of thought, conscience and religion and of the rights to freedom of expression and association;
- to ensure that legal provisions regulating NGOs will contribute to improve the framework for human rights work in conformity with international standards and not impose or maintain restrictive conditions;
- to end the referral of civilians to military courts;
- to review and revise Emergency Law provisions relating to court review of the legality of detention in order to ensure that anyone detained by order of the Minister of the Interior appears in a court promptly after arrest, during the first hours or days of detention. The power of this court to order the release of individuals who are unlawfully detained should not be liable to be overturned by any executive official;

- to immediately release all those who are at present in detention under the Emergency Law for whom release orders have been issued, and to end the use of administrative detention which results in arbitrary detention in contradiction with Egypt's international obligations.