
EGYPT

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2011

In 2010-2011, activists, lawyers, journalists and bloggers who documented or denounced electoral irregularities, the suppression of protests, the malfunction of justice or law enforcement abuses, were victims of acts of violence, arbitrary detention and judicial harassment. Restrictions on freedoms of association, expression and peaceful assembly also continued to severely hamper the work of human rights defenders.

Political context

After three decades in power, Egyptian President Hosni Mubarak was forced to step down on February 11, 2011, yielding to an unprecedented wave of protests that began on January 25, 2011, during which thousands of demonstrators denounced poverty and corruption, and demanded democratic reforms and the President's departure. The demonstrations occurred despite the state of emergency in force¹ and a reiterated ban on protests by the authorities. Beyond the violent suppression of the demonstrations by the security forces, with 840 people officially reported killed and thousands wounded², the authorities also blocked access to telephone and Internet networks, preventing communications, notably via social networks such as *Twitter* and *Facebook*³. Many journalists were also beaten during the demonstrations.

On February 15, 2011, following Mr. Hosni Mubarak's departure, the Supreme Council of the Armed Forces ensuring the transition appointed a commission of lawyers to draft amendments to the Constitution, which were submitted to a referendum held on March 19, 2011. Approved by 77% of the votes, the amendments focused primarily on allowing independent candidates and the opposition to participate in elections, the introduction of judicial supervision of elections, and term limits for future Presidents of the Republic⁴.

1/ The state of emergency was extended for two years in May 2010. It was lifted by the Egyptian army on February 11, 2011.

2/ See website of the Ministry of Health, www.mohp.gov.eg.

3/ Social networks have been used to launch calls to demonstrate and to disseminate videos of the demonstrations. See Egyptian Organisation for Human Rights (EOHR) Press Release, January 26, 2011.

4/ Their approval has also paved the way for the organisation of parliamentary and presidential elections before 2012, which may promote the victory of parties already in place, including the Muslim Brotherhood, to the detriment of political parties born of a popular uprising.

The prospect of parliamentary elections in November 2010 also gave rise to various measures to weaken the opposition, in particular the muzzling of the press and media but also new restrictions imposed on October 11, 2010 by the national communications regulatory authorities on telephone and mobile phone companies, in order to control the messages sent by opposition groups and to limit any activity hostile to the Government⁵.

Before, during and following the “revolution” in Egypt, several serious human rights violations continued to be observed, despite the lifting of the state of emergency. Many challenges must still be met by the Egyptian authorities, notably with regards to removing the many restrictions on fundamental freedoms and putting an end to practices that are clearly contrary to human rights. Thus, arbitrary arrests and detention were still routinely practiced by the security forces, as well as acts of abuse and torture⁶. In violation of the basic guarantees of their right to a fair trial, civilians also continued to be tried and sentenced to prison by military tribunals for expressing their opposition to the Government on the Internet or through peaceful protests⁷.

Moreover, while the Egyptian authorities pledged on February 17, 2010 to amend their definition of torture to comply with international standards during a review of Egypt in the framework of the United Nations Human Rights Council’s Universal Periodic Review (UPR) mechanism, a number of recommendations relating to the protection of human rights were not adhered to by Egypt. These notably included recommendations urging Egypt to bring its legislation into line with its declared international commitments related to human rights, and to adopt legislation to better guarantee freedom of association for Egyptian NGOs to enable them to accept foreign funding without prior Government consent⁸.

Ongoing obstacles to the freedom of peaceful assembly

While the law limits to five the number of people who can attend a public meeting and authorises the police to ban or disperse demonstra-

5/ See EOHR Press Release, October 13, 2010.

6/ For example, a number of detainees died after being submitted to acts of torture during their interrogation by intelligence service agents. See EOHR. In addition, demonstrators asserted that the army subjected them to virginity tests. See Cairo Institute for Human Rights Studies (CIHRS).

7/ These tribunals are composed of military personnel and their decisions cannot be appealed before a higher independent tribunal.

8/ See United Nations Human Rights Council Report, *Report of the working group on the universal periodic review - Egypt*, United Nations Document A/HRC/14/17, March 26, 2010.

tions⁹, several peaceful rallies were again brutally dispersed by the police. For instance, on January 15, 2010, 33 human rights defenders were arrested upon arrival in Qena Governorate (south) where they had gone to support the families of victims of shootings in which seven Copts were killed during the Coptic Christmas, and to denounce the mass arrests and arbitrary detention by the authorities of persons suspected of having carried out the shootings. No arrest warrant was presented to these people, who were detained in the Qena security sector, unable to communicate with their lawyers. During their detention, they were accused of “violating the Constitution” and “constitution of a group of more than five people calling for demonstrations”. Mr. **Israa Abdel Fatah** and Mr. **Ahmed Badawy** also reported having suffered acts of violence by the police. On January 16, 2010, these human rights defenders were released without charge. Moreover, on April 6, 2010, members of the security services violently dispersed a demonstration in Cairo called by the “Chabab April 6” Movement¹⁰ to demand an end to emergency rule and the amendment of the electoral law. The demonstrators were surrounded by security forces who kicked and punched them, then beat them with truncheons. More than one hundred demonstrators were arrested and several among them, including women, were beaten by members of security services in civilian clothes. The protesters were released without charge few days after their arrest¹¹.

However, the year 2010 was also marked by the release on July 13 and 18 respectively of Mr. **Mus’ad abu-Fajr** (real name **Mus’ad Suleiman Hassan Hussein**) and Mr. **Yehia Abu-Nusseir**, members of the *Wedna N’ish* (“We want to live”) movement for the Sinai Bedouins, who were detained under emergency laws, despite several court rulings ordering their release. They were accused of “incitation to demonstrate” and “rebellion against the authorities”, following demonstrations against the demolition of thousands of homes in the Sinai Peninsula¹².

The wave of demonstrations that began on January 25, 2011 was also violently repressed by the police, which used tear gas and rubber bullets to disperse the rallies and which fired live bullets at demonstrators. About 2,000 people were arrested by the police and taken to police stations and

9/ Public gatherings are governed by Law No. 10 of 1914 on Gatherings, Act No. 14 of 1923 on Meetings and Public Events as well as Law No. 162 of 1958 on the State of Emergency.

10/ The “Chabab April 6” Movement was born in April 2008 when thousands of textile workers mobilised in protests against their working conditions and the cost of living in Mahalla, in the Delta region.

11/ See Egyptian Initiative for Personal Rights (EIPR) Press Release, April 8, 2010.

12/ They were arrested on December 26, 2007 and detained since then in Borj el-Arab prison near Alexandria.

detention centres, where they suffered torture and ill-treatment. Almost all those held were released within days of their arrest. Moreover, human rights defenders who supported the protests were victims of reprisal action by the authorities. On February 3, 2011, thirty members of the Hisham Mubarak Law Centre (HMLC), the Egyptian Centre for Economic and Social Rights (ECESR), the Front to Defend Egypt Protestors, a committee established to provide legal, humanitarian and moral support to protesters, Human Rights Watch and Amnesty International, were arrested by the military police and detained for more than 24 hours in an undisclosed location, where police officers – sometimes making use of ill-treatments – ordered them to stop supporting the demonstrators. Among those arrested were the lawyers Messrs. **Ahmed Seif al-Islam Hamad**, **Mohsen Besheer** and **Mostafa al-Hassan**, as well as Ms. **Mona al-Masry**, Mr. **Daniel Williams**, Ms. **Fatma Abed**, Mr. **Saeed Hadadi**, Mr. **Khaled Ali**, Mr. **Mohamed al-Taher**, Ms. **Shahenda Abushadi**, Ms. **Nadine Abushadi** and Ms. **Nada Sadek**. Mr. **Amr Saleh**, a researcher of the Cairo Institute for Human Rights Studies (CIHRS), was also arrested by unidentified agents. Moreover, the HMLC and ECESR premises were searched by the military police who confiscated their equipment and the mobile phones of their members. All those arrested were released without charge between February 4 and 6, 2011.

The success of the “revolution” of January 2011 did not remove the obstacles to freedom of peaceful assembly. Indeed, a new law that came into force on April 12, 2011 makes peaceful demonstrations and strikes illegal. Law No. 34 of 2011 provides a prison sentence and a fine up to 50,000 Egyptian pounds (about 5,700 euros) for any person who participates or encourages others to take part in a sit-in or in any other activity that prevents, delays or disturbs the work of institutions and public authorities”. Formulated in vague terms, the provisions of this law risk to be used against trade-unionists or demonstrators exercising their right to strike or peaceful assembly¹³.

Intimidation and judicial harassment of human rights defenders who exercised their right to freedom of expression

In 2010-2011, several libel suits were brought against human rights activists who peacefully exercised their right to freedom of expression. In 2010 for instance, the Court of Khalifa in Cairo continued to examine the cases of Mr. **Gamal Eid**, Director of the Arab Network for Human Rights Information (ANHRI), Mr. **Ahmed Seif al-Islam Hamad**, Founder

of HLMC, and Mr. **Amr Gharbeia**, a blogger and member of Amnesty International, charged with “defamation”, “use of threats” and “abusive use of communication tools”. Mr. Gamal Eid and Mr. Ahmed Seif al-Islam Hamad were prosecuted by a judge following a joint statement by ANHRI and HLMC on February 11, 2007, accusing the judge of plagiarism. Mr. Amr Gharbeia was prosecuted for allegedly making defamatory statements against the same judge on his blog. At the hearing on September 18, 2010, the two civil parties agreed to a conciliatory procedure, which put an end to the criminal proceedings against the three defendants. In another instance, on March 19, 2011, Ms. **Ragia Omran**, a lawyer, was arrested with her sister and an American journalist at the Court of First Instance in Bab al-Khaliq in the south of Cairo while she was monitoring the conduct of the referendum on constitutional amendments. The two sisters were taken to the Cairo security headquarters where they were questioned about their involvement in the revolutionary movement and their relationship with the United States. Their identity cards and personal belongings were confiscated and information contained in their phones and agendas, was examined. They were charged with monitoring the referendum without authorisation, despite the fact that Ms. Ragia Omran had received official permission from the High Judicial Committee responsible for overseeing the vote. Ms. Omran was also charged with “insulting an army officer”. The American journalist was briefly questioned and then released in the evening, while Ms. Ragia Omran and her sister were not released until the next day. In late April 2011, Ms. Ragia Omran was still charged with “insulting a military officer”.

In 2010, several journalists who denounced violations of human rights were also victims of arrests and judicial harassment. Mr. **Ahmed Mostafa**, a blogger, was arrested on February 17, 2010 by intelligence service agents and prosecuted before the Cairo Military Tribunal for allegedly having “put military secrets online”, “published false information about the army” and “insulted the recruiters at a military academy”, offences punishable by a sentence of nine and a half years of imprisonment. These charges were made following an article published on February 15, 2009 on his blog on which he denounced nepotism within the armed forces. He was acquitted and released on March 7, 2010 after agreeing to withdraw the article from his blog¹⁴. In another case, Mr. **Youssef Shaaban**, a correspondent of the online daily *al-Badil*, was arrested on November 20, 2010 in Alexandria while he was covering a demonstration by residents of Abu Sulaiman district, protesting against their expulsion. He was arrested while he was

14 / See ANHRI Press Release, March 7, 2010.

taking pictures of a police officer beating demonstrators. He was released without charge on November 29, 2010 by order of the Attorney General¹⁵.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Name	Violations / Follow-up	Reference	Date of Issuance
Messrs. Wael Abbas, Mostapha al-Nagar, Sameer Awad Bassem, Fathy Mohammed Bassem, Sharif Abdel, Aziz Mahmoud, Mahmoud Mohammed Khalid, Nasser Abdel Hamid, Roaa Ibrahim, Ahmed Badawy Abdel Meguid, Ahmed Abu Zekry, Talaat al-Sawy, Ahmed Mahmoud Mustafa, Ismail Sayyid Omar, Ahmed Fathy Mohamed, Hossam Saber Ali, Hanan Ismail, Hamada Abdel Fatah, Gamal Fareed, Mohamed Khalaf Mohamed, Al-Hosseiny Sayed Ahmed, Mohamed Hamdy Hassan, Mohamed Abdallah Mohamed, Heshmat Abdallah Mohamed, Ismail Eleskandarani and Tareq Sabry Abdallah, Ms. Nadia al-Zeiny Barouni, Ms. Amira al-Tahawi, Ms. Baula Abdo Ameen, Ms. Mona Fouad Ahmed, Ms. Israa Abdel Fatah, Ms. Marianne Nagy Hanna, Ms. Shahinaz Abdelsalam and Salma Akal	Incommunicado detention / Release / Ill-treatment	Urgent Appeal EGY 001/0110/OBS 009	January 20, 2010
Human rights NGOs	Obstacles to freedom of association	Urgent Appeal EGY 001/0111/OBS 009	January 27, 2011
Messrs. Ahmed Seif el-Islam, Mohamed el-Taher and Khaled Ali, Ms. Mona el-Masry and Ms. Nada Sadek	Incommunicado detention	Joint Press Release	February 3, 2011
Messrs. Ahmed Seif el-Islam, Mohsen Besheer, Mostafa el Hassan, Daniel Williams, Saeed Hadadi, Khaled Ali, Mohamed el-Taher and Amr Sallah, Ms. Shahenda Abushadi, Ms. Nadine Abushadi, Ms. Nada Sadek, Ms. Mona el-Masry and Ms. Fatma Abed	Ongoing detention	Press Release	February 4, 2011
	Release	Press Release	February 7, 2011
Ms. Ragia Omran	Arrest / Release	Press Release	March 28, 2011