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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]

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

The international community must act as Egypt faces human rights crisis

The Cairo Institute for Human Rights Studies brings to the attention of the Council the dramatically worsening human rights situation in Egypt and calls on the international community to take action to ensure that the current Egyptian government takes sufficient steps to end human rights violations. Until now, the Freedom and Justice Party - currently in power - has not demonstrated the necessary political will to ensure accountability for current and past violations. Moreover, state officials and members of the ruling party have regularly incited violence against protesters and opposition leaders, increasing political tensions and decreasing chances for an inclusive political dialogue. The lack of independent and transparent inquiries into continuing patterns of violations and the use of inflammatory political rhetoric have led to deepened distrust of government officials and a destabilization of the state institutions, which threaten to lead the country into a state of chaos as the absence of accountability leaves victims of both past and on-going crimes believing that they must defend themselves and seek their own justice.

Moreover, since the election of President Mohamed Morsi in June 2012, the Presidency and its appointed government have committed grave human rights violations and cultivated an environment of legal impunity. These violations have included extrajudicial killings, sexual assaults, torture, arbitrary arrests, and the resumption of military trials of civilians. The violations have targeted media professionals, democracy activists, protesters, and human rights defenders. In addition, the current Egyptian government, parliament, and Constituent Assembly have directly contributed to the establishment of a legal framework aversive to the fundamental principles of human rights, beginning with the constitution and ending with an arsenal of repressive draft laws on freedom of association and assembly which substantially deviate from international standards guiding such freedoms.

Attacks against protesters, including extrajudicial killings

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

Torture and enforced disappearances

1. In the absence of real and meaningful police reform, torture continues to be carried out in detention facilities and in public places, leading in a number of cases to the death of detainees. The police continue to use torture as a method of interrogation in their criminal investigations. The police have also used torture against activists in an attempt to intimidate them and at times as punishment for their political activities. For instance, on 1 February 2012, protester Hamada Saber was stripped naked, and beaten up, and dragged by the police before being let go. On 27 January 2013, activist Mohamed el Guindy was arrested by the police; he died on 4 February from injuries which indicated that he had been

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

tortured while in detention. In this regard several renowned youth activists have been either arrested, beaten or killed throughout the past 9 months.

2. Torture cases were also reported in the context of the clashes at the Ittihadiyya Presidential Palace. Victims testified to having been tortured with severe beatings by supporters of the ruling party to extract confessions on the night of 5-6 December and that the police in the area were aware of the torture taking place but did nothing to intervene.

Military trials of civilians

1. Until now, the government and the Presidency have shown no real commitment to ending military trials. The arrest and trial of civilians in exceptional military courts - which lack proper guarantees of due process - persist. For example, on 18 November 2012, at least 25 civilians were arbitrarily arrested by the military and sent to military trials within the context of a land dispute between the military and the inhabitants of the island of Qursaya.

2. Worryingly, the new constitution, passed in December 2012, includes a provision which explicitly allows for military trials for civilians under Article 198. Additionally, a newly adopted law granted military officers the right to arrest civilians, who would be at even greater risk of being subjected to military trial.

Violations targeting the media and freedom of expression

1. Restrictions on the media include interference in the editorial policies of newspapers, state control over certain media sectors, and the censoring of some programs and presenters. Confiscations of newspapers have also been reported. Tens of cases have been filed against journalists, including cases brought by the Presidency. Journalists, media personnel, and cartoonists have received death threats for publishing content deemed critical of the Presidency or the ruling Muslim Brotherhood. In January, a Reuters journalist was referred to military trial while investigating a story,² another journalist was killed in December while covering clashes around the Ittihadiyya Presidential Palace.

2. In the last year, several defamation of religion cases were filed against bloggers, teachers, and artists, in clear violation of principles of freedom of expression. In most of these cases, Egyptian courts have found the defendants guilty for contempt of religion.

New legal restrictions on Human Rights

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

Instead of remedying these violations, the ruling party has been pushing forward an arsenal of repressive draft laws that aims to limit the scope of the freedoms of expression, association, and assembly. The current bill on association seeks to restrict the work of NGOs to the fields of development and welfare, considers the associations' private assets to

² See Joint Statement, In swift Application of New Constitution: Reuters Photojournalist Prosecuted before Military Tribunal, <http://www.cihrs.org/?p=5799&lang=en>.

be public funds, declares all NGO employees to be "civil servants", limits the activities of civil society, and imposes draconian restrictions on foreign funding.³

Equally repressive is the bill on demonstrations in public places, which prohibits any "disturbance of security or public order, prohibiting the hindrance to citizens' interests, blocking roads and other means of transport, obstructing traffic, attacking personal property, or hindering the freedom to work." Because these conditions are broad and vague, they could effectively render any demonstration illegal. The bill would also punish any demonstrator who blocks a road or sets up a barricade to disrupt the flow of traffic with a prison sentence of no less than three months as well as a fine.⁴

Recommendations to the Egyptian Government

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

Recommendations to Human Rights Council member states

Address the worsening human rights situation in Egypt at the upcoming 22nd Session of the UN Human Rights Council including by making statements which urge the Egyptian government to:

- Take serious steps towards reforming the Egyptian security establishment;
- Ensure that adequate mechanisms for accountability are put in place in order to end the legacy of impunity for perpetrators of torture, arbitrary detention, and extrajudicial killings;

³ See CIHRS, Strangling Civil Society with Repressive Laws: Morsi's Bill to Nationalize Civic Activity Must be Retracted <http://www.cihrs.org/?p=5875&lang=en>.

⁴ See Ragab Taha, New Draft Law Aims to Criminalize Peaceful Demonstrations, <http://www.cihrs.org/?p=5861&lang=en>.

- Withdraw its recently proposed bill to regulate associations, which would severely restrict the work of civil society and therefore puts the work of human rights defenders under threat;
 - Withdraw its bill to regulate assemblies, which would severely undermine the right of Egyptians to peaceful protest.
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