

Cairo, 25 November 2011

## **Crisis of Human Rights in Egypt**

### ***The Bitter Results of Ten Months in the Grip of the Military***

#### **A Joint Statement by 12 Rights Organizations**

On the 19<sup>th</sup> of November, 2011, Egyptians took to the streets and squares of Egypt once more in peaceful protest, demanding a true civil, democratic state consistent with their dreams of last January. These peaceful, unarmed protestors were met with excessive force by police and soldiers of the armed forces, leading to the deaths of dozens of Egyptians and the injury of more than 3000 others.

The reality on the ground is that the SCAF is adopting the very policies and methods of the Mubarak regime by repressing protests and sit-ins, using excessive force against peaceful demonstrators, killing dozens of unarmed civilians, carrying out arbitrary arrests, and exploiting the media to defame civilian forces and human rights defenders, while at the same time exaggerating the social power of some extremist Islamist groups with the aim of frightening Egyptian society and the West into conceding to the *de facto* order. These strategies are all too reminiscent of those of the ousted president.

Over the past 10 months the SCAF has been actively engaging in reproducing and creating unprecedented new methods of repression in Egypt, the likes of which were not seen even during Mubarak's era. During this period the military police has been involved in acts of extrajudicial killing that took the lives of dozens of innocent civilians. The Maspero massacre, during which 27 civilians – most of them Copts - were mercilessly killed by forces of the military police, is just one incident among several in which the military and police officers have fired live ammunition at unarmed civilian protestors. Additionally, during these protests, thousands of civilians have been arbitrarily arrested and sent to exceptional military courts. These trials have become systematic, as over 13 thousand civilians, among them thousands of peaceful protestors, activists, and bloggers, have been investigated by military officers. Mikhail Nabil and Alaa Abdel Fattah are only two prominent examples of thousands of other cases in which civilians have been prosecuted and sentenced within one hour and without legal representation to serve between 1 to 5 years in prison. When detained and imprisoned, some have been subjected to torture and other forms of inhumane and degrading treatment, by both police officers and military soldiers. The infamous case of virginity tests performed on young female protestors in order to label female activists as prostitutes is just one example of maltreatment that was not known in Egypt until now.

Indeed, torture in post-revolutionary Egypt has not disappeared; rather, it continues to be widely and systematically practiced just as it was before the revolution. The victims of torture are political activists or civilians detained on fabricated charges of “thuggery,” most of whom belong to the social forces which call for democracy and a civil state. Moreover, after the January revolution the military police has joined the institutions which have long carried out torture and has been directly involved in many of these violations.

Enforced disappearance of political activists is also on the rise. Activists are being abducted by security and/or military officers, blindfolded, and taken to unknown places to be investigated. The victims’ whereabouts remain unknown until their cases receive publicity. Only then are they released.

These violations take place in a climate of impunity and absence of accountability mechanisms. Complaints filed at the prosecutor’s office are usually dismissed or intentionally neglected. Victims and their families – including those who were killed or injured during the 18 days of the revolution – are put under constant pressure by the perpetrators to drop their charges. Furthermore, the current regime is still unable and unwilling to prosecute the members of the Mubarak regime for the crimes that they committed during the past 30 years. Mubarak’s trial appears to be a farce, with his acquittal more likely than his condemnation as a result of insufficient gathering of evidence and investigation and the lack of protective measures for witnesses. It is clear that the SCAF does not possess the real political will necessary to ensure a system of accountability for past and on-going violations, as Mubarak is only tried for human rights violations committed between January 25 and February 2, without any attempt at accountability for the crimes against human rights which were committed during his thirty-year reign. It is important to note that the public prosecutor’s office, which has the power to bring charges against Mubarak and other officials from his regime, has not undergone any reform; the current prosecutor’s office is working with the same composition as under the Mubarak regime. These are the same prosecutors that used to play a pivotal role in concealing crimes of torture, enforced disappearances, and extrajudicial killings, while at the same time actively prosecuting the regime’s opponents, including Ayman Nour, Saed Din Ibrahim, and many young political activists, such as Alaa Abdel Fattah in 2006. As a result, the perpetrators of past human rights violations are still enjoying their freedom and even power, which they utilize to restrict the already narrow margin left for freedoms. Meanwhile, the families of those who died and those who were injured in the January revolution are treated with condescendence and even violence.

In addition to all this, the state has been complicit in, and a perpetrator of, several violations against the Christian minority in Egypt. The very recent Maspero massacre is the latest in a series of abuses and violations directed against the Christian community in Egypt, and the state has thus far done nothing to address the continued escalation of violence against this religious minority or to respond to their demands. This is due to the state’s reinforcement of a policy of complete impunity and resorting to traditional reconciliation sessions or to religious leaders to solve such problems. The acts of sectarian violence under the rule of the SCAF have reached an unprecedented level in the history of Egypt, far outpacing the intensity of such instances under Mubarak, due to the reluctance or refusal of the state as represented in the SCAF and/or

the Ministry of Interior to protect the Coptic minority or to their direct participation in acts of discrimination or cases of direct killing, as in the events of the Maspero massacre.

In this regard, the state has failed to uphold its national and international obligations to ban all forms of hate speech and incitement to violence. To the contrary, the state has been playing an active role in intimidating and putting pressure on independent TV channels and newspapers with the aim of forcing journalists, TV announcers, and talk-show hosts to self-censor their work. At times, this pressure has included directly intervening to shut down programs known to be critical of the performance of the SCAF. The SCAF and government representatives have themselves issued statements that amount to hate speech and propagated a xenophobic campaign against foreigners, sending a general sense that foreigners in Egypt are spies and agents for western governments. Western governments have been constantly accused in government-owned newspapers of interfering in Egypt's internal affairs and of having an agenda of moving Egypt towards a civil war when they attempt to push for the implementation of democracy. In turn, the calls for democracy are being associated with acts of espionage!

Unfortunately, the SCAF has also failed to uphold its commitments made by the Minister of Foreign Affairs in the wake of the revolution to ratify several human rights treaties that Mubarak's regime refused to ratify, including the optional protocols to the Convention against Torture, International Covenants on Civil and Political Rights, and Economical, Social and Culture Rights, as well as the Rome Statute to the ICC. The SCAF has, thus far, also failed to uphold its promise to host the regional office for the UN Office of the High Commissioner for Human Rights.

The SCAF has been enforcing policies that are hostile to democratic transformation and has been leading the transition process in ways that will ensure the birth of a new autocratic regime, including through the use of systematic methodologies of repression against pro-democratic civil actors and diminishing the spaces in the public sphere for them to operate.

Over the past 10 months, the SCAF has mounted an unprecedented attack on the liberal and social movements that were the driving force of the revolution. During this period, the SCAF has targeted the youth groups, civil society and particularly human rights NGOs, as well as newly formed political parties. After the revolution, all of these groups have successively presented several ideas, laws, rules, guidelines, and strategies for guaranteeing a healthy and democratic transition in Egypt, including suggestions on roadmaps and timelines for the transition of power, judicial reform, security sector reform, and media and communications reforms, as well as suggestions for bringing an end to the sectarian violence in Egypt. However, the SCAF has refuted all these proposals.

During the aforementioned period, human rights NGOs have been pushing for an agenda of reform that reflects the needs and aspirations of the Egyptian people of dignity, freedom, equality, and social justice. While these human rights organizations have also been active in denouncing violence and documenting human rights violations in Egypt, the SCAF, on the other hand, has been passing legislation and regulations to protect its special privileges and increase its influence over any future civilian government in Egypt.

The very recent declarations by General Mohsen Fangary, senior member of the SCAF, summarize how the SCAF views the role of civil society actors in Egypt. During a television interview with him on 19 November, General Fangary stated: "I want to tell you that some civil society organization believe in the concept that they are working for the society and not for the government; this only means that these organizations are working against the government," and that: "working against the government signifies working against the state."

Neither the performance of the SCAF nor of the government has changed from that of the Mubarak regime in terms of respecting economic and social rights. Following several promises to issue a law guaranteeing the freedoms of trade unions and workers, the proposed law was never issued and implemented. Rather, after issuing a decree to dissolve the General Federation of Trade Unions of Egypt, another decision was issued to return it to work once more. Moreover, the promises of implementing a minimum wage were likewise never realized.

Perhaps the only difference between the violations committed by the Mubarak regime and those committed by the SCAF is in the targets of the violations, for while Mubarak primarily targeted religious extremists, the SCAF has begun to treat their leaders as advisors who assist in solving sectarian crises and who lend the SCAF further aid in the form of popular support. Meanwhile, the SCAF employs all forms of repression – including extrajudicial killing, torture, arbitrary arrest, forced virginity tests, and military trials – against victims who are mainly either media professionals, bloggers, liberals, leftists, or rights activists, or ordinary citizens and soccer fans who do not belong to any political faction and who simply demand freedom and democracy and respect for human rights. And while the SCAF has not implemented the law even in cases in which extreme religious groups have committed crimes which threaten the social peace between Muslims and Copts, as seen when extremists destroyed the church in the village of "Soul" over a period of two days without any reaction from the authorities, the SCAF and military police forces used excessive violence and deliberately killed a group of Coptic demonstrators in front of the Maspero building who were merely protesting the destruction of another church by extremists in the town of "Marinab" in Aswan.

It is in this repressive climate permeated by gross violations and unprecedented attacks against civil society that the parliamentary elections are scheduled to take place on the 28<sup>th</sup> of November and continue in stages through 13<sup>th</sup> of January 2011. This does not bode well for the prospects of free and fair elections and disparages hopes for democracy. In particular, the attacks and threats against NGOs both hinder them from adequately monitoring and documenting the ongoing violations and threaten their ability to monitor the elections and participate in the creation of a democratic system.

Indeed, Egyptians did not take to the streets and squares of Egypt once again – in the second chapter of the January 25<sup>th</sup> Revolution – only because of their doubts about the fairness and impartiality of the coming elections and their lack of confidence in the authenticity of the results. Rather, they continue to demonstrate against a series of continuous violations to human rights, in rejection of all of the practices of the Mubarak era which the Egyptian Revolution sought to eradicate.

For these reasons and in order to find a way out of the current crisis, the SCAF must immediately implement the following:

- Put an immediate end to all forms of the violence, extrajudicial killings, and arbitrary arrests which have been carried out by the SCAF and the Ministry of Interior against the opposition, and especially peaceful protestors;
- Transfer all authorities of the SCAF to a temporary civilian government until transfer of authority to an elected government and president can take place;
- Task the Supreme Judicial Council with performing an independent investigation into the crimes committed against protestors in all cases since the 12<sup>th</sup> of February, particularly the crimes committed against the young Egyptian women who were subjected to virginity tests, the crimes of the Maspero Massacre, and the crimes of killing of protestors in Tahrir Square since the 19<sup>th</sup> of November. The investigative body formed by the Supreme Judicial Council must have the authority to perform investigations with officers and soldiers of the armed forces as well as with the SCAF;
- Put an immediate end to military trials of civilians and ensure the release of those arrested for the sole purpose of expressing their opinions. Additionally, civilians with recognizable criminal offences should be referred to civilian courts and be presented in front of the judicial authorities of appropriate jurisdiction.
- Apply the rule of law and due process guarantees in dealing with sectarian violence and ensure prompt and legal action against incitement to religious hatred.
- Immediately end the state of emergency and allow for a thorough review of all laws that directly affect people's rights and liberties, including martial law.
- Protect and advance the components and pillars of a civil state and involve all sectors of society, particularly civil society groups, in a transparent and constructive dialogue on critical decisions concerning the transition phase and the shaping of the country's future.

Signatories:

- The Cairo Institute for Human Rights Studies
- Arab Penal Reform Organization
- Arabic Network for Human Rights Information
- Association for Freedom of Thought and Expression
- Egyptian Association for Community Participation Enhancement
- Egyptian Initiative for Personal Rights

- Egyptians Against Religious Discrimination
- Habi Center for Environmental Rights
- Hisham Mubarak Law Center
- Nazra for Feminist Studies
- New Women Foundation
- The Human Rights Association for the Assistance of the Prisoners