

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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### Annual reports

Events of 2012

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The Human Cost of Environmental Neglect

When "Values" Trample Over Rights

A Failed Approach to Corporate Accountability

The rocky transition from autocratic and military rule continued following the 2011 ouster of President Hosni Mubarak. Egypt held democratic parliamentary and presidential elections, and ended 31 years of rule under emergency laws. However, serious human rights problems remain, including police abuse and impunity; restrictions on freedom of expression, association, and religion; and limits on the rights of women and workers.

Egypt's first post-revolution parliament, elected between November 2011 and January 2012, failed to make significant human rights reforms before it was dissolved by the Supreme Constitutional Court on June 14 because the election law was deemed unconstitutional. Three days after the dissolution of parliament, the Supreme Council of the Armed Forces (SCAF), which had taken power after Mubarak's ouster, passed an addendum to the constitutional declaration giving itself legislative powers, and a substantive role in drafting the constitution and limiting the powers of the new president.

On June 24, however, Muslim Brotherhood leader Mohamed Morsy was declared winner of the presidential elections, and on August 12 he repealed the SCAF addendum and ordered the retirement of Field Marshal Mohamed Hussein Tantawy and Lieutenant General Sami Anan, the two most senior members of the SCAF. On November 22, President Morsy issued a constitutional declaration granting his decrees and laws immunity from judicial oversight, and dismissing the sitting public prosecutor, a move greeted with uproar and strikes by the judiciary. On November 30, the 100-person assembly started voting on the draft constitution, with a referendum due to take place 15 days after the final draft is approved.

Overall, there was an increase in prosecutions under restrictive laws from the Mubarak era that penalize defamation and spreading false information, and security services continued to arrest and abuse journalists during protests. Security services assaulted, arrested, and tortured journalists and protesters during protests outside the Ministry of Interior in February and outside the Ministry of Defense in May.

Following President Morsy's election, the authorities ordered the closure of one TV station and censored at least three editions of newspapers. The public prosecutor filed criminal defamation charges against at least nine journalists in connection with their writing or broadcasting. In November, the minister of justice appointed an investigative judge to interrogate a number of journalists and activists on charges of insulting the judiciary. In 2012, prosecutors interrogated or indicted at least 15 individuals on criminal charges of insulting religion. In September, a court in Assiout sentenced Bishop Kamel to six years imprisonment for insulting Islam.

In the same month, the blasphemy trial opened of Alber Saber, whose atheist beliefs led to his indictment on charges of insulting Islam and Christianity. Media freedom activists criticized the upper house of parliament, the Shura Council, for failing to include independent journalists in their appointments of the new editors of state newspapers. In August, President Morsy amended the press law to cancel pretrial detention for journalists after a judge ordered the detention of Islam Afifi, editor of *Dustoor* newspaper, after he was charged with

defamation.

Police continued to use torture in police stations and at points of arrest, mostly during investigations in regular criminal cases, but also in some political cases, such as the torture of protesters arrested in Cairo in August and November. Police torture led to at least 11 deaths in custody cases. Police have also continued to use excessive and sometimes lethal force, both in policing demonstrations and in regular policing. Torture by the military also took place. In May, military officers arrested at least 350 protesters, including 16 women after a protest near the Ministry of Defense in Cairo turned violent. Those released over the following days gave consistent accounts of torture and beatings during arrest and in detention.

Since December 2011, police and army members have arrested and detained over 300 children who participated in protests. Children arrested at protests at the Ministry of Interior in February 2012, and in front of the American embassy in September reported beatings that in some cases amounted to torture. Despite the high numbers of juvenile detainees, including children living and working on the street, authorities consistently detained children with adults in police stations and brought them before regular prosecutors, instead of referring them to the juvenile justice system as required by law.

There has been no process of transitional justice in Egypt to account for the crimes of the Mubarak era nor has there been real accountability for the violence during the January 2011 uprising, which left 846 dead. On June 2, a judge sentenced Hosni Mubarak and his former Minister of Interior Habib al-Adly to life imprisonment for failing to protect protesters from attacks by criminal foreign elements. The judge acquitted the four other assistant ministers of interior because he was not convinced that the police was connected with the protester deaths.

Prosecutions of the violence against protesters resulted in 35 trials of at least 200 mid- and high-level police officials around the country. At this writing, 26 trials had concluded with 21 acquittals on grounds of lack of evidence or self-defense, with five trials resulting in sentences that were mostly in absentia or suspended. At this writing, only two police officers were actually serving time for the excessive and illegal use of force against protesters. In July, Morsy established a fact-finding committee and in November, he passed a law creating a dedicated court to try cases of violence against protesters.

There has been no accountability for the military's involvement in the torture and beating of hundreds of demonstrators on February 25, March 9, April 9, May 4, and December 17, 2011. In March 2012, a military judge acquitted the only military officer on trial for the sexual assault against seven female protesters in a military prison in March 2011 under the guise of virginity tests. In September, a military court sentenced three military officers to two years imprisonment for driving the armored vehicles that ran over and killed 13 protesters in front of Maspero television building in October 2011. However, there was no investigation into the shooting of 14 other protesters on the same day. No other military officers have been held accountable for abuses since the January uprising.

Parliamentarians have been drafting a new law on associations which was nearing completion when a court dissolved parliament. Meanwhile, Egypt continues to apply the repressive Mubarak-era law 84 on associations. In 2011, the government launched investigations into scores of unregistered nongovernmental organizations), in many cases human rights organizations whose registration had been blocked by the security agencies. As a result, 43 NGO workers, 16 Egyptians and 27 foreign nationals, were charged with operating unlicensed groups under the existing law on associations. The trial started in March.

Security agencies also blocked funding for human rights projects at registered NGOs, leading to a freeze on activities and a loss of staff. The New Women Foundation, a local women's rights group, sued the government after being unable to obtain approval for incoming foreign funds for ongoing projects.

On May 31, the state of emergency expired in Egypt and was not renewed, ending 31 years of uninterrupted emergency rule. By the end of August, the Ministry of the Interior had released all those detained under the administrative detention provisions of the emergency law. At least eight trials referred to court during the state of emergency continued before notorious Emergency State Security Courts, which do not provide the right of appeal. In September, Morsy appointed 3,649 judges to these courts, but human rights groups mounted a legal challenge to this move arguing that Morsy did not have the authority to order such mass appointments outside a state of emergency.

Military prosecutors continued to try civilians before military courts, including after President Morsy took power. In November, military police arrested 25 civilians during an attempted eviction on the island of Qursays in Cairo, and prosecutors ordered their detention pending trial before a military court. A committee set up by presidential decree to review all those convicted by military courts recommended the release of up to 700 prisoners by presidential pardon, but failed to recommend the retrial of the remaining 1,100 prisoners convicted by military courts on security grounds.

Incidents of sectarian violence between Copts and Muslims continued throughout 2012 with no new prosecutions or serious investigations, with the exception of the investigation into sectarian violence in Dahshour, Giza, where prosecutors ordered the detention of nine suspects. On February 1, police and local religious and political leaders ordered the eviction of eight Christian families after Muslim residents sacked homes and shops of Christian residents in the village of Sharbat, near Alexandria. The eviction was overturned two weeks later after parliamentarians visited the area, but by the end of the year, police had still failed to prosecute anyone for the violence despite a police report identifying suspects.

On May 21, 2012, in the southern city of Minya an Emergency State Security court, which does not meet fair trial standards, sentenced 12 Christians to life in prison and acquitted 8 Muslim defendants who had been charged in connection with clashes between Muslims and Christians in April 2011. The clashes had left two Muslims dead, several wounded from both sides, and scores of Christian shops and homes torched.

Systematic sexual harassment of women and girls in public spaces continued without serious attempts by the government to intervene and halt, or deter the practice. For example, in June, mobs attacked and sexually assaulted at least six Egyptian and foreign women in Tahrir square. Although prosecutors investigated two of those incidents, they did not refer any cases to court in 2012, and overall the government failed to prioritize addressing violence against women. After a public outcry, proposals by Islamist members of parliament to lower the minimum age of marriage, repeal the right of a woman to initiate no-fault divorce, and decriminalize female genital mutilation

(FGM) were shelved. The Constituent Assembly drafted provisions on women's rights that further embedded the Sharia law exception to equality in the new draft constitution, echoing Egypt's reservations to women's rights conventions which remain in place.

Police arrested hundreds of Eritreans and Ethiopians in the Sinai on their way to Israel, detained them indefinitely in local police stations, and denied them access to the Office of the United Nations High Commissioner for Refugees (UNHCR), in violation of their right to make an asylum claim. Egyptian border police shot at unarmed African migrants attempting to cross the Sinai border into Israel, reportedly killing 12 between January and November. African migrants continued to report torture and rape at the hands of traffickers operating in Sinai, but the government failed to address or acknowledge the problem. Investigations of human trafficking were rare, and focused solely on cases of foreign domestic workers or Egyptians being trafficked abroad.

Strikes, sit-ins, and labor protests continued in the face of demands for economic and social rights. The new parliament refused to issue the draft trade unions law that had been drafted by former Minister of Labor Mohamed Bori in consultation with independent trade unions, leaving hundreds of new independent trade unions without legal protection or access to services. Military and police officers used excessive force on at least seven occasions to disperse labor protests and sit-ins. Workers faced disciplinary measures and at times, criminal investigations in connection with organizing strikes or independent trade unions.

Relations between Egypt and the United States deteriorated in January when the public prosecutor indicted staff of four American NGOs, and subsequently imposed a travel ban on them. For the first time, the US government seriously considered suspending military aid on the basis of legislation that required certification of human rights progress in Egypt as a condition for aid. In February, Secretary of State Hillary Clinton waived the human rights conditions after the Egyptian authorities lifted the travel ban on the indicted foreign nationals, even though the government continued its prosecution of Egyptian NGO workers.

Later in the year, however, the US government placed considerable pressure on the Egyptian military to respect the results of the presidential elections and allow a transfer of authority to the victorious Muslim Brotherhood candidate. In November, the European Union held a high-level task force with Egyptian officials in Cairo, where it approved a US\$6.4 billion aid package to Egypt, of which at least \$900 million was conditioned on good governance.

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