

Egypt: New assembly law legitimizes police crackdown on peaceful protests

Paris, Cairo, Geneva, November 29, 2013 - The days following the adoption of the restrictive new Law on the Right to Public Meetings, Processions and Peaceful Demonstrations on November 24th, have seen the multiplication of arrests and detentions of peaceful protesters. FIDH and the World Organisation Against Torture (OMCT) denounce the provisions of this law and fears that its implementation will lead to increased repression by the police and judicial authorities in view to silence any dissenting voice. FIDH and OMCT call for its immediate amendment in conformity with international human rights standards.

"The right to peaceful protest is one of the main gains of the 25 January Revolution. Restricting this fundamental right is a major set-back. The Egyptian authorities should immediately amend the current law on assembly, so that it is in line with international human rights standards set forth by the International Covenant on Civil and Political Rights (ICCPR)" declared Karim Lahidji, FIDH President.

FIDH and OMCT is extremely concerned by the condemnation of 21 young female protesters to very harsh jail sentence for marching on the Corniche of Alexandria holding balloons and banners, in support of deposed President Morsy and against the Military. On November 27th, 14 of them were sentenced by the Sidi Gaber Misdemeanor Court to 11 years and one month imprisonment, seven minors are being sent to a juvenile delinquency center until they reach the legal age (21 years old) and six others were sentenced in absentia to 15 years for incitement.¹ The protesters had been arrested by security forces on October 31st and charged with "joining a banned group that works on disabling the provisions of the law; promoting the mentioned group through writing and speech, possession of printed materials; assembling; threatening to use violence; disrupting the traffic and destroying public property."²

Not only the adoption of the new law which restricts the right to peaceful assembly seems to support the security apparatus in its crackdown over the past months and again recently, on the Muslim Brotherhood supporters but it gives them discretion to repress broader groups of activists, including human rights groups.

On Tuesday November 26, 2013 at least nine members of the "No to Military Trials for Civilians" group, nine journalists and seven lawyers were arrested by police forces in Cairo, as they were demonstrating near Tahrir Square. In an effort to pressure the members of the Constitutional Committee to vote against article 198 of the draft constitution which allows for civilians to be tried before military courts, the "No to Military Trials for Civilians" group had called for protests to be held on November 26th, ahead of the vote, in front of the Shura Council (where the committee holds its meetings). Tens of protesters joined the call at 4pm on Kasr Al Aini street, however thirty minutes later, security forces issued a warning to the protesters to immediately end their protest, which according to information gathered by FIDH, remained peaceful. The protesters refused to leave and security forces opened water canons against them. Security forces and police men in plain cloth simultaneously arrested protesters and journalists. Video footage circulating on-line, and authenticated, show the police beating the protesters and sexually harassing both men and women.³

The total number of arrests reached 79 persons, including 19 females. The protesters were first detained inside the Shura Council, then they were separated and transferred to different police stations. A police officer told the female protesters that they should be released, however when they refused to leave without their male counterparts, they were dragged into a police van and taken

1 AFTE, http://afteegypt.org/law_unit/2013/11/27/5888-afteegypt.html

2 AFTE, http://afteegypt.org/academic_freedom/2013/11/01/5642-afteegypt.html

3 <http://www.youtube.com/watch?v=sXa3QtLw5uw>

to the East Upper Egypt desert road where they were dropped off in the middle of the desert. Mona Seif and Rasha Azab, two of the female protesters who were detained and later released, said they were subjected to beatings and insults during their detention.⁴ Some of the female protesters filed a complaint on November 27th at the Public Prosecution against their assault by security forces during their arrest. The Prosecution took their testimonies, however at the time of writing, no information is available about any charges issued by the Prosecution. In addition, some of the male protesters were later released, however 25 currently remain in detention in New Cairo 1 police station. On November 27th, they were presented to the Public Prosecution for investigations, who ordered their detention for four days on charges of illegal gathering, assaulting public employees, thuggery, organizing a protest without notification, road block, stealing a police's intercom, and possession of non-firearm weapons. The Front Defence of Egyptian Protesters filed today a complaint at the Public Prosecution against the Minister of Interior, the head of Kasr El Nile prison, and the head of the Kasr El Nile Prosecution stating that the detainees were moved to an unknown location, without the notification of the lawyers or their families.⁵

FIDH and OMCT consider the detention of these protesters to be arbitrary, as they are detained for exercising their fundamental right to peaceful assembly. Accordingly, FIDH and OMCT call for their immediate and unconditional release. Furthermore, FIDH and OMCT are highly concerned about the allegations of sexual harassment and assault by the police against the protesters and calls upon the authorities to conduct independent, effective and impartial investigations into the allegations, and bring those responsible to account.

This protest was the second to be dispersed after the issuance of the new law on assembly. On Tuesday 26th as well, the “Gaber Salah 'Jika' Movement” called for a protest starting in Talaat Harb square in downtown Cairo to commemorate the first anniversary of the death of Gaber Salah who was killed by the police in November 2012. The protesters started to march towards the Shura Council, to join the other protest. Security forces then issued a warning to the protesters to immediately disperse claiming that the protest was illegal. Four minutes later, security forces attacked them with water canons and tear gas at the Journalists Syndicate. Rasha Azzab, a prominent activist and member of the “No to Military Trials to Civilians” group was arrested during that protest and later released. She was re-arrested hours later in the second protest.

Background: the Law 107 of 2013 restricting the right to peaceful assembly

The new Law 107 of 2013 on the Right to Public Meetings, Processions and Peaceful Demonstrations was passed on November 24th by President Adly Mansour. The law requires organizers of protests to notify the police at least three days prior to the event. It allows the Ministry to ban protests if they “receive information that the assembly will pose a threat to peace and security”. The vague language gives the Ministry a wide discretion to ban protests; and while the law allows organizers to appeal this decision before a court, it does not set forth a time frame for hearing the appeal. The law also allows for the Ministry to forcibly disperse a protest if any of the protesters break the law, or if the protest is no longer peaceful. While it stipulates that security forces should first warn the protesters before using water cannons, tear gas and batons, respectively, it allows the Ministry to use bird-shot pellets during the dispersal and even live ammunition in cases of “self-defense”. Furthermore, the law also sets extremely high penalties (10 to 30 thousand EGP) for failing to notify the Ministry about the organization of an assembly.

Upon the government's completion of the draft, human rights organizations openly criticized it for

4 See Rasha Azab testimony: <http://www.youtube.com/watch?v=PsI-aQqEctw&feature=share>; Mona Seif testimony: <http://www.youtube.com/watch?v=HOcQn3RuHU0&feature=share>

5 AFTE, http://afteegypt.org/law_unit/2013/11/27/5892-afteegypt.html#

its immense restrictions on the right to peaceful assembly.⁶ The government claimed that it would take into account the comments made by civil society organization as well as the National Human Rights Council. However, none of their comments were taken into consideration in the final version of the law. FIDH member organizations in Egypt condemned the issuance of the law and explained that the “the final version of the draft law included pro forma amendments that do not prejudice the repressive essence of the bill, and ignored most of the recommendations made by political forces and civil society, in spite of the release of several commentaries including proposed amendments and recommendations for the draft law to be compatible with international standards.”⁷

The organisations recall that this view is shared by the United Nations High Commissioner for Human Rights Navi Pillay who warned in a statement published on November 26th that the “new law regulating demonstrations in Egypt could lead to serious breaches of the right to freedom of peaceful assembly and must be amended.”⁸

6 CIHRS, <http://www.cihrs.org/?p=7416&lang=en>

7 CIHRS, <http://www.cihrs.org/?p=7591&lang=en>

8 OHCHR, http://www.unog.ch/unog/website/news_media.nsf/%28httpNewsByYear_en%29/CBF5652C5A754901C1257C2F003DDF61?OpenDocument