

# AMNESTY REPORT ON EGYPT 2016/2017

The authorities used mass arbitrary arrests to suppress demonstrations and dissent, detaining journalists, human rights defenders and protesters, and restricted the activities of human rights organizations. The National Security Agency (NSA) subjected hundreds of detainees to enforced disappearance; officers of the NSA and other security forces tortured and otherwise ill-treated detainees. Security forces used excessive lethal force during regular policing and in incidents that may have amounted to extrajudicial executions. Mass unfair trials continued before civilian and military courts. The authorities failed to adequately investigate human rights violations and bring perpetrators to justice. Women continued to face sexual and gender-based violence. The government continued to restrict religious minorities and prosecuted people for defamation of religion. Individuals faced imprisonment for “debauchery” on the basis of their perceived sexual orientation. Hundreds of refugees, asylum-seekers and migrants were detained while seeking to cross the Mediterranean Sea. Courts continued to hand down death sentences; executions were carried out.

## Background

The newly elected House of Representatives convened on 10 January and had 15 days to review and approve legislative decrees issued by President al-Sisi in the absence of a parliament. It approved almost all such laws, including the Counter-Terrorism Law (Law 94 of 2015) that eroded fair trial safeguards and wrote emergency-style powers into domestic law.

Egypt remained part of the Saudi Arabia-led military coalition engaged in the armed conflict in Yemen (see Yemen entry). In January, President al-Sisi approved legislation authorizing the armed forces to operate outside Egypt for a further year.

Relations between Egypt and Italy deteriorated after Italian PhD student Giulio Regeni died in mysterious circumstances when conducting research into Egyptian trade unions. When his body was found on 3 February, a police official told Egyptian media that Giulio Regeni had died in a traffic accident, but autopsies concluded that he had been tortured. On 24 March, two weeks after the European Parliament expressed its concern over the killing, Egypt’s Ministry of the Interior said the security forces had killed members of a criminal gang responsible for Giulio Regeni’s death. On 8 April, Italy recalled its ambassador from Egypt. On 9 September, Egypt’s Public Prosecutor said the security forces had briefly investigated Giulio Regeni before his disappearance and murder.

Several states continued to supply Egypt with arms and military and security equipment, including jet fighters and armoured vehicles.

The government kept the Rafah crossing to the Gaza Strip closed for all but 46 days of the year, according to the available figures from the UN Relief and Works Agency.

## Counter-terror and security

The armed forces continued operations against armed groups active in North Sinai, using armoured vehicles, artillery and air strikes. The Ministry of Defence said each of these operations killed dozens of “terrorists”. Much of the area remained under a state of emergency and effectively off-limits to independent human rights monitors and journalists.

Armed groups launched repeated and deadly attacks targeting the security forces as well as government and judicial officials and other civilians. Most such attacks occurred in North Sinai, although bombings and shootings by armed groups were reported in other parts of the country. The armed group calling itself Sinai Province, which had declared allegiance to the armed group Islamic State (IS), said it carried out many of the attacks. During the year, Sinai Province said it executed several men it claimed were spies for the security forces.

## Freedoms of expression, association and assembly

The authorities severely restricted the rights to freedoms of expression, association and peaceful assembly in law and practice.

Journalists, activists and others faced arrest, prosecution and imprisonment on charges that included inciting or participating in protests, disseminating “false rumours”, defaming officials and damaging morality.

Photojournalist Mahmoud Abou Zeid, known as Shawkan, and more than 730 other people, continued to face hearings in a mass, unfair trial that began in December 2015. Mahmoud Abou Zeid faced trumped-up charges that included “joining a criminal gang” and murder for documenting a sit-in protest in the capital, Cairo, on 14 August 2013. The court tried many in their absence.

On 1 May, security forces raided the Press Syndicate in Cairo and arrested journalists Amro Badr and Mahmoud al-Saqqa on charges that included inciting protests and publishing “false rumours”. The Syndicate condemned the raid and the arrests. A court bailed Amro Badr on 28 August and Mahmoud al-Saqqa on 1 October. On 19 November, a court sentenced Syndicate head Yahia Galash and board members Khaled Elbalshy and Gamal Abd el-Reheem to two years in prison on charges that included “harbouring suspects”. The court set a fee of 10,000 Egyptian Pounds (US\$630) to suspend the sentences.

Investigative judges stepped up a criminal investigation into the activities and funding of NGOs, questioning staff, banning 12 defenders from travelling and freezing the assets of seven defenders and six groups. The authorities ordered the closure of one human rights organization. Parliament approved new legislation to replace the Law on Associations (Law 84 of 2002) which would severely restrict NGOs’ activities and their right to obtain legal registration and access to funding from abroad. The draft law had not been enacted by the end of the year.

On 17 February, officials from the Ministry of Health served El Nadeem Center for Rehabilitation of Victims of Violence with a closure order. The organization continued to operate and challenged the government's decision before the courts, but the authorities briefly froze its assets in November.

On 17 September, a court in Cairo upheld an asset freeze against five human rights defenders and three organizations – the Cairo Institute for Human Rights Studies, the Hisham Mubarak Law Center and the Egyptian Center for the Right to Education – which had been ordered by judges investigating their activities and funding.

The security forces used tear gas to disperse peaceful protests in Cairo on 15 and 25 April and arrested around 1,300 people on charges of breaching the Protest Law (Law 107 of 2013) and the Law on Assembly (Law 10 of 1914). On 8 June the government announced that it planned to amend the Protest Law; it had not submitted any drafts to parliament by the end of the year.

On 3 December the Supreme Constitutional Court ruled that an article of the Protest Law was unconstitutional. The article gave the Ministry of the Interior powers to ban protests arbitrarily.

## **Excessive use of force**

Police officers continued to use excessive lethal force following verbal altercations, shooting and killing at least 11 people and injuring more than 40 others. Courts jailed two police officers for 25 years in separate cases of fatal shootings which had led to neighbourhood protests.

The Ministry of the Interior repeatedly announced that security forces had shot dead suspects during raids on residences, including members of the Muslim Brotherhood and alleged members of armed groups. No police officers were formally investigated, raising concern that security forces may have used excessive force or in some cases carried out extrajudicial executions.

## **Arbitrary arrests and detentions**

Critics and opponents of the government continued to face arbitrary arrest and detention on charges that included inciting protests, "terrorism" and belonging to banned groups such as the Muslim Brotherhood or the 6 April Youth Movement. The authorities also arbitrarily detained several human rights defenders.

The security forces arrested around 1,300 people across Egypt between mid-April and early May in attempts to quell protests, according to estimates by a coalition of Egyptian human rights lawyers. Most were released, but some subsequently faced trial (see below, "Unfair trials").

More than 1,400 individuals were held beyond the two-year legal limit for pre-trial detention without being referred to trial.

Mahmoud Mohamed Ahmed Hussein was released on bail on 25 March by court order after more than two years' detention without trial for wearing a T-shirt with the slogan "Nation without Torture" and a scarf bearing the "25 January Revolution" logo.

Malek Adly, a director at the Egyptian Center for Economic and Social Rights, was arrested by security forces on 5 May on charges of spreading "false rumours" and attempting to overthrow the government. He had helped to file a lawsuit challenging the government's decision to cede the islands of Tiran and Sanafir to Saudi Arabia. A court ordered his release on 28 August.

Security forces arrested the chair of the Egyptian Commission for Rights and Freedoms, Ahmed Abdallah, on 25 April and the group's minorities' director, Mina Thabet, on 19 May. The organization had documented enforced disappearances in Egypt. Both men were remanded in custody but were not formally charged and were released on bail on 18 June and 10 September respectively.

## **Enforced disappearances**

The NSA abducted hundreds of people without judicial order and held them incommunicado for prolonged periods, outside of judicial oversight and without access to family members or legal representation.<sup>1</sup> The authorities continued to deny that such enforced disappearances occurred. The security forces targeted suspected supporters of the Muslim Brotherhood and activists with other political affiliations. Some enforced disappearances were carried out by Military Intelligence officials.

The NSA detained 14-year-old Aser Mohamed on 12 January and subjected him to enforced disappearance for 34 days. He said NSA interrogators forced him to "confess" under torture to "terrorism"-related charges, and that a prosecutor threatened him with further torture if he retracted his confession. His trial was ongoing at the end of the year.

## **Torture and other ill-treatment**

Security officials subjected detainees to beatings and ill-treatment upon arrest. NSA interrogators tortured and otherwise ill-treated many victims of enforced disappearance to extract "confessions" for use against them at trial. Methods included severe beatings, electric shocks and being forced to adopt stress positions. Egyptian human rights groups documented dozens of reports of deaths in custody due to torture and other ill-treatment and inadequate access to medical care.

On 20 September, a court sentenced nine police officers to three-year prison sentences for assaulting doctors at a hospital in the Cairo district of Matariya in January. The court released the officers on bail pending an appeal.

## Unfair trials

Criminal courts continued to conduct mass unfair trials involving dozens – sometimes hundreds – of defendants on charges of participating in protests and political violence following the ousting of Mohamed Morsi as president in July 2013.

In some trials involving defendants who had been subjected to enforced disappearance, courts accepted “confessions” obtained through torture as evidence.

In addition to dedicated “circuits” (special courts) for terrorism-related trials, military courts unfairly tried hundreds of civilians, including in mass trials. In August the authorities extended a law vastly expanding the jurisdiction of military courts to include crimes committed against “public installations” for a further five years.

Courts tried more than 200 people on charges of taking part in protests against the government’s decision to cede the islands of Tiran and Sanafir to Saudi Arabia, sentencing many to prison terms of between two to five years and heavy fines. Appeals courts subsequently overturned most prison sentences.

More than 490 people, including Irish national Ibrahim Halawa, faced charges of participating in violence during a protest in August 2013, in a mass trial which opened in 2014. The charges against Ibrahim Halawa were considered by Amnesty International to be trumped up.

On 18 June, a court sentenced ousted president Mohamed Morsi to 25 years in prison for leading a “banned group” and a further 15 years for stealing classified information. The court sentenced six other men to death in the case, including three journalists in their absence.

## Impunity

The authorities failed to adequately investigate the vast majority of alleged human rights violations, including torture and other ill-treatment, enforced disappearances, deaths in custody and the widespread use of excessive force by security forces since 2011, and to bring perpetrators to justice.

Prosecutors regularly refused to investigate detainees’ complaints of torture and other ill-treatment, as well as evidence that security forces had falsified dates of arrest in cases of enforced disappearances.

On 15 August, President al-Sisi signed amendments to the Police Authority Law which prohibited security forces from “ill-treating citizens” and prohibited officers from making unauthorized statements to the media and unionizing.

## **Women's rights**

Women continued to face inadequate protection from sexual and gender-based violence, as well as gender discrimination in law and practice, particularly under personal status laws regulating divorce.

A 17-year-old girl died on 29 May, reportedly from haemorrhaging, following female genital mutilation (FGM) at a private hospital in Suez Governorate. Four people faced trial on charges of causing lethal injury and FGM, including the girl's mother and medical staff.

On 25 September, President al-Sisi signed a law increasing the prison sentence for any individual who carries out FGM, from a minimum of three months and maximum of two years, to a minimum of five years and a maximum of 15 years, also punishing those who force girls to undergo FGM.

## **Discrimination – religious minorities**

Religious minorities, including Coptic Christians, Shi'a Muslims and Baha'is, continued to face discriminatory restrictions in law and practice and inadequate protection from violence.

There were repeated attacks targeting Coptic Christians. On 11 December a bomb attack on a church in Cairo killed 27 people. The armed group IS claimed responsibility, while the authorities blamed a "terrorism cell" linked to the Muslim Brotherhood.

A new law regulating churches, signed by President al-Sisi on 28 September, arbitrarily restricted their construction, repair and expansion.

## **Rights of lesbian, gay, bisexual, transgender and intersex people**

Individuals continued to face arrest, detention and trial on "debauchery" charges under Law 10 of 1961, on the basis of their real or perceived sexual orientation and gender identity.

## **Refugees' and migrants' rights**

Egyptian security forces arrested more than 4,600 refugees, asylum-seekers and migrants as they attempted to cross the Mediterranean Sea to Europe, according to figures published by UNHCR, the UN refugee agency, in September.

On 8 November, President al-Sisi signed a law which would punish those who illegally transfer people from one country to another with a fine of up to 500,000 Egyptian Pounds (US\$32,130) and prison terms of up to 25 years. The law did not distinguish between human smuggling and trafficking. While the law exempted victims of trafficking and irregular migrants from prison sentences and fines, it provided that the government should return them to their countries of origin – potentially against their will. The law did not specify how the authorities should treat

victims of trafficking and refugees and asylum-seekers and whether they would be protected from *refoulement*.

On 22 September, a boat carrying refugees, asylum-seekers and irregular migrants capsized off the Egyptian coast, resulting in the deaths of more than 200 people. Security forces arrested the crew.

## **Workers' rights**

The authorities did not recognize independent trade unions operating outside of the state-controlled Egyptian Trade Union Federation. This was reflected in a new draft labour law which tightened central control on unions.

A military court unfairly tried 26 civilian workers at Alexandria Shipyard Company for striking.

Egyptian human rights organizations repeatedly warned that the government was not doing enough to ensure that its economic policies, including subsidy reform and currency devaluation, as well as proposed reforms to the civil service law, did not negatively affect people on lower incomes and those living in poverty.

## **Death penalty**

Criminal courts continued to hand down death sentences for murder, rape, drugs trafficking, armed robbery and "terrorism". People were executed for murder and other criminal offences.

The Court of Cassation overturned some death sentences and referred cases for retrial, including a death sentence against ousted president Mohamed Morsi and at least one case of a mass unfair trial linked to the 2013 unrest.

Military courts handed down death sentences against civilians following grossly unfair trials marred by enforced disappearances and torture and other ill-treatment.

On 29 May a military court sentenced six civilian men to death and 12 civilian men to prison sentences of 15 to 25 years on charges of belonging to the Muslim Brotherhood, obtaining classified information and possessing firearms and explosives. The court ignored the men's complaints of torture and other ill-treatment, as well as evidence that security forces had subjected them to enforced disappearance following their arrests in May and June 2015. The court also sentenced two other men to death and six to 25-year prison terms in their absence. The detainees were appealing the judgment before a higher military court.