



**To Permanent Representatives of  
Members and observers of the  
UN Human Rights Council**

**Geneva, August 29, 2014**

**Re: Human Rights Council should act to address deteriorating human rights situation and promote accountability for past violations in Egypt**

Your Excellency,

As civil society organizations from around the world, we are concerned that the Human Rights Council has failed to properly address the continued deterioration of the human rights situation in Egypt. We urge your delegation to ensure that the Human Rights Council adopts a resolution that clearly and unequivocally condemns the ongoing crackdown and increasing restrictions to basic freedoms in Egypt and calls upon the Government of Egypt to fully respect its human rights obligations and to ensure accountability and justice for past and ongoing gross human rights violations.

### **Recent developments in the human rights situation in Egypt**

Despite the dramatic deterioration of the human rights situation in Egypt, the Human Rights Council failed during the 26<sup>th</sup> session in June 2014 to send a collective message to new president Abdel Fattah al-Sisi that the gross human rights violations that have marred Egypt in recent years must stop. Since the Council's 26<sup>th</sup> session, the security forces have continued to arrest activists calling for political and human rights reforms and continued to promulgate mass death sentences in a flagrant eclipse of justice.

On June 21, authorities detained 23 activists for protesting without authorization against Egypt's Law No. 107 of 2013 on public meetings, processions and protests (the protest law), including Yara Sallam, a researcher with the Egyptian Initiative for Personal Rights (EIPR), one of Egypt's leading human rights organizations. On June 26, Egypt's Ministry of Social Solidarity presented a draft law on associations which is more restrictive than the current Law No. 84/2002 and would grant government security agencies veto power over the activities, registration, and funding of associations. On July 20, the Ministry of Social Solidarity gave all NGOs an ultimatum to either register under Law 84/2002 or face draconian penalties for noncompliance.

In April and June 2014 Egyptian criminal courts handed down mass death sentences against 220 defendants following grossly unfair trials. Moreover, on June 23, another criminal court sentenced three English Al Jazeera staff members to multi-year prison sentences while a number of other journalists remain in prison for their undertaking of their legitimate work.

## Response of the UN human rights mechanisms to the human rights situation in Egypt to date

The silence of the Human Rights Council on the most severe human rights crisis in Egypt's modern history is at odds with its mandate to "address situations of violations of human rights, including gross and systematic violations, and make recommendations thereon," and to "contribute, through dialogue and cooperation, towards the prevention of human rights violations and respond promptly to human rights emergencies."<sup>1</sup>

On June 30, 2014, a group of nine Special Procedures of the Council "expressed outrage after a Criminal Court in Minya, Egypt, confirmed death sentences against 183 people" and "urged the Government to quash the sentences and offer new and fair trials to all defendants."<sup>2</sup> They also expressed their deep concern at the fact that "the courts have become instrumental in the arbitrary and politically motivated prosecutions by the State." On June 23, 2014, the UN High Commissioner for Human Rights, Navi Pillay, underscored that the Al Jazeera verdicts and the mass death penalty sentences for members of the Muslim Brotherhood members are "the latest in a string of prosecutions and court proceedings that have been rife with procedural irregularities and in breach of international human rights law."<sup>3</sup> Navi Pillay added that "these mass trials and death penalty convictions are obscene, and a complete travesty of justice."

## Essential elements of a Human Rights Council resolution on Egypt

The Council and its members should support the calls of its human rights experts and of the High Commissioner. In light of the gravity of the situation in Egypt, we once more urge your delegation to support the adoption by the Council's 27<sup>th</sup> session of a resolution that would:

- Condemn the continued restrictions to the rights to freedom of expression, association and peaceful assembly and urge security forces to end all use of disproportionate and other unlawful force and to act at all times in accordance with the UN Basic Principles on the Use of Force and Firearms;
- Noting the deaths of members of the security forces in armed attacks, and condemning indiscriminate attacks and bombings by armed groups and others, remind the Egyptian government of their duty to protect all those in its territory in a manner consistent with international human rights standards;
- Urge the Government of Egypt to immediately and unconditionally release all those detained solely for peacefully exercising their rights to freedom of expression, assembly and association, and peaceful assembly, including those detained solely for membership in the Muslim Brotherhood; end the torture and other cruel, inhuman and degrading treatment, including solitary confinement of all detainees, including human rights defenders and persons detained for political reasons; allow detainees requiring urgent medical attention to be transferred to appropriate medical facilities; and revoke the protest law and release all those detained under it.
- Condemn the use of mass trials, which in practice have undermined the right to a fair trial by a competent, independent and impartial tribunal, ensure that the prosecution establishes and proves individual criminal

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<sup>1</sup>Resolution adopted by the General Assembly [without reference to a Main Committee (A/60/L.48)] 60/251. Human Rights Council (UN Doc: A/RES/60/251), 3 April 2006, 3 and 5(f):

[http://www2.ohchr.org/english/bodies/hrcouncil/docs/a.res.60.251\\_en.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/a.res.60.251_en.pdf)

<sup>2</sup>Egypt: UN Experts "outraged" at confirmation of 183 death sentences, 30 June 2014:

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14801&LangID=E>

<sup>3</sup>Pillay urges review of Egyptian laws and judicial procedures after latest "shocking" conviction of Al Jazeera journalists, 23 June 2014: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14757&LangID=E>

responsibility and that courts and the office of the public prosecutor are not instrumentalized to abrogate the legitimate exercise of the right to freedom of opinion and expression, the right to freedom of association, and the right to freedom of assembly;

- Urge the Government of Egypt to reform the legal system and bring it into compliance with international standards, and to conduct a review to ensure detainees are afforded their full due process rights, regular access to counsel and family visits, and the opportunity to review evidence and mount a meaningful defense;
- Urge the Egyptian government to cease ongoing harassment against human rights defenders and civil society organizations, including withdrawing the 45-day ultimatum given to non-government organizations to register under the deeply restrictive Law No. 84/2002 or be held accountable retracting the draft Law on Associations presented by Egypt's Ministry of Social Solidarity on June 26 and enacting new legislation on associations in line with international standards and the guarantees safeguarding the right to association enshrined in the Egyptian Constitution;
- Urge the government of Egypt to timely ensure thorough, independent, and impartial investigations into the unlawful use of force by security forces, including those responsible in the chain of command, in incidents of mass killings since June 30, 2013, such as the August 2013 Raba'a and Nahda Square dispersals in which at least 1,000 protesters were killed, and make public the findings and recommendations of the post-June 30 fact-finding commission in addition to the findings and recommendations of the 2011 and 2012 fact-finding commissions, and ensure that those responsible are held accountable; if the government continues its failure to carry out credible investigations into the illegal killings over one year later, the Human Rights Council should call for an international inquiry into grave violations committed since January 2011.

We annex to this letter a detailed briefing note on the situation of human rights in Egypt. In the context of the continued repression that is unprecedented in Egypt's modern history, the failure of the Council to act would represent a serious abdication of responsibility by the Council's membership, and would send the message that rampant human rights violations can remain unaccounted for.

We thank you for your attention.

Yours sincerely,

- Amnesty International
- Asian Forum for Human Rights and Development (FORUM-ASIA)
- Asian Legal Resource Centre (ALRC)
- Centro de Estudios Legales y Sociales (CELS)
- CIVICUS: World Alliance for Citizen Participation
- Commonwealth Human Rights Initiative
- Conectas Direitos Humanos
- East and Horn of Africa Human Rights Defender's project
- Euro-Mediterranean Human Rights Network
- Human Rights First
- Human Rights Watch
- International Commission of Jurists

- International Federation for Human Rights (FIDH)
- International Press Institute
- International Service for Human Rights
- Norwegian People's Aid
- Pan-African Human Rights Defenders' Network
- Partnership for Justice - Nigeria
- Proyecto de Derechos Económicos, Sociales y Culturales (ProDESC) - Mexico

## ANNEX: BRIEFING ON THE CURRENT SITUATION IN EGYPT

### **Mass Protester Killings**

Since July 3, 2013, security forces have repeatedly opened fire on crowds of largely peaceful demonstrators. At least 1,400 protesters have been killed in protests and political violence as a result, and most likely scores more. The most serious incident took place on August 14, when security forces violently dispersed sit-ins organized by Morsy supporters in Raba'a al-Adawiya and Nahda Squares in Cairo. Ahead of the dispersals, the authorities announced that they anticipated high casualties among the protesters. On the day itself, security forces killed a minimum of 900 people and more likely well over 1000 in acts, according to research by Human Rights Watch. It was the [worst incident](#) of [mass unlawful killing](#) in Egypt's modern history and one of the world's largest killings of demonstrators in a single day in recent history, on par with the "Tiananmen Massacre".

The August 14 killings were preceded and followed by other incidents that were found to involve excessive use of force and firearms, which resulted in the mass killings of protesters, including:

- On July 5, 2013, soldiers gunned down five protesters outside the Republican Guard headquarters in eastern Cairo, including one who was simply attempting to place a Morsy poster on a fence outside the headquarters.
- On July 8, 2013, army and police forces opened fire on crowds of Morsy supporters at a peaceful sit-in outside the Guard headquarters, killing at least 61.
- On July 27, 2013, police opened fire on a march of Morsy supporters near the Manassa Memorial in eastern Cairo, killing at least 95 demonstrators.
- On August 16, 2013, police opened fire on hundreds of protesters in the Ramses Square area of central Cairo, killing at least 120 demonstrators.
- On [October 6, 2013](#), police [killed](#) more than 57 demonstrators when dispersing pro-Morsy marches across Egypt; and
- On [January, 25, 2014](#), the third anniversary of the January 2011 uprising, police killed at least 64 demonstrators when dispersing protests throughout the country.

The security situation in Egypt has deteriorated, including attacks by armed groups targeting security forces personnel, buildings, checkpoints, and vehicles, which authorities say have led to the killing of hundreds of police and army officers. But Egyptian authorities have the responsibility to protect the right to life of all in Egypt, and to prosecute those responsible for crimes, but should do so within the framework of international human rights law.

### *Pervasive Impunity for Rights Abuses*

Not a single police or army officer has been held accountable for the [repeated use of excessive force and other serious abuses](#) since July 2013. Authorities continue to deny wrongdoing, yet refuse to publicly disclose almost any information about potential violations.

Outgoing president Adly Mansour established a presidential fact-finding committee in December 2013 "to gather information and evidence for the violent events that accompanied the June 30, 2013 revolution and its

repercussions.” The commission’s mandate lacks the authority to subpoena witnesses or evidence, establish individual criminal responsibility, or make its findings public. The committee also depends on information provided by the court of Appeal or Ministry of Interior but does not try to reach out to victims. Before he left office in June 2014, President Mansour extended the deadline for its final report from June to 21 September 2014.

In March 2014, President Mansour requested the Justice Ministry to open a judicial investigation into the Raba’a and Nahda dispersals. The Ministry of Justice, however, announced that it would not assign a judge to investigate these events, since investigations fall under the prerogative of the Public Prosecution, which in turn says that it is already investigating these events. The Public Prosecution has yet to bring charges against any members of the security forces in those incidents. Over a year later, not one officer has been referred to trial on charges related to the unlawful use of firearms against protesters.

A March 18, 2014 court ruling sentenced a police captain to 10 years, and three lower-ranking officers to one-year suspended sentences, for their role in the tear gas suffocation of 37 protesters in a police van outside Abu Zaabel Prison. An appeals court overturned the convictions on June 7, 2014 and referred it to the public prosecutor for further investigations.

### **Mass Arrests**

The campaign of arrests and detentions since July 3, 2013 has been as intense as during any period in recent Egyptian history. Many of those detained have faced months of detention without charge or trial. Others have faced a litany of cut-and-paste charges and have been denied their due process rights. The Associated Press in July 2014 stated that security forces had detained at least 22,000 Morsy supporters and other Islamists since July 2013. WikiThawra, an initiative run by the Egyptian Center for Economic and Social Rights, has said that over [41,000 people](#) have faced arrest or criminal charges since Morsy was ousted.

The Muslim Brotherhood, Egypt’s main opposition group, and other Morsy supporters, have been the primary target of the dragnet. Police have arrested most of the Brotherhood’s high- and mid-level leadership, as well as thousands of rank-and-file members and perceived sympathizers. The [crackdown](#) has expanded to include secular activists, journalists, and other [dissidents](#). Those detained face charges that include protesting without authorization, incitement or engaging in violence, “thuggery,” vandalism, blocking roads, and belonging to a banned or terrorist group.

### **Due Process Violations and Mass Death Sentences**

The judicial process since July 3, 2013, has been rife with serious procedural deficiencies that routinely deprive detainees of basic due process rights. Although the state of emergency decreed in July 2013 was lifted in November 2013, prosecutors in dozens of instances reviewed by Amnesty International and Human Rights Watch have renewed pretrial detention orders on the basis of little or no evidence that would warrant prosecution, effectively keeping many of those rounded up in arbitrary detention for months without formal charge.

Many of the trials documented by Human Rights Watch and Amnesty International have been grossly unfair, violating both Egyptian law and international standards. [These trials](#), including mass trials involving hundreds of people in a single case, failed to assess the individual criminal responsibility of each defendant, yet resulted in lengthy sentences or even the death penalty – which Amnesty International and Human Rights Watch oppose in all circumstances.

In many of these cases, the Public Prosecution relied almost entirely on police witnesses or national security investigations without presenting any other material evidence or independent witnesses. Defense lawyers say they have had difficulties in obtaining details of the prosecution evidence against their clients and were unable to check or photocopy case files from the courts, jeopardizing their ability to prepare an effective defense.

A [criminal court in Minya](#), for example, recommended the [death penalty](#) for over 1,200 people in preliminary verdicts in two separate cases in [March](#) and [April](#) 2014. The court did not allow defendants the right to mount a meaningful defense, or even assess whether they had counsel. The court tried most defendants in their absence in proceedings that fell far short of ascertaining their individual guilt or innocence. In the first mass case, after receiving an opinion from the Grand Mufti, the court issued 37 death sentences and sentenced the others to life in prison in a final verdict which continues to raise concern given that the court did not consider individual responsibility for the alleged offenses. In the second case, on June 21, the Minya court confirmed 183 of the 683 provisional death sentences imposed after a lightning-fast trial that severely violated the defendants' due process rights.

Since July 3, 2013, military prosecutors have continued to try civilians before military courts. Provisions in Egypt's new constitution permit military trials for civilians in a number of circumstances, in breach of international law.

Outside of the formal judicial process, Egyptian authorities subjected dozens of individuals to enforced disappearance. Security forces held Morsy, along with nine senior aides, in [secret detention](#) for months. Egyptian lawyers and activists have a list of 30 people subjected to enforced disappearance and torture for as long as 96 days. They are now known to be at [al-Azouly Prison](#), inside al-Galaa Military Camp in the Suez Canal city of Ismailia. Former detainees said that hundreds may be detained at the prison.

### **Torture and Other Ill-Treatment**

Mounting reports of torture and other ill-treatment of detainees harken back to the most abusive periods under Hosni Mubarak. Detainees have described to Amnesty International and Human Rights Watch severe beatings by security forces during their arrest, their arrival at police stations, and their transfer between prisons, as part of their "welcome party." Scores of protesters detained during the third anniversary of the uprising on January 25, 2014 complained of [torture](#), including being subjected to electric shocks to extract confessions. Those forcibly disappeared at al-Azouly military prison said they were [tortured](#), including with electric shocks and being hung from doors.

### **Sharply Diminished Freedom of Association, Expression, and Assembly**

While the new constitution has language that appears to protect human rights, authorities over the last year have routinely violated those rights, particularly the rights to free expression, peaceful assembly, and association. Thousands of detainees were rounded up solely as a result of their peaceful exercise of these rights.

#### *Free Expression*

Egypt is currently detaining [14 journalists](#), according to the Committee to Protect Journalists, placing Egypt among the worst jailers of journalists.

Egypt has particularly targeted the Qatar-based TV station Al Jazeera, closing its Egypt offices and arresting many of its reporters. Egyptian authorities [held](#) the correspondent of Al Jazeera's Arabic program, [Abdullah al-](#)

[Shamy](#), without charge for over 300 days in pre-trial detention and over 140 days on hunger strike before he was granted medical release in June 2014.<sup>4</sup> Authorities also [arrested](#) three staff of Al Jazeera's English program, Mohamed Fahmy, Peter Greste, and Baher Mohamed, in December 2013, on charges of "broadcasting false news" and assisting Muslim Brotherhood members. A Cairo court sentenced them to multi-year prison sentences on June 23, 2014, after a trial in which prosecutors failed to present any credible evidence of criminal wrongdoing. The court sentenced 11 other media workers and staff and alleged opposition members in absentia to 10 years behind bars. Four other co-defendants in the case also received seven-year sentences, while two others were acquitted.

Human rights organizations have separately documented dozens of cases of people detained merely for peaceful expression of dissent, such as possessing flyers or balloons with anti-military slogans and displaying signs commemorating victims of the August dispersal of the pro-Muslim Brotherhood encampment at Raba'a al-Adawiya Square in Cairo.

In January 2014, the government put a travel ban on the academic and former Member of Parliament [Amr Hamzawy](#). Prosecutors charged Hamzawy with "insulting the judiciary" based on a tweet in which he said that a particular court ruling was politicized. The same month authorities charged another prominent academic, [Emad Shahin](#), with conspiring with foreign organizations to harm national security. Both men had been critical of some of President Morsy's policies, but also criticized the heavy repression that followed his ouster.

Also in January, authorities arrested some of the few activists who openly challenged the draft constitution and called for a ["no" vote](#) in the referendum.

#### *Free Assembly*

In November 2013, the government issued a [new law](#) that demonstrations by granting the Interior Ministry free rein to ban any protest, forcefully disperse demonstrations, and arrest participants on vague grounds such as "imped[ing] citizen's interests." The authorities have imprisoned prominent [activists](#) like the co-founder of the April 6 Youth Movement Ahmed Maher, April 6 activist Mohamed Adel, human rights defenders Mahienoor al-Masry and Yara Sallam, and bloggers Ahmed Douma and Alaa Abdel Fattah under the new protest law, along with scores of other activists and government critics.

Maher, Douma, and Adel received [three-year prison sentences](#) in December 2013. Al-Masry was given a two-year sentence in May 2014. Abdel Fattah was sentenced to [15 years in prison in June 2014](#). Sallamis detained and [currently facing trial](#). Security forces have used the law to [forcibly disperse](#) protests by Muslim Brotherhood supporters as well as other political and human rights activists, and to arrest scores of protesters.

#### *Free Association*

In September 2013, a Cairo court banned the activities of the Muslim Brotherhood and ordered a confiscation of its assets. In December, the government [designated](#) the Brotherhood a terrorist organization. Subsequently, the government has frozen the assets and shut down over 1,000 associations allegedly for their links to the Brotherhood and dozens of Brotherhood-affiliated schools. The government has yet to put forward [any evidence](#) to support the terrorist designation and the related sanctions, or to link the group to specific terrorist

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<sup>4</sup> Al-Sayed Gamal al-Deen "Al Jazeera hunger-striking journalist al-Shamy granted medical release," *Ahram Online*, June 16, 2014, <http://english.ahram.org.eg/NewsContent/1/64/103794/Egypt/Politics-/AlJazeera-hungerstriking-journalist-ElShamy-grante.aspx> (accessed July 23, 2014).



attacks.

On April 28, 2014, the Court of Urgent Matters [banned](#) the activities of the [April 6 Youth Movement](#), which led many of the mass protests during the 2011 uprising, and ordered the authorities to shut down its headquarters. The court ruled that the group was “co-operating with foreign states, including the US, to cut US aid, possessing weapons, protesting and spreading chaos in the country,” and had “distorted Egypt’s image.”

Authorities raided the offices of the Egyptian Center for Economic and Social Rights, a prominent rights group, twice in six months. On [December 19](#), 2013, security forces raided its Cairo office just after midnight and detained two staff members and four volunteers, subjecting them to ill-treatment before releasing five of the group the next morning. The sixth, the above-mentioned Mohamed Adel, was sentenced to three years in prison for allegedly violating the assembly law. On [May 22](#), 2014, police raided the group’s Alexandria office, briefly arresting at least 15 activists and lawyers and subjecting them ill-treatment and sexual harassment and beatings.

On June 26, Egypt’s Ministry of Social Solidarity presented a new draft Law on Associations that would give the government security agencies veto power over all activities of associations, as well as their registration and funding. It would empower the government to dissolve existing groups, pending a court order, or refuse to license new groups if it decided their activities could “threaten national unity.” It would allow officials to inspect the premises of any association suspected of engaging in the work of a non-governmental organization. It would impose crippling restrictions on foreign funding of Egyptian nongovernmental groups and their capacity to communicate or cooperate with groups abroad. It would impose sentences of at least one year in prison and a fine of at least EGP100,000 (US\$13,985) for infractions. If adopted as such, it would sound the death knell for the independence these groups have fought to maintain.

In addition, the Ministry of Social Solidarity on July 18 gave all NGOs a 45-day ultimatum to register under the current Law of Civic Associations and Foundations (Law 84 of 2002) or will be held accountable under the law. Many Egyptian human rights organizations are currently registered as civil companies or law firms rather than associations due to the highly restrictive nature of the 2002 law.

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