The establishment of a highly repressive security apparatus that proliferates human rights violations

1. Following the revolution of 25 January 2011 the military worked nonstop to further free itself from civilian power[1] until the adoption in 2014 of a constitution that codifies its domination over the State apparatus. The amendments included in the Constitution adopted in January 2014 following a referendum organized by the Army[2], effectively make the latter, whose budget remains confidential, the most powerful institution in the country. They drastically limit the powers of the president, especially with regards to domestic security and foreign policy. One clause gives the Armed Forces, for two presidential terms, the exclusive right to appoint the Minister of Defence, freeing the Army once and for all from all civilian supervision. The vast powers granted to the Armed Forces by the new Constitution directly threaten freedoms of expression and demonstration, the right to access to information and the right to privacy, while the fragile freedoms re-established by the new text are left to the interpretation of the legislature[3]. The dramatic extension of the jurisdiction of the military courts is emblematic of the pall cast over society by the military: "A simple dispute in a gas station, hotel, company or even a supermarket belonging to the Army between an employee and a client"[4] is now a case for the military courts. As for "crimes committed by soldiers [or people under their authority] against civilians, in the event of dispersion of protests, for example, they [too] are subject to military justice"[5], which guarantees the impunity of the Armed Forces, especially in the repression of social movements.

Legislative arsenal used to repress opposition, civil society and all dissident voices

2. Since November 2013, a law prohibiting all anti-government demonstrations and criminalizing protests in general has allowed security forces to systematically arrest all demonstrators: any public opposition to the government is prohibited de facto[6]. A series of mass trials resulted in hundreds of people who had been arbitrarily arrested before or during demonstrations being judged in a matter of minutes. The 2013 Protest Law and the Assembly Law number 10/1914 have been used together to make sentences heavier, and to allow for charging many protesters simply because another participant in the same protest is accused of violence and/or carrying a weapon[7].

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1 In 2012, on the occasion of the drafting and adoption of a new constitution under the authority of the Muslim Brotherhood, the military secured the decision-making power over military affairs through the creation of a new National Defense Council composed of the Minister of Defense and the majority of the officers. This committee, responsible for the army's budget, was now to be consulted for all laws and decisions concerning military affairs as well as the status of the armed forces.

2 Cf. Talon, C., 'Egypte, l'armée sort victorieuse du referendum constitutionnel', *Mediapart*, 17 Jan 2014. *(Egyptian army comes out ahead in constitutional referendum.)*
https://www.mediapart.fr/journal/international/170114/egypte-larmee-sort-victorieuse-du-referendum-constitutionnel?onglet=full

3 Articles banning insult to the prophets and limiting freedom, introduced by the Muslim Brotherhood in the 2012 constitutional text, have been removed.

4 Bernard Maugiron, N., 'La constitution égyptienne de 2014 est-elle révolutionnaire?', *La Revue des Droits de l'Homme*, June 2014, p.9. *(Is the Egyptian constitution of 2014 revolutionary?)*

5 Ibid. Bernard maugiron, N., June 2014.

6 Cf. 'Egypt: New assembly law legitimises police crackdown on peaceful protests', FIDH, 29 Nov 2013. https://www.fidh.org/en/region/north-africa-middle-east/egypt/14316-egypt-new-assembly-law-legitimizes-police-crackdown-on-peaceful-protests,

7 https://cihrs.org/%D9%86%D8%AD%D9%88-%D8%A7%D9%84%D8%A5%D9%81%D8%B1%D8%A7%D8%AC-%D8%B9%D9%86-%D9%85%D8%B5%D8%B1-%D8%AA%D9%82%D8%B1%D9%8A%D8%B1%D9%8A%D8%A4%D9%83%D8%AF-%D8%A2%D9%84%D8%A7%D9%81-%D8%A7%D9%84%D9%85/?lang=en

3. In August 2015, a **new law against terrorism** prescribed punishment by death or incarceration ranging from 10 years to life for belonging to a "terrorist organization" – charges that have since been arbitrarily brought against thousands of people suspected of opposition to the regime. The extremely vague accusation of "*promoting ideas that incite violence*", or visiting Internet sites promoting such ideas, is punishable by a sentence ranging from 5 to 7 years in prison[8]. Additionally, the **Terrorist Entities Law (8/2015)**, which uses a broad definition for "terrorist entities", grants authorities the right to ban the entity, its activities and meetings, as well as freeze its property and assets. Individuals added to the "terror list" are subject to travel bans and asset freezes. In May 2017, an unspecified Egyptian security agency has admitted to the blocking of news websites for their so-called support of terrorism. This list of blocked websites increased to over 500 websites, including those of national and international human rights organizations[9].

4. In addition to the antiterrorist law and the law criminalizing protests, the promulgation in May 2017 of a **law governing the activities of nongovernmental organizations** codified the unprecedented measures taken since 2014[10] against NGOs, especially those defending human rights. Such measures include freezing of assets, travel bans, and the closure of NGOs. The law subordinates the activities of NGOs to the veto power of a committee including agents of General Intelligence and of the ministries of Interior and Defense – who are vastly more powerful in practice than the other ministries – which is to supervise and strictly limit NGOs' funding, registration and activities[11]. The law prohibits any NGO activity beyond the social and development sectors, and stipulates that NGO activities must correspond to State-determined development plans. It threatens "the very existence" of NGOs and punishes anyone breaking the law with a penalty of one to five years in prison and a fine of 50,000 to 100,000 Egyptian pounds (about EUR 2,500 to EUR 5,000). In addition, between 2014 and 2017, many travel bans and asset freezes were ordered by the investigative judge in case 173/2011 or "Foreign Funding Case", in which a lot of the criminal charges are connected to the amended Penal Code article 78.

5. The fight waged by the security forces against jihadist groups, which since April 2017 has justified the reinstatement of the state of emergency[12], strengthened and prolonged the extraordinary powers of the police and the armed forces, and served as justification for the repression of civil society and of all forms of dissent. Following the massacre of over 300 people (including 27 children) in the attack on a mosque attributed to the Islamic State in the North Sinai on 24 November 2017, the head of the State Information Service, Diaa Rashwan, explicitly accused human rights NGOs of complicity in the massacre, accusing them of "supporting" the terrorists by publishing "false" reports[13].

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8 https://www.theguardian.com/world/2015/aug/17/egyptian-president-ratifies-law-to-punish-false-reporting-of-terror-attacks

9 https://afteegypt.org/right_to_know-2/publicationsright_to_know-right_to_know-2/2017/06/04/13069-afteegypt.html?lang=en

10 'Under Article 78 of the Penal Code, amended by decree of President al-Sisi in 2014, NGO employees can be sentenced to 25 years in prison if a judge determines that they have received foreign funding to "pursue acts prejudicial to national interests" or other more general reasons.'

Source : https://www.hrw.org/fr/world-report/2017/country-chapters/298315

11 https://www.fidh.org/en/issues/human-rights-defenders/egypt-elimination-of-civil-society-signed-into-law-by-president-sisi

12 Declared on April 9, 2017, after ISIS suicide attacks on two churches killed 45 people; extended several times since.

13 http://www.youm7.com/story/2017/11/24/%D8%B6%D9%8A%D8%A7%D8%A1-%D8%B1%D8%B4%D9%88%D8%A7%D9%86-%D8%AC%D8%B1%D9%8A%D9%85%D8%A9-%D8%B3%D9%8A%D9%86%D8%A7%D8%A1-%D9%86%D8%A7%D9%82%D9%88%D8%B3-

Repression giving rise to ongoing grave human rights violations

6. The legislative arsenal discussed above (the Antiterrorist Law, the Terrorist Entities Law, the Protest Law, the NGO Law, the Assembly Law) had the effect not only of suppressing most fundamental freedoms (freedoms of association, assembly, and expression), but also of guaranteeing total impunity to the various security forces and intelligence agencies.

Use of lethal force against demonstrators:

7. In January 2015, on the anniversary of the revolution, at least 27 people died when anti-regime demonstrations were put down, including the young activist Shaimaa Al Sabbagh, who was shot dead by a policeman as she was going to lay a bunch of flowers in Tahrir Square in commemoration of the revolution. In a context marked by the strengthening of the fight against terrorism. The police forces became more heavily armed, and police officers began to carry balaclavas and to use heavy assault weapons ill-suited to crowd-control operations in urban contexts. Apart from situations involving demonstrations and public gatherings, this type of measure began to be used at checkpoints set up during the night in the streets of major cities (the current system for maintaining order in Egypt).

Mass arbitrary arrests:

8. According to the Egyptian Ministry of the Interior's own figures, which were released to the press, at least 12,000 people were arrested on charges related to "terrorism" during the first ten months of 2015[14]. In January 2016, the anniversary of the revolution gave rise to many arrests and to police raids on more than 5,000 residential buildings in downtown Cairo as a precaution against demonstrations commemorating the revolutionary uprising. In April 2016, hundreds of people were again arrested when security forces dispersed peaceful demonstrations incited by the government's decision to hand over two Egyptian Red Sea islands to Saudi Arabia. More than 150 of these detainees, including human rights defenders and journalists, received "sentences ranging from two to five years of prison owing to their participation in these demonstrations[15].

Enforced disappearances:

9. Figures compiled by several Egyptian and international NGOs report hundreds of enforced disappearances, at a pace that has increased alarmingly since 2015. Between July 2013 and June 2016, the Egyptian Commission for Rights and Freedoms (ECRF) documented 2,811 cases of enforced disappearance at the hands of security services[16]. This practice, which the authorities resolutely deny, has nevertheless become a regular modus operandi of the Egyptian security forces, and it frequently ends in the torture, and even death, of those thus abducted[17]. In June 2014, the

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%D9%8A%D8%AF%D9%82-%D9%81%D9%89-%D8%B4%D8%B9%D8%A7%D8%B1%D8%A7%D8%AA-%D8%A7%D9%84%D9%85%D9%86%D8%B8%D9%85%D8%A7%D8%AA-%D8%A7%D9%84%D8%AD%D9%82%D9%88%D9%82%D9%8A%D8%A9/3525295

14 'Almost 12,000 people arrested for terrorism in 2015: Interior Ministry', *Madamasr*, 30 Oct 2015. www.madamasr.com/news/almost-12000-people-arrested-terrorism-2015-interior-ministry

15 http://english.ahram.org.eg/NewsContent/1/64/216807/Egypt/Politics-/More-than--given--to--years-in-prison-for-protesti.aspx

16 http://ecrfeg.org/en/2016/09/27/ecrf-publishes-names-people-disappeared-forcibly-egypt/

17 https://www.amnesty.org/en/latest/news/2017/08/schoolteacher-among-latest-victims-of-egypts-chilling-wave-of-extrajudicial-executions/

Guardian revealed the existence of a secret military prison in which hundreds of prisoners were being held incommunicado beyond judicial oversight and tortured by Military Intelligence. According to the British daily newspaper, as many as 400 people were being held in Azouly Prison on Galaa Military Base in Ismailia[18].

Torture, abuse and death in prisons:

10. Torture, negligence and other abuse inflicted by security forces, especially by police in police stations and prisons, are systematic and have resulted in a considerable number of deaths since 2013. Between August 2013 and December 2016, ECRF documented at least 44 cases of people who died under torture at the hands of the police forces, 14 of them in 2016 alone, while it reported that its lawyers had received 830 complaints of torture that same year[19]. The many victims of the security and intelligence services include the French citizen Eric Lang, murdered on 13 September 2013 in the Qasr Al Nil police station, in downtown Cairo[20], and the Italian graduate student Giulio Regeni, who was arrested and tortured to death by security forces in January 2016[21].

Extrajudicial executions:

11. The clampdown on the political scene has been accompanied by deadly repression against civilians, who have been the main victims of the "fight against terrorism" conducted by General Al Sisi and his allies since 2013. According to a report by the NGO Safer World, over 3,000 people have been killed since 2013 in the name of fighting terrorism[22]. According to ECRF, the police "liquidated" at least 37 people during the first three months of 2017 alone, deaths that have yet to be solved by any investigation by Egyptian authorities[23]. Several cases of extrajudicial executions during antiterrorist raids[24] or following enforced disappearances of opposition members from the Muslim Brotherhood or other political movements have been reported[25]. Extrajudicial executions appear to have hit the Sinai particularly hard, where security forces conduct bloody operations on a daily basis against the insurgents of Wilayat Sinai, who are supporters of the Islamic State. Civilians constitute most of the victims of these extrajudicial executions. In April 2017, a video showing the point-blank execution of two to eight unarmed men by Egyptian soldiers in the Sinai confirmed the practice of extrajudicial executions in the Peninsula[26].

Resurgence of the death penalty:

12. The military takeover led to a dramatic increase in death sentences after proceedings marked by repeated violations of the right to defense and to a fair trial. In April 2014, for example, an Egyptian judge sentenced to death 683 presumed supporters of the Muslim Brotherhood, including Mohamed

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18 https://www.theguardian.com/world/2014/jun/22/disappeared-egyptians-torture-secret-military-prison

19 https://www.hrw.org/report/2017/09/05/we-do-unreasonable-things-here/torture-and-national-security-al-sisis-egypt

20 https://www.nouvelobs.com/monde/20160211.OBS4448/egypte-eric-lang-battu-a-mort-en-prison-sa-famille-attend-toujours-la-verite.html *([...]Egypt-Eric-Lang-beaten to death in prison his family still awaiting the truth)*

21 https://www.theguardian.com/world/2018/jan/25/italian-student-killed-for-researching-egypt-unions-giulio-regeni

22 https://static1.squarespace.com/static/58921b4b6b8f5bd75e20af7e/t/59e475ee49fc2ba4f9849375/1508144641442/SaferWorld_v1_Egypt_pdf-v1.pdf

23 https://www.hrw.org/world-report/2018/country-chapters/egypt

24 https://theintercept.com/2017/11/11/egypt-war-on-terror-extrajudicial-killings/

25 For example, see : https://www.amnesty.org/en/latest/news/2017/07/egypt-investigate-allegations-of-disappearance-torture-and-extrajudicial-execution-of-four-men/

26 https://www.hrw.org/news/2017/04/21/egypt-videos-show-army-executions-sinai

Badie, the supreme guide of the group, and upheld the death sentences of 37 of 529 sympathizers who had been previously condemned to death. The expanded jurisdiction of the military courts in October 2014 enabled Egyptian authorities to refer more than 7,400 civilians to military courts between October 2014 and April 2016[27]. Between October 2014 and September 2017, at least 15,500 civilians, including over 150 children, reportedly appeared before the military courts[28]. Since the overthrow of Mohamed Morsi, these courts have sentenced at least 60 people to death[29].

13. According to figures from the Egyptian Initiative for Personal Rights (EIPR), the Court of Cassation upheld death sentences for at least 32 people in 2017, including 8 for political motives[30]. In total, at least 260 people were sentenced to death in 2017 in 81 different cases[31]. 2017 was also marked by a remarkable resurgence of executions. On 26 December 2017, fifteen detainees were executed in a single day by Egyptian authorities[32] in connection with the alleged killing of security forces in the North Sinai, probably the largest mass execution in the history of the country.

The countless abuses of the antiterrorist campaign in the Sinai:

14. The Sinai, access to which has been closed by the Armed Forces, is the theatre of an endless war in which the civilian casualties increase in proportion to the proliferation of "antiterrorist" operations by security forces. Indeed, civilians constitute the majority of the casualties of ground and air raids, arbitrary arrests, enforced disappearances, extrajudicial executions, secret detentions, judgments of civilians by military courts[33], and acts of torture by security forces that have been reported since 2013. Some residents of the North Sinai have described "an Egyptian army out of control, armed with American tanks, airplanes and helicopters, which displays little consideration for the lives of civilians trapped in the war zone"[34]. Cluster bombs have allegedly also been used against civilians in the region[35]. President Al Sisi officially declared Egypt to be "in a true state of war"[36] and compared the military operations conducted by the Armed Forces in the Sinai to the wars that pitted Egypt against Israel in 1967 and 1973[37]. In the North Sinai, more than 6,000 "terrorists" have reportedly been killed in recent years, according to the authorities, although the group Wilayat Sinai, the Islamic State affiliate that is allegedly the State's main adversary in the Sinai, reportedly has at most a thousand fighters[38].

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27 https://www.hrw.org/news/2016/04/13/egypt-7400-civilians-tried-military-courts
28 https://www.hrw.org/world-report/2018/country-chapters/egypt
29 https://www.hrw.org/news/2017/06/11/egypt-cancel-military-court-death-sentences
30 Cf. 'In the Name of the People. A Report on Death Penalty and Accompanying Patterns of Human Rights Violations in 2017', EIPR, January 2018. https://eipr.org/en/press/2018/01/name-people-report-death-penalty-2017
31 Ibid.
32 https://eipr.org/en/press/2017/12/egyptian-government-carries-out-largest-number-executions-its-history
33 https://www.hrw.org/world-report/2018/country-chapters/egypt
34 Vice, https://news.vice.com/article/egypts-military-is-killing-civilians-in-its-war-on-terror
35 https://www.amnesty.org/fr/latest/news/2018/03/egypt-use-of-banned-cluster-bombs-in-north-sinai-confirmed-by-amnesty-international/
36 https://www.youm7.com/story/2017/1/9/%D8%A7%D9%84%D8%B3%D9%8A%D8%B3%D9%89-%D9%85%D8%B5%D8%B1-%D8%AA%D8%B9%D9%8A%D8%B4-%D8%AD%D8%B1%D8%A8-%D8%AD%D9%82%D9%8A%D9%82%D9%8A%D8%A9-%D9%88%D8%A7%D9%84%D8%A5%D8%B9%D9%84%D8%A7%D9%85-%D9%88%D8%A7%D9%84%D8%B1%D8%A3%D9%89-%D8%A7%D9%84%D8%B9%D8%A7%D9%85-%D8%BA%D9%8A%D8%B1-%D9%85%D9%86%D8%AA%D8%A8%D9%87%D9%8A%D9%86/3048027
37 http://www.sharkiatoday.com/%D8%A7%D9%84%D8%B3%D9%8A%D8%B3%D9%8A-%D9%85%D8%B5%D8%B1-%D9%81%D9%8A-%D8%AD%D8%A7%D9%84%D8%A9-%D8%AD%D8%B1%D8%A8-%D8%AA%D8%B4%D8%A8%D9%87-%D8%AD%D8%B1%D8%A8-67-%D9%88-73/
38 https://www.fidh.org/fr/regions/maghreb-moyen-orient/egypte/egypte-monsieur-macron-le-soutien-aveugle-a-al-sissi-doit-cesser

15. The war against armed insurrection in the Sinai has also caused forced population displacement. Mass demolitions of houses[39], especially in the Rafah Region and along the border with the Gaza Strip, resulted in "the forced expulsion of some 3,200 families in the Sinai Peninsula" between 2013 and 2015 in violation of international law, according to the NGO HRW[40]. According to HRW, Egyptian authorities seem to have "violated the laws of war by unreasonably destroying thousands of homes in their attempts to close smuggling tunnels"[41]. Finally, restrictions on movements imposed on the population severely limit access to essential goods, raising the fear of a serious humanitarian crisis in this region where journalists are refused access and that is increasingly cut off from the world at large[42].

LGBTIQ+ rights

16. The presidency of Abdel Fattah Al Sisi has also been marked by an unprecedented persecution of LGBTI people or those perceived as such. According to the Egyptian Initiative for Personal Rights (EIPR), "the average number of individuals arrested and brought before a court in these cases [for charges of "immorality"], has increased five-fold since the last quarter of 2013, in comparison with previous years. Over the course of the period of three and a half years ending in March 2017, a total of 232 people were arrested, or about 66 per year, compared to an average of 14 people per year during the period from 2,000 to 2013"[43]. Four years of escalating repression against LGBTI people, which reached their height with the arrest of over 75 people in October 2017[44] after a rock concert during which audience members waived a rainbow flag.

Recommandations to the Egyptian authorities:

- **To cease the systematic practices of arbitrary arrests and excessively long pretrial detentions, extrajudicial executions, enforced disappearances, torture and other forms of cruel, inhuman or humiliating treatment**; ensure independent and impartial investigations into such violations, particularly violations of the International Covenant on Civil and Political Rights and the United Nations Convention against Torture (UNCAT); and ensure victims' access to justice and compensation, in compliance with their international law obligations;
- **To immediately and unconditionally free all persons, including human rights defenders, detained in Egypt for having exercised their constitutionally-protected rights to freedom of expression, assembly, and association;**
- **To put an end to the campaign criminalising all forms of dissent, and to harassment and intimidation of any person critical of the government or perceived as such**; including lifting all travel bans imposed on human rights defenders, peaceful political or social activists and academics, reviewing the Ministerial Decree governing the imposition of travel bans in accordance with the Constitution; and pardoning all human rights defenders, media workers and peaceful activists who have received heavy prison sentences,

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See also the report to the US Senate of the US President's Special Envoy for the Global War Against the Islamic State of June 2016. www.foreign.senate.gov/imo/media/doc/062816_McGurk_Testimony.pdf

39 Notably in the buffer zone along the border of the Gaza Strip where the army destroyed almost all homes and farms.

40 https://www.hrw.org/news/2015/09/22/egypt-thousands-evicted-sinai-demolitions

41 Ibid.

42 https://www.hrw.org/news/2018/04/23/egypt-looming-humanitarian-crisis-sinai

43 'The Trap. Punishing Sexual Difference in Egypt', Report, Egyptian Initiative for Personal Rights, Nov 2017. Cf. https://eipr.org/en/press/2017/11/trap-punishing-sexual-difference-egypt

44 Ibid., […] Report, Egyptian Initiative for Personal Rights, Nov 2017.

sometimes by military courts, solely for exercising their rights to the freedoms of expression, association, assembly and political participation;

- **To repeal the November 2013 law criminalising protests, enact the parliamentary repeal of the 1914 Assembly Law, and stop the systematic arrest and prosecution of protesters and strikers;**
- **To put an end to the use of lethal force against civilians, including demonstrators,** and ensure impartial and transparent investigation into those cases reported since 2011;
- **To introduce a moratorium on the death penalty with a view to its definitive abolition and commute existing death sentences;**
- **To authorise access to international investigators in order to shed light on the murders of demonstrators committed since 2011,** including the Rabaa Al Adawiya massacre; **on all reported cases of extrajudicial executions,** including in the Sinai; and on **conditions of detention** throughout Egypt;
- **To close Case No. 173/2011**, whose purpose is to repress independent Egyptian civil society;
- **To repeal Law no. 70/2017, which regulates the work of civic associations** and civil society organisations, and adopt a new law in line with the Constitution and Egypt's international human rights commitments, following a free and open societal debate on the role, function and status of civil society;
- **To immediately release all persons arrested on the grounds of their sexual orientation**, drop all charges against them, and put an end to the harassment campaign targeting LGBTI people or those perceived as such, in accordance with Egypt's international obligations.