

Section Two

Challenges to Human Rights in the “Arab Spring” States

Egypt

Throughout the year 2012, Egypt witnessed several major political developments, including a struggle to fill the power vacuum created by the ouster of former president Hosni Mubarak. Many opposition parties struggled to respond effectively, having become accustomed over the previous six decades to sham political participation by which the ruling party enjoyed complete control in practice. Similarly, the youth movements and political forces which had been at the forefront of the popular uprising also proved unprepared to compete for influence due to their organizational inexperience and political fragmentation.

In comparison, Islamists successfully mobilized their broad social base, took advantage of their significant organizational capabilities and financial resources, and successfully employed religion to garner votes, thus launching the Muslim Brotherhood to win the presidency, despite its having been banned and its members harassed for 60 years. However, it should be recognized that this success was only made possible by the ardent resistance of revolutionary youth to military rule and their insistence on setting a timeframe for transferring power to elected institutions.

Only six weeks after being elected president, Dr. Mohamed Morsi was able with surprising ease to put an end to the official political role of the Supreme Council of the Armed Forces (SCAF) and to return the armed forces to their barracks. This was achieved through the Constitutional Declaration issued

on August 12, which also granted the president both executive and legislative powers.¹

Despite having delayed setting a clear timetable for transferring power to a civilian government, the SCAF had not display signs of aspiring to permanently fill the power vacuum in Egypt throughout the 17 months during which it held power in the country. It is more likely that during this time the leaders of the military were looking for a way to leave the political spotlight without facing accountability for the crimes which occurred on their watch, while at the same time guaranteeing the continuation of the privileges which have enjoyed by the armed forces since 1952 and ensuring that the military establishment would not be subjected to civilian oversight.

In order to achieve these objectives, the SCAF preceded the announcement of the victory of the Muslim Brotherhood's presidential candidate with a constitutional declaration on June 17² in which it reclaimed legislative powers. This move came based on a ruling by the Supreme Constitutional Court which ordered that the People's Assembly be dissolved after finding the elections law by which it was formed unconstitutional. The constitutional declaration also granted the SCAF the authority to oversee all matters related to the armed forces, including the power to appoint military leaders and their terms of service. This move echoed a strategy pursued by the SCAF in 2011 that became known as the "supra-constitutional principles," which would have granted the military establishment additional privileges as well as constitutional supremacy over all other state institutions.³ The constitutional declaration further gave the SCAF the authority to object to any provisions of the new constitution drafted by the constituent assembly, in order to allow the SCAF to intervene if necessary to ensure that the military's privileges would not be derogated under the new constitutional order.

The lack of resistance displayed by the military in response to the elected president's move to sideline the SCAF from the political scene points to the existence of understandings between the military establishment and the Muslim Brotherhood. This became further evident when the new constitution included protections for the military's privileges, despite the fact

¹ See the constitutional declaration issued by the president on August 12, 2012, State Information Service,

<<http://www.sis.gov.eg/En/Templates/Articles/tmpArticles.aspx?ArtID=63346>>.

² Supreme Council of the Armed Forces Official Newspaper, Complete Constitutional Declaration, Issue 24, June 17, 2013.

³ Cairo Institute for Human Rights Studies, "La l-al-fasheyya ad-deneyya, la l-al-heymena al-'askareyya markaz al-qahera yeqtarah halan wasatan li-talafy as-suqut fe birathen ahad al-kheyareyn makanet al-qowat al-musalaha fe ad-dustour la tetahaded bi-'aqd itha'an bil b-at-tafawod 'ala 'osus mutakafi'a," Nov. 4 2011, <<http://www.cihrs.org/?p=188>>.

that the Muslim Brotherhood, which had dominated the drafting process, had previously rejected the “supra-constitutional principles” due to their objection to allowing the military to enjoy such privileges.

The year 2012 saw limited gains in terms of establishing the democratic governance and respect for human rights which Egyptians had hoped to enjoy following the ouster of Mubarak. Among these gains were the first parliamentary elections in Egypt to be hailed as largely free and unaltered by security or administrative interference. Even so, these elections lacked a number of important guarantees for fairness and equal opportunities between candidates.⁴

Egypt’s first competitive presidential elections were also held, yet they were beset with a number of challenges. The decisions of the High Committee for the Presidential Elections, however, were immunized from appeal, despite the fact that a number of these decisions were controversial and played a decisive role in determining the final list of candidates and settling a number of challenges regarding voter lists and other complaints that certain Coptic-majority towns had been prevented from voting. Moreover, the committee declared that the electoral process had been free and fair, despite a significant number of cases in which ballots had been filled in inside government printing facilities prior to the runoff elections.⁵

⁴For more details regarding violations surrounding the parliamentary elections, see:

- Cairo Institute for Human Rights Studies, “Al takreer al-marhaly al-awel al-mostaqil li-moraqabet al-intekhabat,” Nov. 21, 2011, <<http://www.cihrs.org/?p=272>>.
- The Egyptian Association For Community Participation Enhancement, “The Independent Coalition for Monitoring the Elections Issued Its Third Report on the Field Work Observations for the Legislative Elections for 2010,” Nov. 4, 2010, <[http://www.mosharka.org/pdf/MPs%20Election%202010%203rd%20report%20final%20\[EN\].pdf](http://www.mosharka.org/pdf/MPs%20Election%202010%203rd%20report%20final%20[EN].pdf)>.
- The Egyptian Association for Community Participation Enhancement, “Project Rakeeb – Third Round – Final Statement,” Jan. 9 2012, <<http://www.en.mosharka.org/index.php?newsid=124>>.
- Cairo Institute for Human Rights Studies, “Takreer al-marhala al-thaneyya li-intekhabat magles a-sha’ab 2011,” Dec. 17 2012, <<http://www.cihrs.org/?p=769>>.
- The Egyptian Organization for Human Rights, “EOHR Calls the Supreme Judicial Commission of Elections for Allowing Effective Observation on the Forthcoming Electoral Process,” Oct. 18 2011, <<http://en.eohr.org/2011/10/18/eohr-calls-the-supreme-judicial-commission-of-elections-for-allowing-effective-observation-on-the-forthcoming-electoral-process/>>.
- Cairo Institute for Human Rights Studies, “Assessing Media Outlet Performance During the First Phase of 2011 Egyptian Parliamentary Election,” Dec. 1 2011, <<http://www.cihrs.org/?p=347&lang=en>>.

⁵ For further information regarding violations surrounding the presidential elections, see:

On May 31, the state of emergency was lifted. This period also saw a decrease in the number of civilians referred to military trial, although such trials did not cease to be used even after the elected president took power. President Morsi issued a number of decrees to release hundreds of those who had been imprisoned since the January 2011 uprising as well as an amnesty to pardon hundreds of those charged or condemned – whether by civilian or military courts - of crimes committed “in support of the revolution.” However, this did not bring justice to the more than 1,000 people who had been tried by exceptional military trials for crimes unrelated to the revolution.

The country continued to be held hostage to a situation of increasing political polarization, which was further exacerbated by a series of failures to positively administer the transitional period - first by the SCAF and then by the Muslim Brotherhood. Most prominently was the failure to put an end to impunity for grave violations committed both under Mubarak’s rule and during the popular uprising which began in January 2011, as well as for further violations and massacres perpetrated over the 17 months during which the SCAF held power in Egypt.⁶

The year 2012 saw the continued use of excessive force by the army and the police, resulting in the deaths of dozens of people. The largest massacre occurred at the stadium in Port Said, where 74 people were killed. Torture likewise continued to be practiced, and religious freedoms were severely threatened amid a climate of increasing religious intolerance and campaigns inciting to religious hatred sponsored by leaders of Islamist political parties and religious satellite television channels. Indeed, acts of sectarian violence led to the forced displacement of an increasing number of Coptic Christian families.

Freedom of expression also faced growing repression, particularly after the elected president assumed power. Legal charges were increasingly filed against journalists and other media professionals with the apparent aim of intimidating them from criticizing the presidency or the Muslim

- Cairo Institute for Human Rights Studies, “Fi mo’atamar sahafi l-al-i’telif li-moraqabet al-intekhabat: Al-intekhabat al-ri’aseyya ghair horra we ghair shafafa we nazeeha ‘ila had ma,” June 25, 2012, <<http://www.cihrs.org/?p=3009>>.

- Cairo Institute for Human Rights Studies, “Markaz al-qahera yosdir taqreeraho al-awal li-taqyeem al-ada’ al-i’alami athna’ fatret al-da’aya l-al-intekhabat a-ra’eseyya,” May 21, 2012, <<http://www.cihrs.org/?p=2214>>.

- The Egyptian Organization for Human Rights, “Electoral Bribery and Ballot Stuffing Emerge During Second Day,” June 17, 2012, <<http://en.eohr.org/2012/06/17/electoral-bribery-and-ballot-stuffing-emerge-during-the-second-day/>>.

⁶ See the chapter of this report entitled “The Crisis of Transitional Justice Following the ‘Arab Spring’: Egypt as a Model”.

Brotherhood. Issues of a number of newspapers were confiscated, and some satellite television channels faced threats from the administrative authorities and even prosecution. Moreover, a number of laws from the previous regime were employed to impose the control of the Muslim Brotherhood over the state-owned newspapers and media institutions and to prohibit a number of writers from publishing their articles. Journalists and artists were physically assaulted by supporters of the Muslim Brotherhood and of some Salafist groups, Media Production City was surrounded for several weeks, and an attempt was made to set fire to the offices of the newspaper of the Wafd Party. One journalist was killed after being shot with live ammunition, and live fire was opened on another journalist who had left the Muslim Brotherhood in what is thought to have been an act of intimidation or an assassination attempt.

Civil society organizations and human rights groups faced continued smear campaigns, which had been started following the January uprising by the SCAF with the support of various Islamist groups. These campaigns employed judicial mechanisms to intimidate civil society activists and human rights defenders and to mar their reputations. Moreover, numerous bills were drafted which aimed to severely restrict human rights organizations in particular and to “nationalize” civil society organizations in general by turning them into semi-governmental bodies.

The biggest failure of the SCAF was its inability to establish a national consensus around a trajectory for the transitional period and to build constitutional institutions. Yet it was the Muslim Brotherhood and their Islamist allies who deepened the already tense political divisions and polarization in the country, particularly through their monopolization of the process of drafting the constitution. This polarization led to violent clashes, which in turn resulted in a number of deaths. Thus, it became poignantly clear that the Muslim Brotherhood and the presidency were determined to impose their vision for the country through intimidation and repression and with total disregard for the rule of law or democratic principles. This aim was also clearly seen in the way in which the president issued a constitutional declaration which immunized all of his decisions and decrees from judicial review immediately ahead of a judicial ruling expected to dissolve the Constituent Assembly and the Shura Council, dealing a severe blow to judicial independence. The president further utilized this constitutional declaration to dismiss the public prosecutor, who was associated with the former regime, and to singlehandedly appoint another to replace him.

The last months of 2012 witnessed an increase of what became known as the “militia” activities of the Muslim Brotherhood and other Islamist factions. At

the same time, the work of the judiciary faced increased interference and campaigns questioning its integrity, even as the average citizen's confidence in the judiciary's ability to achieve justice – particularly for the killing of protestors – and to prevent impunity receded. This threatened to obliterate the chances for setting up the foundations of a modern democratic state in which all persons and institutions are subject to the rule of law and to judicial rulings. Along with the blockage of channels for political dialogue between the new ruling elites and the opposition, this undermining of the judiciary prepared the way for the country to slide towards civil war. Indeed, peaceful protests gradually turned more violent, as was the case when offices of the Muslim Brotherhood and its political party were raided and set on fire and when the presidential palace was attacked after opposition protestors were harassed and tortured outside of its walls by supporters of the president, who were never held accountable.

The Process of Drafting the Constitution

Egyptians have paid a high price during the blundering transitional period, which prioritized holding parliamentary and presidential elections under a constitutional declaration of 63 articles issued singlehandedly by the SCAF in late March, 2011 without the slightest consultation with the various segments of Egyptian society.⁷ As such, political divisions were deepened from the very beginning of the transitional period, and chances for building consensus between liberals, secularists, leftists, and Coptic Christians on one side and Islamist factions on the other grew increasingly bleak.⁸

Throughout 2012, these divisions widened due to the insistence of the Muslim Brotherhood and its Islamist allies on dominating the process of drafting the constitution and crafting it to reflect their ideological and political views. The constitution was adopted through a referendum held on December 15 with only about 20% participation of the electorate and the approval of only 63% of those who voted.⁹ Thus, it is clear that the constitution did not enjoy consensus, particularly in light of the fact that a

⁷Concerning constitutional amendments and declarations, see:

- Egypt State Information Service, "Amendments of the Constitution 2011," <<http://www.sis.gov.eg/En/Templates/Articles/tmpArticles.aspx?ArtID=352>>.

- Egypt State Information Service, "Nesous Al-i'alan a-dostoury," <http://www.sis.gov.eg/ar/LastPage.aspx?Category_ID=1685>.

⁸ Cairo Institute for Human Rights Studies, "Fractured Walls... New Horizons," Annual Report for 2011, <<http://www.cihrs.org/?p=2539&lang=en>>.

⁹The Egyptian Organization for Human Rights, "Egypt's Constitution Passes, Supreme Election Commission Ignores Court Challenges," Dec. 26 2012, <<http://en.eohr.org/2012/12/26/egypts-constitution-passes/>>.

significant number of challenges were raised against the process of casting and tallying votes. In fact, the voting had taken place in the absence of sufficient judicial oversight, as a large number of judges had announced their refusal to take part in overseeing the referendum out of protest against attempts to undermine judicial independence.¹⁰

The process of adopting the constitution was accompanied by an unprecedented attack on the judiciary and against the Supreme Constitutional Court and the judges of the State Council in particular. This attack was led by the president himself and was carried out by the Muslim Brotherhood and other Islamist factions due to judicial rulings which had dissolved the People's Assembly and declared the first Constituent Assembly invalid.¹¹

Despite these court rulings, the second constituent assembly failed to address the most prominent problems regarding the make-up of the first assembly. For instance, the second constituent assembly did not include any constitutional experts, which resulted in 43 legal challenges being brought against it. In addition, a number of the representatives of non-Islamist political groups announced their resignations from the assembly after exhausting all possibilities for dialogue. The president further called the dissolved People's Assembly to convene and signed into law the bill on requisites for members of the constituent assembly which had not been approved by the SCAF.¹² On October 23, the administrative court referred

¹⁰For further information regarding violations surrounding the referendum on the constitution, see:

- Cairo Institute for Human Rights Studies, "Civil Society Organizations Warn of Potential Rigging of Constitutional Referendum, Demand that NCHR Be Excluded from Referendum Monitoring and Oversight of Civil Society," Dec. 13, 2012,

<<http://www.cihrs.org/?p=5294&lang=en>>.

- Cairo Institute for Human Rights Studies, "Mubarak-Style Referendum in Wake of Revolution: Rights Groups Demand Restage of Round One Referendum," Dec. 16, 2012,

<<http://www.cihrs.org/?p=5325&lang=en>>.

- The Egyptian Organization for Human Rights, "Late Opening of Polling Stations in many Egyptian Governorates," Dec. 22, 2012, <<http://en.eohr.org/2012/12/22/late-opening-of-polling-stations-in-many-egyptian-governorates/>>.

¹¹For the rationale for the administrative court ruling invalidating the initial constituent assembly, see:

- Sout Al Ummah Newspaper, "An-nas al-kamel li-haytheyat hokm botlan ta'seseyet a-dostour," May 28, 2012, <<http://goo.gl/9YTgm>>.

¹² See the text of Law 79/2012 in the Official Gazette no. 28, dated July 12, 2012 (Arabic), <<https://referendum2012.elections.eg/images/pdfs/laws/ElectAssemblyMembers2012-79.pdf>>.

this law to the Supreme Constitutional Court to rule regarding its constitutionality.¹³

Due to judicial rulings expected to invalidate the Constituent Assembly and dissolve the Shura Council based on the same reasoning that had been used by the Supreme Constitutional Court in its decision to dissolve the People's Assembly,¹⁴ the president issued a constitutional declaration on November 21 which essentially undermined the principles of judicial independence and rule of law, which are among the bases for the modern state.¹⁵ The declaration prohibited any judicial body from dissolving the Shura Council or the Constituent Assembly. It also provided immunity from any form of judicial review for all constitutional declarations, laws, and decrees previously issued by the president or which would be issued until the passage of the constitution and the election of a new People's Assembly.¹⁶ These measures were accompanied by official incitement by the president and leaders of the Freedom and Justice Party against the Supreme Constitutional Court, including by accusing the court of plotting against the institutions of the state and seeking to undermine them. This occurred despite the fact that the 2012 ruling that declared the law by which the People's Assembly was formed unconstitutional was based on the same rationale used by the same court to invalidate the configurations of the People's Assembly and of the Shura Council, as well as municipal and local councils, on several occasions during the Mubarak era.

Following this incitement, supporters of the Muslim Brotherhood surrounded the Supreme Constitutional Court, anticipating the possibility that the court could challenge the constitutional declaration by taking up any of the cases brought before it regarding the constitutionality of the Shura Council or the Constituent Assembly. Amid the collusion of the other state institutions –

¹³For the merits of the administrative court ruling concerning challenges to the second Constituent Assembly, see:

- Al-Mashhad Newspaper, "Nonshor haytheyat hokm 'ihalet ta'oun hal a-ta'seeseyya a-doustoureyya... Al-mahkama: Qanoun ikhteyar 'ada' a-ta'seeseyya ghal yad al-qadaa' al-idary," Oct. 28, 2012, <<http://al-mashhad.com/Articles/129070.aspx>>.

¹⁴For the merits of Constitutional Court ruling to dissolve parliament see:

- Al-Ahram Online Newspaper, "Presentation and Full English Text of Morsi's Decree Restoring Parliament," July 9, 2012, <<http://english.ahram.org.eg/NewsContent/1/140/47250/Egypt/First--days/Presentation-and-full-English-text-of-Morsis-decre.aspx>>.

¹⁵ Egypt State Information Service, Text of Constitutional Declaration (Arabic), Nov. 21, 2012, <http://www.sis.gov.eg/ar/LastPage.aspx?Category_ID=2427>.

¹⁶ Cairo Institute for Human Rights Studies, "New Constitutional Declaration Gives Morsi Sweeping Powers and Deals Lethal Blow to Judicial Independence," Nov. 24, 2012, <<http://www.cihrs.org/?p=5084&lang=en>>.

including the Presidency and the Ministries of Interior and of Justice – the court was forced to suspend its work for nearly six weeks.

During this siege of the Supreme Constitutional Court, the Constituent Assembly rushed to finish what became known as “the crime of the constitution” by November 30, at which point the president immediately issued a decree to hold a referendum on the constitution only two weeks later – despite the fact that his constitutional declaration had allowed the constituent assembly two additional months to finish its work in order to ensure that a “consensus” could be reached over the constitution.¹⁷ These measures led to violent clashes in the streets in front of the presidential palace from December 5-6 after supporters of the Muslim Brotherhood attacked opponents of the president who had been holding a sit-in in front of the palace.¹⁸ On December 8, the president issued another constitutional declaration which provided that all developments which had resulted from the November declaration would be maintained.¹⁹

The constitution paves the way for the establishment of political and religious authoritarianism and for theocracy along the lines of the velayat-e faqih system in Iran, albeit with Sunni terminology, as it provides for the “Sunni faqih” – as represented in what is known as the Council of Senior Scholars of al-Azhar – to give their opinion on all legislation to be passed.

The constitution further asserts that “rights and liberties shall be exercised in a way that does not conflict with the provisions included in the section entitled ‘State and Society’” – provisions closely related to the concept of theocracy – thus effectively emptying any positive provisions related to human rights of their meaning. This is particularly dangerous due to the fact that the constitution makes no reference to international human rights treaties and mechanisms. The constitution further rejects the principle of trade union pluralism, and it is the first constitution in Egypt to grant constitutional legitimacy to military trials of civilians, to child labor, and to forced labor.

The constitution does not limit the sweeping powers which were enjoyed by the president under the previous Egyptian constitutions. Rather, the constitution adds to the powers of the presidency the authority to appoint the heads of the independent oversight bodies which are supposedly intended to

¹⁷Cairo Institute for Human Rights Studies, “The Supreme Constitutional Court: Defending Human Rights or the Mubarak Regime?” Jan. 14, 2013, <<http://www.cihrs.org/?p=5852&lang=en>>.

¹⁸See below section entitled *Repression of Peaceful Protests*.

¹⁹Egypt State Information Service, Text of Constitutional Declaration (Arabic), Dec. 8, 2012, <http://www.sis.gov.eg/ar/LastPage.aspx?Category_ID=2268>.

monitor the executive branch - including overseeing the presidency itself. The constitution further maintains the privileges of the military and prevents matters pertaining to the armed forces from being subjected to civilian oversight.²⁰

Legislative Developments

The country witnessed a number of positive legislative developments, although they were of limited effect in terms of realizing Egyptians' aspirations for democracy after the fall of the Mubarak regime. Among the most prominent of these developments was the official lifting of the state of emergency on May 3 after the SCAF refrained from presenting a request for its extension. In addition, the People's Assembly amended the law governing presidential elections to eliminate opportunities to manipulate the outcome during the process of vote-counting and announcing the final results.²¹ However, the People's Assembly failed to annul the immunity from all forms of legal challenges enjoyed by the decisions of the High Commission for Presidential Elections.

The security apparatus did not welcome the ending of the state of emergency; rather, the Interior Ministry called several times for it to be reinstated in one form or another after the elected president took office, justifying such measures under the pretext of needing them to address the lack of security and stop acts of "thuggery". The Minister of Justice issued a

²⁰For the full provisions of the constitution see:

- Official website of the High Elections Commission (Arabic):

<[http://eelections-](http://eelections-2011.appspot.com/Referendum2012/dostor_masr_final.pdf#page=3&zoom=auto,0,448)

2011.appspot.com/Referendum2012/dostor_masr_final.pdf#page=3&zoom=auto,0,448>.

For the criticism surrounding the Constituent Assembly and the various drafts it issued, see:

- Cairo Institute for Human Rights Studies, "On International Human Rights Day: Egyptians to Vote on a Constitution that Undermines Human Rights and Liberties," Dec. 10, 2012,

<<http://www.cihrs.org/?p=5249&lang=en>>.

- Cairo Institute for Human Rights Studies, "No to Constitution Establishing Political and Theocratic Tyranny; Egyptian Rights Groups Reject Draft Constitution," Nov. 18, 2012,

<<http://www.cihrs.org/?p=5049&lang=en>>.

- Cairo Institute for Human Rights Studies, "Enshrining Religion in the Egyptian Constitution, The New Constitution Restricts Public Liberties, Human Rights, and Civil Society; The Constitution Should Protect Freedom, Not

Those who Oppress it," Oct. 3, 2012, <<http://www.cihrs.org/?p=4536&lang=en>>.

- Cairo Institute for Human Rights Studies, "After Hearing Held by Constituent Assembly, Right Groups in Egypt Express Fears about the Lack of Genuine Inclusive Debate on the

Post-Revolutionary Constitution," July 24, 2012, <<http://www.cihrs.org/?p=3594&lang=en>>.

²¹ Al-Ahram Newspaper (Arabic), "A-sha'ab yuqir ta'adeelat qanoun intekhabat a-ri'asa,"

Feb. 2012,

<<http://www.ahram.org.eg/AI%20Mashhad%20AI%20Syassy/News/133826.aspx>>.

decree on June 13 – two weeks after the state of emergency was lifted – granting judicial powers of search and seizure to military intelligence officers and military police for crimes committed by civilians. Rights organizations considered this decision to be worse even than emergency law, as it provided legal cover to additional crimes committed under the rule of the SCAF.²²

Even though the administrative courts moved swiftly to issue a ruling annulling this decree based on a legal challenge filed by rights organizations, the effects of the decree were revived again as part of another decree issued by the president to mandate the armed forces to secure the process of the constitutional referendum on December 15.

Following the presidential elections, the government circulated a number of bills which had been presented previously by the Interior Ministry to the People’s Assembly to replace the state of emergency when the SCAF was in power; the People’s Assembly had been dissolved before any of these bills could be passed. These bills aimed to impose restrictions on the right to peaceful protest and to organize strikes, and they would have allowed for exceptional measures similar to preventive detention under emergency law based on the pretext of protecting society from the lack of security and “thuggery.”²³

On November 21, a new exceptional law was passed under the guise of “protecting the revolution” which allowed for the harassment of critics of the authorities, journalists, and civil society activists by establishing specialized delegations with the authority to hold individuals in preventive detention for up to six months.

The president did take some limited positive measures pursuant to his assumption of legislative powers, the most prominent of which was the annulment of preventive detention for journalists charged of insulting the president. A committee was also formed to review the situation of detainees and those who were tried by military courts, leading to the release of some 700 people who had been imprisoned after January 25, 2011. The president further issued an amnesty pardoning all those charged of having committed crimes with the aim of supporting the revolution between January 25, 2011

²² Cairo Institute for Human Rights Studies, “Administrative Court Rules in Favor of Appeal Presented by Human Rights NGOs, Revokes Decree Enabling Military Intelligence and Military Police to Arrest Civilians,” June 26, 2012, <<http://www.cihrs.org/?p=3073&lang=en>>.

²³ For the bills and analysis see:
- Cairo Institute for Human Rights Studies, “Claiming to Restore Security; Draft Law Proposed by the Interior Ministry Seeks to Discipline the Egyptian People and Criminalize their Revolution,” Oct. 20, 2012, <<http://www.cihrs.org/?p=4623&lang=en>>.

and June 30, 2012, when he took office. This amnesty included all those who had been tried or whose cases were still being reviewed, whether by military or civilian courts.²⁴ However, this amnesty did not represent an end to military trials for civilians. To the contrary, dozens of people were referred to military courts throughout 2012 following protests in Port Said and Suez and in front of the Ministry of Defense in Cairo; fishermen were even tried before military courts based on charges of fishing in restricted military zones.²⁵ In addition, 25 residents of the island of Qursaya were arrested in November and tried before a military court after clashes broke out between Qursaya residents and the military police, which had been attempting to remove them by force from land that the army considers to be its own.²⁶

Repression of Peaceful Protests

Egyptians continued to insist on exercising their right to hold peaceful protests and sit-ins, despite the fact that acts of repression against such gatherings did not cease. Dozens were killed throughout the course of 2012 as the result of the use of excessive force by the police, the military police, and the armed forces.

The killing of 74 fans of the Ahly football club at the beginning of February, in what became known as the Port Said massacre, sparked a wave of large protests in Cairo and Suez that lasted nearly five days. In response, Central Security forces used excessive force, including firearms, and 16 additional people were killed as a result.²⁷

²⁴ Cairo Institute for Human Rights Studies, “After President Morsi’s First 100 Days: Worrying Indications for the Future of Human Rights; Major Crises Remain Unresolved,” Oct. 15, 2012, <<http://www.cihrs.org/?p=4547&lang=en>>.

²⁵ No to Military Trials for Civilians, Newsletter on Military Trials (Arabic), June 2012, <<http://www.nomiltrials.com/2012/06/2012.html>>; No to Military Trials for Civilians, “Al-Sues: Mahakem ‘askareyya li-tolaba wa ‘omal wa sayadeen,” July 18, 2012, <http://www.nomiltrials.com/2012/07/blog-post_18.html>; Cairo Institute for Human Rights Studies, “After President Morsi’s First 100 Days: Worrying Indications for the Future of Human Rights; Major Crises Remain Unresolved.”

²⁶ Human Rights Watch, “Egypt: Forced Eviction by Military Leaves One Dead,” Nov. 21, 2012, <<http://www.hrw.org/news/2012/11/21/egypt-forced-eviction-military-leaves-one-dead>>; Egyptian Initiative for Personal Rights, “Against the Backdrop of a Land Dispute on Qursaya Island: At Least Three Dead, Several Injuries by Military Police and 25 Detained by Military Prosecutor,” Nov. 25, 2012, <<http://eipr.org/en/pressrelease/2012/11/25/1551>>.

²⁷ Cairo Institute for Human Rights Studies, “The Port Said Massacre: The State Secures Safe Environment for the Murder of Innocents,” Feb. 5, 2012, <<http://www.cihrs.org/?p=1144&lang=en>>; Amnesty International, “Egypt: Agents of Repression: Egypt’s Police and the Case for Reform,” Oct. 2, 2012, <<http://www.amnesty.org/en/library/info/MDE12/029/2012/en>>.

In the period between April 28 and May 4, demonstrators held a sit-in at the Ministry of Defense to protest the disqualification of the Salafist presidential candidate Hazem Salah Abu Ismail by the High Commission for the Presidential Elections. The demonstrators were attacked by unidentified assailants armed with shotguns and knives, yet neither the security forces nor the military intervened to protect the demonstrators. Twelve people were killed, and some 300 were arrested and referred to the military prosecution.²⁸

On June 2, a group of feminist activists organized a demonstration in Cairo to demand an end to the sexual harassment of female demonstrators. However, they, too, were subjected to sexual harassment and physical assaults by groups of men, some of whom attempted to strip the female activists of their clothes and to grope them.²⁹

After the elected president took office, violations to the right to assembly and peaceful protest became even more severe, as supporters of the president and of the Muslim Brotherhood and its Islamist allies took part in attacks against demonstrations held to protest the direction in which the president and the Muslim Brotherhood were taking the country. On October 12, the Muslim Brotherhood incited its followers to go to Tahrir Square to confront the mass demonstration dubbed “Friday of Accountability,” which had been called in order to protest the president’s performance during the first 100 days of his term. This incitement led to the outbreak of clashes between supporters and opponents of the president, and some 160 people were injured as a result.³⁰

At the beginning of December, prominent leaders of the Muslim Brotherhood and of its affiliated Freedom and Justice Party incited their followers to head towards the Ittihadeyya Presidential Palace in order to “protect [the president’s] legitimacy” from his opponents, who had set up tents and begun a peaceful sit-in in the area around the palace. This attack by supporters of the president led to the outbreak of violent clashes from December 5-6 during which eleven people were killed. Neither the

²⁸ Amnesty International, “Egypt: Brutality Unpunished and Unchecked: Egypt’s Military Kill and Torture Protesters with Impunity,” Oct. 2, 2012, <<http://www.amnesty.org/en/library/info/MDE12/017/2012/en>>; Cairo Institute for Human Rights Studies, “Abbasiya Events a Continuation of SCAF’s Systematic Violations of Human Rights in the Transitional Period,” May 7, 2012, <<http://www.cihrs.org/?p=2076&lang=en>>.

²⁹ Amnesty International, “Egypt: Investigate Attacks on Women Protestors,” June, 11, 2012, <<http://www.amnesty.org/en/for-media/press-releases/egypt-investigate-attacks-women-protesters-2012-06-11>>.

³⁰The Egyptian Organization for Human Rights, “Fi moukaet ‘jomal jadida’ wa khorougan ‘ala roh a-thawra al-misreyya,” Oct. 14, 2012, <<http://ar.eohr.org/?p=2904>>; Cairo Institute for Human Rights Studies, “After President Morsy’s First 100 Days: Worrying Indications for the Future of Human Rights; Major Crises Remain Unresolved.”

presidency nor the security apparatus took any measures to prevent the outbreak of violence or to stop supporters of the president from detaining, interrogating, and even torturing a number of opposition protestors in front of the palace walls. 139 people were handed over to the police after being interrogated by supporters of the president, among them 20 minors. Before the results of any investigations into the incident were announced, the president condemned the protestors who had been holding the sit-in, accusing them of being paid thugs who had received money and weapons in order to attack the presidential palace. However, the public prosecution of East Cairo ordered the immediate release of these protestors, as he found no evidence against them,³¹ nor did the presidency present any such evidence.

It is important to note that attacks by militias made up of Muslim Brotherhood supporters had previously taken place against a number of lawyers, rights defenders, and political activists at the time when the State Council was considering the legal challenges which had been filed against decrees made by the president and against the membership of the Constituent Assembly.³²

From November 19-28, peaceful protests were held to commemorate the anniversary of the clashes which had occurred at Mohamed Mahmoud Street one year before and to denounce the president's constitutional declaration. These protests, too, were met with excessive force by security forces; three protestors were killed and hundreds injured by birdshot pellets and tear gas. In response to this repression, counter-violence began to appear, and attempts were made to raid 28 offices belonging to the Muslim Brotherhood and its Freedom and Justice Party; some of these offices were set on fire. In the context of these attacks, one supporter of the Muslim Brotherhood was also killed.³³

After the elected president took office, social protests also came under increasing attack. For instance, a sit-in held on July 17 by workers of the Ceramica Cleopatra factories was dispersed, and on September 16 security

³¹For further information regarding the events of the Presidential Palace, see:
- Cairo Institute for Human Rights Studies, "Al-Ittihadiyya – 'Presidential Palace' Clashes in Cairo 5 and 6 December 2012," December 2012, <http://www.cihrs.org/wp-content/uploads/2012/12/Ittihadiyya.rep_CIHRS_Eng_Dec_.pdf>.

³²The Egyptian Organization for Human Rights, "EOHR Denounces the Assault on Al-Fakharany, Al-Boray and Al-Hareery," July 11, 2012, <<http://en.eohr.org/2012/07/11/eohr-denounces-the-assault-on-al-fakharany-al-boray-and-al-hareery/>>.

³³Ibid; see also:

- The Egyptian Organization for Human Rights, "EOHR Mourns the Demonstration Victims," Nov. 26, 2012, <<http://en.eohr.org/2012/11/26/eohr-mourns-the-demonstration-victims/>>.

- The Egyptian Organization for Human Rights, "Takreer ikhbary 'an a-thekra al-oula li-ahdath Mohamed mahmoud," Nov. 20, 2012, <<http://ar.eohr.org/?p=2998>>.

forces surrounded workers with the Public Transport Authority who were holding a strike in a number of the authority's garages and arrested the official spokesperson of the Independent Union of Public Transport Workers based on charges of inciting to strike.³⁴

Increasing Repression of Freedom of Expression and Media Freedoms

Egyptians continued to cling to the space that they had claimed during the last years of Mubarak's rule to freely express their views, despite the arsenal of laws hostile to freedom of expression, media freedoms, and access to information which saw no notable change following Mubarak's ouster.

The most prominent attacks on journalists and media professionals under the SCAF's rule occurred in May while journalists were covering clashes which occurred during a sit-in in front of the Ministry of Defense. A number of journalists choked on the tear gas that was used against the demonstrators, and 18 journalists were detained.³⁵

The SCAF further pressured a number of private satellite television channels to stop criticizing its policies. As a result, on February 11 the administration of the channel *Al-Tahrir* discontinued the daily program presented by Dina Abdelrahman after it featured a report by the Liars (Kazeboon) campaign revealing violations which had taken place under the SCAF's rule.³⁶ On February 21, the channel *Modern Hureyya* cut off the transmission of the voice of Moataz Matar during the live broadcast of his program "Mohatet

³⁴ Cairo Institute for Human Rights Studies, "After President Morsy's First 100 Days: Worrying Indications for the Future of Human Rights; Major Crises Remain Unresolved."

³⁵ Concerning the violations suffered by journalists during the sit-in see:

- IFEX/Committee to Protect Journalists, "At Least 18 Journalists Assaulted, Arrested in Clashes," May 7, 2012, <http://ifex.org/egypt/2012/05/07/journalists_assaulted/>.

- IFEX/Committee to Protect Journalists, "Two Journalists Report Being Brutalized in Custody," May 8, 2012, <http://ifex.org/egypt/2012/05/08/journalists_brutalised/>.

- The Egyptian Organization for Human Rights Studies, "'Intellectual Terrorism and the Policy of Censorship' EOHR Report Released," Aug. 15, 2012, <<http://en.eohr.org/2012/08/15/intellectual-terrorism-and-the-policy-of-censorship-eohr-report-released/>>.

- Cairo Institute for Human Rights Studies, "Abbasiya Events a Continuation of SCAF's Systematic Violations of Human Rights in the Transitional Period."

³⁶ IFEX/Arab Network for Human Rights Information, "Journalist's TV Show Taken Off the Air," Feb. 14, 2012, <http://ifex.org/egypt/2012/02/14/anhri_egypt_dina_abdel/>.

Misr” as he was describing the interference of the security apparatus in the various Modern channels.³⁷

Attacks on freedom of expression and media freedoms increased significantly during the second half of the year. Only two weeks after the elected president took office, he began to threaten critics and members of the opposition,³⁸ and the leadership of both the Muslim Brotherhood and its affiliated Freedom and Justice Party escalated their accusations against media workers. The Minister of Investment threatened to impose sanctions on satellite television channels, ranging from notices and warnings to halting their broadcasts and withdrawing their licenses.³⁹

In December, al-Husseini Abu Dheif, an opposition journalist with the newspaper *Al-Fagr*, was killed after he was shot in the head while taking pictures of the violent clashes between supporters and opponents of the president at the Ittihadeyya Presidential Palace.⁴⁰ On November 5, fire was opened on the car of writer Abdel Jalil al-Sharnoubi, former editor-in-chief of the website *Ikhwan Online* and coordinator of the Egyptian Front for Innovation, as he was driving in the governorate of Qaliubeyya. Al-Sharnoubi had previously received threats on his phone urging him to stop criticizing the Muslim Brotherhood, which he had left in mid-2011.⁴¹

Media Production City was surrounded by supporters of the Muslim Brotherhood and its allies on a number of occasions with the aim of intimidating those who work there, and media workers and artists, intellectuals, and rights activists who were hosted on satellite television channels were attacked. In August, media professionals Khaled Salah, Amr Adib, and Yusef al-Husseini were assaulted,⁴² as was well-known cinema

³⁷ The Egyptian Organization for Human Rights Studies, “EOHR Supports Mahatat Misr,” Feb. 22, 2012, <<http://en.eohr.org/2012/02/22/eohr-supports-mahatat-misr/>>.

³⁸ Al-Masry Al-Youm, “Khobaraa’: Tahdeed a-ra’ees li-moa’radeyet kharq al-qanoun,” July 18, 2012, <<http://today.almasryalyoum.com/article2.aspx?ArticleID=346805>>.

³⁹ The Egyptian Organization for Human Rights, “EOHR Denounces the Threat of the Minister of Investment to Satellite Television Channels,” Aug. 6, 2012, <<http://en.eohr.org/2012/08/06/eohr-denounces-the-threat-of-the-minister-of-investment-to-satellite-television-channels/>>.

⁴⁰ The Egyptian Organization for Human Rights, “Freedom of Expression under Accusation,” Jan. 3, 2013, <<http://en.eohr.org/2013/01/03/freedom-of-expression-under-accusation/>>; Cairo Institute for Human Rights Studies, “Will the Ittihadiyya Clashed Become a Routine Model to Settle Political Disputes in Egypt?” Dec. 26, 2012, <<http://www.cihrs.org/?p=5361&lang=en>>.

⁴¹ Egyptian Organization for Human Rights, “Freedom of Expression under Accusation.”

⁴² Egyptian Organization for Human Rights, “EOHR Condemns the Recent Assault on Journalists and Demands an Immediate Investigation,” Aug. 8, 2012,

producer Khaled Yusef in December. The broadcast of the channel *Al-Fara'in* was shut down and its president, Tawfiq Akasha, targeted by several lawsuits based on charges of insulting the president and inciting to his assassination.⁴³

On December 15 – the first day of the referendum on the new constitution – a group of the president's supporters attacked the offices of the Wafd Party and its newspaper, firing projectiles and fireworks at the offices and destroying the cars of journalists parked outside.⁴⁴

On November 16, the administration of the Dream channels announced that it would be impossible to broadcast its programs live, as the private company Nile Sat had cut off the cable used for its broadcasts, citing breaches of the law to do so.⁴⁵ However, an administrative court later ruled against this decision and ordered that Dream be allowed to broadcast its programs.⁴⁶

Following claims filed by over 1,000 judges, investigations were opened with numerous media professionals from the channels *Al-Hayat*, *ONTV*, *Annahar*, *Dream*, *CBC*, and *Egyptian Rotana* based on charges of insulting judges and the judicial institutions through their views or commentary.⁴⁷

On August 26, an episode of the program “Al-Dhameer” on the government-owned television channel *Al-Qanaa Al-Thaneyya* was banned from being broadcast, as it dealt with the ‘Brotherhoodization’ of the media. Similarly, the production team for the program “Naharak Sa'id” on the channel *Nile Live* was referred for investigation due to the criticisms expressed by a guest

<http://en.eohr.org/2012/08/08/eohr-condemns-the-recent-assault-on-journalists-and-demands-an-immediate-investigation/>.

⁴³ The Egyptian Organization for Human Rights, “‘Al Farrain’ Satellite Channel Closed for 45 Days in Violation of the Freedom of Expression,” Aug. 10, 2012, <http://en.eohr.org/2012/08/10/al-farrain-satellite-channel-closed-for-45-days-in-violation-of-the-freedom-of-expression/>; Egyptian Organization for Human Rights, “‘Intellectual Terrorism and the Policy of Censorship’ EOHR Report Released.”

⁴⁴ Horeyet Al-Ta'abeer National Committee for the Defense of the Freedom of Expression, “Bayan todayen al-a'amal al-egrameyya wa al-irhabeyya didd a-sohaf wa wasa'el al-i'alam,” Dec. 16, 2012, <http://ta3beer.com/?p=659>; The Arab Center for the Independence of the Judiciary and the Legal Profession, “The ACIJLP Condemns the Burning of the Headquarters of the Wafd Part and Warns of Increasing Rates of Violence as a Result of Unjustified Lax in Adopting Transitional Justice Programs,” Dec. 16, 2012, http://www.acijlp.org/main/en/art.php?id=9&art=107#.Ud7_Q_lQaSo; Cairo Institute for Human Right Studies, “Mubarak-Style Referendum in Wake of Revolution: Rights Groups Demand Restage of Round One Referendum.”

⁴⁵ Egyptian Organization for Human Rights, “Freedom of Expression under Accusation.”

⁴⁶ Association for Freedom of Thought and Expression, “Nas haytheyyat al-hokm a-sader li-saleh qanawat dream al-fada'eyya bi-'aoudet al-bath,” Jan. 20, 2013, <http://www.afteegypt.org/issues/provisions/2013/01/20/809-afteegypt.html>.

⁴⁷ Egyptian Organization for Human Rights, “Freedom of Expression under Accusation.”

on the program against the ruling Freedom and Justice Party and of the “renaissance project” which had been part of the president’s electoral platform.⁴⁸

An increasing number of complaints were filed against journalists, media professionals, and even the individuals hosted on television shows, based on charges of insulting the president. Judicial investigations were opened in a number of these cases before the end of the year, including in the cases of prominent talk-show host Mahmoud Saad and professor of psychology Dr. Manal Omar, who presented a psychological analysis of the president on Saad’s show.⁴⁹ Similarly, Khaled Salah, the editor-in-chief of the newspaper *Al-Youm As-Sabaa*, and journalist Alaa al-Shafa’i were also investigated.⁵⁰ Islam Afifi, the editor-in-chief of the newspaper *Ad-Dostoor*, was referred to a criminal court,⁵¹ and the August 11 issue of the paper was confiscated from newspaper stands.⁵² On August 22, the weekly issue of the newspaper *Al-Shaab Al-Jideed* was also confiscated from the Al-Ahram printing facilities.⁵³

In the name of reforming the media, the Muslim Brotherhood and its Freedom and Justice Party were able to utilize their majority in the Shura Council to appoint new editors and boards of directors loyal to them to most of the state-owned newspapers as well as to dominate the Supreme Press Commission. This led to the prevention of a number of articles written by critics of the Brotherhood and of the president from being published, including articles by Abla Ruwaini, Alcinarsit Medhat al-Adl, Ghada Nabil, novelist Yusuf Qaeed, and former Brotherhood leader Tharwat Kherbawi, among others. Abdel Jalil al-Sharnoubi, a former member of the Muslim Brotherhood, was banned from writing on the political page of the journal *Al-Itha’a wa Al-Television*, and the journal *Al-Musawwer* discontinued publishing segments of the book *A’idoun min Jennet al-Ikhwan* (Returning from the Heaven of the Brotherhood), written by author Sameh Fayez, after the first five segments had been published. The Al-Ahram paper canceled a

⁴⁸ Cairo Institute for Human Rights Studies, “After President Morsy’s first 100 Days: Worrying Indications for the Future of Human Rights; Major Crises remain unresolved.”

⁴⁹ Egyptian Organization for Human Rights, “Freedom of Expression under Accusation.”

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Cairo Institute for Human Rights Studies, “After President Morsy’s first 100 Days: Worrying Indications for the Future of Human Rights; Major Crises remain unresolved”; The Egyptian Organization for Human Rights, “Another Setback for Freedom of Expression,” Aug. 11, 2012, <<http://en.eohr.org/2012/08/11/another-setback-for-freedom-of-expression/>>.

⁵³ The Egyptian Organization for Human Rights, “The Continuation of the Censorship Policy & Confiscation of the Press,” Aug. 22, 2012, <<http://en.eohr.org/2012/08/22/the-continuation-of-the-censorship-policy-confiscation-of-the-press/>>.

section entitled “100 Days of Presidential Promises” which had monitored the president’s fulfillment - or lack thereof - of his promises during his first 100 days in office.⁵⁴

While the president of the Shura Council was also serving as the president of the Supreme Press Council – in breach of the law – he issued a decision to dismiss the editor of the newspaper *Al-Jamhoreyya* on October 17, following the paper’s publication of information regarding the Illicit Gains Authority decision to investigate Field Marshall Hussein Tantawi, the former minister of defense, and Sami Anan, the former chief of staff of the armed forces.⁵⁵ Despite a court ruling which overturned this decision in favor of the editor, the Shura Council failed to implement the order to reinstate him.

The last six months of 2012 saw a notable escalation in the number of charges related to defamation of Islam or defamation of religion used to suppress freedom of expression. On September 18, for instance, the Sohaig Criminal Court found Bishawi Kameel Kamel guilty of defaming Islam and insulting the president through his postings on Facebook and sentenced him to six years in prison.⁵⁶ In December, the Al-Marg Criminal Court sentenced Alber Saber Ayyad to three years in prison after finding him guilty of defamation of religion. Ayyad had been detained in September after a number of his neighbors had gathered in front of his house and filed complaints accusing Ayyad of defamation of religion via his accounts on social media websites. Ayyad’s mother had called the police for help, as she feared that the neighbors would break into the house, yet the police arrested Ayyad and confiscated his computer instead. Ayyad was physically assaulted inside the police station, and his mother was received death threats and threats that her house would be set on fire if she did not leave, which she was then forced to do.⁵⁷

⁵⁴Cairo Institute for Human Rights Studies, “After President Morsy’s first 100 Days: Worrying Indications for the Future of Human Rights; Major Crises remain unresolved”; Egyptian Organization for Human Rights, “Freedom of Expression under Accusation.”

⁵⁵ The Egyptian Organization for Human Rights, “Dismissal of Abd-El-Rahim from Being the Editor-in-Chief of Al-Gomhuria Newspaper,” Oct. 18, 2012, <<http://en.eohr.org/2012/10/18/dismissal-of-abd-el-rahim-from-being-the-editor-in-chief-of-al-gomhuria-newspaper/>>; Al Watan News, “Al-Edary Yalghey Karar Al-Shura Be-Ekalet Abd Al-Raheem Men Rea’set Tahrir Al-Gomhouriyya,” Nov. 6, 2012, <<http://www.elwatannews.com/news/details/72264>>.

⁵⁶Egyptian Initiative for Personal Rights, “Ba’ad hokm b-a-sejn 6 sanawat didd kebty bi-tohm ezdraa’ al-islam wa sob a-ra’ees – al-mobadara al-misreyya: tawaso’a shadeed fi estekhdam tohmet al-izdraa’ yuhadded horeyyet al-ra’ei wa a-ta’abeer,” Sep. 18, 2012, <<http://eipr.org/pressrelease/2012/09/18/1490>>.

⁵⁷Association for Freedom of Thought and Expression, “Osra maseheyya tadfa’ thaman momaraset ahad afradha li-horeyyet al-ta’abeer,” Sep. 15, 2012,

Also in December, lawyers belonging to the Muslim Brotherhood filed a complaint with the public prosecutor against journalistic writer Ibrahim Eisa, who also hosts the “Hunna al-Qahera” program on the satellite television channel *Al-Qahera wa An-Ness*, accusing him of defamation of Islam and mockery of Qur’anic verses. Dua’a al-Adl, a cartoonist with the newspaper *Al-Masry Al-Youm*, was summoned for investigation on December 27 after a complaint was filed against her accusing her of defamation of religion following a cartoon which ridiculed calls to vote “yes” for religious reasons in the constitutional referendum.⁵⁸

Increasing Restrictions on Religious Freedoms and Continued Sectarian Violence

The year 2012 saw the spread of religious intolerance along with continued acts of sectarian violence. The authorities continued to follow the Mubarak-era method of responding to such acts by calling for customary “reconciliation meetings” rather than holding those responsible to account according to the law. Furthermore, adequate protection was not provided to Coptic Christians or to their churches and property. As a result, cases of forced displacement of Coptic families from their villages increased.

In the few cases in which acts of sectarian violence were referred to the courts, the authorities resorted to the use of “emergency” state security courts, as had been done in similar cases under Mubarak’s rule. Many of the rulings issued by these courts are questionable, and defendants are not allowed to appeal these decisions before a higher court. On May 21, one of these emergency courts sentenced twelve Christians to life in prison while acquitting eight Muslims in a case regarding the sectarian clashes which took place in the city of Abu Qurqas in the governorate of Minya in 2011; two Muslims had been killed in the clashes and a number of Coptic shops and homes burned. Another trial heard by an emergency court was related to even more serious acts of violence which occurred in Imbaba in May 2011, when two churches were attacked, 13 people killed, and hundreds injured. In April 2012, the court ordered that the 48 defendants in the case be released

<<http://www.afteegypt.org/pressrelease/2012/09/15/710-afteegypt.html>>; Cairo Institute for Human Rights Studies, “Eight Rights Groups File a Complaint with the Public Prosecutor on the Arrest of Albert Saber Ayyad and His Family’s Expulsion from Their Home,” Sep. 18, 2012, <<http://www.cihrs.org/?p=4069&lang=en>>; Cairo Institute for Human Rights Studies, “The Prison Sentence Against Alber Saber: Another Nail in the Coffin of Democracy,” Dec. 13, 2012, <<http://www.cihrs.org/?p=5298&lang=en>>.

⁵⁸ Egyptian Organization for Human Rights, “Freedom of Expression under Accusation.”

on bail pending a ruling on the constitutionality of one of the provisions of emergency law.⁵⁹

At the beginning of the year, a Coptic family was evicted from one of the towns in the governorate of Assiut. This occurred after sectarian violence had broken out in four towns following rumors that a Coptic student had circulated an insulting picture of the Prophet Mohammed. Upon hearing this, many Muslims had gathered and attacked Coptic homes, attempting to break into some of them, and the home of the Coptic student who allegedly circulated the picture was set on fire. In response, authorities in the governorate and religious and tribal leaders agreed to displace the family of the Coptic student from their town.⁶⁰

On January 27, Coptic Christians from the town of Shurbat in the governorate of Alexandria were subjected to sectarian attacks, including arson and looting of their homes and shops. These acts took place after a rumor spread that a Coptic youth had circulated pictures of himself with a Muslim woman from the town. Despite the fact that the youth turned himself in to the police and the prosecutor decided to hold him in custody pending investigations, a “reconciliation meeting” was called for on January 30 by the executive and security authorities in the governorate; the meeting ended in a decision to forcibly evict eight Christian families from the town.⁶¹

After the elected president assumed office, the town of Dahshour in the south of the governorate of Giza witnessed an outbreak of sectarian violence on July 26 after a dispute between a Muslim and a Christian turned violent and led to the arson of five homes and shops owned by Copts and the death of one Muslim after he was severely burned. The police did not intervene or allow emergency response vehicles to enter to put out the fires. Fearing for their lives, a large number of Coptic families were forced to flee the town

⁵⁹Human Rights Watch, “Egypt: End Mubarak-Era Impunity for Sectarian Violence,” July 16, 2012, <<http://www.hrw.org/news/2012/07/16/egypt-end-mubarak-era-impunity-sectarian-violence>>; The Egyptian Initiative for Personal Rights, “Al-aqbat fe hokm al-’askar, waka’ e a’am we nesf men jara’im al-marhalla al-intiqaleyya,” Oct. 9, 2012, <<http://eipr.org/pressrelease/2012/10/09/1519>>.

⁶⁰The Egyptian Initiative for Personal Rights, “Ahdath assiut al-ta’efeyya heen yegheeb al-qanoun wa heen toa’lej misr a-thawra azmatha ’ala khatay amn a-dawla: Al-tahgeer al-qasry takrees l-a-ta’efeyya,” Jan. 5, 2012, <<http://eipr.org/pressrelease/2012/01/05/1339>>.

⁶¹The Egyptian Initiative for Personal Rights, “Crimes in Al-Amiriya: Collective Punishment of Copts and Official Sanction for Sectarian Attacks,” Feb. 12, 2012, <<http://eipr.org/en/pressrelease/2012/02/12/1367>>.

after the police asked them to leave their homes until the wave of anger subsided.⁶²

As the activities and influence of Salafist jihadist groups in Sinai spread, Coptic property was attacked by unknown assailants on a number of occasions in Rafah in September; prior to these attacks, a masked man had circulated notices demanding that Copts leave the area. Nine Christian families were forced to leave Rafah and to sell their homes after the authorities in North Sinai made it clear that they could do nothing but reassign Coptic employees from Rafah to positions in Ariyash. Despite this, the prime minister denied that Copts in Rafah had been forcibly evicted, claiming that they had freely decided to move to another area.⁶³

On October 28, Christians were attacked by dozens of Muslims wielding sticks, rocks, and chains as they were leaving the Mary Girgis Church in the manor of Marco Tilla in the governorate of Beni Suweif; the attackers claimed that some of the Copts had come to pray from other villages. The security authorities called for a “reconciliation meeting,” during which it was agreed that the church would refuse to allow Christians from the surrounding towns and villages - which do not have their own churches - to come and pray in the church. The Muslim attackers were made to repair two cars that had been damaged in the attack, while the Christians were forced to withdraw the charges that they had prepared to be filed against the attackers.⁶⁴

On November 5, a number of Muslims carrying firearms gathered in front of a plot of land owned by the diocese of Shubra al-Khaimah in order to prevent a building for workers of the diocese from being completed. The Muslims threatened to turn the building into a mosque and performed the prayer on the land set aside for the building. The security apparatus refrained

⁶²The Egyptian Initiative for Personal Rights, “Ba’ad wafat shab b-al-qarya mota’theran bi-essabateh: ’ala al-shorta a-tadakhol fawran li-hamayet al-arwah wa al-momtalakat tahassoban li-tajadod al-eshtebakat a-ta’efeyya fe dahshour,” July 31, 2012, <<http://eipr.org/pressrelease/2012/07/31/1457>>; Cairo Institute for Human Rights Studies, “After President Morsi’s First 100 Days: Worrying Indications for the Future of Human Rights; Major Crises Remain Unresolved.”

⁶³ The Egyptian Initiative for Personal Rights, “A-tahgeer al-qasry li-aqbat rafah leisa hadethan monfaraden ’ala a-dawla an tahmy al-mowataneen fe beyouthom badalan men al-musharaka fe tahgeerhom,” Sep. 30, 2012, <<http://eipr.org/pressrelease/2012/09/30/1505>>; Cairo Institute for Human Rights Studies, “After President Morsi’s First 100 Days: Worrying Indications for the Future of Human Rights; Major Crises Remain Unresolved.”

⁶⁴ The Egyptian Initiative for Personal Rights, “Al-mubadarra al-misreyya turalab be-sura’et isdar qanoun li-benaa’ al-kana’es we moa’aqabet al-maso’uleen ’an al-e’atada’at ’ala al-mosaleen al-maseehyeen,” Oct. 31, 2012, <<http://eipr.org/en/node/1524>>.

for nearly two days from arresting the Muslims who had incited to the incident and those who had been participated in the attack.⁶⁵

During 2012, restrictions on Shiites and on the practice of their religious rites increased. For instance, Mohamed Fahmi Abdel Sayyed was sentenced to imprisonment for one year after being charged of spreading Shiite ideas and of committing acts that contradict the Sunni tradition while performing the prayer in a mosque, as these acts were considered to amount to “desecration of places of worship.”⁶⁶ It is important to note that on a number of occasions, Al-Azhar, a Sunni religious institution, has announced its rejection of the establishment of mosques with sectarian leanings, particularly Shiite “Husseineyyat”, as it considers them to serve to spread a culture of hatred against the companions of the Prophet and his family.⁶⁷

Restrictions on Civil Society

Civil society organizations continued to be held hostage to administrative, bureaucratic, and security restrictions, which reflected the growing trend of the government towards tightening its control on civic work, whether through the use of the provisions of Law 84 of 2002 or in violation of them. Indeed, since the ouster of Mubarak, the authorities have sought to impose increased arbitrary restrictions on the work of civil society. At the same time, the attack which was initiated in the media by the security authorities against human rights organizations in 2011 continued even after the Muslim Brotherhood came to power.

In terms of legislation, an attempt was made in April to circulate a new bill which embodied the intent of the government to bring NGOs under state control, as it would have considered NGO funds to be public funds and board members of associations, NGO staff, and members of their affiliated unions to be public employees. This bill sought to grant the government the right to interfere in the minutest of NGOs’ affairs, to prohibit such groups

⁶⁵ The Egyptian Initiative for Personal Rights, “‘Ala ra’ees al-jomhoureyya al-bade’ fawran fe hewar mogtama’y men agl isdar qanoun ’adel li-dor al-e’badda,” Nov. 8, 2012, <<http://eipr.org/pressrelease/2012/11/08/1528>>.

⁶⁶The Egyptian Initiative for personal Rights, “Al-mubadarra al-masreyya l-al-huqouq al-shakhseyya tato’en bel-naqd fe hokm bi-habs mowatan li-entema’eh l-el-mathhab al-shi’i, Sep. 27, 2012, <<http://eipr.org/pressrelease/2012/09/27/1500>>; Cairo Institute for Human Rights Studies, “After President Morsy’s First 100 Days: Worrying Indications for the Future of Human Rights; Major Crises Remain Unresolved.”

⁶⁷ Akhbar Al-Youm Newspaper, “Al-azhar yarfodd eqamet husseineyyat shi’aeyya fe masr,” May 20, 2012, <<http://www.dar.akhbarelyom.org.eg/issue/detailze.asp?field=news&id=71801>>.

from conducting field research and opinion polls, and to prevent them from defending specific rights or workers belonging to specific professions. The bill further sought to grant judicial powers of search and seizure to employees of the Social Affairs Directorates when conducting inspections of associations.⁶⁸

It is important to note that the Human Rights Committee in the People's Assembly had conducted consultations with human rights organizations – including the Cairo Institute for Human Rights Studies – and decided to reject the government's bill and to adopt a bill proposed by human rights organizations and presented by the Cairo Institute. After the Freedom and Justice Party, the political party of the Muslim Brotherhood, presented a new draft of the law, negotiations regarding the bill took place between the party and the Cairo Institute which led to several relative improvements to the draft. However, the People's Assembly was dissolved before the law was passed.⁶⁹

After the Muslim Brotherhood's presidential candidate was elected and the Muslim Brotherhood thereby obtained both the executive and legislative powers in Egypt, however, it became increasingly clear that the Brotherhood and its party were moving towards adopting legislation with the same content as that of the government's repressive bill, which they had previously rejected when it was discussed in the Human Rights Committee of the People's Assembly.

The government appointed by the Freedom and Justice Party contributed to the smear campaign against civil society organizations that had been started by the government under the SCAF in 2011. The Ministry of Insurance and Social Affairs held a press conference on October 14, 2012 at which it claimed that it had “refused to allow some civil society organizations to receive money from foreign sources linked to Israel,” without giving the names of the donating bodies or of the organizations which were going to receive these funds. The apparent aim of this was to generalize these charges to all civil society organizations.⁷⁰

It is important to note that prominent figures in the Muslim Brotherhood and other Islamist factions had previously taken part in this smear campaign

⁶⁸ For more details, see: Cairo Institute for Human Rights Studies, “Draft Law for the Nationalization of Civil Society and Transforming it into a Government Institution,” Apr. 11, 2012, <<http://www.cihrs.org/?p=1985&lang=en>>.

⁶⁹ Cairo Institute for Human Rights Studies, “New Draft Law to Regulate NGOs and Civil Society Tangible Progress Along with Flaws of the Past,” May 28, 2012, <<http://www.cihrs.org/?p=2291&lang=en>>.

⁷⁰ Cairo Institute for Human Rights Studies, “After President Morsi's First 100 Days: Worrying Indications for the Future of Human Rights; Major Crises Remain Unresolved.”

against rights organizations in 2011, charging them with receiving foreign funds in order to implement Western agendas with the aim of preventing parliamentary or presidential elections from being held.⁷¹

In the context of this campaign, 43 people who worked for foreign organizations (four offices of American organizations and five offices of German organizations) were referred to a criminal court in February 2012 on charges of directing unlicensed organizations and of receiving funds from abroad in violation of the law. Diplomatic pressure led the Egyptian authorities to drop the travel ban imposed against the foreign defendants and to allow them to leave the country.

Also in the context of this smear campaign, the Ministry of Justice circulated unfounded charges against dozens of organizations in the media. An impartial investigation was supposed to be conducted by the judiciary into these allegations, yet the investigation was delegated to two judges handpicked by the Ministry of Justice. Throughout the investigation period, incorrect information and information that had been taken out of context regarding the case were intentionally and continuously leaked to the press to fuel the smear campaign against rights organizations, despite the fact that information related to ongoing investigations should be kept confidential. This campaign peaked when the investigating judges – in a new precedent violating both the law and judicial norms – convened a press conference to provide additional accusations. Later, when the travel ban against the defendants was lifted, the judges made an official announcement that the charges did not amount to more than a breach of administrative procedure and therefore did not warrant preventive detention or a travel ban.⁷²

⁷¹ For information concerning these campaigns, content, and parties, see:

- Essam Al-Deen Mohamed Hassan, "Hamlat a-tashheer a a-tamweel al-ajnbay, kera'a fe al-hajma 'ala al-jama'eyyat al-ahleyya wa monathamat al-mojtama' al-madany," Working paper presented at a talk on "Ehanat Al-Qanoun wa Hamlet Al-Karaheyya," Sep. 19, 2011.

⁷² For more information on the attacks on human rights organizations and civil society, see:
- Cairo Institute for Human Rights Studies, "The Case Against Foreign NGOs Must be Closed and Responsible Ministers Held Accountable," Mar. 11, 2012,

<http://www.cihrs.org/?p=1786&lang=en>.

- Human Rights Watch, "Egypt: Drop Charges in Non-Profit Group Cases," Mar. 7, 2012,

<http://www.hrw.org/news/2012/03/07/egypt-drop-charges-non-profit-group-cases>.

- Human Rights Watch, "Egypt: Rights Activists at Risk of Prison," Feb. 5, 2012,

<http://www.hrw.org/news/2012/02/05/egypt-rights-activists-risk-prison>.

- Cairo Institute for Human Rights Studies, "Beyond NGOs: The Battle for Egypt," Bahey El-Din Hassan, Mar. 7 2012, <http://www.cihrs.org/?p=1757&lang=en>.

- Cairo Institute for Human Rights Studies, "Orchestrated Campaign Against Human Rights Organizations: Facts Absent; the Public Intentionally Misled," Feb. 15 2012,

<http://www.cihrs.org/?p=1234&lang=en>.

Since the elected president assumed office, he sought to exclude rights organizations from participating in consultations on issues related to human rights. For instance, on November 11 the president convened a meeting with civil society organizations without including any human rights groups. Similarly, rights organizations had been invited to participate in a meeting of the European-Egyptian Working Group on November 13; these invitations were cancelled based on a request from the Egyptian government. Tellingly, the invitations extended to American and European organizations and to Egyptian organizations working in fields other than human rights were not cancelled.

On November 7, the Egyptian government interrupted the opening session of a conference organized by the United Nations in Cairo regarding problems related to the implementation of transitional justice – despite the fact that the schedule of the conference included a time for the government to speak during the opening session. The following day, a representative of the Foreign Ministry in attendance fiercely attacked the conference, calling it an extension of an international conspiracy against Egypt.⁷³

Continued Restrictions to Union Rights and Freedoms

The authorities took no serious steps to improve union freedoms limited by Law 35 of 1976 on workers' unions, despite the fact that an alternative bill had been prepared in 2011 upon the initiative of the former Minister of Manpower, Ahmed Bora'i. At that time, an agreement had been reached by all parties of the union movement, business owners, representatives of the government, and rights organizations. Instead, the president signed a limited amendment to the existing law which paved the way for individuals close to the Muslim Brotherhood to control the Egypt Workers Union, the official union organization.⁷⁴

The continued application of Law 35 of 1976, which entrenches a role for only one union organization, created obstacles for independent syndicates.

- Amnesty International, "Egypt: Stop Holding NGOs Hostage," Feb. 7, 2012, <<http://www.amnesty.org/en/news/egypt-stop-holding-ngos-hostage-2012-02-07>>.

- Amnesty International, "Egypt Must End Attacks on Civil Society," Mar. 1, 2012, <<http://www.amnesty.org/en/news/egypt-must-end-attacks-civil-society-2012-03-01>>.

⁷³ Cairo Institute of Human Rights Studies, "Ministry of Foreign Affairs Cancels Invitations to Advocacy Groups to Meet with EU; President Excludes Rights Organizations from Meeting with Civil Society," Nov. 13, 2012, <<http://www.cihrs.org/?p=4818&lang=en>>.

⁷⁴For further information regarding the Trade Unions Act, see: Center for Trade Union & Workers' Services, "Qarar bi-qanoun li-ta'adeel ba'd ahkam qanoun al-neqabat al-i'amaleyya," <<http://www.ctuws.com/default.aspx?item=1250>>.

At the same time, union leaders were harassed, punished by being dismissed from their jobs or transferred arbitrarily, detained, and investigated and referred to trial. On September 23, the Alexandria Criminal Court issued a harsh sentence against five leaders of the independent union of the Tadawwol al-Haweyyat Company in absentia based on charges of inciting workers to strike and misusing public funds.⁷⁵ During the first 100 days of the elected president's term, 39 leaders of independent syndicates were dismissed from their jobs, 32 unionists were referred to the prosecutor general on charges of inciting to strikes, and dozens of unionists were subjected to administrative investigations by the institutions in which they work.⁷⁶

Prominent rights advocate and unionist Kamal Abbas, the general coordinator of the Center for Union and Workers' Services, was sentenced on February 26 to imprisonment for six months on charges of insulting the acting president of the General Federation of Trade Unions of Egypt during meetings of the International Labor Organization in Geneva. On November 25, he was acquitted by the Helwan Court.⁷⁷

Continued Torture and Police Violations

Practices of torture and other forms of ill treatment continued to be carried out against detainees and prisoners by the police and military police, excessive use of force – at times lethal – continued to be used to confront peaceful protests, and extrajudicial killings continued to be committed. The continuation of such practices was encouraged by the atmosphere of impunity enjoyed by perpetrators of human rights violations and by the lack of measures taken to reform the security sector.

The severity of the massacre at the Port Said stadium in early February 2012, when at least 74 fans of the Ahly Club were killed within sight and earshot of security forces, was not sufficiently reflected by the charges of police

⁷⁵Center for Trade Union & Workers' Services, "Entahakat al-horreyyat al-neqabeyya khilal al-ma'a youm al-oula men hokm al-ra'ees mohamed morsi,"

<<http://www.ctuws.com/default.aspx?item=1242>>; The Arabic Network for Human Rights Information, "Mo'aradet al-hokm a-sader be-habs khamsa men qeyadat al-neqaba al-mostaqella li-tadawol al-haweyyat," Sep. 29, 2012, <<http://www.anhri.net/?p=59764>>.

⁷⁶Cairo Institute for Human Rights Studies, "After President Morsi's First 100 Days: Worrying Indications for the Future of Human Rights; Major Crises Remain Unresolved"; center for Trade Union and Workers' Services, "Entahakat al-horreyyat al-neqabeyya khilal al-ma'a youm al-oula men hokm al-ra'ees mohamed morsi."

⁷⁷Center for Trade Union & Workers' Services, "Al-hokm bi-bera'at al-munasseq al-a'am li-dar al-khadamat al-neqabeyya wa al-i'amaleyya," Nov. 25, 2012, <<http://ctuws.com/?item=1254>>.

neglect to protect citizens which were raised following the incident.⁷⁸ Indeed, the report of the fact-finding commission formed by the People's Assembly pointed to the role that the security authorities and the police played in facilitating the massacre.⁷⁹ Rights reports considered the massacre to represent an indicator of the intentional entrenchment of an atmosphere of chaos in the country in order to prepare the way to impose increasingly repressive laws and to allow the police to use force freely against citizens and to commit the same violations seen in the Mubarak era.⁸⁰

During 2012, 17 deaths occurred in detention facilities that were thought to have resulted from torture, ill treatment, and deprivation of medical attention. Twelve additional cases were recorded in which women were held hostage as a form of coercion against their relatives.⁸¹ The military police was also responsible for torture, including against those arrested during the clashes which took place on May 4 at the Ministry of Defense; practices used against them included severe beatings with clubs, electric batons, rifle butts, and water hoses.⁸²

Following the election of the president, police violations escalated: Whereas rights organizations recorded two deaths due to torture between January and June 2012, they recorded ten deaths in police stations or prisons thought to have resulted from torture during the first four months of the elected president's term. Similarly, while eight cases of extrajudicial killings were recorded during the first half of 2012, eleven cases were recorded between July and November.⁸³

On July 2, the town of Abu Salim in the governorate of Beni Suweif was attacked by officers and soldiers stationed in the town, who opened fire in the town and killed four people. The attack took place after some of the

⁷⁸ Al-Dostour Newspaper, "Nas morafa'et al-neyaba fe qadeyyet mathbahet bor said," Aug. 26, 2012, <<http://goo.gl/Izw1H>>.

⁷⁹ Al-Shorouk Newspaper, "Taqreer lajnat toqasy al-haqa'eq yodeen al-amn wa yetehmoh bi-tasheel hodouth majzaret bor said," Feb. 12, 2012, <<http://www.shorouknews.com/news/view.aspx?id=ddfc3761-37f4-4a35-a907-aa1a98d01c31>>.

⁸⁰ Cairo Institute for Human Rights Studies, "The Port Said Massacre: The State Secures Safe Environment for the Murder of Innocents, Feb. 5, 2012, <<http://www.cihrs.org/?p=1144&lang=en>>.

⁸¹ The Egyptian Organization for Human Rights, "Summary of EOHR Annual Report," Jan. 23, 2013, <<http://en.eohr.org/2013/01/23/summary-of-eohr-annual-report/>>.

⁸² Amnesty International, "Egypt: Brutality Unpunished and Unchecked: Egypt's Military Kill and Torture Protesters with Impunity."

⁸³ The Egyptian Initiative for Personal Rights, "State Crimes Remained Unpunished: The Interior Ministry is Above the Law and the Public Prosecution is Missing in Action," Jan. 25, 2013, <<http://eipr.org/en/report/2013/01/22/1602>>.

soldiers had been exposed to fraud. On December 24, members of the security directorate in Minya attacked one of the neighborhoods of the city, assaulting passersby, destroying shops, and opening fire randomly; the attack took place after a police officer was killed during a fight.⁸⁴

⁸⁴ Ibid.

For more details on police violations, see:

- Al-Nadeem Center, "100 Days of Morsi Rule," Nov. 13, 2012,

<<https://alnadeem.org/en/node/421>>.

- Cairo Institute for Human Rights Studies, "After President Morsi's First 100 Days: Worrying Indications for the Future of Human Rights; Major Crises Remain Unresolved."

- Amnesty International, "Egypt: Agents of Repression: Egypt's Police and the Case for Reform."

- The Egyptian Initiative for Personal Rights, "Al-qatl mostamer – jara'em al-qatl wa a-ta'azeeb 'ala yad a-shorta fe al-shuhur al-arba'a al-oula men hokm a-ra'ees morsi," Jan. 22, 2013, <<http://eipr.org/report/2013/01/22/1603>>.

