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Universal Periodic Review

### **Written statement\* submitted by Cairo Institute for Human Rights Studies, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 May 2010]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## Egypt's Universal Periodic Review: Review and follow-up\*

The Cairo Institute for Human Rights Studies (CIHRS) would like to express grave concern over the deteriorating state of almost all aspects of human rights in Egypt. Following the country's Universal Periodic Review (UPR) in February, the Forum of Independent Human Rights Organization launched the "100 days campaign" to closely monitor the extent of the government's willingness and commitment to fulfil the recommendations that it voluntarily accepted during its UPR. Indeed, several recent incidents have come to prove that the Egyptian government lacks the political will to implement the Council's recommendations.<sup>1</sup>

One particularly alarming development is the decision of the People's Assembly on May 11 to approve the government's request to extend the rule of emergency law for two more years. Such an extension not only demonstrates lack of compliance with international promises made by the government, it poses an extreme threat to all aspects of human rights in Egypt. Despite repeated promises by the government to limit the use of emergency law to drugs and terrorism related crimes, article 3(1) of the Emergency law will remain in force, which grants exceptional powers to the President and security forces to place restrictions on civil liberties and human rights. Moreover, Article 179 remains, thus privileging the application of the state of emergency over human rights considerations. The law gives the government the power to establish exceptional courts such as the state security courts and supreme state security courts of emergency. This is in addition to the laws' jurisdiction to prevent the practice of peaceful assembly.

The following focuses on recommendations that were accepted by Egypt regarding the freedoms of expression, association, and belief, as well as the eradication of torture, and seek to highlight events on the ground that reflect the government's unwillingness to move towards the realization of these recommendations.

1. Egypt voluntarily agreed on recommendations 100<sup>2</sup>, 101, 102, 103, and 104, to effectively guarantee the exercise of the freedoms of expression, association, and peaceful assembly; as well as the freedom of the media, journalists, and bloggers. Nonetheless, there has recently been an alarming escalation in the numbers of Egyptians being detained and treated violently due to their political opinion and affiliation.

The Association for Freedom of Thought and Expression (AFTE) -as a part of the "100 days campaign"- issued a report documenting the numerous incidents of violent harassment of students suspected of having affiliations with the Muslim Brotherhood and the 6<sup>th</sup> of April Movement from six different universities around Egypt in the period from February 24 to April 23.<sup>3</sup> During one month, there were 68 cases of students detained, 20

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\* The Arab Network for Human Rights Information; the Al Nadim Center for Treatment and Psychological Rehabilitation for Victims of Violence; the Andalus Institute for Tolerance and Anti Violence Studies; the Association for Human Rights Legal Aid; the Center for Trade Union Workers Services; the New Woman Research Center; the Egyptian Initiative for Personal Rights, the Egyptian Center for Economic and Social Rights; the Arab Penal Reform Organization; the Human Rights Centre for the Assistance of Prisoners; the Association for Freedom of Thought and Expression; and the Hisham Mubarak Law Center, NGOs without consultative status also share the views expressed in this statement.

<sup>1</sup> The Forum of Independent Human Rights Organizations (The Forum) is a coalition of 16 independent human rights organizations in Egypt that worked on documenting, compiling and reporting on the human rights situation in the country for its UPR in February, and has since been monitoring the implementation of the recommendations of the Working Group of the UPR.

<sup>2</sup> <http://ods-dds-ny.un.org/doc/UNDOC/GEN/G10/125/48/PDF/G1012548.pdf?OpenElement>

<sup>3</sup> Full report (in Arabic) is available on:

summoned for investigations, and 58 interrogated by and/or referred to their respective university's disciplinary committee. Furthermore, there were a number of students who were abducted and others whose families were taken into custody until they appeared.

Furthermore, the police apparatus has dealt brutally with the participants in the 6<sup>th</sup> of April protest, where it detained over 90 protestors. The event was condemned by a number of international human rights organizations and was also an indicator of how the opposition groups are treated and seen by the government in light of the approaching elections.<sup>4</sup> Indeed, such a harsh crackdown is an indication of what the upcoming parliamentary and presidential elections in 2010 and 2011 may devolve into, particularly since Egypt rejected the UPR recommendation to invite independent national and international elections monitoring teams.

Recommendation 104 states that emergency powers are not to be used against journalists and bloggers; nonetheless, there have been many disturbing cases to the contrary. For example, Egyptian blogger Ahmed Mostafa was arrested on Thursday February 25<sup>th</sup> and tried in the special military court on charges of "disseminating false information" and "tarnishing the image of the military" for an article that he published on his blog.<sup>5</sup> Ahmed Mostafa was finally released on March 7<sup>th</sup>. Another example is Ahmed Mehanna, an Egyptian publisher, who was abducted from his home on April 3<sup>rd</sup> and detained for one day for publishing a book entitled "El Baradie and the Dream of the Green Revolution."<sup>6</sup> These new incidents are happening in addition to previous cases of prisoners of opinion who remain in prison. A few examples are Hany Nazeer, Kareem A'mer, Magdy Ahmed Hussein, and Musa'd abu Al-Fagr –the latter of whom is kept in a high security prison by decision of the executive, despite 18 court orders to release him.<sup>7</sup>

2. The government of Egypt has voluntarily accepted recommendations number 9, 35, 36, 39, 84, 92, and 94 that tackle the need to effectively engage in eradicating torture both in the legal sense and in practice. Nonetheless, the use of torture and ill-treatment by Egyptian officials was prevalent during the few months following Egypt's UPR.

El-Nadim Center for the Rehabilitation of Victims of Violence, in its "diaries" as part of the "100 Days Campaign," reported the growing use of force by the police and the appearance of government personnel in civilian clothes amongst protestors in the streets, or even students in universities, to violently attack them. Indeed, in light of the events of the 6<sup>th</sup> of April, the crack down on student activists, and the novel case of Ishaq Mattar -the Sudanese blue card holder refugee who was tortured to death in an Egyptian prison-<sup>8</sup> it appears that torture is becoming systematic and more atrocious.

3. Egypt accepted several recommendations regarding freedom of religion and belief, including recommendations number 47, 90, 96, 97, 98, 99, and 199. These recommendations tackle the government's responsibly to promote freedom of religion and

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<http://www.afteegypt.org/reports/2010/04/28/106-afteegypt.html>

<sup>4</sup> "Egyptian Security Forces Arrest and Beat Peaceful Protestors." Amnesty International. 6 Apr. 2010. <http://www.amnesty.org/en/news-and-updates/egyptian-security-forces-arrest-and-beat-peaceful-protestors-2010-04-06>

<sup>5</sup> "Egypt: Blogger trial condemned." Amnesty.org. N.p., 5 Mar. 2010. [http://www.amnesty.org.uk/news\\_details.asp?NewsID=18657](http://www.amnesty.org.uk/news_details.asp?NewsID=18657)

<sup>6</sup> "Egypt: the Bombardment of the House of a Publisher and His Abduction because of a Book he Published on Al- Babradie" ANHRI. 3 Apr. 2010. <http://www.anhri.net/?p=3442>

<sup>7</sup> Bastion of Impunity, Mirage of Reform, CIHRS 2009 Annual Report, December 2009. Available at: <http://www.cihrs.org/Images/ArticleFiles/Original/485.pdf>

<sup>8</sup> "Egypt: Sudanese Refugee Dies due to Torture." The Contemporary Sudanese Center. N.p., 20 Apr.2010. <http://www.pambazuka.org/en/category/refugees/63960>

belief, ensure equal treatment of all of its subjects regardless of their religious background, and effectively act towards ending sectarian violence and discrimination. Nonetheless, practices on the ground reveal that the government has chosen a different path.

There were two significant court rulings within the two months of March and April against three defendants requesting to be documented as Christians in the national identification legal documents. On March 30<sup>th</sup> the court ruled against reinstating the Christian religion in the birth certificates of the Christian born twins Andrew and Mario.<sup>9</sup> The twins' religion was converted to Islam in 2005 in their legal documents, as requested by their father -a convert to Islam- in what is called "Islamization by dependence." Furthermore, there was another court ruling on April 27<sup>th</sup> in the infamous case of Muslim convert to Christianity Mohamed Hegazy.<sup>10</sup> The court has ruled to suspend the lawsuit that was filed by Mr. Hegazy to be recognized as Christian in his identification card. It is important to note that Mr. Hegazy has been living in hiding since he publicly converted in 2007, receiving various death threats.

There have been no efforts made by the Egyptian government to contain discriminatory and violent incidents targeting Coptic Christians. Following the killing of 8 Copts in Nagg Hamadi on Coptic Christmas Eve in January, there have been various incidents of violence targeting Copts in Nagg Hamadi and other Egyptian cities. For example, on April 27<sup>th</sup>, following the governor of Sohag's decision to change the place of the Muslim graveyards, over 900 Muslims marched towards the Diocese of Akhmim and Sakatella, where they vandalized the Church and recited hate slogans.<sup>11</sup> A similar event also happened in Marsa Matrouh on March 13<sup>th</sup>, where 23 Copts were wounded by angry mobs.<sup>12</sup>

Due to numerous similar incidents there seems to be a well-founded fear that justice will continuously be impaired when it comes to religious minorities. Indeed, the repercussions of incidents like Al-Kusheh and Abu-Fana, were part of the reason for the sit-in in the Saint Mark Cathedral on April 28<sup>th</sup> that included nearly 2000 Copts that demand the judge in the Nagg Hamadi case to be changed, fearing that justice might not be served.<sup>13</sup>

Thus we call on the Egyptian government to carry out the following steps as required by international legal standards and the accepted recommendations of the UPR, and urge the United Nations Human Rights Council and all UN member states to call on the Egyptian authorities to:

1. Refrain from the detention of political activists, journalists, and bloggers and comply with the citizens rights as stipulated in the ICCPR and the recommendations accepted in Egypt's UPR.
2. Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and comply with UPR

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<sup>9</sup> Abdelmassih, Mary. "We Refuse to be Muslims by Force' Say Egyptian Christian Twin-Boys after Losing Court Case." *The Free Copts*, 26 Apr. 2010.

[http://freecopty.net/english/index.php?option=com\\_content&task=view&id=1170&Itemid=9](http://freecopty.net/english/index.php?option=com_content&task=view&id=1170&Itemid=9)

<sup>10</sup> Mayton, Joseph. "Cairo Christian conversion controversy." *Bikyamasr*. N.p., 28 Apr. 2010. <http://bikyamasr.com/?p=12203>

<sup>11</sup> Iskandar, Haleem. "Important: Details of the Assault on the Diocese of Akhmim and Sakatella." *Christian Dogma*. N.p. <http://www.christian-dogma.com/vb/showthread.php?t=33786>

<sup>12</sup> Al-Deeb, Sarah. "Muslims attack Coptic Christian Community Centers, homes in northwestern Egypt, Wounding 23." *The Gaea Times*. N.p., 13 Mar. 2010. <http://www.christianitytoday.com/ct/2000/decemberweb-only/23.0a.html>

<sup>13</sup> "Egyptian Christians Enraged Over Developments in Nag Hammadi Massacre Trial." *Copts United*. N.p., 2 May 2010. <http://www.coptsunited.com/Details.php?I=163&A=1273>.

recommendations 9 and 84 to fulfil the pledge to reform Article 126 of the Egyptian Penal Code to redefine torture to be compliant with the definition in the CAT.

3. Comply with recommendations 35, 36, 39, 92, and 94 accepted during the UPR, and refrain from the use of torture and violence against protesters, students, and political activists.

4. Comply with recommendations 79, 80, 112, 113, and 114, and immediately terminate the two-year extension of the state of emergency.

5. Ensure accountability for the various acts of hatred against religious minorities and ensure that recommendations 47, 90, 96, 97, 98, 99, and 199 are put into effect.

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