



EU-Egypt Association Council Meeting, 13 June 2006

Amnesty International's key human rights concerns

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In occasion of the forthcoming EU-Egypt Association Council meeting, Amnesty International would like to draw your attention to some key concerns, which we hope the European Union will be able to address with its Egyptian counterparts during these meetings.

1. Extension of emergency law

On 30 April Egypt's People's Assembly renewed the state of emergency for a further two years, until 31 May 2008, or until an anti-terrorism law is in place. The state of emergency has been in place continuously since 1981. In 2002, the Committee against Torture has expressed concern that maintaining the state of emergency has hindered the full consolidation of the rule of law. The state of emergency has played a principal role in facilitating and contributing to human rights violations in Egypt, including prolonged detention without charge or trial, torture and other ill-treatment and severe restrictions to the rights to freedom of speech, association and assembly. The emergency legislation has also allowed the trial of certain offences before military courts and (Emergency) Supreme State Security Courts; these courts are known to lack the basic fundamental safeguards for fair trials.

Recommended action by the EU

Amnesty International calls on the EU to reiterate its concerns about the renewal of the state of emergency and ask Egypt to show greater respect for human rights. The EU must also urge the Egyptian authorities to ensure any new anti-terrorism law must be in line with international human rights law and standards.

2. Arbitrary arrest, detention, torture and ill-treatment

Arbitrary arrest, torture and other ill-treatment continue to be reported in Egypt. These violations have resulted largely from the sweeping powers granted to law enforcement officials under the current emergency legislation. The state of emergency has been in play continuously since 1981. Provisions under the emergency legislation allows law enforcement officers to arrest and detain indefinitely without charge or trial anyone considered "a threat to national security and public order". Although the law contains provisions regulating such arrests and detentions and allowing those detained to appeal against their detention, these provisions have been repeatedly violated in practice, leading to people being kept in detention without trial, in some cases for more than a decade, despite having received numerous release orders from the court. These violations are evidenced by the large number of people reportedly held in administrative detention, a local non-governmental organization estimates the number to be between 16 and 20 thousand. Most of these people are held in appalling conditions that fail to meet international standards; a number of them have died in custody as a result of the denial of adequate medical care.

Torture and other ill-treatment of detainees remain common and practised systematically in detention centres, including police stations and premises of the State Security Intelligence (SSI). Among the detainees held for their political activities or beliefs, actual and alleged members of armed Islamist opposition groups, including those returned from abroad, are particularly subject to or at risk of torture, notably at the SSI headquarters in Lazoghly Square, Cairo, as well as at other SSI branches, at police stations and occasionally prisons.

Special concerns remain in relation to the lack of investigations into allegations of torture and other ill-treatment. There have been hundreds of complaints in recent years that have been brought to the attention of the authorities by torture victims, their lawyers or local and international human rights groups, but the Public Prosecutor's Office, which has a legal responsibility to investigate such complaints, has repeatedly failed to mount effective, if any, investigations and state officials who use torture and other ill-treatment, therefore, do so with impunity.

Recommended action by the EU

Amnesty International calls on the EU to urge Egyptian authorities to ensure that effective safeguards are put in place for the protection of detainees and the respect of these safeguards in practice by law enforcement officials. Such safeguards must be in line with the November 2002 recommendations of the Committee against Torture to Egypt.

3. The independence of the judiciary

Grave concerns exist as calls for more independence of the judiciary are being challenged by the intimidation of pro-reform judges. For instance, the disciplinary action against Mahmoud Mekki and Hisham Bastawisi, both vice-presidents at the Court of Cassation, represents a serious challenge to judicial independence in Egypt at a time when there is growing tension between the authorities and the Judges Association about a new draft law on the role and the authority of the judiciary. The two judges were disciplined on account of their criticism of alleged fraud and other irregularities during the country's recent parliamentary elections. Mahmoud Mekki and Hisham Bastawisi appeared before a disciplinary panel in Cairo on 27 April 2006 on account of their outspoken criticism of the irregularities that marred parliamentary elections in November and December last year and their pressing for an inquiry into alleged electoral fraud where a number of judges close to the government are said to have been complicit. The hearing was postponed until 11 May in order to allow the defence team representing the two judges to examine the case files. The two judges, however, refused to attend the 11 May hearing in protest at the actions taken to prevent their supporters being present and the disciplinary panel postponed the case once again until 18 May when Mahmoud Mekki was cleared and Hisham Bastawisi was reprimanded and denied his upcoming promotion.

Since the start of the disciplinary procedures against both judges, opposition parties, pro-reforms and trade unionists were organising demonstrations in support of the judges. The hearing may not have been impartial, given that some members of the disciplinary board had publicly condemned statements made by the two judges. There were also fears that the disciplinary action is linked to the two judges' strong vocal stance calling for more independence of the judiciary and condemning the lack of transparency by the authorities concerning the draft law.

Many judges demonstrating against the referral of Mahmoud Mekki and Hisham Bastawisi before the disciplinary board were confronted by heavy police security, obstructing their march from the Judges Association building to the High Court and sealing off the whole area. Security officers also hit with sticks a number of people who turned out to support the judges, preventing them from approaching the Judges' Association building and at least 50 people, including political activists, were arrested.

Eight other judges will reportedly be facing disciplinary action for having publicly criticized voting irregularities during parliamentary elections. They include Muhammed al-Khidhiri, Ahmed Mekki, Yahya Galal, Ahmed Saber, Hisham Ginina, Issam Abdelgabbar, Naggi Derbala, and Hossam al-Ghiryani.

Recommended action by the EU

Amnesty International urges the EU to call on Egypt to reinforce the independence of the judiciary, initiate a transparent consultative process to review the law on judicial authority and extend immediately an invitation to the UN Special Rapporteur on the Independence of the Judges and Lawyers to visit Egypt.

4. The excessive use of force against peaceful demonstrators

The Egyptian authorities are increasingly resorting to use of violence and arrest against peaceful protesters. This has been the case during the referendum day in May 2005; in July 2005, on various occasions during the parliamentary elections in November/December 2005; including the use of live ammunition; in December 2005 against Sudanese refugees and asylum seekers. Most recently, police force was used against peaceful protesters calling for respect of the independence of the judiciary, in support of two senior judges, Mahmoud Mekki and Hisham Bastawisi, who were due to appear before a disciplinary panel for speaking out against election irregularities.

Riot police and men in plain clothes assisting them beat and kicked pro-reform and opposition protesters with truncheons on 11 and 18 May 2006. At least 300 were arrested during the attacks; most of them were members of the banned Muslim Brotherhood Organisation, including several leading members. Most of those arrested remain in custody following orders by the Public Prosecutor to detain them for 15 days pending investigation. They have reportedly been accused of participating in demonstrations, slandering the President of the Republic of Egypt, resisting the authorities and obstructing the implementation of the law. Some of those who were released were rearrested again and tortured. This is particularly the case of Mohammed al-Sharqawi and Karim al-Sha'ir. They were both rearrested as they went to demonstrate on 25 May. They were reportedly tortured at the hand of the SSI, including with sexual abuse.

Recommended action by the EU

Amnesty International calls on the EU to ask the Egyptian authorities to respect freedom of expression and peaceful assembly and to stop attacks against peaceful demonstrators. Egyptian authorities must order an independent investigation into reports of excessive use of force by police and ensure that any police officers or other officials alleged to have violated human rights are held to account.