

THE PRICE OF HOPE

Human Rights Abuses During the Egyptian Revolution

January/February 2011

Article 1: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty. Article 3: Everyone has the right to life, liberty and security



I- Methodology-----	5
II- Context -----	6
III- Examination of crimes committed-----	8
IV- Prosecution of those responsible-----	20
V- Where do we stand?-----	25
Conclusions-----	28
Recommendations -----	29

Acronyms

CSF: Central Security Forces

CYR: Coalition of the Youth Revolution

EGIS: Egyptian General Intelligence Service

NCHR: National Council of Human Rights

NDP: National Democratic party

SCAF: Supreme Council of the Armed Forces

SSI: State Security Intelligence

I. Methodology

During a 4 week period, the International Federation for Human rights (FIDH) mandated a team composed of a foreign lawyer and a member of the Egyptian Organization for Human Rights (EOHR) to conduct a fact-finding mission on human rights violations committed during the Egyptian uprising that toppled the ruling regime. The investigation covered the period between January 25th and February 11th, 2011, the day President Mubarak stepped down. The people met by the mission were demonstrators, injured victims, relatives of demonstrators who had been killed, human rights, political and religious activists, members of youth groups, lawyers, journalists, and medical doctors. The mission also met with the General Prosecutor and the Attorney General. In order to guarantee the security of the witnesses, only the initials of their names will be mentioned in this report.

FIDH report will focus only on examining major crimes that occurred in cities that witnessed the most violence: Alexandria, Cairo and Suez. During the course of the mission, FIDH came across serious human rights abuses committed after Mubarak stepped down. .

FIDH thanks EOHR for its full support during the mission and the following Egyptian Human Rights NGOs for sharing information: Nadeem Centre for the Rehabilitation of Victims of Torture, The Egyptian Initiative for Personal Rights, Hisham Mubarak Law Centre, Human Rights Association for the Assistance of Prisoners, Al Shehab Centre, and The Arab Organization for Human Rights.

II. Context

The Egyptian revolution toppled President Hosni Mubarak and his 30-year autocratic and corrupt regime. The system in place through the National Democratic Party (NDP) was self-serving, and was involved in many human rights abuses and torture. It did little to fight poverty and develop the country, but sought to benefit its members by acquiring illicit profits.

The constant repression of the opposition left no place for any viable new political party. However, the last 10 years have seen the emergence of a number of opposition groups like Kefaya ('Enough', in Arabic), 6th of April Movement, and other independent activists, all calling for political reform. They supported or even organized demonstrations and strikes, such as the one in the Al Mahalla textile plant in 2007 that attracted twenty thousand workers. These groups helped to spread political awareness among people in support of workers rights.

The year 2010 witnessed several incidents that increased hostilities towards the regime: the renewal of the State of Emergency; fraudulent Parliamentary elections (whereby criteria were set that resulted in only Mubarak supporters being selected); and eventually the murder of the young activist Khaled Said, who died after having been beaten by the police. This murder was the origin of the creation of a Facebook page called "We are all Khaled Said", visited by almost half a million people. This Facebook page, joined by other movements and young activists (soon known as the Coalition of the Youth Revolution (CYR) – consisting at the time of 6th of April Movement, supporters of El Baradei campaign, Equality and Freedom and the Democratic Front) called for a demonstration on January 25th, 2011 (Police Day celebration) against the security apparatus and the excessive use of violence against opposition and religious groups.



In the meantime, the Tunisian uprising succeeded and inspired the demonstrators to call for wider political and economic reform. Unexpectedly on January 25th, a huge number of people came to the demonstration, braving the police who then resorted to violence. On the 26th and 27th the demonstrations resumed with a smaller number of demonstrators. On the 27th, the authority cut internet and mobile access throughout the country. Nevertheless, on Friday the 28th, hundreds of thousands of demonstrators gathered throughout the country, especially in Alexandria, Cairo and Suez where hundreds of people were killed. Close to sunset, police withdrew from their positions throughout the country¹. Throughout that night and the following days, prisoners were released from different prisons in the country, leaving the country in their hands and in the hand of thugs. “99 police stations were burnt down and 6 prison complexes were attacked and more than 23,000 criminal prisoners escaped”². “189 prisoners were killed and 263 injured”³. Several official and commercial buildings were set on fire. The NDP (National Democratic Party) Headquarters building in Cairo was set on fire, which threatened to spread to the National Egyptian Museum nearby. Thugs looted the museum until demonstrators organized themselves into a human cordon to prevent anyone from entering it. The Supreme Council of the Armed Forces (SCAF) took over the security in the country on the 28th, while curfew was imposed in Alexandria, Cairo and Suez. Progressively on January 28th and 29th, army tanks started to enter various cities to secure places. Low and middle-ranking army officers, mainly conscripts, showed signs of sympathy with the revolution, pressuring commanders to adopt a neutral position in the conflict. After the 28th most of the cities in the country became quiet, but violence continued in Cairo, in Tahrir Square (‘Liberation Square’ in Arabic), the epicentre of the Revolution. After Mubarak’s second speech on 2nd of February, thugs and pro-Mubarak groups attacked the demonstrators with camels, horses, stones and sharpened weapons. In the following days, foreign journalists and activists also became prey to those same groups. After that day, peaceful demonstrations resumed until Mubarak stepped down on the 11th of February 2011. Since that day, the country has been run by the SCAF and has submitted to night curfew. The SCAF has stated that it will be the guardian of the Revolution and that it will set up a dialogue with the CYR for all important decisions.

1. The Official Fact-finding Committee states that “according to a former army official the police had orders to withdraw from their posts and wear civilian clothes on Jan. 28, a claim that was backed by witnesses in Al-Kasr El-Aini hospital” in “Fact finding mission says 846 dead and 6,467 injured in Egypt’s uprising”, The Daily News Egypt, 19/04/2011, <http://www.thedailynewsegypt.com/human-a-civil-rights/fact-finding-mission-says-846-dead-and-6467-injured-in-egypts-uprising.html>

2. “Fact-finding committee [mandated by the National Council for Human Rights] accuses Mubarak, Al-Adly of killing protestors”, The Daily News Egypt, 23/03/2011, <http://www.thedailynewsegypt.com/egypt/fact-finding-committee-accuses-mubarak-al-adly-of-killing-protestors.html>

3. “[Official] Fact-finding committee releases report on the January 25 Revolution”, Ahrām online, 19/04/2011, <http://english.ahram.org.eg/NewsContent/1/64/10374/Egypt/Politics-/Factfinding-committee-releases-report-on-the-Janua.aspx>

III. Examination of crimes committed

FIDH focused its investigation on two types of crimes broadly committed by the security forces during the Egyptian uprising: the killing, and attempted killing, of peaceful demonstrators; and the arbitrary arrest and torture of demonstrators.

The security force in Egypt is composed of different bodies: the State Security Intelligence (SSI or 'Am Aldawla' in Arabic); the Central Security Forces (CSF, 'Merkazi' in Arabic); and the investigative police ('Mabehis' in Arabic)⁴. These three components of the security forces were on the streets during the revolution and are all under the responsibility of the President and the Ministry of Interior which implements Presidential decisions and reports to him for any important police action.

A. Killing, attempted killing and injuries of peaceful demonstrators

Article 6 (inherent right to life) of the International Covenant on Civil and Political Rights⁵ as well as Article 4 of the African Charter on Human and Peoples' rights prohibit the killing of people demonstrating peacefully by security forces. However, from January 25th until February 11th, 846 people died and 6,467 were injured⁶, including more than 1,000 people suffering permanent loss of sight⁷. Doctors interviewed by the FIDH mentioned that demonstrators were shot dead in the upper part of their bodies and in their eyes, provoking a huge number of ruptured globes. Dr Reheb Moustapha Kamel, an ophthalmologist from Al Azar hospital in Abbaseya, said that all the ruptured eye globes caused by gunshot were recorded on January 28th and 29th, and that none had occurred before that date⁸.

On January 25th, tens of thousands of unarmed anti-government protesters gathered peacefully all around Egypt demanding the end of Mubarak's 30-year dictatorship. Most of the protesters were demonstrating for the first time in their lives. Although the demonstration had been declared illegal by the authorities, the police initially showed unusual restraint. Taken by surprise by the unprecedented number of demonstrators, they stood back, allowing them to occupy public spaces and march in the streets. But as the crowd got bigger, the security forces changed their tactics and the protest turned violent. Police responded fiercely with batons, water cannon and tear gas. The crowd became fearless, resisting the police cordon and attacking police water trucks. Both sides ended up throwing rocks at each other. As the night went on, the police began shooting at demonstrators and the first killings of demonstrators were reported. In the following days the protests and police brutality continued in the three cities. Suez literally turned into a war zone and curfew was first imposed. Several buildings were set on fire and live ammunition was used against demonstrators.

On January 28th, bigger protests took place and hundreds of thousands of demonstrators gathered after Friday prayer. In Cairo, most of the protesters eventually converged on Tahrir Square, while in Alexandria, demonstrations were more decentralized in the city, organised around Qadr

4. See further information, pp.16

5. Egypt has respectively signed and ratified this Covenant on 4/08/1967 and 14/01/1982

6. "[Official] Fact finding mission says 846 dead and 6,467 injured in Egypt's uprising", The Daily News Egypt, 19/04/2011 <http://www.thedailynewsegypt.com/human-a-civil-rights/fact-finding-mission-says-846-dead-and-6467-injured-in-egypts-uprising.html>

7. "The old regime must be prosecuted", Al Masry Al Youm, 9/04/2011, <http://www.almasryalyoum.com/en/node/392125>.

8. Dr Reheb Moustapha Kamel, ophthalmologist specialist from Al Azar hospital in Abbaseya, has based her research on information received from 5 major hospitals in Cairo (Kasr El Eini hospital, Cairo University hospital, Ain Shams hospital, El Hussein hospital, and El Matareya hospital).

Ibrahim mosque, but also around several police stations known for their bad record on human rights. Suez, significantly smaller than the two other places, saw protests organized mainly in the Arba'in area and around official buildings a few blocks away. By the end of that day, several police stations in Alexandria and Suez were set on fire. Most of the demonstrators in Alexandria and Suez were injured or shot dead in the upper part of their bodies with live ammunition. The Fact-finding Committee charged by the National Council for Human Rights to investigate police abuses during the revolution reports that: "Records of Central Security phone calls obtained by the general prosecution show that orders to use live ammunition on protesters originated from the ministry"⁹. The Official Fact-finding Committee adds that: "Police only use live rounds if they are authorized to do so by a committee headed by the interior minister and high ranking officers"¹⁰. That same Committee also confirms: "that Mubarak's permission (to use live fire on protesters) must be obtained. The shooting lasted for several days, and he did not hold accountable those who fired live rounds". After the 28th, most of the violence stopped in Suez and Alexandria but continued in Cairo. The 29th witnessed an important battle with security forces in the street of the Ministry of Interior. In the following days, more and more demonstrators gathered in Tahrir square but no violence was reported.

On February 2nd, demonstrators in Tahrir square were attacked by thugs and armed pro-Mubarak supporters riding camels and horses. Some of the pro-Mubarak protesters used guns against demonstrators and witnesses saw shooting at demonstrators from the Ramses Hilton, located several hundreds metres away. Several thugs captured by demonstrators were alleged to have been paid by NDP MPs from their governorate to hit demonstrators; others were caught with police IDs. Demonstrators in Tahrir Square were completely unarmed, because anyone entering the Square was submitted to a security check organized by protesters and army forces. As a result of the assault, a large number of demonstrators were wounded. During that battle, the army around the Square did not intervene despite the imbalance of forces.

A.1 In Cairo

On January 28th, N. A. H, a computer programmer, was in El Fatha Mosque, near Ramses Square, a few blocks away from Tahrir square for the Friday noon prayer. He started to demonstrate from there. Police forces responded very violently with sticks and tear gas, pushing them back into the mosque where they fired tear gas at them again. T. A. E. S. also confirmed that police tear gassed protesters in the mosque. Around 5 p.m., the police started to shoot them with birdshot (multiple tiny round bullets shot at once) and an hour later with proper bullets (live ammunition). N.'s friend was killed with a bullet to the front of his head. As more demonstrators began to be shot in the upper body, protesters started to throw Molotov Cocktails at the police forces. The whole battle was very violent. By early evening, the police had used all their ammunition. Dr Iman, a pediatrician, who was also demonstrating there, said that the violence was extreme in Ramses Square and that policemen in El Azbakia police station in Ramses Square were hiding behind the fence of the police station shooting at demonstrators, and that injured people were taken inside the mosque. A. Z., a young engineer participating in the January 28th demonstration, mentioned that at around 3 p.m. as they were crossing the Kasr El Eini bridge (the bridge that goes to Tahrir square), police started shooting metal bullets (live ammunition). Having some knowledge of first aid, he helped to treat injured people shot by police and saw one man shot in his throat, a girl shot in her stomach, a 12 year old child with a ruptured eye globe, and his friend was killed by 3 bullets in his chest and heart. According to Dr Ahmed M. who was on duty on the 28th at the Kasr El Eini University hospital in the intensive care unit, 49 people died, 31 of whom were dead on arrival. All of them had been shot in the abdomen, chest and head, and had come from areas of downtown Cairo (Al Khalifa,

9. "National Council for Human Rights releases Fact-finding Committee report", Al Masry Al Youm, 23/03/2011, <http://www.almasryalyoum.com/en/node/371532>

10. [Official] "Fact finding mission says 846 dead and 6,467 injured in Egypt's uprising", The Daily News Egypt, 19/04/2011, <http://www.thedailynewsegypt.com/human-a-civil-rights/fact-finding-mission-says-846-dead-and-6467-injured-in-egypts-uprising.html>

Saida Zeinab, Al Azbekia and Abdeen police station). Dr Iman, who was treating injured people at Abdel Rahmen mosque field hospital in Tahrir Square, said that on Jan. 28th around 6 p.m., army forces (Presidential guards) entered the square. Demonstrators let them in thinking they came to help them. Suddenly, after the 7 p.m. prayer, within half an hour 300 people injured by birdshot were brought to the Abdel Rahmen mosque. Within two hours, the eight doctors in that field hospital treated 1000 injured with birdshot, rubber bullets and heavy tools. Security forces started to shoot inside the mosque, and female doctors who were running away were tear gassed on their way out of the mosque. Another witness, N. A. H., confirmed the recrudescence of the violence after the army entered Tahrir Square. He said that around 8-8.30 p.m. on the 28th, the army (or Presidential guards) appeared in the streets and went to the area around the Parliament and Ministry of Interior. Right after that, the police started attacking them again. He said that it was obvious that they had received some supplies from the army. Battles around the Ministry of Interior lasted until midnight, and police were firing guns with live ammunition.

In other areas of Cairo, similar testimonies are reported regarding the violence committed by the police on the 28th. M. I. A., an electrician participating in a peaceful demonstration in Shoubra, at Materaya Square, said that around 4.30 p.m. he was shot in his leg and abdomen by State Security forces. A month later he was still hospitalized. A. M. Al S., an electrician who was participating in the same demonstration, was shot around 4-5 p.m. in his back (3rd vertebra), his shoulder and at 5 cm from his heart by security forces. A month later he was still hospitalized and the doctor said that he might not walk again.

M. S. E., a driver, was coming back from work on January 29th at 5 p.m. and saw people gathering peacefully around 2nd police station in Megawer El Laban district, At their head a row of lawyers were leading the demonstration. He decided to join it. Policemen started shooting in the air from the rooftop of the police station, but when the crowd became larger they started to shoot directly at the demonstrators. He was shot in his side, damaging his nerves. A month later he was still hospitalized and according to the doctor, he might not be able to walk again.

On January 29th, around 5-6 p.m. in Champollion Street (downtown Cairo), M.S, accompanied by colleagues, was leaving work when police officers in a car shot at his car and killed two of his colleagues in the head. His car was found later on with 36 bullet holes.

On Saturday 29th, the attack near the Ministry of Interior under the control of MoI guards caused many deaths. M. El G., a young activist from the MB, saw one of his fellow demonstrators die after being shot in the forehead. Dr Ahmed M, working in the field hospital in Tahrir Square, received 14 people who had died from bullet wounds to the head, heart and chest in the Ministry of Interior street. They all died instantly.

On February 2nd (the day now known as “the Battle of the Camels”), after Mubarak’s second speech, his supporters and thugs gathered near to Tahrir Square for a counter demonstration showing support for the President. Thugs are a quasi-military organization formed by the NDP to carry out illegal acts of thuggery. This was clearly evident during previous legislative elections and attacks on protestors in Tahrir Square¹¹.

In the afternoon, they suddenly entered the square riding horses and camels, and armed with knives, sharpened objects and guns. The aim was to disperse demonstrators and wound or kill as many as possible, but also to act as agent provocateurs with the purpose of increasing the level of disorder and public instability.

11. “Fact finding committee accuses Mubarak, Al-Adly of killing protestors”, The Daily News Egypt, 23/03/2011, www.thedailynewsegyp.com/egypt/fact-finding-committee-accuses-mubarak-al-adly-of-killing-protestors.html

The Fact-finding Committee said there were “indications” about those who ordered camel-mounted pro-government thugs to assault demonstrators in Cairo’s Tahrir Square on 2 February¹² and accused the NDP of organizing attacks on protesters on Feb. 2 – known as the Battle of the Camel”¹³.

Thugs confirmed receiving payment to attack demonstrators from the NDP responsible in their governorate. Al Masry Al Youm newspaper interviewed two thugs who said that they were called by Magdy Allam, the NDP parliamentary representative of the Old Cairo district to silence protesters by “whatever means necessary”. One of them said that “people were given rifles and shotguns. Others, like me, were given clubs, and sharpened sticks. These items were handed out by Allam and a few of his assistants”. He also claimed to have been paid LE200 for this task and alleged that “Zakariya Azmy [ndrl former President’s chief of staff], Safwat al-Sherif [SG of NDP, Speaker of the Shoura Council], and Hussein Megawer [President of the General Trade Union Federation “ETUF”] were the ones who came up with the plan, and they’re the ones who told the likes of Magdy Allam to contact ‘his people’ with specific instructions.”¹⁴

Doctors witnessed the violence committed against the demonstrators that day. Dr Ahmed M, on duty on Feb. 2nd at the Intensive Care Unit in Kasr El Aini Hospital, said that 1,257 demonstrators had been treated for post concussion, fracture of the skull, and head and cut wounds.

Later on that night, witnesses also saw some green lasers around the square and people injured with bullet wounds that are usually caused by sniper gunshot. Dr Ahmed M went to Tahrir Square after his hospital duty and saw eight demonstrators shot dead in the heart and chest from the 6th of October bridge. Dr Moustapha N, working in the same hospital, was also in Tahrir Square that night and said that around 4 a.m., three people were killed. He and Dr Sheriff H., a cardiologist from the National Heart Institute, saw ambulances after midnight bringing in more people to fight beside the pro-governmental people. Around 9 p.m. that same evening, Dr Ghada El M., a maxillofacial specialist surgeon who was operating in the Omar Makram field hospital, saw a demonstrator brought in with gunshot wounds to the skull and his brains coming out. A. Z. an engineer, also witnessed, at a distance of five meters, and near the same place, a man shot in his head with his brains coming out. Ahmed, who has military knowledge, reckoned that a sniper usually causes this violent impact and that based on the shooting angle he was probably standing on top of the Ramses Hilton Hotel, or the Maspri building. At around 4 a.m., M. A. R. was shot by a sniper from the top of a building in Tahrir Square and suffered leg injuries.

M. M K M, a retired medical doctor, saw a green laser coming from the top of the Ramses Hilton. This was also confirmed by two Fact-finding committees. The one issued from the National Council for Human Rights reports: “snipers using laser-equipped weapons – that weren’t available to ordinary police – shot protesters in the head and torso. These are either special forces or NDP affiliated militias that were used to attack protesters”¹⁵. The Official Fact-finding Committee report confirms this fact and adds that those snipers were “from the anti-terrorism department”¹⁶.

The army who were around the square did nothing to defend the demonstrators and did not intervene in the battle.

12. “National fact-finding committee: Police deliberately fired on demonstrators”, Al Masry Al Youm, 22/02/2011, www.almasryalyoum.com/en/node/326715

13. “Fact finding committee accuses Mubarak, Al-Adly of killing protesters”, The Daily News Egypt, 23/03/2011, <http://www.thedailynewsegyp.com/egypt/fact-finding-committee-accuses-mubarak-al-adly-of-killing-protestors.html>

14. “Thug life: Pro-Mubarak bullies break their silence”, Al Masry Al Youm, 18/03/2011, <http://www.almasryalyoum.com/en/node/362243>

15. “Fact finding committee accuses Mubarak, Al-Adly of killing protesters”, The Daily News Egypt, 23/03/2011, <http://www.thedailynewsegyp.com/egypt/fact-finding-committee-accuses-mubarak-al-adly-of-killing-protestors.html>

16. “Fact finding mission says 846 dead and 6,467 injured in Egypt’s uprising”, The Daily News Egypt, 19/04/2011, <http://www.thedailynewsegyp.com/human-a-civil-rights/fact-finding-mission-says-846-dead-and-6467-injured-in-egypts-uprising.html>

A.2 In Alexandria

156 people died in Alexandria, according to the demonstrators¹⁷, 89 according to the Health Ministry. 450 were seriously injured. The majority were killed on the 28th in front of police stations (Raml 2, Montaza 2, Sidi Gaber) and in the area of Mancheia Square and Qaed Ibrahim mosque. Demonstrators in Alexandria developed a particular anger towards the police, as stories of various human rights scandals committed by the police had come to light in recent years. The most extensively covered case was the murder of Khaled Said by the policemen of Sidi Gaber police station in June, 2010.

Doctors interviewed at Alexandria University hospital mentioned that on the 28th from around 3 p.m. until the following day most of the people died from injuries caused by gunshot to the upper part of the body (eye, chest, abdomen, head, neck)¹⁸. Two patients remained in Intensive Care for over a month: one shot in his spine will remain paraplegic and another one died from a gunshot wound in his head the day before FIDH visited the hospital¹⁹.

Q. H. from the El Ghad youth political party said that on the 28th, lots of demonstrators gathered in front of the Sidi Gaber police Station and police started to shoot at demonstrators with rubber bullets first and then around 4 p.m. with gunshot (live ammunition). While he was in front of the police station, Q. saw a young man shot dead from a bullet entering his throat and coming out through the back of his head. He said that Ahmed Othman, the head of the investigation in Sidi Gaber police station, also participated in the shooting and at around 4.30 p.m. he and other policemen escaped from a back door. Around 3 p.m., most of the policemen in Alexandria left their police stations, except in Raml 2 police station where shootings lasted the whole night. Amira Said Said, a 17 year old, was killed that day by policeman in Raml 2 police station while watching from the open window of an apartment what was happening in front of the police station. M. S. A. A., the owner of the apartment, and his daughter told FIDH that around noon, people arrested and tortured in the past by policemen from that police station started to gather around. They climbed on the wall of the nearby school and threw stones at the police station. As the police shot at them, people from the neighborhood also gathered in front of the police station. In response, the police started to shoot with live ammunition and killed several people. This is around that time that Amira was shot in the heart, on the balcony, and died instantly. As more people died, the demonstrators became angrier and threw Molotov Cocktails at the police station. By midnight when the police forces ran away from a back street, the death toll was 38 demonstrators and no policemen. Wael Al-Komy is one of the police officers identified as having killed a large number of demonstrators.

A.3 In Suez

As Suez is a very small city, the protesters gathered mainly around the Arba'in mosque and a few blocks away around official buildings. From the first days, the whole protest took a much more violent turn than in any other place: police were using live ammunition and protestors were responding with Molotov Cocktails. Several police stations were partly set on fire. Doctors interviewed at the General Suez hospital confirmed that until 7 p.m. on January 25th, demonstrators who came into the hospital were affected by tear gas only. Most of the gunshot injuries happened at night. The first two people who died were killed by bullets in the heart. They said that on Jan 28th after 2 p.m., they received 24 people who either were already dead or died soon after admission and 99 seriously injured. According to information

17. A Commemorative plaque honouring the dead of the Revolution has been affixed at Qadr Ibrahim mosque, with a list of 156 names. This plaque does not include people who were seriously injured and who have died since then.

18. FIDH met on 17 March 2011 at Alexandria University hospital with Dr Ahmed Gawish and Dr Ramy Mohamed Idris, both vascular surgeons Dr Aly Mohamed, general surgeon, Dr Islam, general surgeon.

19. FIDH met with Dr Ahmed Hagan, Head of Intensive Care from Alexandria University hospital on 7th March 2011.

collected from the Suez health directorate and various hospitals in Suez, 29 demonstrators died from gunshot wounds during the three days of violent demonstrations and 347 were injured (although the number is claimed to be higher). All the gunshot wounds except three were from live ammunition and targeted to the chest and heart. According to one of the doctors, police officers who came for treatment during the demonstration had only minor injuries²⁰.

The whole battle in the city lasted until the 28th when Al Arba'in police station and most of the main official buildings were set on fire. It is reported that 30 demonstrators were killed in front of that police station.

According to A. A. B. A., the secretary general of the Nasser youth political party, on Jan. 25th, around noon, thousands of people gathered in front of the Al Arba'in mosque. Around 5 p.m., the demonstrators who had grown in numbers, walked to the governorate and security governorate main buildings. The Central Security Forces cordoned them off and around 6 p.m. they started to hit protestors with sticks and shoot tear gas directly at them. Guns were used, targeting the upper part of the body. Around 7 p.m., snipers started to shoot at demonstrators from the top of the Al Arba'in mosque. Mohamed Saber, a police officer, was standing in front of the police station shooting at demonstrators. W. H. G., a demonstrator, confirms that around 6-7 p.m. the CSF started to hit them with sticks and tear gas. Later on, tear gas was directly aimed at the faces of demonstrators.

On the 27th, at around 3.30 p.m., A. H. El M., a demonstrator, was coming back home near Al Arba'in mosque, and while observing the demonstration he was hit by several birdshots (1 in his right eye, 3 in his stomach, 2 in his arm). He was permanently blinded. Two witnesses, A. A. B. and Al S. A., a lawyer, saw that Mohamed Saber, a police officer at Al Arba'in police station was shooting with live ammunition. When the police officers escaped from the police station, they took refuge in the building of Ibrahim Farag, a local businessman and NDP member. Protestors followed them and surrounded Farag's building. T. A., a demonstrator contacted on the phone, said that after the Al Arba'in police station was on fire, he ran to the Suez police station to see what was happening there. On his way, he passed in front of Ibrahim Farag's building and saw that police officers and Farag were shooting at protesters. He saw six dead bodies and his own brother being shot dead there. He heard later that nine people died in front of that building. Farag proposed 1 million LE for each martyr's family but the families rejected the offer²¹.

The legal characterization of facts

Article 4 of the African Charter on Human and Peoples' Rights states that "every human being shall be entitled to respect for his life and the integrity of his person".

Article 6.1 of the International Covenant on Civil and Political Rights, to which Egypt is a party, states that "every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life". The same Covenant guarantees in its article 21 "the right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society". These three articles combined prohibit the repression of peaceful demonstration.

Most of the demonstrations that occurred in Egypt were peaceful and unarmed. The testimonies collected from the three cities show that from 28th January most of the police shooting involved the use of live ammunition, and doctors and injured people that FIDH met confirmed that the police targeted the upper part of the demonstrators' bodies. Thousands of demonstrators were shot in the head, eyes, and even in the back. Snipers (special forces specially trained to shoot at

20. FIDH met on 16/03/2011 with a group of doctors of the Suez General Hospital who were working on duty during the first days of the protest: Dr Farag Elwan, consultant surgeon, Dr Mohamed Mohamed Sabry, orthopedic surgeon, Dr Sopy Youssef, cardiologist

21. "Suez martyrs' families refuse compensation", Ahrām online, 28/02/2011, english.ahram.org.eg/NewsContent/1/64/6536/Egypt/Politics-/Suez-martyrs%E2%80%99-families-refuse-compensation.aspx

targets from a long distance) were also used. The shooting was clearly not meant to disperse the crowd but had an intentional aim to kill demonstrators. On the first day of the demonstration, the strategy to contain the demonstrators was violent, with use of tear gas, sticks, batons and water cannon but did not widely employ the use of live ammunition. Only on the 28th was live ammunition used on a large scale, specifically targeting the head and chest, all starting around the same time, and this indicates that instructions were issued at a higher level for a coordinated action. Therefore, those who committed these crimes, but also those who ordered, solicited, induced or facilitated the commission of these crimes shall be held accountable and brought to justice.

B. Arbitrary detention, mistreatment, torture

During the first days of the revolution, many demonstrators were arrested by the police, as a usual tactic to dissuade demonstrators from raising their voices. There is no official number of people detained but some speak about 3,000 detained on the 28th alone. Demonstrators were arrested in the streets but also in hospital.

After the withdrawal of the police from the streets on the 28th and 29th, and the imposition of a curfew, many citizens continued to be arrested for demonstrating but also for breaking curfew rules. Arrests after the police withdrawal became the responsibility of the SCAF. However, testimonies collected by FIDH or other NGOs indicate that arrest, torture and ill-treatment were still perpetrated by the SSI along with the SCAF, or by the direct participation of the military police, or under their supervision. In many cases people were stopped by local civilian committees ensuring security in their streets and handed over to police officers or SCAF, and then taken to detention places under the control of the police or the army. In these places, detained people were seriously beaten and tortured without being later charged with any crimes. The right to freedom is guaranteed by the Egyptian Constitution, restricting arrest and detention to a judge's authorization²²; torture is also prohibited by the Constitution²³.

Since Mubarak stepped down, serious abuses by the SCAF against demonstrators have been reported. As mentioned above this current report focuses strictly on the revolution period and won't cover crimes committed after February 11th.

B.1 In Cairo

Dr Mahmoud S., Assistant Manager at Mounira hospital, mentioned that on Tuesday 25th from 5 p.m. many patients were brought in from Tahrir Square. SSI and general police were in the hospital waiting for people to be treated before taking them to an unknown place. At least 10 patients were taken from the hospital in a blue closed police van.

The medical staff succeeded in preventing the security forces from taking four demonstrators, claiming they had a concussion and needed to remain under strict observation in the hospital. Those four were put aside in a room of the hospital guarded by plain-clothed policemen, 10-15 policemen in the corridor and SSI officers. The police told them they would be taken to a detention centre to be interrogated as soon as they recovered. According to O. R., an architect and one of the 4 patients, the policemen received direct instructions from the SSI officers. They were handcuffed to their beds the whole time. One of the four patients had been handcuffed

22. Art.41 of the Egyptian Constitution: Individual freedom is a natural right not subject to violation except in cases of flagrante delicto. No person may be arrested, inspected, detained or have his freedom restricted in any way or be prevented from free movement except by an order necessitated by investigations and the preservation of public security. This order shall be given by the competent judge or the Public Prosecution in accordance with the provisions of the law.

23. Art.42 of the Egyptian Constitution: any citizen arrested, detained or whose freedom is restricted shall be treated in a manner concomitant with the preservation of his dignity. No physical or moral harm is to be inflicted upon him. He may not be detained or imprisoned except in places defined by laws organizing prisons. If a confession is proved to have been made by a person under any of the aforementioned forms of duress or coercion, it shall be considered invalid and futile.

since he tried to escape on the first night. Their mobiles were confiscated and they were not allowed to receive any visits from relatives. Two were released on the 27th thanks to family connections and the last two were finally released on Friday 28th around 10 p.m. after all the police had withdrawn from the streets.

During the arrests, the police on several occasions used the medical symbol to abuse demonstrators. M. El G., an activist with the Muslim Brotherhood youth, saw on January 25th in Kasr El Eimi Street that ambulances with plain-clothed policemen were taking injured demonstrators. O. R. said that on the 25th at night, while he and his brother were both bleeding heavily from their heads, they approached an ambulance but the driver was very confused about what to do. After speaking with someone on a walkie talkie he eventually agreed to drive them to the hospital.

On January 30th, N. A. H, a computer programmer, his brother and their taxi driver were stopped at a civilian control committee checkpoint after curfew (5 p.m.), carrying leaflets to distribute to Tahrir square. They were handed over to policemen who brought the three of them to Nasser Military Academy, a military camp in the Al Gouza area, in Giza. In the camp, military officers started to kick them and hit them with sticks, and undressed them, leaving them only in their underwear. They laid them down and tied their hands at the back with wire, and then still undressed tied them to an iron gate until the following morning. During the night, many people were brought to the camp and were treated the same way. The following morning, they were filmed and presented as thieves, hands tied at the back, in front of a carpet of stolen items and guns. Afterwards, they were brought into a humid dark room and left there for two days. On February 2nd, they were handed over to the police in Torah prison. Upon arrival, they were dragged out of the truck, beaten again with sticks, wire and ropes. They remained detained until February 18th, undressed, and left only in underwear but no blanket, although it was very cold. They were never brought in front of the Prosecutor and formally accused of anything. B. A. F. had a similar story: he was walking around Giza streets taking pictures of the events when around 7 p.m. he noticed lots of looting, and army tanks started to enter the area around 10.30 p.m. Frightened of what would happen, he ran away but was stopped by plain-clothed policemen who beat him. A police officer in uniform kicked his head against a wall before handing him over to the SCAF. He was brought to Al Gouza police station, dragged up the stairs on his chin with his legs tied. He was accused with others of being a criminal and destroying the whole city. They removed all of his clothes apart from his underwear, and forced him to stand in the room for 12 hours. Mohamed Daoud, a police officer in Al Gouza police station, put stolen objects in front of him and beat him and the others with a police belt and wire for an hour and a half. He then forced them to sign a report confirming that they had stolen all the objects. The following morning they were transferred to the basement of the police station jail. Despite the fact that the room was already very humid, Mohamed Daoud threw more water on the floor. On Sunday around noon, they were handed over with the signed report to the military at Nasser Military Academy in Al Gouza. The military beat them and tied him with a rope to 4 other people. They stayed in a room that was very dark and wet and were forced to lie down naked on their stomachs for 5 hours. The next shift of military personnel was a bit softer with them and removed the rope that was around them and dried the room. They gave them blankets but not their clothes. They filmed them as thieves, hands tied at the back, in front of a carpet of stolen items and guns. After that, they brought them back to that humid dark room and let them put their clothes on. On Wednesday afternoon, the army sent them to Torah prison and handed them over to the police. When they arrived there, they were dragged out of the truck, beaten with sticks, wire and ropes. He was undressed again and left only with underwear and no blanket, despite the cold. He was finally released on February 18th without seeing a prosecutor or being charged formally with anything.

On February 3rd, an 18 year old student was arrested with others and locked up in the Egyptian Museum, near Tahrir Square. He was blindfolded, then taken to an unknown place that was said

to be the SSI building in Nasr City. They were stripped, beaten and whipped. He was suspended from his feet for two days and interrogated about his political affiliation. He was then taken, still blindfolded, to a military prison. They were stripped again, forced to sleep face down, beaten and whipped. A lawyer in his forties, called Osama, who was with him was beaten until he died [he was identified later on as being Osama Abdel Moneim Allam, a Muslim Brotherhood lawyer. His body was handed over to his family on the 17th of February]. An officer called Ashraf electrocuted him with an electric wire. He was released on February²⁴.

On February 3rd, several activists and foreign journalists were targeted, arrested and beaten. 30 activists from Hisham Mubarak Law Center, the Egyptian Center for Economics and Social Rights, Human Rights Watch and Amnesty International were arrested on the premises of the Hisham Mubarak Law Center by military police. Armed thugs surrounded their office and threatened the staff, without being stopped by the military police. Their office was searched and equipment (hard disk and mobile) was confiscated. The same day, Amr Sallah, a researcher at the Cairo Institute for Human Rights, and several journalists were arrested by unidentified officials²⁵. A. M., a professional photographer, was stopped at a civilian checkpoint on February 3rd around 8 p.m. on his way to Tahrir. Although he told them he was a journalist, they called policemen from the Giza police station who came to pick him up. At the police station, Amr El Battah, the investigating officer, and other policemen forced him to sit on his knees and handcuffed him at the back. They slapped him over his whole body, spit at him and insulted him. He was the only person kept in that police station as the whole place had previously burnt down. He was kept in a room that used to be a toilet.

B.2 In Alexandria

M.R., a 21 year old man with a slight mental problem, was seriously beaten by the army and police while he was detained. As a result, he cannot now resume a normal life and work. On February 2nd at 5.30 p.m., as he was coming back from his work half an hour after the curfew, he was stopped at a popular committee checkpoint and handed over to the army. He was brought to the Moustapha Kamel Centre, the Command Centre of the Northern Area of the armed forces, where he stayed 2 days and was continually beaten. When his family inquired about him, the SCAF confirmed that he had been detained there, but has since been transferred to an unknown place. On February 10th, Mahmoud's family were contacted by unknown people who informed them that M. was found unconscious close to El Hadra prison with prison clothes (attachment 1). During his detention, M. was tortured and photos taken 5 days after his release still show burns on his hips, beating with heavy sticks over his whole body (back, bottom, knees, legs), marks of electrical wires on his toes, deep handcuff marks around his wrists and a swollen left hand (attachments 2-5). A month after having been released, M. still screamed the name of El Hadra prison during the night. Since his release, he is acutely mentally disturbed and has many difficulties understanding and remembering simple things. The family lodged a complaint in front of the General Prosecutor under the number 385/2011 but so far no action has been taken.

24. Testimony collected by El Nadeem Centre for the Management and Rehabilitation of victims of violence, on February, 11th, and released during a Press Conference in Cairo on March, 16th, 2011

25. For more information, "Human rights defenders under siege", FIDH, 3/02/2011, <http://www.fidh.org/Human-rights-defenders-under-siege-Urgent-call-to> and "24 hours later no information on human rights defenders who were arrested", FIDH, 4/02/2011, <http://www.fidh.org/24-hours-later-no-information-on-human-rights>



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Another witness who can express himself better confirms what happened to him in El Hadra prison and the type of torture he endured. On 28th January around 8 p.m., a 24 year old man was going with his 40 year old neighbor to see his mother in the hospital. The army stopped their car, took all their belongings, IDs and money, without listening to any explanation. They were brought into a room with 104 other people, all squashed in together. The army threw water on them on a regular basis and beat them with sticks with sharp protrusions. The following day they were taken to a yard, and filmed as if they were thugs. The army tortured him for 5 days with electric shocks and whips. His back and legs were severely injured. They were then transferred to El Hadra prison. During the transport, they were severely whipped. A 60 year old man started to have a renal attack, the officer thought he was acting and ordered soldiers to beat him with electric sticks, and as a result that man died. In El Hadra prison, he was placed in a ward with 97 people, where at least seven died with their hands and feet tied. They were all tortured, soaked in water, burned with cigarettes on their naked bodies, beaten with sticks and whipped. A man he was handcuffed to died, but they left him tied to the dead body for several hours. He remained detained for 13 days, without seeing any prosecutor or being officially charged with anything. The most violent officer in the prison was called Hassan²⁶.

FIDH collected the testimonies of two people who did not know each other before being detained together at Tahilet prison. M. M., of the Muslim Brotherhood youth movement, participated in the demonstration on January 25th and was arrested with his friend in Faoud Street. 64 demonstrators were transported to Tahilet, a Central Security Forces detention centre. Only three or four out of the 64 were activists; the rest were ordinary demonstrators. Throughout the transfer he was

26. This testimony has been collected by El Nadeem centre, op.cit.

beaten all over with sticks and fists. When they arrived at the detention centre they were put on their knees and then taken to an underground jail with 22 other people. They received no food and had to sleep on the floor. The toilet was in the same room and was in a very bad condition. The following day they were sent to an investigator who accused them of having injured policemen. Although they denied this, they were taken to the Al Gharbanyat prison, in the Borg Al Arab district. Upon arrival, they were made to lie down on the ground and their hair was cut. To scare them, they brought in dogs with muzzles, threatening to remove the muzzles and release the dogs if the prisoners complained. They undressed them, leaving them in their underwear despite the cold weather. During their stay they were asked to run around the courtyard of the prison. Those who refused were beaten. There were 22 people in a 2m x 3m cell and there was only one blanket for the whole cell. They shivered the whole night. Although several people were injured with broken legs and wounds after the demonstration, they received no medical treatment the whole time they were in the prison. On Thursday January 27th, they were told that the 64 would be released, but instead they were transferred to Tahilet and put all together in one room. Later on, they began to be released in groups of three. A. R., of the Muslim Brotherhood youth movement, was on his side, arrested on the 26th by an SSI officer and handed over to central security forces, and then brought to Tahilet. Upon arrival, he was beaten all over and insulted. He was detained with 45 other people in a very small cell. It was humid with a dirty toilet attached. They were prevented from sleeping due to a constant noise of dripping water and the regular comings and goings of officers into the cell. The following day he was brought in front of a court investigator accompanied by a lawyer. On the same day he was sent back to Tahilet without being informed of the reason for the detention. The following day, on Friday, his lawyer was also arrested and brought to Tahilet. On Friday the 28th, around 6 p.m., people started to demonstrate in front of Tahilet but the police officers began shooting at them. Shooting went on until the following day. They were kept in ignorance of what was happening outside. Around 4 p.m., one SSI officer who was mistreating them very badly suddenly became very polite and brought them food. The following day, at 11 a.m., they were all released.

B.3 In Suez

A. H. was returning from work on January 26th, around noon, passing in front of the Al Arba'in police station. The central security forces started to surround him, kicking and beating his legs with sticks until they were bloody. They took him to the central security forces office in Faysal district, on Nasser Street. They detained him for four days without letting him see a Prosecutor or charging him with anything. The detention conditions were very difficult: he was sleeping on the floor without a blanket or fresh air. Before being released, he was beaten again with sticks.

A. A. B. A. was arrested on January 25th around 7.30 p.m. in front of the Al Arba'in police station and taken inside. He was tied to the window. The head of the SSI of Suez, Mohamed Abdel Hady beat him badly with sticks and his fists without interrogating him. As a member of the Nasser party, A. had been arrested previously and interrogated by this same SSI officer. Later on in the morning they were sent to the prosecutor, accused of bombing buildings and killing demonstrators with guns. As some of the demonstrators were very badly injured, the prosecutors said that they should be treated in a hospital, but instead they were all sent to the Attaa police station. There were ten of them in the same room with only two blankets to share, although it was very cold. On Friday 28th, at 4 p.m., they were released and later on the same day all the prisoners were released, even those who were charged with criminal offences.

The legal characterization of facts

According to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, "torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed

or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions”. Although much wider than the definition transcribed in article 126 of the Egyptian Penal Code, which limits torture to acts committed to extract a confession, the definition of the Convention against Torture should apply, as article 151 of the Egyptian Constitution states that International Conventions ratified by Egypt have force of law. Egypt ratified the Convention against Torture on 25th January 1986, which came into force on 26th June 1987. In human rights law, protective and wider definitions should apply as a priority. Article 15.2 of the International Covenant on Civil and Political Rights stated that : “Nothing (...) shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.”

The acts committed by the security forces during the detention fulfill the definition of the Convention against torture. Those acts physically and mentally harming the detained person were committed using in particular electrical sticks, whipping, and burning the body. They were committed sometimes to extract information but often just to intimidate the population.

Before the SCAF controlled the security in the country, those acts were committed by the police forces – mainly the SSI and Mabehis – as the usual methods used by the Mubarak regime to repress the opposition. Nevertheless, torture did not stop with the withdrawal of the police from the street. Most witnesses that FIDH met mentioned a clear collaboration between the SSI, police forces and the army when it came to the arrest of demonstrators or citizens breaking the curfew rules.

When the SCAF took control of the security in the country, it did not distance itself from the methods practised by the usual security forces; on the contrary it either committed the same acts or did not say or do anything to prevent them from happening, thereby allowing those acts to occur, either by their silence or collaboration with their accomplices. Whether it is the police or army forces, they are both considered to be public officials acting in an official capacity.

There is therefore no doubt that during the first eighteen days of uprising, security forces, army and police committed acts defined as torture.

IV. Prosecution of those responsible

A. Presentation of the different actors

A.1 At national and governorate levels

According to the Egyptian Constitution, the President of the Republic is the Head of State²⁷ and the Supreme Chief of the Police²⁸, and as such the head of the Supreme Council of Police Forces. The Cabinet exercises the functions of supervising the implementation of law, maintaining State security and protecting the rights of the citizens and the interests of the State²⁹.

The Chief of State's delegate in the government for security affairs is the Minister of Interior who gives instructions to the police force throughout the country. The Chief of State and the Minister of Interior are responsible both politically for all actions related to security taken by the government, and legally for those actions taken by their subordinates, under their supervisory role.

Until former President Hosni Mubarak stepped down, he was the Chief of State and the Head of the Supreme Council of Police Forces. Habib Al Adly was the Minister of Interior until the dissolution of the Cabinet on January 29th, 2011.

Under the Ministry of Interior, three bodies are responsible for the function of police but each has specific roles. The Central Security Forces is usually deployed as an anti-riot force whenever a demonstration takes place. The Mabehis, or investigative police, acts as a kind of judicial police, collecting information on crimes committed within the country other than those related to the national security. It collaborates with the judicial power but also with the SSI in their respective investigations. The State Security Intelligence has an official aim of protecting the national security of Egypt. In practice, it had the role of controlling opposition and religious groups, both armed groups and those engaged in peaceful opposition. During the first days of the revolution, these three different bodies of the police were in the streets participating in the crimes mentioned above.

Another intelligence body under the direct control of the President of the Republic is the Egyptian General Intelligence Service (EGIS) which is responsible for providing civilian foreign intelligence with a special counter terrorism focus. Omar Suleiman, its Director for the last 20 years and until January 31st, 2011 became Vice President until Mubarak stepped down. Although this agency was not specifically acting in the streets during the revolution, its director has a considerable influence on Mubarak. The fact that he became Vice President in the middle of the revolution turmoil, can question whether Suleiman was sidelined or part of the decision-making process when decisions were taken to order the killing of protesters and disturbing public order during the first days of the revolution. So far, he has only been interrogated on the

27. Art.73 Constitution: The Head of the State is the President of the Republic. He shall assert the sovereignty of the people, respect for the Constitution and the supremacy of the law. He shall safeguard national unity and the socialist gains and maintain the limits between authorities in a manner to ensure that each shall perform its role in the national action.

28. Art.184 Constitution: Police authority shall be a civil disciplinary body. Its Supreme Chief shall be the President of the Republic. Police Authority shall perform its duty in the service of the people maintain peace and security for the citizens, preserve order, public security and morality, and undertake the implementation of the duties imposed upon it by laws and regulations, in the manner prescribed by the law.

29. Art.156 Constitution: The Cabinet shall exercise in particular the following functions:[...] h. Supervising the implementation of law, maintaining State security and protecting the rights of the citizens and the interests of the State.

events which occurred during the revolution. Nevertheless, Omar Suleiman is an ambiguous character and his responsibility in human rights abuses should not only be seen through the revolution angle. He is considered as the “C.I.A.’s point man” in Egypt for renditions—the covert program in which the C.I.A. snatched terror suspects from around the world and returned them to Egypt and elsewhere for interrogation, often under brutal circumstances”³⁰.

Information collected during the mission indicates that the police committed crimes of killing and attempted killing of peaceful demonstrators during the revolution, as well as torture during detention. As those crimes were committed on a systematic basis at national level with a similar modus operandi, it demonstrates that an organised plan was set up, at the highest level, to be implemented at street level. Therefore the whole chain of command should be accountable either for the planning and organisation of the killing of demonstrators and torture during detention or for direct participation.

Prosecutions should start at the highest level from former President Hosni Mubarak, former Minister of Interior Habib Al Adly and heads of different police forces such as Hassan Abdel Rahman, the former head of State Security Intelligence, Adly Faied, the former head of the Central Security Forces and Ahmed Ramzy, the former head of the Mabehis, down to the heads of the security at government level: for Cairo, General Ismael El Shaer; for Alexandria, General Mohamed Ibrahim; for Suez, General Mohamed Abdul Hadi. In accepting the transfer of orders to heads of police stations or policemen in the streets, heads of security at government level are equally responsible for homicides of demonstrators.

A.2. At local level

The last part of the chain of command is composed of policemen and police officers directly executing the orders in the streets or in the police stations. Without their direct involvement in the execution of the crime, it could not have been perpetrated in the way it was. They should therefore be accountable for their actions.

In the course of the mission, FIDH came across, through directly collected testimonies and those of the Shehab centre, names of police officers involved in human rights abuses during the revolution.

In Alexandria, the following police officers were specifically mentioned in testimonies: Wael Al-Komi, Head of the Investigative Police Unit at the Raml 2 police station; Ashraf Kasba, police officer at Raml 2 police station; Ebrahim El Nagar, police officer at Raml 2 police station; Mutaz al-Askalani, assistant police investigator in the Gomruk district; Mohammad Saafan, assistant police investigator in the Montaza 2 district; Haitham Sobhy, Head of Investigative Unit at Al Gomrok police station; Ahmed Othman, police officer in Sidi Gaber.³¹

In Suez, the following officers have been identified as having participated in the crimes: Mohamed Saber, head of the investigation in Al Arba’in police station; Mohamed Nemr, police officer at Suez police station.

In addition to the official staff chart of the Ministry of Interior, the regime was also using thugs, not officially on the Ministry of Interior payroll but still paid by the Ministry. They had the role of a militia – being armed and protected by official police, they were executing tasks

30. “Who Is Omar Suleiman?”, 29/01/2011, New Yorker, <http://www.newyorker.com/online/blogs/newsdesk/2011/01/who-is-omar-suleiman.html>

31. This police officer has already been listed in several human right abuses that happened in the Sidi Gaber police station. For more details: Murder of Khaled Said: “Khaled Saaid lawyers demand murder charges, trial adjourned to Sept. 25”, The Daily News Egypt, 27/07/2011, <http://www.thedailynewsegypt.com/crime-a-accidents/khaled-saeid-lawyers-demand-murder-charges-trial-adjourned-to-sept-25-dp1.html>. Murder of Ahmed Shaaban, forced disappeared found tortured: “Alexandria family accuses police of torturing son to death”, The Daily News Egypt 14/11/2010, <http://www.thedailynewsegypt.com/human-a-civil-rights/alexandria-family-accuse-police-of-torturing-son-to-death-dp1.html>

necessary for the survival of the regime despite being illegal and criminal. Those thugs were used on several occasions during the revolution to discredit the morality of the demonstrators but also to disperse them. They appeared mainly on the night of the 28th when private and public buildings were torched and looted, as well as during the “Battle of the Camels” when they attacked demonstrators. These thugs should also be held responsible and tried before civil courts meeting international fair trial standards.

B. Current prosecutions by the General Prosecutor’s Office

Those responsible for having committed, but also ordered, solicited, induced or facilitated the commission of grave human rights violations shall be held accountable and brought to justice. The right of the accused to a fair trial shall be respected. They have the right to a public hearing, before a competent, independent and impartial tribunal, established by law. The judgment rendered should be made public.

The events that took place during the Revolution highlight several crimes identified above. In order to reconcile the Egyptian people with their past and institutions, but also to prevent the repetition of the same violations, it is essential that those responsible for crimes at planning level but also at perpetration level be prosecuted and sentenced in accordance with the gravity of the crimes committed.

After the revolution, two Fact-finding Committees were set up with investigative functions. The first one was set up by Essam Sharaf, Egypt’s first post-revolution Prime Minister. This official Committee consisted of judges, activists and law experts and was charged to investigate on five themes: the killing of peaceful protesters; the invasion of Tahrir Square by thugs to disperse the protesters; illegal detention of demonstrators and journalists; security breakdown and opening of prisons after 28th January; and the cutting off of the mobile, fixed line and data communications from January 28th to February 5th. The findings of the report will be examined by an Independent Committee composed of Judges of Cassation which will be acting on behalf of the General Prosecutor’s Office. Their conclusion will then be referred to the Court if charges are found³². The official Fact-finding Committee released its report on April 19, 2011.

The second Fact-finding Committee was set up by the National Council for Human Rights and released its report on 23/03/2011. The first conclusion of the Fact-finding Committee set up by the National Council of Human Rights states that those ultimately responsible for the abuses are the President of the Republic and the Minister of Interior: “the responsibility for the use of excessive force against protesters lies mainly with the former Minister of Interior Habib al-Adly and the former President Hosni Mubarak, who was the head of the Supreme Police Council”. It insisted on their responsibility in many respects, in particular “because they knew and had the authority to stop the killing of protestors but didn’t do so [...]”, but it also states that “the primary responsibility lies on the decision-maker, even if he wasn’t present, those officers who agreed to carry out the orders and the middle-ranking leadership who spread them should also be held accountable for their actions”³³.

The General Prosecutor has arrested the former President Hosni Mubarak, the Minister of Interior, and his three assistants who are respectively in charge of the SSI, CSF and Mabehis. They will all be charged with homicide and attempted homicide of demonstrators, as well as with the destruction of public and private property. In addition, the former President and the former Minister of Interior will also be prosecuted for corruption.

32. FIDH met with General Prosecutor Abdul Meguid Mahmoud on 2/04/2011.

33. “National Council for Human Rights releases Fact-finding Committee report”, Al Masry Al Youm, 23/03/2011, <http://www.almasryalyoum.com/en/node/371532>

Those top ranking officials, apart from the former President, had their first court hearing for criminal charges on April 24, 2011 but it was then adjourned until May 21. Mubarak was only interrogated for the first time the week preceding the 1st Court hearing, and therefore his case still needs to be investigated further before being referred to the tribunal. His case and those of his top ranking assistants may be examined during the next hearing.

Following the recommendation of the Fact-finding Committee, all the heads of security for Cairo, Alexandria and the Suez governorates³⁴ are being prosecuted, but also the heads of security of other governorates, mainly Osama El Marasy, the head of the security in Giza, Omar El Faramawy, the head of the security in 6th of October, Adel El Laqanni, the head of the Central Security Forces in Alexandria, Magdy Abu Amar, the head of the security in Al Behera, Mahmoud Abd Allah Barakat, the head of the training department at the Central Security Forces, Farouk Lashin, the head of the security in Al Qaliubia, Gamal Hosny, the vice head of the security for the south, Ahmed Momtaz, the vice of the head of security in Qaliubia governorate, and Samir Zaki, the head of the operations room.

At the local level, most of the police officers that FIDH listed are also under investigation, and in addition to those names, the General Prosecutor announced that 100 police officers have been transferred to a criminal court on charges of killing and injuring protesters in the early days of the uprising³⁵. At the day of our meeting with the General Prosecutor's Office, individual complaints of 215 dead and 818 injured have been investigated and were waiting to be examined by the Court³⁶.

Those responsible outside the official security apparatus are not spared. Thugs and opponents of the revolution, as well those who organized the destruction of private and public property on the 28th and 29th, and on the "Camel Battle" day are also under investigation. Indeed, the Fact-finding Committee report highlighted that thugs were instructed and paid by NDP leaders. The Committee urged the Public Prosecution to broaden its investigations of NDP leaders to include their responsibility for the formation of secret militias that were used against protesters and which appeared on many occasions prior to the revolution³⁷.

Several NDP leaders are currently under investigation for financing attacks on protesters by hiring a group of camel and horse riders from Cairo stables and using snipers to shoot at the demonstrators. The following people are currently detained for interrogation in Torah prison for those charges: Abdel Nasser El Gabry and Ibrahim El Khatib, former NDP members; Ibrahim Kamel, a senior NDP member³⁸. The latter has also been accused of instigating violent clashes between demonstrators and army forces on April 8th resulting in one dead and 71 injured³⁹.

Other NDP members are being detained for interrogation in the same prison, for the time being they have only been charged with illegally amassing a fortune, despite being accused by activists of leading counterrevolution acts in organising bands of thugs. These include Gamal

34. "Attorney General Abdul Meguid Mahmoud ordered the transfer of several Suez security chiefs to a criminal court on charges of the pre-meditated murder of [30] protesters during the revolution. The transfers include three police officers as well as Mohammad Abdul Hadi, former head of Suez security, Mohamed Adel, head of the investigative unit in Suez, Mohammed Azab, head of the investigative unit in Arba'in, and Mohamed Saber, head of investigations for Suez security. The prosecutor's office later charged the head of security, the central security officers, and businessman Ibrahim Farag with murdering the martyrs in "Suez security chiefs, police officers charged with killing 30 protesters", Al Masry Al Youm, 25/03/2011 <http://www.almasryalyoum.com/en/node/374081>

35. "100 police officers referred to criminal court for killing protesters", Daily Stars, 29 March 2011 <http://www.thedailynewseggypt.com/egypt/100-police-officers-referred-to-criminal-court-for-killing-protesters.html>

36. FIDH met with the 1st Advocate General, Hisham Eldrandaly, On April 2nd, 2011.

37. "National Council for Human Rights releases Fact-finding Committee report", Al Masry Al Youm, 23/03/2011, <http://www.almasryalyoum.com/en/node/371532>

38. "Prosecution orders arrest of NDP businessman for financing attacks", Al Masry Al Youm, 13/03/2011, <http://www.almasryalyoum.com/en/node/351639>

39. "Armed Forces orders arrest of NDP's Ibrahim Kamel", Al Ahram online, 9/04/2011, <http://english.ahram.org.eg/NewsContent/1/64/9600/Egypt/Politics-/Armed-Forces-orders-arrest-of-NDPs-Ibrahim-Kamel.aspx>

Mubarak, son of the ousted President and head of the NDP party policy committee, Zakaria Azmy, Mubarak's chief of staff and NDP MP, Safwat El Sherif, NDP leading figure and former Shura Council speaker, and Fathi Sorour, NDP, former speaker of the dissolved parliament⁴⁰. Others are detained under the charge of illicit profiteering, which is the charge against Alaa Mubarak⁴¹, the other son of the ousted President, Anas El Fikki, former Minister of Information, and Osama El-Sheikh, former State broadcasting chief⁴².

Prosecutions of NDP leader are not limited to those living in Cairo. The businessman and NDP member Ibrahim Farag, in Suez, has been charged along with the head of security and several central security officers with murdering demonstrators with the assistance of thugs and ex-convicts⁴³.

The General Prosecutor also ordered the arrest of 47 officers and soldiers from SSI on charges of burning and shredding documents and destroying computers in SSI offices.

In addition to crimes committed during the revolution, the public prosecutor started to investigate complaints of torture of Islamist detainees by SSI officers committed during the former regime. It concerns the case of an Islamist who was tortured with electrocution, then sent to prison during 8 years without a trial⁴⁴.

The General Prosecutor has also put in place a committee composed of Deputy General Prosecutors and Attorney Generals at governorate level to ensure the smooth processing of all the cases and to supervise the work of all the deputy public prosecutors in the country to ensure that all judicial decisions will form a common case-law at the national level.

FIDH welcomes the positive actions taken by the General Prosecutor in prosecuting those responsible for abuses committed during the revolution and also during Mubarak's regime at all levels and insists on fixing those cases in front of a Court as soon as the investigation has been accomplished.

FIDH is however concerned about the lack of accountability that prevails among the armed forces involved in human right abuses and torture committed in detention of demonstrators and people during the revolution. The SCAF has adopted a very ambiguous position regarding the use of violence and torture against demonstrators, and certainly have not sanctioned any soldiers so far. The fight against impunity should not spare some categories of people but should rather target all those responsible for serious human rights abuses.

40. "Lawyers, activists accuse Gamal Mubarak, Safwat El-Sherif of leading counter-revolution", The Daily News Egypt, 12 April, 2011, <http://www.thedailynewsegypt.com/egypt/lawyers-activists-accuse-gamal-mubarak-safwat-el-sherif-of-leading-counter-revolution.html>

41. "Mubarak brothers accused of exploiting influence for gain", Al Masry Al Youm, 18/04/2011, <http://www.almasryalyoum.com/en/node/405307>

42. "Egypt's former minister of information admits to having bank accounts in Switzerland", Al Ahram online, 18/04/2011, <http://english.ahram.org.eg/NewsContent/1/64/10318/Egypt/Politics-/Egyptys-former-minister-of-information-admits-to-ha.aspx>

43. "Suez security chiefs, police officers charged with killing 30 protesters", Al Masry Al Youm, 25/03/2011 <http://www.almasryalyoum.com/en/node/374081>

44. "Prosecution summons officers accused of torturing detainees", Al Masry Al Youm, 26/04/2011, <http://www.almasryalyoum.com/en/node/412796>

V. Where do we stand?

Numerous challenges are paving the road of the Egyptian post- revolution era.

FIDH welcomes the prosecution opened against some of those responsible for the homicide of demonstrators and illicit profiteering. Other steps taken towards institutional reform are also welcome as a positive development.

A major step is the dismantling of the State Security Intelligence (SSI). the fall of President Mubarak, several headquarters of the SSI in Alexandria, Cairo, Suez but also in other governorates were seized by demonstrators and documents transferred to the Judiciary through the SCAF. Demonstrators enraged as they noticed fire coming out from the SSI headquarters in Alexandria, seeing this as an attempt to destroy important documents. In the building, demonstrators found many shredded documents but also files with private and political information on most of the religious and political activists in Egypt, as well as tiny cells without window located 5-6 floor underground, and torture chambers with torture tools.

After this information was released, the new Minister of Interior, Mansour El Essawi, abolished the SSI and formed a new intelligence service called “the Homeland Security Division”. This new apparatus will be mainly responsible for collecting information related to terrorism and espionage but will not intervene in any political and social issues.

All political units will be eliminated, including those responsible for monitoring political Islamic movements, university student activities, political groups as well as broadcast and written media⁴⁵. According to the new Ministry of Interior, the staff of this new service will be drastically reduced keeping only police officers who have not been involved in cases of torture or corruption.

FIDH welcomes the fact that the structure that has been involved in so many human rights abuses in the past and during the revolution will be dismantled. However, FIDH urges Egyptian Judicial authorities to further prosecute and sentence former state security officers responsible for human rights abuses. FIDH also insists on creating a monitoring mechanism for the new structure, such as a Parliamentary commission, to which this new structure would be held accountable. It is also essential to adopt a legal framework limiting the powers of the new structure within the respect of human rights, and prohibiting detention in the new structure office of any detainees. Detention should be decided in compliance with ordinary criminal law under judicial supervision and in an authorized detention facility. The lack of such safeguards would lead to the repetition of the same human rights violations.

The former ruling party NDP, another major institution, has been dismantled, in application of a Court’s decision. All its liquidated assets and properties will be handed over to the Government. The NDP announced that it accepted the decision and would not appeal it. Two new parties have already emerged from the NDP ashes, the New National Party and the New National Democratic Party and their heads announced that all corrupted NDP members would be dismissed and not admitted in the new structure.

FIDH recommends the prosecution of every corrupted NDP members and the insertion of an amendment in the law fixing a condition preventing any parliamentary or Presidential candidate sentenced for corruption or other crimes from running for election.

A month after the end of the Egyptian uprising, a referendum regarding amendments of several articles of the former Constitution was held with an exceptional participation of 41%. The Youth

45. “What will Egypt’s alternative security division look like”, Al Ahram online, 17/03/2011, <http://english.ahram.org.eg/NewsContent/1/64/7960/Egypt/Politics-/What-will-Egypt-s-alternative-security-division-look.aspx>

Coalition of the revolution and most of the opposition movements were not satisfied by the amendments but rather wanted a full new Constitution establishing a parliamentary democracy and limiting the power of the President. The old regime and the Muslim Brotherhood campaigned in favour of the referendum and the “yes” vote won by 77,2%. The SCAF will keep on running the country without judicial or Parliamentary control until the new Parliamentary election. Little frauds were reported and those committed were mostly due to the short organisational period before the referendum.

During the revolution and since the beginning of the transitional period, a significant number of human rights abuses committed by the SCAF against protesters have been reported; the SCAF denied them all. After a new law banning demonstrations and strikes was adopted by the end of March 2011, the SCAF arrested many demonstrators in Tahrir square. The most severe army intervention took place on April 9th around midnight, when they entered Tahrir square to evacuate demonstrators, using live ammunition; as a result 3 people died and 71 were injured.

Furthermore, many civilians arrested during protests have been tried before Military courts and sentenced to several years in prison, without benefiting from the guarantees of a fair trial. Some enforced disappearances have also been reported.

While in detention, female demonstrators were submitted to “virginity tests” by the military police after having been insulted and arrested because they were demonstrating⁴⁶. These tests, if practised by soldiers or military police officers, could amount to rape, according to the World Health Organization defining it “as a physically forced or otherwise coerced penetration – even if slight – of the vulva or anus, using a penis, other body parts or an object”⁴⁷.

On April 9th, 2011, freedom of expression was also directly threatened when a military tribunal sentenced the blogger Michael Nabil Sanad to three years in prison for insulting the military institution, disseminating false information and disturbing public security. Michael Nabil, who was arrested and tortured by the armed forces early February, had accused on his blog the new government of pursuing corruption and anti-democratic practices of the former President, Hosni Mubarak⁴⁸.

In March 2011, the Supreme Council of Armed Forces approved a new draft law to crack down on crimes such as intimidation, thuggery and disturbing the peace. Under the new law, the death penalty may be handed out if criminal acts of thuggery result in murder. In application of a this law, military courts have returned guilty verdicts against at least 19 individuals charged with acts of thuggery and terrorising citizens, sentencing them to 15 years in jail; others got life sentence⁴⁹.

The SCAF adopted a very ambiguous position regarding those abuses. On March 17th, 2011 the military police Commander, Major General Hamdy Badeen denied all torture allegations by the army or military police and denied that the Egyptian museum has turned into a “slaughter house”⁵⁰. A month later, during the Yosi Foudra TV show on ON TV (private Egyptian TV), a member of the SCAF confirmed on April 11th that “the armed forces neither use force nor violate human rights” but then stated that “the treatment of [detainees] is humane and if mistakes were

46. “Egyptian women protesters forced to take ‘virginity tests’, Amnesty International, 23/03/2011 <http://www.amnesty.org/en/news-and-updates/egyptian-women-protesters-forced-to-take-%E2%80%98virginity-tests%E2%80%99-2011-03-23>

47. “World report on violence and health”, World Health Organization, Geneva, 2002, p.149 http://www.who.int/violence_injury_prevention/violence/world_report/en/full_en.pdf

48. “Egypt: Blogger Michael Nabil Sanad sentenced to three years in prison”, PEN International, 21/04/2011 <http://www.internationalpen.org.uk/index.cfm?objectid=77CF5716-3048-676E-263F04D917A53A0A>

49. “Thug gets life sentence by military court”, Ahram online, 13/03/2011, <http://english.ahram.org.eg/NewsContent/1/64/7564/Egypt/Politics-/Thug-gets-life-sentence-by-military-court.aspx>

50. Interview with El Shorouk, for more details see a Press Communique in <http://ejpr.org/en/pressrelease/2011/03/20/1125>

committed, we conduct immediate investigations into them⁵¹. However so far, no sentence has been pronounced or publicised against an army officer. It is essential not to fragilize the new system, even during the transition, with bad practises from the past. All categories of people, civilian but also military should be accountable for human rights abuses they committed.

51. "Mubarak has right to communicate while under house arrest, says army", The Daily News Egypt, 12/04/2011, <http://thedailynewsegyp.com/egypt/mubarak-has-right-to-communicate-while-under-house-arrest-says-army.html>.

Conclusions

The transition remains the major challenge for the Egyptian society and is a source of hope as well as anxiety among the Egyptian people.

The major challenges for the democratic transition stand in the setting up of a democratic system with enough safeguards to prevent the repetition of serious human rights violations. A system based on the rule of law and the fight against impunity should be the priority. In order to do so, Egypt should take the opportunity to ratify and implement the human rights Conventions that were left outside of its legislative system and implement carefully recommendations taken by human rights bodies in their reports on Egypt. It should also ensure that all those, including at the highest level of the State, responsible for homicides and torture during the revolution but also during the former regime are prosecuted and sentenced.

FIDH remains concerned by the fact that the SCAF adopted an ambiguous speech regarding human rights abuses, denying the facts but recognizing the need to conduct investigation and prosecute those responsible. At the same time, as far as today, no information has been released regarding the prosecution of militaries.

The ongoing state of emergency coupled with the lack of judicial or parliamentary control of decision taken by the SCAF is a matter of concern. This system allows the detention of people during an unlimited period of time, without access to a lawyer or judicial authorities. It also gives the right to bring civilians to trial in front of military tribunals without benefiting from a fair trial.

VI. Recommendations

FIDH urges the Supreme Council of Armed Forces and the Egyptian authorities to:

On accountability and prosecution:

- Keep on prosecuting before ordinary criminal courts and sentence those responsible for the crimes committed during the revolution;
- Heads of all the security agencies (SSI, Mabehis and CSF) at the national level and at the governorate level should be investigated and prosecuted for their role in the repression of the uprising but also for the alleged serious human rights abuses committed under the former regime. The General Prosecutor should examine complaints that were lodged in the past by human rights activists or individuals involving serious human rights abuses committed by these three security forces;
- Ensure that the Ministry of Interior cooperates fully with any investigation by the prosecutor into abusive behavior by Ministry of Interior officers by ordering officers to respond promptly to prosecution summons and providing access to Ministry of Interior documents and archives;
- Amend the Code of Criminal Procedure to allow victims of serious human rights violations to file private criminal suits against those responsible;
- FIDH warns of the dangers of expedite judicial proceedings and urges the authorities to fully investigate the cases and to guarantee the right to a fair trial for all the accused which implies public hearings in front of a competent, independent and impartial tribunal, established by law. The judgment issued should be made public. This also implies that civilians should be prosecuted in front of civil court rather than military court;
- FIDH urges the judicial authorities to refrain from applying the death penalty in any circumstances.

On Detention and fair trial:

- Release all those detained under the emergency law, or charge them with a recognizable crime and try them before civilian courts meeting international fair trial standards;
- Allow access for Egyptian and international human rights monitors, as well as lawyers and medical professionals, to places of detention;
- Ensure that the ministry of interior detains people only in legally recognized detention facilities, such as police stations and prisons, and facilitate access to record of any person detained;
- Put an end to the unlawful practice of incommunicado detention and enforced disappearances;

- Human rights abuses committed by army soldiers during and after the uprising should be investigated and those responsible prosecuted;
- Civilians shall not be prosecuted before military courts but rather before ordinary criminal courts and their right to a fair trial shall be guaranteed;
- All civilians sentenced by military tribunals should be retried before regular criminal courts;
- The right to a fair trial shall be guaranteed to anyone, including to members of the former regime.

On torture and ill-treatment:

- order military and security officers to end such practices and ensure that those committing acts of torture and ill-treatment will be held accountable;
- Investigate credible allegations that former SSI officers have been responsible for systematic torture. The Office of the Public Prosecutor should fully review all SSI documents in its possession and initiate investigations into acts of torture pre-dating February 11 to hold SSI officers responsible;
- The new agency replacing the former SSI shall not operate as another political police; it should be composed of new officers undertaking a human rights training and following a code of conduct on the respect of the rule of law and human rights;
- The new State Security Agency should be accountable before the Parliament and report on its activities on an annual basis;
- Direct the Office of the Public Prosecutor to fulfill its responsibility under Egyptian law to investigate, in a thorough, impartial, and timely manner, all allegations of torture against law enforcement officials, regardless of their rank and whether the victims have filed a formal complaint;
- Ensure that interrogations can only take place in officially recognized locations;
- Amend the definition of torture in article 126 of the penal code in line with the definition in article 1 of the Convention Against Torture, including ensuring that all acts, attempts to commit, and complicity and participation are made criminal offenses, and criminal liability also rests on those in position of authority who fail to prevent torture or ill-treatment by subordinates;
- Implement the recommendations of the Universal Periodical Review issued by the UN Human Rights Council in 2010;
- Ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment establishing a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.

On freedom of assembly:

- Respect the right to freedom of peaceful assembly;
- Repeal the law N° 34 banning strikes and demonstrations as it violates the provisions of the International Covenant on Civil and Political Rights guaranteeing the right to demonstrate;
- Immediately order the release of all peaceful protesters arrested during the uprising who remain in military detention and overturn any convictions by military tribunals against them.

FIDH also urges the Egyptian authorities to:

- Immediately lift the state of emergency;
- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the Abolition of Death Penalty;
- Ratify the Rome Statute establishing the International Criminal Court;
- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance;
- Egypt should also invite the UN and African special procedures and review past recommendations made by special procedures in order to prioritize their implementation as part of the transition.

This report has been produced with the support of the Swedish International Development Cooperation Agency (SIDA). Its content is the sole responsibility of FIDH and should in no way be interpreted as reflecting the view(s) of the SIDA.

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of person. Article 4: No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms. Article 5: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Article 6: Everyone has the right to recognition everywhere as a person before the law. Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination. Article 8: Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. Article 9: No one shall be subjected to arbitrary arrest,

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