

# **RAMPANT IMPUNITY**

STILL NO JUSTICE FOR  
PROTESTORS KILLED IN  
THE '25 JANUARY  
REVOLUTION'

**AMNESTY**  
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# CONTENTS

|                                                                          |    |
|--------------------------------------------------------------------------|----|
| Introduction .....                                                       | 5  |
| The ‘Festival of Acquittal for All’ .....                                | 7  |
| Botched investigations by the Public Prosecution .....                   | 8  |
| Flawed trials .....                                                      | 11 |
| Killed during protests in Egypt, 2011 .....                              | 14 |
| More protestors are killed since President Morsi’s advent to power ..... | 16 |
| Laying the blame .....                                                   | 23 |
| Conclusions and recommendations .....                                    | 25 |
| Endnotes .....                                                           | 28 |



# INTRODUCTION

*"Their [martyrs'] blood is a responsibility on my shoulders until all their rights are fully restored, and until those who killed them are justly punished by the law."*

Then-presidential candidate Mohamed Morsi in a television appearance on ON-TV<sup>1</sup>

*"It's been two years, and all we hear is 'acquittal, acquittal, acquittal'. Did the martyrs kill themselves? In our case [Suez], it is one delay after the other. How long do we have to wait for justice?"*

Mother of Islam Metwali Mohamed Metwali, shot dead on 28 January 2011 by security forces in demonstrations in Suez, to Amnesty International in December 2012

Two years have passed since the outbreak of the "25 January Revolution". The 18 days that shook Egypt and brought down a government which for decades looked invincible, claimed the lives of some 840 protestors and over 6,600 injuries.<sup>2</sup> An Amnesty International fact-finding team investigating human rights abuses in Egypt between 30 January and 3 March 2011 found that security forces committed grave human rights violations in their attempt to crush the uprising. They used tear gas, water cannon, shotguns, rubber bullets and live ammunition against protesters, usually when they were posing no threat to the security forces or others. In some instances, the security forces drove into protesters in armoured vehicles. In others, they beat protesters with batons or sticks and kicked them. They also used force disproportionately and resorted to firearms when it was not strictly necessary.<sup>3</sup>

Despite repeated official statements honouring the sacrifices of protesters killed during the "25 January Revolution", justice remains elusive. Every new official since the uprising in Egypt has sought legitimacy by relying on the narrative of the "revolution" and paying tribute to the "martyrs". Yet, all have failed to deliver justice to the families of those killed, or to provide full explanations on the circumstances of their death.

No senior official or security officer has been convicted or justly punished for directly and deliberately killing or injuring protestors. The guilty verdict against former President Hosni Mubarak and his Minister of Interior, Habib El Adly, for complicity in killing protestors has been overturned by the Court of Cassation on 13 January; opening the door for their retrial.

Much needed institutional changes including the reform of the security forces, which facilitated such crimes in the first place, have stalled. Not surprisingly, protester deaths with impunity continued during the 17-month rule of the Supreme Council of Armed Forces (SCAF).<sup>4</sup> Over 120 protestors were killed under the army's rule, yet only three low-ranking soldiers have been convicted of contributing to their deaths. Impunity also continues for military officials who have quietly returned to the barracks.

During his presidential campaign and subsequently upon his election, President Mohamed Morsi made numerous pledges to ensure accountability for those killed during the "25 January Revolution" and acknowledged their role in bringing an end to the rule of Mubarak, which led in turn to his election as Egypt's first civilian President. Upon taking office, he established a fact-finding committee to look into the killing and wounding of protesters,

which occurred before his election. However, these potentially positive steps towards accountability have been sapped by the failure of the justice system to properly investigate, prosecute and try those accused of killing protestors. Calls for accountability have also been undermined by the killings of protestors with impunity since Morsi assumed power. Morsi's term in office has already witnessed the killing of at least 12 people in the context of political violence – serving as yet another stark reminder of the urgent need to hold those responsible accountable in order to start turning the page on decades of abuses which have marred Egypt.

Impunity was the hallmark of the rule of Mubarak and President Morsi needs to take decisive action to ensure that it is not the same for his administration, including by addressing abuses committed by his supporters.

## THE RIGHT TO A REMEDY

**Under international law, states have an obligation to uphold the right of victims of human rights violations to an effective remedy.<sup>5</sup> This obligation includes three elements:**

Truth: establishing the facts about violations of human rights that occurred;

Justice: investigating past violations and, if enough admissible evidence is gathered, prosecuting the suspected perpetrators; and

Reparation: providing full and effective reparation to the victims and their families, in its five forms: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.

Principle VII of the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law states:

“Remedies for gross violations of international human rights law and serious violations of international humanitarian law include the victim’s right to the following as provided for under international law: (a) Equal and effective access to justice; (b) Adequate, effective and prompt reparation for harm suffered; and (c) Access to relevant information concerning violations and reparation mechanisms.”<sup>6</sup>

This obligation extends to past human rights violations committed under previous governments. States must ensure that the truth is told, that justice is done and that reparation is provided to all the victims without discrimination.

# THE 'FESTIVAL OF AQUITTAL FOR ALL'

Families of victims interviewed by Amnesty International during the uprising expressed their hopes for truth, justice and reparation. Two years later, their aspirations are far from being realized; and many now express feelings of frustration, injustice, loss of faith in public institutions and despair.

These feelings have been reinforced by the various acquittals of security officers, including senior officials, for the killing of protestors during the uprising. In a recent case, on 15 January 2013, a Beni Suef court acquitted fourteen defendants of killing and injuring protestors in Beni Suef in January 2011.<sup>8</sup> In many cases, courts acquitted police officers accused in the killing of protestors in front of police stations on the basis of lack of evidence. Others were acquitted because the courts found that they were exercising their right to self-defence. A few security officials received one-year prison sentences, in some cases suspended, for overstepping the right to self-defence by causing the death of protestors beyond the immediate area of the police station. The decision on whether one acted in self-defence (as defined in Article 61 of the Egyptian Penal Code)<sup>9</sup> was left at the discretion of the judge. In the cases of 59 killed and 34 injured between 25 January and 3 February 2011 investigated by Amnesty International, the organization has found that even in those instances where the use of force might have been legitimate by police forces; they used it disproportionately and recklessly and resorted to lethal force when it was not strictly necessary. The organization has also found that many protestors were killed in public squares and away from the immediate vicinity of police stations – casting doubts over the narrative repeated by the accused police and security officers and their lawyers that they were acting in self-defence when police stations were attacked.<sup>10</sup>

The first trial of former President Hosni Mubarak and his Minister of Interior, Habib El Adly, for complicity in the killing of protestors in the "25 January Revolution", among other charges, also failed to deliver justice. The verdict pronounced on 2 June 2012 sentencing the two to life-imprisonment was a step towards combating impunity in Egypt; but the court absolved six senior security officials, including the former head of the now-disbanded State Security Intelligence from responsibility over the deaths of protestors. The trial was marked by a lack of co-operation from the General Intelligence and other security forces, and failed to provide the families of victims with answers as to why their relatives were killed. Both the prosecution, and the former President and his Minister of Interior, appealed the ruling. The Court of Cassation threw out the initial verdict on 13 January 2013, opening the door for retrials of all the defendants including the six senior security officials, whose initial acquittals caused outrage among victims' families.

In a meeting with Amnesty International in December 2012, the mother of **Khaled Mohamed El Wakil**, an 18-year-old high school student, shot in the chest in the afternoon of 28 January 2011 around El Matareya Square in this working-class Cairo neighbourhood, expressed her anger and frustration at the initial verdict: *"It has been two years since we have been talking and asking for justice. When I heard the ruling [in Mubarak's case] I screamed so much, more than when Khaled was killed. They went down for bread, freedom and social justice; nothing has changed"*. The cases of those killed in El Matareya Square were included in the

trial of Mubarak, El Adly and the other senior officials. However, no official from the El Matareya police station or other security official present during demonstrations has been brought to trial for deliberately killing and injuring protestors in El Matareya. Khaled's mother continued: *"We feel a great sense of injustice. Those who killed our children are walking around free, what are the guarantees that they will not do it again? There will not be reconciliation without justice."*

## BOTCHED INVESTIGATIONS BY THE PUBLIC PROSECUTION

Many victims' relatives and lawyers interviewed by Amnesty International blamed shortcomings in the evidence gathering process for the subsequent acquittals or the failure of some cases to even reach court. They considered the purported incompetence of the Public Prosecution, as well as its links with Mubarak's administration, to be a root cause for the weakness of the evidence which did reach court. They complained of the Public Prosecution's lack of independence and impartiality and that available evidence, including information they submitted themselves, such as audiovisual material, medical and forensic reports, bullets extracted during initial autopsies or after exhumation or from injured protestors was not examined by the Public Prosecution or presented to the courts. They also pointed out that other essential information was not obtained by the Public Prosecution from the relevant authorities, usually the Ministry of Interior. This missing information included records of telephone communications between security officials transmitting orders; registries of members of security forces deployed or present at locations of protests and in police stations; records of weapons and munitions provided to security forces and official video footage of events was not obtained from the relevant authorities, namely the Ministry of Interior. In the case of the trial of Hosni Mubarak, the prosecution itself noted that it received little co-operation from the General Intelligence's national security unit and the Ministry of Interior, complicating the process of gathering evidence. However, to Amnesty International's knowledge, the Public Prosecution failed to take any punitive measures and did not initiate criminal proceedings against public officials who refused to respond to its orders as permissible under Egyptian law.<sup>11</sup>

These concerns partially reflect shortcomings in Egyptian legislation. Egyptian legislation does not provide for the separation of investigation and prosecution roles, entrusting both to the Public Prosecution, raising concerns over the impartiality of fact-finding. Further, Egyptian legislation grants the Public Prosecution wide discretionary powers, for instance in transferring cases to an investigative judge (Article 63, 64.1 of the Code of Criminal Procedure (CCP) ). These discretionary powers are particularly problematic in cases involving complaints against public officials for alleged human rights violations, where victims or the deceased victims' relatives – in their capacity as civil party – cannot directly request the transfer of the case to investigative judges ( Article 64.1 of the CCP) or summon public officials to court ( Articles 63 and 232.2 of CCP). Further, victims themselves cannot appeal in front of a court against Public Prosecution or investigative judges' decisions not to refer public officials to trial<sup>12</sup> (Articles 162 and 210 of the CCP), whereas such a possibility exists in relation to regular suspects, granting public officials additional protection from prosecution.

Another major concern expressed by relatives of victims was the fact that Egyptian legislation mandates that it is judicial police officers (maamour al dabt al-qada'), which include members of the prosecution, the police force and other officials from the Ministry of Interior,

who have the responsibility of collecting evidence of crimes, under the supervision of the Public Prosecution ( Articles 21-23 CCP). Victims and relatives of those killed expressed well-founded fears that members of agencies reasonably suspected of involvement in the killing of protesters, namely various bodies under the oversight of the Ministry of Interior, might tamper with the evidence or withhold information in order to absolve their colleagues and institutions from liability.

The mother of **Mohamed Rashed**, who was killed on 28 January 2011 in demonstrations in Port Said said that he had joined the protests to demand an end to corruption and better opportunities for youth, and wondered to Amnesty International in December 2012: *"The police will not give accurate evidence against itself. How could the body that is accused of killing be the one responsible for investigations?"*

Entrusting police and other security officers with responsibility for collecting evidence of police brutality and security forces' human rights violations clearly casts doubts over the independence, thoroughness and impartiality of the investigations, which according to international standards, must be independent of the suspected perpetrators or the agencies to which they belong.<sup>13</sup> This practice also contravenes principles laid out in the UN Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions of 1991 and the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, which stipulate that bodies implicated in the killings must not have access to sensitive information.

In responding to a presenter's question on means of guaranteeing the rights of "martyrs" during an interview on Nahar TV prior to his successful election, Mohamed Morsi acknowledged that crucial evidence had been lost and suggested that additional evidence, including recordings by the Military Intelligence, could be used in future prosecutions. He highlighted the importance of obtaining information from the Ministries of Defence and Interior as well as the Military Intelligence.<sup>14</sup>

Shortly after assuming power in June 2012, President Morsi established a fact-finding committee mandated to examine the cases of killings and injuries of protesters between 25 January 2011 and 30 June 2012 by collecting evidence and information and identifying perpetrators and accomplices.<sup>15</sup> The Committee was tasked with examining all incidents of abuse against protesters that were not previously investigated and to examine evidence in this regard. In a meeting with Amnesty International in October 2012, the President of the Committee, Counsellor Mohamed Ezzat Sherbash, its Secretary General, Counsellor Omar Marawan and committee members Ahmed Ragheb and Mohsen Bahnassy, confirmed that the Committee had been able to uncover new evidence and enjoyed a fairly good level of co-operation from official bodies and other institutions such as forensic and weapons' experts. Article 6 of the Presidential Decision establishing the Committee stated that "all government bodies are to co-operate with the committee and enable it to examine all documents, information and evidence relating to its mandate." The Decision, however, failed to prescribe any legal penalties or other consequences for those who refused; neither did it provide the Committee with clear powers to subpoena witnesses, including current and former security officials, or give it powers of search and seizure. Nonetheless, members of the Committee explained to Amnesty International that in cases where suspects did not appear before the Committee, it referred the matter to the Public Prosecution.

The Committee focused its work on collecting information on incidents not previously investigated or those under appeal before the Court of Cassation, in cases where trials had taken place. The Committee also focused on examining the reasons behind the court acquittals of security officials accused of killing protestors. It made considerable efforts to conduct field-visits across the country and meet with victims and witnesses. The final report of the Committee was submitted to the President on 8 January, but has not been made public or shared in its entirety with relatives of victims.

The need to “safeguard ongoing investigations conducted by the Public Prosecutor” was used as a justification for not making the report public.<sup>16</sup> While there is a need to keep certain information confidential, for instance relating to individual criminal responsibility or for witness protection, other parts of the report should be made public. In particular, the Egyptian authorities have international obligations to guarantee victims and families the right to truth, which is an essential component of the right to remedy for victims of human rights violations. Society as a whole has a right, to the fullest extent possible, to full information about human rights violations, as an integral part of overcoming decades of abuses and a guarantee against their recurrence.<sup>17</sup>

Members of the Committee indicated to Amnesty International that the names of suspects and other evidence would be shared with the appropriate investigating authorities. Upon receiving the report in January 2013, the Public Prosecutor Talaat Abdallah tasked a special panel headed by Amr Fawzy, director of the Central Cairo Prosecution, with reviewing its findings. Fawzy was quoted in *Al-Masry Al-Youm* newspaper asserting that the report would be considered as a formal complaint on the basis of Decree-law 96 on the Protection of the Revolution, issued by President Morsi on 22 November.<sup>18</sup>

On the same day, 22 November, President Morsi also passed the now-revised controversial Constitutional Declaration and appointed a new Public Prosecutor<sup>19</sup>, who promised to conduct fresh investigations and retrials for those acquitted of killing protestors. The potentially positive developments to address concerns over flawed investigations and trials of suspects accused of killing protestors were overshadowed by concerns over the unlimited powers Morsi granted himself in the Constitutional Declaration and his interference in judicial affairs and unleashed protests across the country.<sup>20</sup>

The Decree-law provides for re-opening investigations into crimes committed against “the martyrs and revolutionaries” by the “former regime” and for retrials on the condition of the availability of new evidence or new circumstances (articles 1 and 2). Retrials are to be referred to “special jurisdictions” as determined by the Minister of Justice upon advice from the Supreme Judicial Council, the body that oversees the nomination, appointment, placement and promotion of judges (Article 3). The decision also provides for the establishment of special prosecution offices mandated to address cases relating to the “protection of the Revolution.”<sup>21</sup>

Some families of victims told Amnesty International that while they had initially welcomed the appointment of the new Public Prosecutor and the adoption of the Decree-law on the Protection of the Revolution, their enthusiasm was dampened by the requirement to present new evidence. They felt that they had already gathered all the information they could and they remained sceptical about the Ministry of Interior’s and other government bodies’

willingness to reveal new sensitive information. A group of families of victims including from Alexandria, Suez, Cairo and Giza, visited Tallat Ibrahim's office on 23 November to lobby him to prioritize addressing their right to justice and to promptly implement the presidential Decree-law. Sayed Ibrahim Abdel Latif, father of 23 year-old Mohamed, shot dead in Imbaba protests on 29 January, and other relatives of protestors killed on the same day in this Giza working-class neighbourhood expressed to Amnesty International their frustration following the meeting with the Public Prosecutor, as they were under the impression that the burden of presenting and securing new evidence laid on them. They feared that this latest initiative was nothing but empty promises.

Mohamed Rashed's mother told Amnesty International in December 2012: *"The new President wants new evidence for retrials, where are we going to get new evidence? We presented everything we had.... Am I supposed to paint the witness in a different colour and present him as a different witness?"*

Other families of victims were more optimistic that the work of the fact-finding committee tasked with looking into the killings of protestors had been able to uncover new information that could be used in future prosecutions and/or retrials.

## FLAWED TRIALS

In addition to shortcomings in the investigations, some relatives of killed protestors complained to Amnesty International that witnesses and at times victims' families themselves were exposed to pressure to drop their complaints or change their testimonies, ranging from offers of money or other financial benefits to threatening phone calls or home visits by police officers or intermediaries.

Amnesty International reviewed two complaints presented to members of the Public Prosecution by two witnesses in Case Number 3410 of 2011 relating to the killing of protestors in Imbaba and Kerdasa during the "25 January Revolution". In one complaint, dated 7 December 2011, the witness alleged being threatened, along with his relatives, by one of the accused police officers. The complaint went on to describe his alleged abduction by a number of police officers, during which he was forced to sign a statement absolving the accused of responsibility. In the second complaint, another witness described initially being offered money and subsequently being visited at home by members of the police force to make him withdraw his testimony. The 13 defendants accused of killing and injuring protestors in Imbaba and Kerdasa on 29 January 2011 were all acquitted in June 2012. The decision was appealed.

The mothers of two youth killed in Port Said on 28 January 2011, **Mohamed Rashed** and **Mohamed Tamimi**, and Hanem al-Baz, one of their lawyers from the Partnership for Development and Democracy Support in Port Said, told Amnesty International that a witnesses, who identified one of the accused as having fired at his friend Mohamed Tamimi, was both offered money and faced threats to change his testimony. He refused, and moved to a different house fearing for his and his family's safety. For his protection, he travelled to the 5<sup>th</sup> Settlement Cairo Criminal Court hearing to give his testimony on 18 March 2012 along with the lawyers. The four defendants in the case, including a Major from the Central Security Forces (CSF), the riot police, who was identified in court by the witness, were acquitted on 13 September 2012.<sup>22</sup> The verdict was appealed, but no hearing dates have

been scheduled before the Court of Cassation.

Even though Egyptian law criminalizes such tampering with witnesses (Article 300 of the Penal Code), there is no effective witness protection programme in place, hence undermining the effectiveness and integrity of the judicial process.

Relatives of those killed also expressed frustration that most of those accused of killing protesters were either never detained or released on bail. They told Amnesty International that in some cases they continued to work at the same police station; while in other cases families claimed that they were transferred to other locations and even promoted. Despite numerous calls by Amnesty International and others, no clear vetting mechanism was established to ensure that, pending effective investigation, members of the police and other security officers about whom there is evidence of involvement in serious human rights violations including the killing of protesters during the "25 January Revolution," do not remain or are not placed in positions where they could repeat such violations.<sup>23</sup>

Another serious impediment to securing justice for abuses against protesters in the "25 January Revolution" is the fact that in the Egyptian legal criminal system, the only possibility of appeal in criminal cases is the Court of Cassation, which only reviews the application of the law and the procedures but will not re-examine the factual evidence presented. This breaches the right of appeal under Article 14 of the International Covenant on Civil and Political Rights.



## KILLED DURING PROTESTS IN EGYPT, 2011





Left page, from top left to right: Gharib Abdel Aal El-Sayed, Hussein Gouma Hussein, Emad Ali Mohamed Ali, Mohamed Magdi Hussein, Ahmed Saad Mustafa Ali, Rami Sayed Hamza Mansur, Abdou Said Mohamed, Zakaria Ahmed Tawfik, Ihab Mohamed Ahmed Nasser, Nasser Faycal Ali El-Sayed, Mohamed Sayed Ibrahim Abdel Latif, Mustafa Gaenal Wardani, Rahma Mohsen Ahmed, Mustafa Amr Mohamed Ahmed, Mohamed Abdel Razeq, Mustafa Ibrahim Mustafa, Mohab Ali Hassan, Amira Samir El-Sayed, Islam Metwali Mohamed Metwali, Mustafa Sayed Mohamed Ali, Hussein Taha Hussein, El-Dabaa Ahmed Mohamed Sayed, Ahmed Mustafa Thabet, Moheer Khalil Zaki, Emad Mohamed Mohamed El-Sayed, Mohamed Rashed Danwish, Ahmed Abdel Rahim El-Sayed, Khaled Mohamed El-Wakil, Ashraf Salem Ali Mansur, Khaled Mohamed Abdel Kader. This page, from top left to right: Ali Nour El Din, Islam Rashad Ahmed, Ahmed Amer Mahmoud Mustafa, Mohamed Abdel Fatah Mohamed Amer, Mohamed Mustafa Abdou, Hassan Mahmoud Ahmed, Mohamed Rami Khamis, Ahmed Anwar Salem, Ahmed Hassan Ahmed Haridy, Emad Abdel Khaleq Bakry Sayed, Gaber Ahmed Abdel Baqy, Hamada Mohamed Ahmed Mohamed El-Sabbagh, Mena Stefanos Nasr Allah Francis, Magdy Mohamed Hassan Ahmed, Mohamed Nasr Abdel Azim Mohamed, Sherif Yehya Atrees Sulayman, Nagi Amin Ali El-Wakil, Abdel Nasser El-Said Abdel Nabi, Magda Awad Ali El-Razeq, Mohamed Ali Shata, Alaa Abdel Mohsen Saad Abdou, Mustafa Abdallah Abdel Wahab, Sherif El-Sayed Radwan, Islam Essam Mohamed.

# MORE PROTESTORS ARE KILLED SINCE PRESIDENT MORSI'S ADVENT TO POWER



On 5-6 December clashes between opponents and supporters of the President led to at least 10 deaths and hundreds of injuries  
©Amnesty International

The pervasive impunity which has marked Egypt was further entrenched by the lack of accountability for the killings and injuries of protesters and others during the “25 January Revolution”, as well as the 120 protesters killed under the rule of the army – despite repeated promises to honour their sacrifices and punish those responsible. The security forces continued to operate as if they were above the law, while promises to reform have only scratched the surface. It is therefore not surprising that more protesters were killed with impunity since the President assumed office. Since he took office in June 2012, at least 12 people have died in the context of political violence: 11 in Cairo and one in Damanhour.

The unrest started on 19 November during protests near the headquarters of the Ministry of Interior commemorating the anniversary of the killing of over 50 protesters by security forces around the same area in 2011.<sup>24</sup> The violence was quickly followed by President's Morsi

Constitutional Decree and his dismissal of the Public Prosecutor Abdul Meguid Mahmoud, leading to further protests, anger and the burning of several Muslim Brotherhood (MB) and Freedom and Justice Party (FJP) offices across the country. The protests were further ignited by a controversial constitutional draft rushed through the Constituent Assembly on 30 November 2012 and Morsi's call for a referendum on the proposed Constitution.

The first protester to die since President Mohamed Morsi took office was 17-year-old high school student **Gaber Salah Gaber Ahmed**, known as Gika, a member of the 6 April Movement in Cairo. He was shot in the head on the morning of 20 November 2012 near the headquarters of the Ministry of Interior during protests.<sup>25</sup> The protests, which started on 19 November, evolved into clashes when members of the CSF tried to disperse protesters. An eyewitness said he was standing next to Gika on Youssef El Gendy Street before he was shot, and that riot police were using teargas and shotguns to disperse the protesters.

**Mahmoud Mohamed El Sayed**, a 17 year-old school student, rushed to the scene upon hearing that his friend Gika was injured. He told Amnesty International that he arrived at the site at about 10:00am, and was shot three times with live ammunition shortly after. He said that he saw members of the riot police shooting at protesters from the roof of a school on Youssef El Gendy Street. A medical report from the Kasr Alainy Teaching Hospital dated 20 November confirmed that Al-Sayed sustained two gunshot wounds to the stomach and one to the shoulder.

Another protester, whose right arm was fractured during the same clashes, 22 year-old **Mohamed Issam Gouda** from the Governorate of Sharkiya told Amnesty International *"For me Mubarak's regime lost its legitimacy after the first martyr in Suez, Morsi's regime fell after Gika died. We have to defend our rights."* As a result of his injury, Mohamed Issam Gouda, a graffiti artist, lost some mobility in his arm, and



Top: Mahmoud Mohamed El Sayed ©Amnesty International

Bottom: Mohamed Issam ©Amnesty International

fears he will no longer be able to draw. A medical report issued by the Zaqaziq University G. A. Medical Affairs on 21 November confirms his injury. The legal unit of the Arabic Network for Human Rights Information lodged a complaint with the Public Prosecution, but it remains unclear whether any concrete steps have been taken to bring those responsible to justice.

The second protester to be killed since President Morsi took power was 15-year-old **Islam Fathi Ibrahim Masoud**, also a high school student and a supporter of the MB from the city of Damanhour. He received a fatal stone blow to the head during clashes in front of the FJP headquarters at the Sa'a Square in the evening of 25 November. According to his relatives, protests by both supporters and opponents of the President had been ongoing in the area for several days triggered by President Morsi's 22 November Constitutional Declaration that essentially granted him unrestrained powers.<sup>26</sup> His relatives went on to say that violence erupted on 25 November once a different group of protesters, described as "thugs" based on their appearance and accused of being financed by remnants of the former ruling party, arrived at the Square. Islam Fathi Ibrahim Masoud's relatives recalled that he went to the Square at about 5:30 in the evening, upon hearing that the party headquarters were under attack. They blamed security officials who failed to intervene to prevent the violence and protect peaceful protesters, and who allegedly only arrived at the scene after Islam Fathi Ibrahim Masoud was injured despite requests by the MB and FJP leadership for security forces to protect their premises. The Damanhour Public Prosecution was reviewing the case at the time of writing.



Rania Mohsen Othman  
©Amnesty International

In the worst outbreak of political violence since President Morsi came to power, at least 10 people died and hundreds were injured during clashes between the President's supporters and opponents on 5-6 December 2012. The protests sparked by the 22 November Constitutional Declaration, were further ignited by a controversial constitutional draft rushed through the Constituent Assembly on 30 November 2012. After the decree was issued, several opposition protests took place condemning the drafting process and the substance of the proposed Constitution;<sup>27</sup> while the MB called on the supporters of the President to also hold marches and rallies in favour of the proposed Constitution and in defence of the President's "legitimacy". Initially, both sides held protests at different locations avoiding clashes.

On 5 December, trouble flared-up shortly after a large group of supporters of the President, believed to include members of the FJP, the MB and other proponents of political Islam, arrived at the site of a peaceful sit-in by opponents of the President in front of the Presidential Palace, on the side of the al-Marghany Street. According to eyewitness accounts gathered by Amnesty International, the President's supporters forcibly dismantled the tents erected by the opposition and used violence against those attempting to resist them. Eyewitnesses reported that there was no security presence or intervention to protect protesters.

**Rania Mohsen Othman**, a 33 year-old opposition protester, told Amnesty International that she was near the site of the sit-in when friends informed her at about 4pm that supporters of the President had arrived. She rushed back to the site to find groups of men dismantling the

tents. She recounted being held up against the wall with her hands restrained and slapped on the face by a number of men, when she tried to intervene to stop them from destroying the tents and hitting a boy. She complained that her assailants also tried to tear off her veil shouting that "no infidel should be wearing the veil" and spat on her.

**Sahar Mohamed Taalat**, who witnessed the inception of the clashes as part of her work with Radio France Internationale, told Amnesty International that the violence started when a second larger group of the President's supporters arrived at the Presidential Palace around 4pm. The initial standoff evolved into the President's supporters overpowering the small number of some 300 opposition supporters and proceeding to dismantle the tents and burn leaflets. According to Sahar Mohamed Taalat, the President's supporters then consolidated their control of the area and blocked-off access points to the Presidential Palace. She said that at about 6:30pm, a couple of hundred opponents arriving from the direction of the Salah Salem Street and chanting anti-Morsi slogans were attacked by the President's supporters using tear gas and stones. As she was observing the clash from the side of the opponents, a group of men beat her with a stick on the back and hurled a stone in her face. Her pleas that she was a journalist were met with insults of being "indecent". According to a medical report issued by the Kasr Alainy Teaching Hospital on 6 December, Sahar Mohamed Taalat sustained bruises to her chest, arm and shoulder.

As the evening progressed, clashes continued between the two opposing sides in the vicinity of the Presidential Palace including on Khalifa al-Ma'moun Street, al-Marghany Street, and smaller sides streets. Two Amnesty International delegates observed the confrontations from the intersection of the al-Marghany and Khalifa al-Ma'moun Street between 8:30 and 10:30pm and subsequently visited field hospitals, noting the use of stones, Molotov Cocktails and shotguns by both sides, as confirmed by other eyewitness accounts and the nature of injuries sustained by protesters of both sides.



Khaled Taha Abu Zeid ©Private

During clashes, members of the CSF were present at intervals, creating a buffer zone between the two camps on Khalifa al-Ma'moun Street and occasionally firing tear gas into the crowds. However, they withdrew around 11pm, despite the violence and accounts that live ammunition shots had been heard on both sides. Their conduct during the clashes and failure to intervene to put an end to the violence and protect protesters from assaults must be investigated by an independent body with the view of revealing the full truth, including information on any instructions or orders they received from the Ministry of Interior or other state institutions.

In the early morning hours of 6 December, clashes intensified and several protesters on both sides as well as bystanders sustained gunshot wounds, some of them fatal. Several of the victims among the supporters of President Morsi originated from outside of Cairo, some of them arriving to the protest in buses co-ordinated by the local FJP and MB leadership. Among them was **Khaled Taha Abu Zeid**, a 25 year-old employee at the Ministry of Justice and member of the MB and FJP from the village of Miniya al-Bandara in the Gharbeya Governorate. His mother told Amnesty International that the family received a phone call at about 2am on 6 December informing them that Khaled Taha Abu Zeid was receiving

treatment at the Demerdash Hospital. He had been shot in the neck from the right side. The bullet exited from the left, damaging the fourth vertebra and affecting the spinal cord. He remained in a state of paraplegia until he succumbed to his wounds on 11 December 2012. A medical report seen by Amnesty International corroborates the family's account.

A long-time member of the MB, father-of-three **Yasser Mohamed Ibrahim**, 41, was shot at about 1:50am on 6 December. According to his relatives who saw his body, he sustained numerous shotgun pellet injuries to his arms, as well as a gunshot wound fired to the back of his head, with the bullet exiting through his eye. He left his home town of Suez along with three friends to participate in the pro-Morsi protests, but lost contact with them at around 11:30pm. His relatives and friends started searching for him, eventually finding his body at the morgue in the al-Zahraa Hospital, without his identity card, driving license or other belongings.



Mohamed Mamdouh Ahmed al-Husseiny ©Private

Thirty-two-year-old FJP member **Mohamed Mamdouh Ahmed al-Husseiny** was shot at around 12:30am on al-Marghany Street, according to his father, who also participated in the protest, but was standing further away from the area of heavy clashes. Accounts of other protesters standing behind Mohamed Mamdouh Ahmed al-Husseiny suggest that he was first shot in his right arm, but continued to fight. After the second shot, he fell on the ground and was taken to the Heliopolis Hospital, where he died. A death certificate seen by Amnesty International confirms that he died as a result of a gunshot wound to the chest. His father who had been incarcerated for three years in connection with his membership of the MB under Hosni Mubarak told Amnesty International that Mohamed Mamdouh Ahmed al-Husseiny was severely affected by the injustice of the former government. He leaves behind a pregnant wife.



Mohamed Kalaf Issa Mohamed ©Private

Relatives told Amnesty International that another member of the MB from Cairo, **Mohamed Khalaf Issa Mohamed**, a 37-year-old father of three, was also fatally shot at around 1pm on al-Marghany Street. According to a police investigation report dated 6 December 2012, examined by Amnesty International, Mohamed Khalaf Issa Mohamed sustained a gun injury to the head, had a swollen right eye and a bloody nose. His sister Fayza told Amnesty International that he returned from work earlier that day from the Governorate of Mounoufiya, and chose to go to the pro-Morsi demonstration to support "legitimacy".

According to MB and FJP sources, four other supporters of the President were killed during the clashes at the Presidential Palace. They are: Mahmoud Mohamed Ibrahim Ahmed from Sharkiya Governorate, Mohamed Farid Ahmed Salam from al-Mounoufiya Governorate, Abdallah Abdelhamid Nassar from Daqahliya Governorate, and Hani Sa'ad.<sup>28</sup>



Protest at the journalist syndicate honouring Abu Daif, held on 19 December ©Amnesty International

Gunshot injuries were also sustained by protestors and bystanders standing on the side of the President's opponents. For instance, 22-year-old **Mohamed al-Senoussi** sustained a fatal gunshot wound to the stomach in the vicinity of the Presidential Palace. His brother was called at about 12am with the news of his injury. By the time his distraught relatives rushed to the Manshiyat al-Bikry Hospital, he had passed away. Eyewitnesses told the family that he was last seen around Khalifa al-Ma'moun Street. According to his brother Ridha, Mohamed wasn't involved in protests, but was present in the vicinity of the Presidential Palace on the side of the opponents. He continued: *"Nothing will make up for our loss. He was the youngest, always caring for and financially supporting everyone. We want those who did this to him to be held accountable by the power of the law. Otherwise, like they killed my brother, they will kill someone else. We want security in this country. The President is the one responsible. If you have two people who are fighting in front of your house, should you not intervene to stop them?"*



Mohamed al-Senoussi ©Private

Another victim of the clashes was journalist and opposition activist 33-year-old **al-Husseiny Mohamed Abu Daif Ahmed**. According to his friend Mahmoud Abdelqader, al-Husseiny Mohamed Abu Daif Ahmed was showing him footage on his camera at about 2:30am on 6

December, when he was shot in the head. Mahmoud Abdelqader told Amnesty International that at that time, the two were standing in the middle of the intersection between al-Marghany Street and Khalifa al-Ma'moun Street facing the supporters' side. According to his relatives, al-Husseiny Mohamed Abu Daif Ahmed, a journalist with *al-Fagr* newspaper, had been active in the opposition movement for years, including with the Kefaya ("Enough") Movement, which had spearheaded anti-government activism since 2005. He succumbed to his injury on 12 December. A forensic report obtained by his relatives' lawyer concluded that he died as a result of "live ammunition entering from the right side of the head which led to [a] fracture in the skull".

In addition to the fatalities, hundreds of people sustained injuries during the clashes ranging from minor bruises and cuts, to more serious gunshot wounds.

For instance, Amnesty International interviewed **Mohamed Abdelmoneim Mohamed**, 29, from his hospital bed at the French Kasr Alini Hospital on 16 December, as he was recovering from a gunshot wound sustained at about 12:30am on 6 December, while standing on the side of anti-Morsi protesters on Khalifa al-Ma'moun Street. He said that the bullet splintered, affecting the spinal cord and leading to paralysis of the lower body. Mohamed had been active in opposition protests since the inception of the "25 January Revolution".

Another protestor and member of the 6 April Movement **Mohamed Hossam al-Din**, known as Kalousha, 20, sustained a gunshot wound to the stomach during the clashes on 5 December. He told Amnesty International that that he was initially on al-Marghany Street, but as the clashes intensified sought shelter in a smaller side street, where he was shot twice from across the street by a man he assumed to be a supporter of the President, based on his appearance ( beard and three-quarter length trousers donned by some Salafis). A medical certificate from Manshiyat al-Bikry Hospital dated 5 December confirmed that Mohamed Hossam al-Din sustained a gunshot wound, which led to a cut and internal bleeding of the liver.

In addition to the deaths and injuries resulting from violent clashes, a number of protesters and bystanders endured torture, including beatings and other abuses on 5-6 December. Supporters of the President as well as the police apprehended some 140 people around the vicinity of the Presidential Palace. All but four were released on 6 December by the Heliopolis Prosecution. Individuals apprehended by supporters of the President were stripped, beaten and otherwise abused.<sup>29</sup>

## LAYING THE BLAME



Mohamed Hossam al-Din, aka Kalousha, sustained a gunshot wound during clashes near the Presidential Palace on 5 December  
©Amnesty International

Each faction laid the blame for inciting, initiating and carrying-out the bulk of the violence on the other.

In an official statement issued on 7 December, the FJP blamed the violence on “opposition groups infiltrated by professional violent criminals paid by former regime figures”.<sup>30</sup> MB lawyer Abdelmoneim Abdelmaqsoud, also member of the National Council of Human Rights, told Amnesty International that he filed a joint complaint with the Heliopolis Prosecution involving over 100 plaintiffs including the injured and relatives of those killed, accusing 13 people of responsibility for the violence among them the political leadership of the opposition such as Hamdeem Sabahi and Mohamed El Baradei.

Injured opposition protesters as well as the family of al-Husseiny Mohamed Abu Daif Ahmed have also lodged complaints with the Heliopolis Prosecution, directly accusing President Mohamed Morsi and the leadership of the MB and FJP. They emphasized statements made by a number of FJP and MB leaders, including those by Essam al-Erian, the Deputy head of the FJP. In a live telephone interview with the January 25<sup>th</sup> Channel, a media outlet sympathetic to the MB, at 7:15pm on 5 December, he said *“What is happening are not clashes between opponents and supporters of President...What is happening now are confrontations between those who support the Revolution and defend legitimacy, and counter-revolutionaries and those who want to carry out a coup against legitimacy... I call on them [supporters] to gather in the tens of thousands to besiege those thugs. This is an opportunity now to arrest them and to expose the third party who fired live ammunition and*

*shotguns...this is an opportunity for people to arrest them and to present them to the Public Prosecution".<sup>31</sup>*

The narrative of a conspiracy aimed at undermining the stability of the country, espoused by some supporters of the President, is eerily reminiscent of arguments used by the fallen Mubarak government to suppress and de-legitimize dissent and opposition to his rule.

On 6 December, President Morsi made a televised appearance expressing his sadness for the loss of life during the clashes around the Presidential Palace and making assertions that all Egyptians – whether his supporters or opponents – are afforded the same rights. He blamed the violence on a “third party” with links to remnants of the former regime, as confirmed, he claimed, by interrogations by the Public Prosecution of individuals apprehended in the possession of weapons and their “confessions”. He went on to say that peaceful protesters were attacked with the use of weapons including teargas, live ammunition and shotguns; and vowed that *“the pure blood spilled during the events of the last two days..will not be lost..those who gave weapons, and money and incited violence began to appear in front of the Public Prosecution.”<sup>32</sup>* His speech was televised before any independent, impartial and full fact-finding process could have been completed; and took place while interrogations by the prosecution were still ongoing, according to lawyers present at the scene. In fact, the Heliopolis Prosecutor ordered the releases of all but four suspects, allegedly caught with weapons, of the some 140 people apprehended based on lack of evidence.

In his speech, the President avoided any mention of his supporters apprehending, beating, interrogating and detaining overnight tens of individuals they accused of violence before handing them over the Public Prosecution. In sharp contrast to previous statements stressing the importance of security and paying tribute to the security forces for “maintaining the safety and security of the homeland”,<sup>33</sup> President Morsi also did not provide any explanation for the failure of security forces to intervene and protect those attacked during the clashes and those unlawfully detained and beaten by his supporters.

At the time of writing, investigations were ongoing by the Heliopolis Prosecution in connection to the violence.

# CONCLUSIONS AND RECOMMENDATIONS



A rally in Cairo's Tahrir Square, 30 November 2012 ©Amnesty International

To break the cycle of impunity and address the deepening public distrust in national institutions such as the judiciary and police force, the Egyptian authorities must ensure that justice is afforded for the victims of unlawful killing during the “25 January Revolution”, as well as for other victims of arbitrary and excessive force by the security and armed forces. They need to demonstrate strong political will to deliver justice for human rights violations committed against protestors, ensuring that all those responsible up-and-down the chain of command are held accountable. To that effect, the Egyptian authorities need to ensure that all gaps and shortcomings in the evidence gathering processes are addressed by independent bodies, which must exclude any individuals or organs implicated in human rights violations. Accountability cannot be achieved without guaranteeing the independence of the judicial authorities involved in prosecutions and retrials, and include effective safeguards against interference – political or otherwise – throughout the process of investigation and trial. Those appointed for this task must be individuals of integrity and ability with appropriate qualifications, and must enjoy the trust of victims.

Amnesty International also urges the Egyptian authorities to ensure that all bodies including

the Ministry of Interior fully co-operate with investigations into human rights violations committed during the uprising and subsequently, with the aim of revealing the entire truth and ensuring that all perpetrators, regardless of rank or affiliation, are held to account. Only when Egyptians trust that no one is above the law or outside of its protection would tragedies like the killing of protestors in front of the Presidential Palace be avoided.

To address the legitimate demands of relatives of those killed during the "25 January Revolution" who have already waited for two long years for justice, Amnesty International urges the Egyptian authorities to:

Publish the results and recommendations of the fact-finding committee established by President Morsi in July 2012 to look into abuses against protestors; and ensure that victims and families of those killed and their legal representatives have access to and are informed of all information related to its work and Public Prosecution's investigations, and are aware of mechanisms enabling them to present evidence;

- Create an independent body to address shortcomings in the evidence gathering processes to ensure that investigations into the killings of protestors are full, impartial and independent. Such a body must have powers of search and seizure and to subpoena witnesses and suspects. All investigations into killings must follow the methods set out in the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. Findings should be presented to judicial authorities with the view of bringing those responsible to justice. Such judicial authorities must include effective safeguards against interference and/or influence from police or security officers as well as politicians. Those appointed for this task must be individuals of integrity and ability with appropriate qualifications, and must enjoy the trust of victims.
- Guarantee that all official bodies including the Ministries of Interior and Defence cooperate fully in investigations into human rights violations and that investigators have the authority and means to ensure cooperation. Individuals who withhold information or tamper with or destroy evidence should be held accountable, including where appropriate through criminal prosecution.
- Ensure that anyone against whom there is sufficient admissible evidence of responsibility for unlawful killings and injuries as a result of excessive and arbitrary use of force in policing demonstrations, including those who committed the violations or ordered others to commit them, are brought to justice in proceedings meeting international standards of fair trial.
- Ensure that victims and witnesses of human rights violations, and their relatives and lawyers, are protected from acts of harassment and intimidation, and promptly investigate any allegations of such harassment;
- Establish a vetting system to ensure that, pending full investigation and the conclusion of judicial proceedings, members of the security forces and other officials suspected of committing or ordering human rights violations are suspended or placed in positions where they would not be able to commit violations;

- In relation to the powers of the Public Prosecution, review the Egyptian Code of Criminal Procedure and other relevant legislation and policies with a view of bringing them in line with the UN Guidelines on the Role of Prosecutors, in particular in relation to the strict separation of prosecutor's functions from judicial functions. This process must be conducted in consultation with legal experts, judges, prosecutors, lawyers and civil society, including human rights, organizations.
- Ensure that bodies mandated with gathering evidence on human rights violations or abuses of power are independent of the suspected perpetrators or the agencies to which they belong.
- Provide adequate, effective, and prompt reparation for the harm suffered by victims of human rights violations, including medical care and rehabilitation and psychological and social services; and
- Announce a firm commitment to reform the police and security apparatus and bring the legislation governing it and its forces' activities in line with international human rights standards.
- In addition, Amnesty International makes the following recommendations in relation to the violence in the vicinity of the Presidential Palace:
  - Carry out full, impartial and independent investigations into the killings, injuries and beatings of protesters and bystanders in the vicinity of the Presidential Palace on 5-6 December; including by looking into the role of members of the MB and FJP in discrediting the opposition to the government and inciting unlawful arrests.
  - Conduct a review by an independent oversight body into the conduct of the security forces and their failure to carry out their duties to protect the right to life and physical integrity and their mandate to maintain public order. The review should determine what orders and instructions, if any, security forces received from their superiors as well as from highest levels of the State.
  - All those found responsible for human rights abuses must be brought to justice regardless of their rank and political affiliation in proceedings meeting international standards for fair trial.

## ENDNOTES

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1 The interview, posted on 31 May 2012, is available on <http://www.youtube.com/watch?v=kX-Knlh00Zg>

2 See Amnesty International, *Egypt rises: Killings, detentions and torture in the '25 January Revolution'* (Index: MDE 12/027/2011), 19 May 2011: [www.amnesty.org/en/library/info/MDE12/027/2011/en](http://www.amnesty.org/en/library/info/MDE12/027/2011/en) (Amnesty International, Egypt rises); See also *Al-Masry Al-Youm*, "840 killed in Egypt's revolution, health ministry official says", 4 April 2011: [www.almasryalyoum.com/en/node/385973](http://www.almasryalyoum.com/en/node/385973); and Ministry of Health and Population, "Health: Preliminary report of the numbers of deaths and injuries in events of 25 Revolution", 22 February 2011: [www.mohp.gov.eg/mediacenter/bayena3lamy/Detail.aspx?id=535](http://www.mohp.gov.eg/mediacenter/bayena3lamy/Detail.aspx?id=535)

3 See, Amnesty International, Egypt rises

4 See, Amnesty International, *Agents of Repression: Egypt's Police and the case for reform* (Index MDE 12/029/2012), 2 October 2012: <http://www.amnesty.org/en/library/info/MDE12/029/2012/en> and Amnesty International, *Brutality unpunished and unchecked: Egypt's military kill and torture protestors with impunity*, 2 October 2012: <http://www.amnesty.org/en/library/info/MDE12/017/2012/en>; and Amnesty International, *Broken Promises: Egypt's military rulers erode human rights*, 22 November 2011 (Index: MDE 12/053/2011): <http://www.amnesty.org/en/library/info/MDE12/053/2011>

5 The right to an effective remedy for victims of human rights violations and serious violations of international humanitarian law is guaranteed in international law. It is enshrined in Article 2 (3) of the ICCPR and further expanded in the Human Rights Committee General Comment No.31 on the "Nature of the General Legal Obligation imposed on States Parties to the Covenant", adopted on 29 March 2004 at its 2187th meeting. It is also recognized in Article 8 of the Universal Declaration of Human Rights, Article 6 of the International Convention on the Elimination of All Forms of Racial Discrimination, Article 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 39 of the Convention on the Rights of the Child, Article 3 of the 1907 Hague Convention concerning the Laws and Customs of War on Land, Article 91 of the Protocol I Additional to the Geneva Conventions of 12 August 1949 relating to the Protection of Victims of International Armed Conflicts (Additional Protocol I), Article 75 of the Rome Statute of the International Criminal Court, Article 7 of the African Charter on Human and Peoples' Rights and Article 23 of the Arab Charter on Human Rights.

6 Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (Basic Principles on the Right to a Remedy and Reparation), adopted and proclaimed by UN General Assembly Resolution 60/147 of 16 December 2005 (UN Doc. A/RES/60/147). Article 7 stipulated that victims have the right to "access to relevant information concerning violations and reparation mechanisms."

7 The term has been coined by families of victims reacting to the news of acquittals of those accused of killing their relatives.

8 *Egypt Independent* (The English edition of *Al-Masry Al-Youm*), "Court acquits former security chief and 13 others from charges of killing protesters in Beni Suef", 15 January 2013:

<http://www.egyptindependent.com/news/court-acquits-former-security-chief-13-others-charges-killing-protesters-beni-suef>. See Amnesty International's findings on killings in Beni Suef Governorate in Egypt rises, pp53-60.

9 Article 61 of the Penal Code states that "No one must be punished for a crime he was obliged to commit in order to protect his or her life or other from a great and imminent danger to life, and there was no possible means to stop by other means."

10 See Amnesty International, Egypt rises.

11 Article 123 of the Penal Code imposes prison sentence and dismissals of public officials who deliberately disregard orders issued by the government, courts or appropriate official bodies.

12 The only exception is those accused of breaching Article 123 of the Penal Code which relates to the failure of public officials to carry out orders or instructions.

13 See for instance Article 2 of the UN Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

14 Interview available at <http://www.youtube.com/watch?v=HdRNsXKv118>

15 Presidential Decision 10 of 2012, dated 5 July 2012. The Committee was composed of nine members, including the Public Prosecutor, the head of the National Security Unit at the General Intelligence and the Assistant Minister of Interior for Public Security. It also includes six members and representatives of the "families of the martyrs and injured of the revolution" and the "youth of the revolution", as observers.

16 Ikhwanweb, "Revolutionary Killings Fact-Finding Committee Statement Refutes Brotherhood Unit 95 Rumors", 5 January 2013: <http://www.ikhwanweb.com/article.php?id=30539&ref=search.php>

17 Human Rights Council Resolution 9/11, Right to Truth, 18 September 2008.

18 *Egypt Independent*, " Prosecution to review committee report on Revolution killing", 9 January 2012: <http://www.egyptindependent.com/news/prosecution-review-committee-report-revolution-killings>

19 Further, the appointment of Tallat Ibrahim was marred by controversy as it was seen by judges, prosecutors, opposition activists and others as an attempt by the executive to trample the independence of the judiciary.

20 For more information on concerns that President Morsi's Constitutional Declaration undermined the rule of law, see Amnesty International, *Egypt: President Morsi constitutional changes trample rule of law*, (Index: MDE 12/038/2012), 23 November 2012:

<http://amnesty.org/en/library/info/MDE12/038/2012/en>. Protests over the Constitutional Declaration are addressed in "More protestors are killed since President Morsi's advent to power" section of the briefing.

21 Amnesty International has asked for the repeal of certain provisions of the Decree-law which allows prosecutors to detain people for up to six months in preventive detention without trial while they are investigated for press and media offences, organizing protests, striking and "thuggery".

22 Case Number 252 of 2011 Crimes Port Said.

23 For more information on police abuses and Amnesty International's recommendations to address them, see Amnesty International, *Agents of Repression*.

24 See Amnesty International, *Agents of Repression*.

25 See Amnesty International, *Agents of Repression*.

26 See Amnesty International, "Egypt: President Morsi constitutional changes trample rule of law" (

Index: MDE 12/038/2012), 23 November 2012: <http://amnesty.org/en/library/info/MDE12/038/2012/en>

27 See Amnesty International, "Egypt's new constitution limits fundamental freedoms and ignores the rights of women", 30 November 2012: <http://www.amnesty.org/en/for-media/press-releases/egypt-s-new-constitution-limits-fundamental-freedoms-and-ignores-rights-wom>

28 See for example Ikhwanonline, "Ikhwanonline public the names of martyrs in front of the Itihadiya", 6 December 2012: <http://www.ikhwanonline.com/new/Article.aspx?SecID=230&ArtID=130982>. Their identities and circumstances of their deaths were not independently verified by Amnesty International.

29 A number of national and international human rights organizations published reports on abuses of individuals apprehended by supporters of the President. See for instance, Egyptian Initiative for Personal Rights, "Three weeks following the crimes of Itihadiya", 27 December 2012:

<http://eipr.org/pressrelease/2012/12/27/1570>; Cairo Institute for Human Rights Studies, Al-Ittihadiyya: "'Presidential Palace' clashes 5 and 6 December 2012", 26 December 2012: [http://www.cihrs.org/wp-content/uploads/2012/12/Ittihadiyya.rep\\_.CIHRS\\_.Eng\\_.Dec\\_.pdf](http://www.cihrs.org/wp-content/uploads/2012/12/Ittihadiyya.rep_.CIHRS_.Eng_.Dec_.pdf); Human Rights Watch, "Investigate Brotherhood abuses of protestors", 12 December 2012: <http://www.hrw.org/news/2012/12/12/egypt-investigate-brotherhood-s-abuse-protesters>; National Community for Human Rights and Law, "Battle of Itihadiya: a regime crime, preliminary results for first working group popular investigation", 14 December: [http://nchrl.blogspot.co.uk/2012/12/blog-post\\_14.html](http://nchrl.blogspot.co.uk/2012/12/blog-post_14.html)

30 FJP, "Freedom and Justice Party Statement on Violent Clashes Outside Itihadiya Presidential Palace", 7 December 2012: <http://www.ikhwanweb.com/article.php?id=30462>

31 Recording available at <http://www.youtube.com/watch?v=y7vepC-qbl8>

32 President Morsi's speech can be viewed at <http://www.youtube.com/watch?v=z1oZoHUcl7c>

33 See Egypt State Information Service, "Statement by President Mohammed Morsi after winning the post of the president", 24 June 2012: <http://www.sis.gov.eg/En/Story.aspx?sid=62577>



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