

Immigration and Refugee Board of Canada

Immigration and Refugee Board of Canada / Commission des Immigration et des Réfugiés / Research Program / Responses to Information Requests



Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website.

4 November 2013

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Egypt: Treatment of members of the Muslim Brotherhood, including leaders, returnee members and suspected members, by authorities following the removal of President Mohamed Morsi (3 July 2013-30 October 2013)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Background

President Mohammed Morsi was the Muslim Brotherhood's presidential candidate in Egypt's 2012 elections (BBC 4 Nov. 2013; Human Rights Watch 16 Aug. 2013). He ran under the Freedom and Justice Party (ibid.; Al Jazeera 1 July 2013), which is the Muslim Brotherhood's political wing (ibid.). President Morsi was overthrown by the Egyptian army on 3 July 2013, one year after becoming president (Al Jazeera 30 Aug. 2013; BBC 4 Nov. 2013). Sources provide different estimates on the number of Muslim Brotherhood members in Egypt, ranging from 400,000 (NBC News 15 July 2013) to one million (*The Guardian* 2 Apr. 2013).

2. Status of Muslim Brotherhood in Egypt

On 23 September 2013, the Court for Urgent Cases [also Court for Urgent Matters] banned the Muslim Brotherhood in Egypt (Egypt 23 Sept. 2013; *Daily Telegraph* 24 Sept. 2013). Egypt's State Information Service adds that "all the activities of the Muslim Brotherhood and its affiliated bodies" have been banned (Egypt 23 Sept. 2013). Sources report that the Muslim Brotherhood's assets have been frozen (ibid.; *Los Angeles Times* 23 Oct. 2013).

3. Treatment of Muslim Brotherhood Leaders, Members, and Suspected Members

3.1 Arrests

Several sources report on the arrests of Muslim Brotherhood leaders (Al Jazeera 30 Aug. 2013; AI 17 July 2013; *Los Angeles Times* 23 Oct. 2013). On 30 August 2013, Al Jazeera reported that "[m]ost of the Brotherhood's top leadership has been arrested in the nearly two months since Morsi's ouster." The arrests of Muslim Brotherhood leaders include:

- President Mohamed Morsi, who is expected to have a trial in November 2013 (*Los Angeles Times* 23 Oct. 2013; Al Jazeera 29 Oct. 2013). Al Jazeera indicates that the trial is being held for charges of "inciting murder and violence that led to killings of protestors in front of the presidential palace in December" (ibid.);
- Mohamed el-Beltagy (*The Independent* 30 Aug. 2013; Al Jazeera 30 Aug. 2013), a former member of parliament and head of the Muslim Brotherhood's Freedom and Justice Party, arrested in Giza governorate where he was in hiding (Al Jazeera 30 Aug. 2013);
- Mohamed el-Badi [also Mohammed Badie] (*The Daily Telegraph* 24 Sept. 2013; Al Jazeera 30 Aug. 2013), described by Al Jazeera as the Muslim Brotherhood's "general guide" (30 Aug. 2013), and by the *Daily Telegraph* as the group's "supreme leader" (24 Sept. 2013);
- Rashad al-Bayoumi, a deputy of Mohamed el-Badi (Al Jazeera 30 Aug. 2013);
- Khairat al-Shater, a "top strategist" (Al Jazeera 30 Aug. 2013), described by BBC as the Muslim Brotherhood's "deputy general guide" (17 Sept. 2013), and by Al Jazeera as the group's "financier" (29 Oct. 2013);
- Gehad al-Haddad, chief of staff to Khairat al-Shater, and English-language spokesman (BBC 17 Sept. 2013);
- Khaled Al-Azhari, the former labour minister (*The Independent* 30 Aug. 2013);
- Abdelmonim Abdelmaqsoud, the Muslim Brotherhood's chief lawyer (AI 17 July 2013);
- Essam el-Arian [also Essam el-Erian], from New Cairo where he was hiding (Al Jazeera 30 Oct. 2013; Mada Masr 30 Oct. 2013). Mada Masr, an independent Egypt-based news sources (Cairo Urban Initiatives Platform n.d.), reports that Arian was the Vice President of the Muslim Brotherhood's Freedom and Justice

Party, and was arrested on 30 October 2013 "after evading more than 100 arrest warrants and attempts to detain him in eight governorates" (ibid.).

Several sources report on the arrest of Muslim Brotherhood members (Al Jazeera 30 Aug. 2013; *Los Angeles Times* 23 Oct. 2013; AI 12 Sept. 2013). Al Jazeera reports that some of the relatives of senior members have also been detained (30 Aug. 2013). On 12 September 2013, Amnesty International (AI) reported that security forces had arrested "at least 3,000 people, mostly supporters or members of the Muslim Brotherhood, since 3 July, according to lawyers representing them. Around 600 have since been released." Media sources report that approximately 2,000 Muslim Brotherhood members are in prison (*Los Angeles Times* 23 Oct. 2013; Al Jazeera 7 Oct. 2013). AI states that among those arrested are men and women, who were merely exercising their right to freedom of expression and assembly by protesting in support of ousted President Mohamed Morsi. Many face a broad array of serious charges which include murder, attacking security personnel, possession of weapons, and inciting murder and other violence. (12 Sept. 2013)

In a telephone interview with the Research Directorate, a legal advisor at the Egyptian Initiative for Personal Rights (EIPR), an independent rights organization that works on "protecting basic rights and freedoms in Egypt, through research, advocacy and litigation" (EIPR n.d.), similarly indicated that "there are thousands of detainees from the Muslim Brotherhood, a lot of whom did not commit criminal acts. Most are being punished for expression of their political opinion" (ibid. 30 Oct. 2013). Al Jazeera reports that in September 2013 Prime Minister Hazim el-Beblawi "denied ... politically motivated detentions" and said that the state of emergency in place was necessary because of "acts of terror and violence" (7 Oct. 2013a).

On 12 September 2013, AI reported that arrests

were carried out after the security forces used excessive force against pro-Morsi protests or following armed clashes between rival camps in Cairo, including during incidents in the area of Al-Moqattam (30 June), the Republican Guards Club (5 and 8 July), in the vicinity of the Unknown Soldier Mausoleum (27 July), during the dispersals of the Rabaa al-Adawiya and Nahda sit-ins (14 August) and in Ramsis Square (16 August).

Al Jazeera reports that many detainees, including leaders and supporters of the Muslim Brotherhood, have not been charged with a crime (7 Oct. 2013a). However, according to the EIPR legal advisor, many of the arrests and detentions of Muslim Brotherhood members and suspected supporters has been done in accordance with a variety of laws, rather than through arbitrary detention under the emergency law (EIPR 30 Oct. 2013). He added that most of the detainees are being charged and presented before a prosecutor and have court cases (ibid.). However, he also said that there is no guarantee of a fair trial, and there is a fear of an unfair judicial process (ibid.). He said that, according to lawyers who have appeared before prosecutors for such cases, the prosecutors are "extremely politicized" (ibid.). He also said that many lawyers have indicated that prosecutors have prevented lawyers from representing Muslim Brotherhood detainees, for example, by telling them to appear at the wrong time (ibid.). Similarly, AI states that detainees from pro-Morsi sit-ins have been "deprived of their basic legal rights" including being "denied prompt access to their lawyers and relatives, or an opportunity to challenge the lawfulness of their detention after their arrest" (12 Sept. 2013). AI added that lawyers have not been able to attend investigations and detention renewals for reasons such as being barred from them, not being informed of the location, date or time, and because some were conducted during curfew hours (12 Sept. 2013).

Sources indicate that judges presiding over a case of Muslim Brotherhood leaders have stepped down because of their "unease" with the trial (Freedom and Justice Party 29 Oct. 2013; Al Jazeera 29 Oct. 2013). On 29 October 2013, Al Jazeera reported that a 3-judge panel was presiding over the first trial of 35 Muslim Brotherhood leaders, and according to the defence counsel spokesman, the judges stepped down because the defendants were not present (29 Oct. 2013). The Freedom and Justice Party reports that, according to the Muslim Brotherhood leaders' defense team, the judges "withdrew from the case because there is no evidence or information to convict the defendants" (29 Oct. 2013). Al Jazeera indicated that the 35 Muslim Brotherhood leaders on trial included six senior leaders, among them Mohammed Badie and Khairat el-Shater, and 29 "low-level brotherhood members" (29 Oct. 2013). Al Jazeera states that, according to one of the judges, the defendants will remain imprisoned while the cases are returned to the head of the appeal court in order to be assigned to another court (29 Oct. 2013).

Sources report that 37 Muslim Brotherhood detainees were killed on August 18th when they were asphyxiated by tear gas fired into a vehicle where they were being detained (*Los Angeles Times* 23 Oct. 2013; BBC 22 Oct. 2013). The EIPR legal advisor indicated that the demonstrators were detained for hours in the heat of the closed prisoner vehicle without water or medical treatment, and that tear gas was fired into the vehicle by a police officer after the detainees banged on the doors of the truck (30 Oct. 2013). Sources report that four police officers have been arrested in connection with the deaths of these Muslim Brotherhood detainees (*Los Angeles Times* 23 Oct. 2013; ibid.). BBC reports that the policemen are being charged with manslaughter (ibid.).

The EIPR legal advisor and Ikhwan Web, the official English website of the Muslim Brotherhood, report the use of torture against Muslim Brotherhood members and suspected supporters in prison (EIPR 30 Oct. 2013; Ikhwan Web 5 Oct. 2013). Sources report that prison conditions in Egypt are "appalling" and prisoners are mistreated (EIPR 30 Oct. 2013; *The Guardian* 1 Oct. 2013).

The EIPR legal advisor indicated that formal membership in the Muslim Brotherhood is not necessary for someone to be at risk of arrest (30 Oct. 2013). He said that if someone is perceived to be a member or supporter of the Muslim Brotherhood, they face the risk of imprisonment (EIPR 30 Oct. 2013). He added that the risk of arrest even applies to "mere supporters" without any active involvement with the Muslim Brotherhood, and people who do not support the Muslim Brotherhood, but who have demonstrated against the excessive use of force against them (ibid.). He added that one of the detainees killed by the tear-gas thrown in the vehicle on 18 August 2013 was an active supporter of the

removal of President Morsi and opposed the Muslim Brotherhood, but was demonstrating against the excessive use of force against Muslim Brotherhood supporters when he was arrested (ibid.). The EIPR legal advisor indicated that Muslim Brotherhood membership brings a higher risk than non-membership, but being at the wrong place and the wrong time is "sufficient to be arrested" (ibid.).

Sources indicate that a draft law entitled the *Law on the Right to Public Meetings, Processions and Peaceful Demonstrations* was approved by cabinet in October 2013, is awaiting ratification by the interim president (Human Rights Watch 30 Oct. 2013; CIHRS 23 Oct. 2013). According to a statement from 18 rights organizations, including the Cairo Institute for Human Rights Studies (CIHRS) and the Egyptian Initiative for Personal Rights, the bill "puts draconian restrictions on the right to demonstrate, but imposes other curbs on the right to public meetings, strikes, sit-ins, and processions ..." (ibid.). Sources indicate that this law requires organizers to notify the Ministry of Interior in advance of any planned gathering in a public or private space (CIHRS 23 Oct. 2013; Human Rights Watch 30 Oct. 2013). Human Rights Watch says this applies to meetings of more than 10 people (ibid.). Human Rights Watch adds that the bill gives authorities the discretion to "ban all demonstrations near official buildings, give the police absolute discretion to ban any other protest, and allow officers to forcibly disperse overall peaceful protests if even a single protestor throws a stone" (ibid.). The statement on the CIHRS website similarly states that the bill "permits security forces to use rubber bullets without restriction, although this ammunition can be lethal, even if demonstrators commit simple infractions or if a demonstrator chants a phrase that might be considered libelous" (23 Oct. 2013). A copy of the draft law could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3.2 Clashes at Demonstrations

Several sources report that security forces have killed Muslim Brotherhood supporters at demonstrations (Al Jazeera 7 Oct. 2013a; Human Rights Watch 19 Aug. 2013; EIPR 30 Oct. 2013). Media sources report that more than 1,000 supporters of President Morsi have been killed (*New York Times* 20 Oct. 2013; *Los Angeles Times* 23 Oct. 2013; AI 14 Oct. 2013). Sources report on the "excessive use of force" by security forces (EIPR 30 Oct. 2013; Human Rights Watch 19 Aug. 2013).

3.2.1 Demonstrations on 6 October 2013

AI reports that, on 6 October 2013, security forces used excessive force and live ammunition to disperse pro-Morsi protestors, resulting in 49 deaths and hundreds of injuries "in Cairo alone" (AI 14 Oct. 2013). Similarly, Al Jazeera reports that on 6 October 2013, 51 people were killed in clashes between Muslim Brotherhood supporters, and the security forces and armed civilians, and that "most of the victims were Morsi supporters" (7 Oct. 2013b).

3.2.2 Demonstrations in August 2013

On 23 August 2013, AI reported that 1,089 people were killed in one week. Sources state that on 14 August 2013, security forces violently dispersed a Muslim Brotherhood sit-in, which led to the highest number of unlawful "killings in modern Egyptian history" (EIPR 30 Oct. 2013; Human Rights Watch 19 Aug. 2013). Human Rights Watch reports that approximately 377 people were killed at the 14 August 2013 sit-in in Rabaa al-Adawiya in the eastern Cairo district of Nasr City, and that security forces used "live ammunition on a large scale from the outset" (ibid.). AI reports that 483 people were killed in pro-Morsi sit-ins on 14 August in Cairo, including nine members of the security forces (23 Aug. 2013). Human Rights Watch reports that, according to the Ministry of Interior, 638 people were killed on 14 August 2013 across the country, of which 43 were police officers (ibid.). Without providing details, AI also reports on more deaths between 14-18 August 2013, including 341 deaths in the governorates of Alexandria, Al-Minya, Beni Suef, Ismailiya, Suez, Souhag, Doumiat, and Mansoura (23 Aug. 2013).

3.2.3 Armed Civilians

The EIPR legal advisor indicated that in many demonstrations there have been fatalities caused by attacks on Muslim Brotherhood supporters by people who do not support the group (30 Oct. 2013). He added that some civilians help the police in their confrontations against the Muslim Brotherhood (EIPR 30 Oct. 2013). AI reports on clashes between local residents and supporters of President Morsi (23 Aug. 2013). AI also notes that "some pro-Morsi supporters were heavily armed and used live ammunition against police and local residents who had sided with security forces" (23 Aug. 2013). AI reports that on 6 October, "in some instances, security forces stood by as men in civilian clothing armed with knives, swords or firearms attacked and clashed with demonstrators" (14 Oct. 2013). According to the EIPR legal advisor, some hospitals do not accept patients who were injured in pro-Muslim Brotherhood demonstrations (30 Oct. 2013). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

4. Treatment of Returnee Members

Several sources contacted by the Research Directorate stated that they are unaware of any cases of Muslim Brotherhood members returning to Egypt in the time period specified in this Response (EIPR 30 Oct. 2013; AI 28 Oct. 2013; Associate Professor 28 Oct. 2013). However, sources provided the following views on the treatment of returnee members.

The EIPR legal advisor indicated that the risk of return would depend on the profile of the Muslim Brotherhood member and whether the member plans on "carrying out any public political activities on behalf or in support of the

brotherhood" (26 Oct. 2013). He said that high profile members are "definitely at a risk of being sent to jail upon return" (EIPR 30 Oct. 2013). He added that "high profile" does not just mean someone who has been in the media, or someone who is a national leader, such as a member of the Bureau of Guidance, which is the supreme body of the Muslim Brotherhood (ibid.). According to him, it also means anyone who plays any leading roles within the Muslim Brotherhood's structure and anyone who is a public figure within his or her "small circle" of Muslim Brotherhood supporters (ibid.). He said that someone who is active in the regional Muslim Brotherhood structure in the governorates, or someone leading any thematic divisions of the Muslim Brotherhood, such as the division of women, education, or charity work, or one of the leaders of the Muslim Brotherhood in the student body would be at a "high risk" of arrest upon return (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The EIPR legal advisor indicated that some members of the Muslim Brotherhood who are not "high profile" are monitored by the security apparatus (ibid.). According to the EIPR legal advisor, whether or not they are monitored by authorities, if Muslim Brotherhood members who are not "high profile" return and participate in any demonstrations or other "public expressions" such as vocalizing their opinions in a classroom or on Facebook, they are also at a risk (ibid.). In terms of expressing one's political opinion, he explained that the risk of arrest exists, even though not every single person who does this is arrested (ibid.). He said that some people have been arrested for making a four finger salute in solidarity with the demonstrators killed on 14 August 2013 in Rabaa al-Adawiya [rabaa means four in Arabic (AI Arabiya 22 Aug. 2013)] (ibid.). He added that there is a "very high risk" associated with attending demonstrations because shootings are arbitrary (ibid.). Similarly, in correspondence to the Research Directorate, a representative of AI indicated stated that

There is a strong likelihood that Mursi supporters will face discrimination that can amount to persecution by state-actors and possible non-state actors. This would be particularly true if that person attempted to exercise his/her right to freedom of expression and assembly; such as publicly protesting or criticising the government, even if done in peaceful way. Mursi supporters can face arbitrarily arrest and lack of due process, or face injury or death during protests due to excessive and unnecessary use of lethal force against protestors. Hence, they can be persecuted for their political opinion, if returned back to Egypt and participated in protests and demonstrations. (28 Oct. 2013)

The EIPR legal advisor indicated that Muslim Brotherhood members who do not have a public profile and do not wish to participate in political expression are at a lower risk than the other members identified, however they could be targeted because of their associations, such as if they have friends who are active members of the group (30 Oct. 2013). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The AI representative expressed the view that

Muslim Brotherhood members, especially leaders, can face persecution and discrimination if they are to return to Egypt. They will face arbitrary detention and extended unjustifiable detention periods with lack of due process. ... Amnesty International is aware of cases of Muslim Brotherhood leaders who tried to leave the country and were arrested at the airport. Amnesty International does not have examples of Muslim Brotherhood members returning to Egypt as it is almost certain they will avoid going back. (AI 28 Oct. 2013)

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Additional Sources Consulted

Oral sources, including: Attempts to contact the following individuals and organizations were unsuccessful within the time constraints of this Response: Cairo Institute for Human Rights Studies; Freedom and Justice Party; DemocracyNow! Correspondent. A Professor of Near and Middle Eastern Civilizations at the University of Toronto could not provide information for this Response.

Internet sites: Ecol.net; Egypt – Cabinet Information and Decision Support Center, Ministry of Religious Endowment, Ministry of State for Administrative Development, Supreme Constitutional Court; United Nations – Refworld.

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