

## Indigenous Peoples' rights

In July the Inter-American Court of Human Rights confirmed that Ecuador had not consulted the Sarayaku Indigenous community in Pastaza province regarding an oil project to be carried out in their territory. It ordered the state to remove or inactivate explosives buried on Sarayaku territory; consult the Sarayaku regarding future development projects that might affect them; and take steps to make the right to consultation a reality for all Indigenous Peoples, among other measures.

In November bids for oil exploration in the Amazon region went out to public tender amid concerns that Indigenous communities that might be affected had not been consulted.

In a report published in August, the CERD Committee raised concerns at the absence of a regulated and systematic process for consultation with Indigenous Peoples on issues that affect them, including the extraction of natural resources.

## Freedom of expression

There were concerns that laws dealing with the crime of insult were being used against journalists in violation of the right to freedom of expression and could deter other critics of government authorities from speaking out.

■ In February, the National Court confirmed a sentence of three years' imprisonment and US\$40 million in damages against three owners of *El Universo* and a journalist working for the newspaper. They had been convicted of slander for an editorial in which they described the President as a "dictator" and accused him of giving the order to open fire on a hospital during the police protests of September 2010. The President later granted a pardon to all four men.

## Amnesty International visits/reports

📄 "So that no one can demand anything": Criminalizing the right to protest in Ecuador? (AMR 28/002/2012)

# EGYPT

## ARAB REPUBLIC OF EGYPT

Head of state:

Mohamed Morsi (replaced  
Mohamed Hussein Tantawi in June)

Head of government:

Hisham Qandeel (replaced  
Kamal Ganzouri in August)

**Protests against military rule resulted in the killing of at least 28 protesters by security forces in Cairo and Suez. Riot police and the army used excessive force to disperse protesters, who later alleged that they were tortured or otherwise ill-treated in custody. Protests, sometimes violent, by opponents and supporters of the President took place in November and December. Unfair trials by Emergency Supreme State Security Courts continued and security forces continued to act above the law. Former President Hosni Mubarak and the former Minister of Interior were sentenced to life imprisonment for killings of protesters during the 2011 uprising; many other suspected perpetrators were acquitted. No members of the Supreme Council of the Armed Forces (SCAF) were held to account for violations committed during their rule. President Mohamed Morsi established a committee to investigate violations committed between January 2011 and June 2012. He issued pardons for some civilians tried by military courts and a general amnesty for offences by protesters during demonstrations against military rule. Discrimination against religious minorities persisted. Journalists and activists were prosecuted for "insulting the President" and blasphemy. Women faced discrimination in law and practice as well as widespread sexual harassment. Thousands of families continued to live in "unsafe areas" in informal settlements (slums), while thousands more faced threats of forced eviction. Migrants were reportedly killed by security forces while attempting to cross into Israel or were exploited by traffickers in the Sinai Peninsula. At least 91 people were sentenced to death. It was not known whether there were any executions.**

## Background

A newly elected parliament met for the first time on 23 January. In March, parliament appointed a 100-

member Constituent Assembly to draft Egypt's new Constitution. The Constituent Assembly was dominated by Islamist parties and criticized for including only six women and six Coptic Christians. It was suspended by an administrative court on 10 April following a legal challenge. With the expiry of the 31-year state of emergency in May, the authorities tried to preserve some exceptional powers; on 13 June the Ministry of Justice gave military and intelligence officers powers to arrest, but an administrative court quickly overturned the move. Parliament approved a new Constituent Assembly in June, which faced fresh lawsuits and was increasingly boycotted by opposition political parties, civil society and the Coptic Christian Church. On 16 June, the SCAF dissolved parliament, following a Supreme Constitutional Court ruling that the elections had been unconstitutional. On 17 June, days before the result of the presidential elections, the SCAF widely expanded its own powers and limited those of the incoming administration. On 12 August, newly elected President Morsi announced that he had overturned the SCAF's new powers, and that SCAF leader Mohamed Tantawi was to retire. The announcement followed an attack by an armed group in the Sinai Peninsula which killed 16 soldiers. The authorities subsequently launched a security crackdown in the area.

On 22 November, President Morsi decreed that the courts could not challenge his decisions nor hear any lawsuit against the Constituent Assembly. President Morsi also issued a repressive new law to "protect the Revolution", replaced the Public Prosecutor, and urged new investigations and prosecutions in cases of deaths of protesters. The Constituent Assembly finalized the draft Constitution on 30 November.

The decree and draft Constitution triggered nationwide protests and a judges' strike, as well as incidents of violence between supporters and opponents of the President. On 5-6 December, at least 10 people were killed in clashes outside the Presidential Palace in Cairo. In response to the unrest, President Morsi partially lifted his decree on 8 December. The new Constitution was subsequently adopted in a national referendum in late December.

## Torture and other ill-treatment

No legal or policy reforms were implemented to eradicate torture under either the SCAF or President Morsi's administration. The People's Assembly

discussed harsher penalties for torture but did not introduce them before its dissolution. Torture and other ill-treatment continued and security forces acted with impunity. One NGO recorded 88 cases of torture or other ill-treatment by police during President Morsi's first 100 days in power. Protesters arrested by riot police or the military were subjected to severe beatings and electric shocks in custody, including in Tora Prison, south of Cairo, where detainees also suffered overcrowding, inadequate clothing and lack of medical care. Some male protesters said they were abducted and taken to undisclosed locations, where they were given electric shocks and sexually abused to make them give information on their involvement in protests.

■ George Ramzi Nakhla was arrested in Cairo on 6 February. He said riot police tied his arms and legs to the back of an armoured vehicle and slowly dragged him along the road while others beat him with batons. He was beaten again at the Ministry of Interior and given electric shocks. He received no medical treatment for a broken arm and was forced to squat with 13 other men for several hours. At Tora Prison, he was beaten with electric cables and verbally abused. Following a three-day hunger strike, he was released on 25 March.

■ Abdel Haleem Hnesh was arrested by military forces on 4 May at a protest in Abbaseya, Cairo. He said troops severely beat him with 2m-long sticks and electric batons, and then took him with some 40 others to military area S28 in Cairo. He was presented to military prosecutors, and then transferred to Tora Prison where he was beaten on arrival with hoses and sticks. He was released five days later.

## Unfair trials

The new Constitution allowed for military trials of civilians, which are inherently unfair. The People's Assembly amended the Military Justice Code in April 2012, stripping the President of his authority to refer civilians to military court. However, it did not amend articles giving military courts jurisdiction to try civilians. In July, President Morsi established a committee to review cases of civilians tried by military courts as well as others held by the Ministry of Interior, and "revolutionaries" imprisoned by the ordinary judiciary. In July and August, President Morsi pardoned some 700 people based on the committee's recommendations, and in October decreed a general

amnesty for offences committed while “supporting the revolution” in 2011 and 2012. However, the decree failed to provide fair trials for some 1,100 civilians imprisoned by military courts for other criminal offences.

Although the state of emergency expired at the end of May, some cases continued to be tried by emergency courts, including terrorism-related offences and protest and communal violence cases.

■ On 4 May the army arrested Mahmoud Mohamed Amin among some 300 protesters demonstrating against military rule in Abbaseya, Cairo. They were referred to military prosecution and trials, on charges such as “attacking army members” and “disrupting public order”. On 20 May, Mahmoud Mohamed Amin and other detainees went on hunger strike to protest against their trial by military courts. He was released on 19 June pending trial, but charges against him were dropped under the presidential amnesty in October.

## Excessive use of force

Protests in early 2012 were mainly against military rule. Following President Morsi’s election, demonstrations were held by his supporters and opponents. Security forces were largely absent, especially during large Tahrir Square protests, but in some instances they clashed with protesters. No reform of the police was initiated and the authorities employed tactics reminiscent of the Mubarak era, with security forces using excessive force against protesters. Riot police used excessive and unnecessary force, including firearms and US-made tear gas.

■ Security forces used lethal force without prior warning to disperse protesters, killing 16 protesters between 2 and 6 February in Cairo and Suez. The protests were in reaction to the killing of some 70 Al-Ahly football supporters by men in plain clothes during a match in Port Said, witnessed by security forces that did not prevent the violence.

■ Between 28 April and 4 May, at least 12 people were killed by men in plain clothes during a sit-in in Abbaseya Square, Cairo, in protest at the presidential election process. Security forces did not intervene, suggesting that the men acted at the army’s command or with their acquiescence.

■ On 20 November, teenage protester Gaber Salah Gaber was reportedly shot dead by security forces near the Ministry of the Interior in Cairo.

## Impunity

In a historic step towards combating impunity, in June, former President Mubarak and former Minister of Interior Habib El Adly were found responsible for the killing and injury of protesters during the 2011 uprising and sentenced to life imprisonment.

However, six senior security officials were acquitted. The prosecution argued that the lack of evidence against them was due to a lack of co-operation from General Intelligence and the Ministry of Interior.

Most police officers put on trial in relation to killings of protesters during the 2011 uprising were acquitted. Courts generally ruled that police used justified lethal force, or that evidence was insufficient. Truth and justice remained elusive for hundreds of victims of the uprising and their families.

In October, all defendants were acquitted in the “Battle of the Camels” trial in relation to clashes between pro- and anti-Mubarak protesters in Tahrir Square in February 2011. Subsequently, members of the Public Prosecution suggested that the case would be reopened.

No army members were brought to justice in relation to killings or torture during the Mohamed Mahmoud Street protests and Cabinet Offices protests in November and December 2011. Civilian investigative judges instead referred protesters to stand trial for alleged violence. Those accused in the Mohamed Mahmoud Street protests were amnestied, but the Cabinet Offices trial continued. Only one riot police officer stood trial for abuses committed during the Mohamed Mahmoud Street protests. His trial continued at the end of the year.

In September, a military court sentenced two army soldiers to two years’ imprisonment each, and a third soldier to three years’ imprisonment, for “involuntary homicide” for driving their armoured vehicle into 14 Coptic protesters in October 2011 in Maspero, Cairo. Investigations by civilian judges into the killings of 13 others failed to identify perpetrators. No SCAF members faced justice for the killings of protesters during their 17-month rule.

In July, President Morsi set up a fact-finding committee of officials, civil society activists and victims’ families to identify the perpetrators of the killing and injury of protesters during the 2011 uprising and the SCAF’s rule.

No measures were taken to provide justice, truth or reparation to victims of serious human rights

violations, including torture, carried out under President Mubarak's 30-year rule.

## Freedoms of expression and association

There were ongoing criminal investigations and charges for blasphemy and insulting public officials. New constitutional provisions restricted freedom of expression, prohibiting insults against individuals or religious prophets. Draft legislation restricted freedom of association and imposed repressive rules on registration and foreign funding for NGOs.

■ Prisoner of conscience Maikel Nabil Sanad was released on 24 January as part of a wider pardon by the SCAF. A blogger, he had been imprisoned in April 2011 following an unfair trial by a military court for criticizing the army and objecting to military service.

■ In August, *El-Dostor* newspaper editor Islam Affifi was tried for publishing false information "insulting the President". The trial was ongoing at the end of the year.

■ In October, television personality Tawfiq Okasha was fined and sentenced to four months' imprisonment for "insulting the President". He remained free pending appeal.

■ Prisoner of conscience Alber Saber Ayad was arrested on 13 September after people surrounded his home accusing him of promoting the controversial film *Innocence of Muslims*. In December he was sentenced to three years' imprisonment for "defamation of religion" on the basis of his videos and internet posts, but bailed pending appeal.

■ In February, the trial began of 43 staff members of five international organizations for allegedly accepting foreign funding without government permission and operating illegally. Most were tried in their absence and the trial continued at the end of the year.

## Women's rights

The new Constitution prohibited discrimination between Egyptian citizens, but did not explicitly prohibit discrimination against women, referring instead to their duties as homemakers. Women were marginalized in the new political institutions. They occupied only 12 seats out of 508 in the People's Assembly, before its dissolution. Only seven women were included in the second Constituent Assembly. Women were largely excluded from the Egyptian Cabinet appointed by President Morsi and none were appointed to the role of governor. Women also continued to face exclusion from serving in the

judiciary. Discriminatory laws and practices relating to marriage, divorce, child custody and inheritance were not addressed.

Several women were reported to have been sexually harassed or assaulted during mass protests including in Tahrir Square. In June, a march in Cairo against sexual harassment was attacked by men who sexually harassed and assaulted the participants. In September, a man shot dead a woman in the street in Asyut, reportedly after she resisted his sexual harassment. After the Eid holiday in October the authorities announced they had received over 1,000 complaints of sexual harassment. No members of the security forces were held to account for sexual or gender-based violence against women detainees following anti-SCAF protests in 2011.

■ In March, a military court acquitted an army doctor in relation to forced "virginity testing" of women protesters in March 2011.

## Discrimination

The new Constitution did not explicitly prohibit discrimination on the basis of race, potentially affecting minorities such as Nubians.

The Constitution guaranteed freedom of religion but limited it to religions officially recognized as "heavenly", potentially affecting Baha'is and Shi'a Muslims. The Constitution provided for separate personal status laws for Christians and Jews, as well as the right to regulate their religious affairs and leadership, but not for other religious minorities.

Egyptian law made it difficult for Coptic Christians to build or repair churches as it required hard-to-obtain official authorization. Some church-building works were obstructed by neighbouring Muslims, sometimes causing communal violence. In such cases, security forces generally failed to protect Copts from attacks.

■ At the end of January, three Coptic families from Sharbat village, Alexandria, were forcibly evicted from their homes by Muslims who suspected a Coptic man of possessing "indecent" images of a Muslim woman. Crowds attacked Copts' homes and businesses. Village "reconciliation meetings" decided that the Coptic man and his extended family, as well as five neighbouring Coptic families, should leave the village and have their possessions sold on their behalf. The police did not intervene to protect the Copts from the attacks or forced eviction. Following a visit by a parliamentary delegation,

only the five Coptic families unconnected to the original dispute were able to return.

## Housing rights – forced eviction

The Constitution upheld the right to adequate housing, but did not explicitly prohibit forced evictions. Guarantees against forced eviction remained absent in Egypt's laws and policies.

The government's Informal Settlements Development Facility (ISDF) estimated that some 11,500 homes, mainly in Cairo, were located in "unsafe areas" and posed an imminent threat to life, requiring immediate clearance. The ISDF also marked a further 120,000 homes in "unsafe areas" for clearance before 2017. The ISDF reportedly considered the options of upgrading slums and providing alternative housing near existing dwellings.

Housing Ministry officials said the Cairo 2050 plan had been reviewed and some projects which would have involved mass evictions had been dropped. A new urban Egypt 2052 master plan was under development, but communities in informal settlements were not consulted.

■ In August, police clashed with residents of Ramlet Bulaq informal settlement, central Cairo, after a policeman allegedly killed a resident. Police then raided Ramlet Bulaq several times, arresting men and forcing many male community members to flee the area. Residents said the police threatened to continue such intimidation until they cleared the area. Ramlet Bulaq is planned for demolition.

## Refugees and migrants

Egyptian security forces continued to shoot foreign migrants, refugees and asylum-seekers who sought to cross Egypt's Sinai border into Israel, killing at least eight people. Human traffickers reportedly extorted and abused refugees, asylum-seekers and migrants crossing the Sinai Peninsula into Israel.

## Death penalty

At least 91 people were sentenced to death, including after unfair trials by emergency courts. It was not known whether there were any executions.

■ In September, an emergency court sentenced to death 14 men, including eight in their absence, in relation to an attack which led to the killing of six people. They were also convicted of belonging to a Jihadist group.

## Amnesty International visits/reports

✈ Amnesty International delegates visited Egypt several times in 2012 to conduct research.

📖 Brutality unpunished and unchecked: Egypt's military kill and torture protesters with impunity (MDE 12/017/2012)

📖 Agents of repression: Egypt's police and the case for reform (MDE 12/029/2012)

📖 Egypt: New President must restore rule of law, govern for all (PRE01/316/2012)

📖 Egypt's new Constitution limits fundamental freedoms and ignores the rights of women (PRE01/590/2012)

# EL SALVADOR

## REPUBLIC OF EL SALVADOR

Head of state and government:

Carlos Mauricio Funes  
Cartagena

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**Impunity for human rights violations committed during the armed conflict (1980-1992) persisted. A crisis gripped the judicial system as members of congress were accused of attempting to interfere in the selection and appointment of judges. Violations of sexual and reproductive rights remained a concern.**

## Background

Violent crime continued to dominate the political agenda, although the government reported an overall fall in the murder rate.

## Impunity

Impunity for past human rights violations continued to be a concern.

■ In January, in accordance with a 2010 ruling by the Inter-American Commission on Human Rights, the President apologized on behalf of the state for the massacre of over 700 men, women and children in El Mozote and surrounding hamlets in Morazán province. The victims had been tortured and killed by the armed forces over a three-day period in 1981. In December, the Inter-American Court of Human Rights set down its final decision on the massacre, ordering the state to conduct investigations, and to hold those responsible to account. The ruling also called on the state to ensure