

**NCHR report about Maspero incidents erupted in
Oct. 9, 2011**

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Author: National Council for Human Rights (NCHR)

Translated by: Hānī Labīb Ishāq and Diana Maher Ghali

Edited by: Dr. Irini Thabit, Professor in Faculty of Alsun, Ain Shams
University.

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El-Maadi • Cairo, Egypt • +20 2 23598087 • info@cidtegypt.com

Introduction

Maspero incidents, which have erupted on October 9, 2011, resulted in the death of 28 martyrs, including 26 Copts, one military personnel and one Muslim as well as 321 injuries from civilians and military men; according to the data of both Ministries of Health and Population.

That day threatened the most important distinguishing elements of the Egyptian society and the reasons for its uniqueness. Egyptian civilization has played a crucial role in protecting the nation and the unity of its people from an inevitable national disaster, and has always been the reason why Egyptians refused the attempts for incitement and enmity against Christian citizens. The day of October 9, 2011 witnessed a number of serious violations against human rights, and crimes against peaceful protesters. These crimes include: deliberate murder, random killing, physical attacks that led to severe injuries which caused either full or partial disabilities along with other injuries. Other crimes of damaging military armored vehicles and gears as well as private and public property have also taken place.

This report summarizes the results of the fact-finding commission, formed by NCHR, including some of its members. The commission was formed in an NCHR emergency meeting decision on October 10, 2011. The commission is headed by Muná Zū al-Faqār, and its members are: Dr. Usāmah al-Ghazālī Harb, Dr. Iskandar Ghatās, In'ām Muhammad 'Alī, George Ishāq, Hāfiz Abū Si'dah, Dr. Durīyah Sharaf al-Dīn, Dr. Samīr

Marqus, 'Amr al-Shūbkī, Dr. 'Amr Hamzāwī, Dr. Fū'ād Rīyād, Muhsin Mu'awad, Nāsir Amīn and Yūsuf al-Qa'īd.

A number of specialized researchers from NCHR Complaint Committee have contributed in preparing the report. They include women of the council as well as Jamāl Barakāt, Nabīl Shalabī, Islām Shuqwayr, Ahmad 'Abd Allah, Karīm Shalabī, Khālīd Ma'rūf, Usāmah Nash'at, Ahmad Jamīl, Asmā' Shihāb and Nashwá Bahā', in addition to, Amjad Fathī, Mai Najīb, Rashā 'Ilwī, Asmā' al-Shahāwī, Hānī al-Husaynī, Asmā' Fawzī, Mu'taz Fādī, Muhammad Māhir, Rāmī 'Alām, 'Amr Yusrī, Khālīd Mu'tasim and Rāmī Mikhā'īl from NCHR's Secretariat.

The commission built its report on the following sources:

1. A number of researchers from the commission talked to eyewitnesses from the starting point of the march until the area of Maspero.
2. Egyptian human rights NGOs reports.
3. Sources from visual and written media as well as radio.
4. Hearing sessions of eyewitnesses including individuals, injured, victims' families, groups of protesters and specialized departments in hospitals that admitted the dead bodies and injured; taking into consideration that some hospitals refused to cooperate with the commission.

5. NCHR's fact-finding commission approached the Ministries of Information, the Interior Affairs, Health and Population, and Justice to collect data and information about the incidents. The commission got responses from the ministries of Information, Health and Population, and the Interior Affairs.

The report is divided into six main sections:

Section I: Summary of the development of the incidents.

Section II: Role of the official Egyptian Television.

Section III: Available data from the Ministry of Health concerning the victims and the injured.

Section IV: Background leading up to the incidents of Maspero.

Section V: Legal reference and violations committed during the incidents.

Section VI: Conclusion and recommendation about the accountability of the bodies and individuals responsible for the violations and crimes committed during the unfortunate incidents, through evidence gathered by the fact-finding commission; in addition to legislation and policies to be issued and applied on the short and medium run to address the real causes of the sectarian crisis and to solve the origin of the problem.

Annex (1): Details of the international and national principles that the commission adopted as a legal reference for the report.

Section I: Summary of the development of the incidents:

(A) The start point and path of the Protest:

The protest came out in large numbers, more than 50 thousand protesters, from Shubrā street to Maspero around 4pm to 4:30pm. They cut approximately 6.5 kilometers in nearly two hours. The protest was peaceful according to unanimous testimonies of witnesses. The protest included male and female Muslim citizens along with Christian male and female citizens as well as children. The protesters did not have except wooden or plastic crosses, Egyptian flag and posters that condemn demolishing churches and demand a unified law for building places of worship, assuring that Christians are Egyptians not infidels. Their slogans were asserting the previous demands "Our slogan is one and there is no other thing: we can die but our churches live"... "Tantāwī why can't you hear us; the church is like the mosque"... "Any denomination! Any religion! Egypt is for all Egyptians"... "From Aswan to Alexandria...Copts are always the victims"... "Egyptian Christians...Egypt is for us until the end of days." Slogans also condemned the military rule, called for its fall and condemned violence used by the military police. The protesters were chanting political demands as calls for a civil state and their chants responded on some of the extreme salafī movements chanting "They said we are infidels but we are free Egyptians"... "Egypt is a civil state not an Islamic emirate"... "Come on Egyptian, get out of your home because there is a million person like Mubārak". In addition to religious slogans that call for God like

“Kyriallayson” which means “Lord Have mercy” in Coptic language. A small number of protesters had badges that said “Martyr on demand.”

The leaders of Maspero Youth Coalition and other coalitions had called for the protest, made announcement about it and informed the concerned parties three days before the protest. The reason for informing the authorities is due to what happened on Tuesday, October 4, 2011 in Maspero when the military police and anti-riot police had used increasingly violent crackdown to disperse the Maspero protest that had from 700 to 800 peaceful protesters. The forces used beating then used armored vehicles [*Reviewer’s Note: The report did not mention in what way was the armored vehicles used,*] according to documented testimonies. This includes in particular the case of the young man Rā’if, who was severely beaten and dragged by the military police soldiers. Scenes that show assault on him were broadcasted on satellite channels and the Internet. That was one of the reasons that triggered the demonstration on Sunday, October 9, 2011.

Unidentified civilians, coming from al-Sabtiyah area, pelted rocks and glass bottles on the protesters who were passing from the top of Shubrā tunnel. Those civilians were chanting “Islamic...Islamic” [*Reviewer’s Note: referring to making Egypt an Islamic state not a civil one*]. They shot protesters with firearms. Protesters were able to resume the demonstration after some of the young protesters were able to climb to the top of the tunnel and chase these aggressors; some of the protesters were injured as a result of being pelted by rocks, according to testimonies.

When the protesters marched under the 26 of July bridge, unidentified civilians from Būlāq Abū al-'Ilā pelted rocks, stones and empty glass bottles on them and shot them as well, but no one got injured. The protest then continued and stopped at al-Ahrām newspaper building condemning the corrupted media noting that al-Ahrām is one of the corrupted symbols of the media. Clashes erupted between al-Ahrām building security guards and the protesters but some protesters were able to deal with that situation and they continued their march to the area of Maspero. Chants were rising assuring that the demonstration was peaceful when exposed to attacks. "Peaceful, peaceful - we are marching peacefully. We are not thugs," They said.

But at about 6:15pm, after the arrival of the front of the peaceful demonstration to Kūrnīsh al-Nīl area from the side of Ramses Hilton Hotel, to meet with another peaceful protest that was waiting at Maspero since 5pm, the military police moved to stop the demonstration from moving toward the other protest at Maspero. Some individuals threw stones and plastic bottles at the military police forces that were heading toward them, the military police dispersed the protesters using shields and beat them with wooden sticks. The military police used fake bullets to disperse protesters which caused panic and they went back away from Maspero to escape the attack of the military police.

With congestion and the continued attacks from the military police, a lot of protesters got injured and fell above each other. After that a number of

protesters tried to follow the military police to the places they are centered using sticks and rocks.

(B) Shooting protesters and military police by unknown civilians:

During firing fake bullets in the air by the military police to disperse protesters, others were firing live ammunition but they were not identified. Seven protesters died and a lot of people got injured. At the same time military police personnel got injured and one died. A lot of testimonies said that the live ammunition was coming from the military police, using machine-guns against protesters, but the military police denied opening fire on citizens and a lot of testimonies asserted that the military police indeed used fake bullets and did not use live ammunition.

A number of eyewitnesses assured at the beginning that the live bullets were shot by unidentified civilians who infiltrated the protest with their motorcycles from the opposite side of Maspero and they opened fire on the protesters and the military police. Another witness said they saw an armed sniper at the entrance of October bridge that is facing the building beside Hilton Ramses Hotel. The sniper shot bullets at both the protesters and the military police. The sniper had other people around him to help him. The majority of testimonies said that they were shot by live ammunition twice during their march from Shubrā to Maspero, one time at Shubrā tunnel and the other time was at July 26 bridge.

According to a lot of eyewitnesses, the cause of injuries and deaths were shots by live bullets but they were not able to identify the doer. A number

of stories suggested that the first victim was Mīnā Dānīyāl, 20-years-old and one of the 25 January Revolution youth. However, another testimony said that the first death was the one from the military police who was shot by live bullets. These testimonies support the view that unknown civilians are the ones who shot both the protesters and the military police.

Other testimonies said that a civilian took over a machine-gun with fake bullets and escaped. However, according to the Ministry of the Interior Affairs, one of the officers succeeded in getting back the machine-gun and he held it in custody. Another machine-gun and a dummy bullets chamber was handed to Būlāq police station, which proves that the bullets used by the military police were fake. In another statement, a person asserted that he was shot by a rubber bullet from the anti-riot police in an attempt to disperse protesters who were under October bridge, but these statements were not supported by other testimonies.

However, in this lack of information and not announcing the detailed forensic report so far as well as not finding any definite evidence on the source of the live ammunition, it is still the responsibility of the specialized investigative bodies to find out all about the unidentified doers, and inciters, who committed these deliberate murders. The investigative body has two protesters who were injured by non-penetrating bullets and the investigation could get hold of these bullets and can identify their source.

(C)Running over protesters:

At the Tahrīr-bound road alongside the Nile River there were four Jeeps and behind them three Fahd armored vehicles and two armored personnel carriers (APC), parked along the sidewalk in the same direction.

A few minutes after the use of violence by the military police to disperse the protesters and preventing them from reaching Maspero, the armored vehicles started moving. The same method was used to break up a demonstration on Tuesday, October 4, 2011. Three armored vehicles moved, one after the other, speeding towards October bridge, then another two armored vehicles followed. The armored vehicles were speeding and driving in circular movements, then shifted their path toward Maspero, and due to the speeding, the vehicles ran over protesters resulting in 12 deaths and five critical injuries, according to the available data so far. All this is proved by documented statements and recordings.

One of the injured lost his brother, who was run over by an armored vehicle. He, himself, lost his right leg after being run over in addition to other critical injuries. He narrated that after being run over by the armored vehicles, someone threw him at the entrance of a building above four or five other dead bodies thinking that he was dead.

A number of statements asserted that these bodies are for people who died as a result of being run over and shot by live ammunition. That building was of 25 January channel.

Protesters, who were in a state of shock because of the cruel scene, moved these bodies to the near buildings. The ambulances were late in transferring the bodies, however, the Ministry of Health said in a statement that they sent six ambulances to secure the protest then sent another 18; after that, the number of ambulances rose to 30 and still they could not transfer all the injuries and bodies due to their large number.

(D) Reactions of protesters and unidentified civilians:

As a result of the attacks on protesters either by running over them, opening fire or beating them with sticks, these were the reactions:

Protesters pelted stones at the military police personnel and used sticks against them. Some statements said that protesters had cold weapons (such as: swords, switchblades and knives) and they used those against the military police. Other testimonies suggested that the cold weapons were used by unknown civilians and hired thugs from areas near Maspero.

Some protesters jumped on one of the armored vehicles and others set one on fire after it crashed into a concrete wall. The driver tried to escape but the protesters beat him, a priest rescued him and handed him over to the military police.

A civilian took over an APC and tried to drive it but then he jumped out of it, the APC hit two military police jeeps which were about to run over protesters.

A number of civilians set fire on a number of military police buses and private cars, according to testimonies.

A civilian managed to ride an APC after it ran over protesters and he threw a big rock on the soldier riding it.

(E)Attacking protesters, media role and rumors:

After the Egyptian television announced that Copts are attacking the army, a number of civilians holding wooden and metal sticks as well as cold weapons (such as: switchblade, knives and swords) joined the military police at the parking area of Maspero and in the surrounding areas of Hilton Ramses Hotel and started hitting protesters and cursing them with sentences like “the Army and the people are one hand against Christians.” According to some testimonies, those civilians were but thugs coming from areas near Maspero.

A rumor circulated that Christians are killing army-men, burning and ripping mushafs which pushed a group of civilians from near areas to attack and beat Christian protesters with cold weapons only because they are Christians. Protesters, between October bridge and 'Abd al-Mun'im Rīyad, were being pelted with rocks by unidentified civilians under the sight of the military police and the anti-riot police, according to eyewitnesses.

Another attack took place in front of the Coptic hospital when some of the unidentified civilians and thugs gathered around the hospital, pelt it with

stones, and opened fire on the victims' families in front of the hospital. No injuries occurred because the victims' families rushed into the hospital seeking protection. Those attacking groups were chanting "Where are the Christians? Muslims are here...The People and the army are one hand" and then they set fire to one of the buses and a private car.

A documented testimony of a witness who was attacked by thugs stated that he saw some thugs attacking protesters holding a poster of the unified law for building houses of worship. When he tried to know the reason behind their outrage, one of them asked him about his religion. When the witness stated that he was Christian, they attacked him and one of them said to him, "Aren't you coming to kill the army-men? We are going to kill you". And he stabbed the witness with a switchblade in his neck and threw him on the ground. A police personnel held him and hid him in a garbage car to keep him safe from thugs, he was then transferred to Ma'had Nāsir Hospital where he was saved.

(F)End of incidents and dispersing the protest:

Between 8:00pm and 8:30pm protesters were divided and went to different areas: Hilton Ramses Hotel, 'Abd al-Mun'im Rīyād square, and Tahrīr square. Confrontations erupted between the protesters on one side, and the military and the anti-riot police on the other side. The anti-riot police fired teargas bombs from above October bridge and hurled bricks and stones at the protesters along with unidentified civilians who came to join the army after claims from the media that Copts are attacking the

military. Near 'Abd al-Mun'im Rīyād square, the military and the anti-riot police chased protesters and hit them at the exit of the bridge. The unidentified civilians exchanged rocks with protesters; protesters occupied the Tahrīr-ward side, and the pro-army civilians occupied Hilton Ramses Hotel-ward. In a very surprising scene, the two parties exchanging rocks unified and started chanting "Muslims and Christians are one hand" and started heading to Maspero after calls from an unidentified civilian to stop clashes and to unite.

Then both sides [Coptic protesters and pro-army civilians] at Tahrīr square, 'Abd al-Mun'im Rīyād and Ramses Hilton Hotel headed to Maspero. After they entered Kūrnīsh al-Nīl street, they were surprised by an attack from the military police along with unidentified civilians, who were chanting "The army and the people are one hand, where are the Christians? Muslims are here." Apparently it was a trap used to make protesters leave their positions and evacuate 'Abd al-Mun'im Rīyād and Tahrīr square to push them to go to places where the military police were concentrated at the Maspero area.

Military police took the chance and occupied Tahrīr square and areas surrounding it, which dispersed the protesters to the direction of Ramsīs street for not being able to go back to the square. After that a curfew was imposed from 2:00am until 7:00am.

Section II: Official Egyptian Television role

Maspero incidents erupted in front of the state-run TV Building and the Egyptian television is the principle source of information for the majority of viewers. Arab, foreign and private channels take footage from the Egyptian television which increased the Egyptian television's responsibility to broadcast facts objectively and according to professional standards.

But unfortunately the coverage of the Egyptian television for Maspero incidents from 6:00pm to 9:00pm - the primetime and critical time for the incidents -was misleading and instigating against the Christian protesters. The newscast accused protesters, identifying them as Copts, of firing bullets at the army and the police which resulted in three deaths and injuries from the latter. The Egyptian television ignored deliberately the incidents of killing, mowing and attacking protesters, and did not mention any injuries or martyrs among Christians. This antagonized viewers against the Christian citizens, triggered them to go and support the army, and incited them to attack a citizen only because he was Christian which was mentioned at Section I of the report. The performance of the Egyptian television was professionally and technically poor and lacked credibility. The Egyptian television, with its own mistakes, would have almost sparked a real fitnah crisis in the country. The kindness of God and the civilization of the Egyptians, who refused attempts for incitement and hostility against Christian citizens, protected the nation and the unity of its people from an inevitable national disaster.

Summary of the Egyptian state television performance in covering the incidents in the timeframe between 6pm and the newscast of 9pm:

When Maspero incidents started escalating, the news ticker did not change to cover the incidents that were endangering the nation. The news tickers continued covering world, Arab and local news as if nothing was happening few meters away from the state-run TV Building which showed the Egyptian television's absence from what's going on and lack of professionalism. "Urgent: Coptic protesters hurl stones and Molotov cocktails on army soldiers from above October bridge and set cars on fire," appeared in the news ticker. Then the news continued about the "Three martyrs and twenty injuries from military personnel."

It is noted that the word "Copts" alone kept repeating in the second news ticker that was classified as "urgent" until the 9pm news cast and without mentioning any martyrs or injuries from Copts even though scenes of Copts being run over by armored vehicles were broadcasted. The news ticker then kept mentioning news, many times, about Copts opening fire on military and police forces.

The 9pm news cast anchor read many pieces of news about Copts' protests in other governorates like Alexandria - heading to the Northern Command Military, Aswan – heading to the Governorate building, and Qena –in front of the Archbishopric] implying a Coptic revolution is erupting, which was not at all true.

The presentation of Mrs. Rashā Majdī, the anchor of the news cast, came supportive to the news ticker under the title "Urgent," which was related to the attack of Copts on the military police, and the deaths and injuries among them. Rashā's comment came in angry and aggressive words that reflected her personal opinion which violated the objectivity and balanced performance an anchor should give. She said "So far, more than three deaths and twenty injuries, all of them are among the military. By whom? not by the Israelis or an enemy but by a group of the nations sons. This army that is being beaten now, supported and protected the revolution, refused to fire any bullets on any of the sons of the nation only to find bullets being fired on that same army today." She yelled excessively: who is benefiting from what is happening in Egypt? Why is the whole country being attacked?" She also called the church to calm the protesters. All these are, in fact, inconsistent with the anchor's understanding of the public benefit, the limits of his occupation, and his influence on the viewers.

"Calling honored citizens to rescue the military personnel from Copts and to come to Maspero to help" is Rashā Majdī's prominent phrase, which spread among people, on the basis that she said it. But it was not mentioned in the recording that we obtained from the Ministry of Information or the video clip on [YouTube website](#). It means that she might not have said this literally but her inflamed words in the misleading news incited citizens against Copts and called viewers implicitly to go and support the army.

The Editor-in-Chief of this news cast made a fatal mistake, and it was the first and basic error that led to a series of errors. The Editor-in-Chief is responsible for both giving orders to publish the news tickers and the urgent news that were announced by Rashā Majdī. This news ticker was the only source that gave her an idea of what is happening outside. The Editor-in-Chief should have realized how critical it is to accuse Copts through the television, and not through the investigation bodies, especially when it concerns erupting a dangerous sectarian confrontation that will have critical consequences on the country. Also he should have double checked the death and injury toll on the Coptic side through the television reporters who were outside the building, who were also few in number, to include those numbers in the news ticker. That would have been a commitment of presenting the whole truth without bias, and with credibility of the association he is representing.

The president of the news district of the Egyptian television should have followed up on the critical incident personally and sent his directions to re-correct any false presentation instead of persisting on the mistakes for a very long time.

The news cast of Nile News TV channel supported the same coverage although its hosts were a bit calmer. The coverage was going at the same direction of the Egyptian television channel, same kind of news, and same content but without the personal comments of the news anchors. This proves that there was only one source of information for all the state-channels. The source of information is not known whether it was the Middle



East News Agency (MENA), the head of the news sector of the Egyptian television, the television reporters outside the building, or another unknown, and unannounced source.

The most critical news coverage was of the medical clinic inside the state-run TV Building receiving injuries from the military and the anti-riot police which outraged the viewers from the attackers, whom they considered Copts, taking into consideration that until then, no news about Coptic victims have been mentioned.

In addition, unfortunately a lot of Egyptians rely on some of the extremists religious satellite channels that is spread on the NileSat to follow up on religious affairs. The performance of these channels was explicitly instigative toward destroying coexistence between Muslims and Christians in Egypt, during and after Maspero incidents, which threatened to undermine one of the most important elements of the modern Egyptian state because of the state of hostility and incitement carried out by these channels towards Christians in Egypt. This highlights the importance of addressing these practices decisively and quickly whether in extreme Islamic or Christian channels, which antagonize each against the other.

Section III: Available data from the Ministry of Health concerning the victims and the injured

Based on NCHR fact-finding committee request to the Ministry of Health and Population concerning full data of deaths and injuries as well as causes

of deaths and kind of injuries in Maspero incidents, the Ministry sent the following medical report which covers the following points:

(A) Dated statement on October 13th, 2011 with the number of deaths that the above-mentioned hospitals have received on the date of the incidents. They died either during the incidents or after arriving at the hospitals. Death toll reached 17 in the Coptic Hospital, one death in al-Munīrah General Hospital, two deaths in Ma'had Nāsir, one death in the Military Kubrī al-Qubbah, and four deaths in General Shubrā Hospital. The total number of the deceased in the above-mentioned hospitals are 25, according to the statement of the Ministry of Health.

(B) The statement specified the number of deaths and the names of the deceased but not the cause of death, noting that the cause of death is at the disposal of the Public Prosecution.

It should be noted that the fact-finding commission received copies, from the victims' families of death certificates, reports of deaths, permits for burial that contain the cause of death specified by the coroner. From these documents, it is clear that:

- Total number of deceased is 28, which is three cases more than the number mentioned by the Ministry of Health. Two of the three were at Coptic Hospital and the other one was at al-Salām Hospital in al-Muhandisīn district.

- The number of the deceased in Coptic Hospital is 19 martyrs, 11 of them died because they have been crushed beneath armored vehicles, and seven with a gunshot in the chest or head. We could not find documents that show the cause of death of the other martyr. One of the victims died in al-Salām Hospital on October 16, 2011 being run over by an armored vehicle. Another Christian citizen died as a result of deep cuts and fractures in the head and facial skeleton as well as brain ruptures, and he died before arriving to the hospital. Al-Munīrah General Hospital had said in a statement, mentioned in the Ministry of Health statement, that another Maspero victim arrived already dead with a nose bleeding and a bruise. This makes the number of the deceased Christian citizens 12 Martyrs, run over; seven martyrs, gunshot in the chest or head; and two victims of other injuries. This is according to the available documents, and other documents about the cause of death of the other seven martyrs could not be obtained so far.

(C) Dated statement on October 13, 2011 with the number of injuries in the hospitals they were referred to on Sunday October 9, 2011 including the names of hospitals. A number of 69 injuries were referred to the Coptic Hospital; nine to al-Munīrah General Hospital, 68 to Ma'had Nāsir, 10 to the Italian Hospital, 42 to al-Hilāl, 11 to al-Qasr al-ʿĪnī, 14 to the General Būlāq, four to the Islamic Islāh, one to the French al-Qasr al-ʿĪnī, 33 to the Military Kubrī al-Qubbah, four to

the Military al-Ma'ādī, and 37 to the Military al-Hilmīyah. No injuries but four deaths were referred to the General Shubrā Hospital, six injuries were referred to al-Sāhil al-Ta'limī Hospital, three to the Central al-Tahrīr Hospital, eight to al-Mahabah, two to Sidnāwī, and one injury to Palestine Hospital. The total number of injuries referred to hospitals on the date of the incidents are 321 injuries, 229 were released, 92 under medical supervision and care and 19 were aided and released.

It should be noted that the statement of the Ministry of Health did not tackle conditions of the injured in the hospitals of the Military Kubrī al-Qubbah, the Military al-Ma'ādī, or the Military al-Hilmīyah. The sentence 'Information could not be obtained' was added, and the statement only pointed to one death in the Military al-Qubbah Hospital.

(D)The Ministry statement specified the number of injured, type of injury, and the medical procedures taken in each of the following hospitals: the General Munīrah, Ma'had Nāsir for research and treatment, French al-Qasr al-'Īnī, al-Hilāl, and the Islamic al-Islāh. That was according to the date of the incident. Meanwhile other statements did not include information about the rest of the cases in the hospitals.

(E)Through the analysed data of the statement of the Ministry about the five hospitals [the General Munīrah, Ma'had Nāsir for research and treatment, French al-Qasr al-'Īnī, and the Islamic al-Islāh] which

provided information about the number of injured and the kind of injuries, we reached the following:

The number of injured that were referred to the five hospitals was 146, 71 of them are civilians, 46 from the military, and 29 from the police.

The causes of injuries of the civilians, military, and the anti-riot police are as follows:

- Civilians: 5 cases of gunshots, 4 cases suspected to be injuries caused by gunshots [this was not verified until the Ministry of Health report was issued]. The nature of the other injuries, according to the rate of occurrence is 20 deep cuts in various areas of the bodies, 19 cases of bruises, 7 fractures, 6 choking cases, 7 injuries in different parts of the body, and finally one case of burns.
- Military personnel: 3 injuries caused by gunshots. The nature of other injuries according to the rate of occurrence is 27 injuries in different parts of the body, 9 cases of bruises, and finally 8 wounds. The report did not mention any fractures, burns, or choking.
- Anti-riot police: In the Ministry of Health report, it was not mentioned that there were any injuries caused by gunshots that were admitted in the five-above-mentioned hospitals [the General al-Munīrah, Ma'had Nāsir for research and treatment, French al-Qasr al-'Īnī, al-Hilāl, and the Islamic al-Islāh.] The nature of other injuries according to the rate of

occurrence is 17 injuries in different places of the body, 6 deep cuts in different places of the body, 2 fractures, 2 bruises, and one soldier was traumatized. The statement did not mention any choking cases or burns. It should be noted that the Ministry of the Interior Affairs stated that no deaths occurred among its personnel but 66 injured among officers, 3 personnel, and 58 soldiers. The Ministry did not specify the nature of the injuries.

Section IV: Background leading up to the incidents of Maspero.

1. Events of attacking churches and retreat of the Rule of Law

Since 1970, Egypt has witnessed a number of operations by some armed violent extremist Islamic groups that targeted Christian citizens and churches. The most significant incident of churches was the events of Khankah, Qalyūbiyah, on which a report was issued in November 1972 by a fact-finding committee headed by Dr. Jamāl al-'Utayfī. The report included recommendations of which the most important were to apply the same general rules of construction of mosques to the building or renovation of churches, to respect the constitutional right of the Christian citizens to practice their religion without discrimination, as well as to allow the teaching of the Christian religion to Christian students in the schools provided that the religious lessons, whether of Muslims or Christians, should keep away from fanaticism, and the need to subordinate the civil mosques to the supervision of the Ministry of Endowment. These recommendations reflect the most important demands that have not been

met until the date of this report. This explains why the incidents of violence against churches and Christian citizens are continual. The Egyptian government does not have the courage to face the real causes of sectarian violence and does not establish the necessary procedures, policies and legislation to address them.

Examples of such events are: The Church of Akhmīm (1970), Khankah (1972), al-Zawiyah al-Hamrah (1981), Abu Qurqās (1987), Imbābah (1990), Dayrūt and Sanpū (1992), Kush'h 1 (1998), Kush'h 2 (1999), assault on St. George Church in Alexandria in 2005, 4 churches in Alexandria in 2006, followed by an accident on a church in cAyyāt in 2007, Abū Fānā Monastery in Minyā in 2008, the burning of the St. Mark Church in Fayyūm in 2009, then the massacre of the Church of Najc Hammādī after the Christmas mass in 2010, and the bombing of the Two Saints Church in Alexandria on the New Year's Eve in January 2011.

Despite the amazing cohesion of the Egyptian society during the Revolution of January 25, 2011, this ideal image of cohesiveness has soon dissipated, and the attacks on churches were resumed. This was obvious in burning the Church of St. Mīnā and St. George in the village of Sūl, Atfīh, Hilwān on March 3, 2011, which provoked the Maspīrū demonstrations, fueled by accidents of Abū Qurqās, Minyā, in April 2011, St. Mīnā and Virgin Mary in Imbābā, May 2011, and, finally, the demolition of a church in Mārīnāb,

Aswan, which blew up the demonstration and the subsequent massacre of Maspīrū on October 9, 2011.

Although most of the serious sectarian incidents were accompanied by tension on the construction or renovation of churches, they reflected many cultural, economic and social dimensions, as they focused on issues of religious conversion and Muslim-Christians intermarriage, love relationships between young people from both religions, and disagreements over economic interests. Satellite channels, especially the religious ones, and electronic media have contributed to increasing the spread of religious intolerance and language of defamation and blasphemy.

In all these events that targeted Christian citizens and burning or demolition of churches during the past four decades, the public authorities addressed these files as security issues. Customary meetings of reconciliation were held under the supervision of security bodies and elders, and the church was the only means used to extinguish strife. This led to fuel sedition due to lack of use of necessary legislative, political, social and cultural tools to uproot and address the real causes through short-term and long-term solutions. Fear of complicating the events of sectarian strife without the application of law to hold accountable and deter the perpetrators of these crimes, or expediting the trial of offenders, especially in crimes of murder, and slack implementation of judicial decisions contributed to recurring of such bloody events without real confrontation by the Egyptian government. This developed a feeling of

discrimination inside the Christian citizens because of religion, especially in light of the scarcity of leading positions they occupy in state institutions or the membership of parliament. They are also deprived from some sensitive positions such as general intelligence, and administrative control; which increased their affiliation to the church at the expense of political participation and belonging to the homeland.

2. Lack of Security and Increasing Religious Intolerance

As a result of lack of security and increasing religious intolerance, some leaders of groups and forces of political Islam have issued a religious discourse, which is inconsistent with the basic principles of the constitution and even the principles of Shari'ah, with regard to Islam's position from non-Muslims. Voices demanding the application of the Islamic law rose up and actual incidents have taken place, as implementations of customary law, where some extremists applied the Islamic law on a citizen which resulted in permanent disability, without any respect for the rule of law. In addition, incidents of attacks on Christian citizens as well as burning and destructing churches have increased and become frequent since January 2011, whether before or after the revolution, in an unacceptable state of security absence, indicating that there are people who benefit from the outbreak of sectarian strife in Egypt. As a result of all this, some groups of the Christian citizens moved to defend their existence and claim their rights as Egyptians, on the basis of religious affiliation.

3. The demolition and burning of a church in Mārīnāb, ignoring the recommendations of the National Justice Committee

- In the absence of security and declining of citizenship and rule of law, the church of Mārīnāb, Aswan, appeared on the scene. The fact-finding report issued by the National Justice Committee, formed by a decision of the Prime Minister, documented that the church had been burned and demolished by the Muslim citizens of the village, though the church was licensed and the priest had accepted the demolition of the unlicensed floors and not to hang crosses or bells over the church to satisfy them, which is a flagrant discrimination against Christian citizens. Moreover, the assailants detained Christian citizens for three days without food or supplies.
- In spite of early warnings by the National Council for Human Rights, the Egyptian government followed the same traditional style and analgesics that had been used over the previous forty years without respect for the rule of law. The government was slow in facing the repercussions of the event, and was lax in implementing the recommendations of the National Justice Committee. It did not initiate accountability of the outlaws, and was lax in the issuance of the uniform law for the construction and renovation of houses of worship. All this led directly to a demonstration and an attempt for a sit-in at Maspīrū on October 4, which was dispersed through excessive use of force by the military police. This was followed by another demonstration on October 9, which, unfortunately, ended with the Maspīrū massacre, claiming the lives of 27 martyrs of the Christian

citizens and a martyr from the soldiers of the armed forces, in addition to more than 321 injured.

4. Slackness in the Issuance of the Unified Law for the Construction and Renovation of Houses of Worship and Anti-Discrimination Law

Since its inception in 2004, The National Council for Human Rights has worked to activate the principle of citizenship and its ramifications of a whole system of rights and freedoms. In this context, it has been following up Egyptian events related to citizenship rights and religious freedoms. It has held a number of relevant conferences, seminars, and hearings, and has prepared more than a draft for the unified law for building and restoring houses of worship since 2006. It also prepared a draft on equal opportunities and anti-discrimination law in 2008, in addition to the constitutional amendment in March 2007, according to which the first article of the Egyptian Constitution provided for the principle of citizenship as the basis of relationship among citizens in the country. The Council has sent missions to investigate and monitor the facts of most sectarian incidents that took place in Egypt, and made numerous recommendations to the competent authorities to promote equality and prevent discrimination among citizens on the basis of sex, origin, religion, creed, social status, or disability.

The draft of the unified law for building houses of worship was based on the fact that the permits for building and restoring houses of worship

should be subject to clear, easy, unified and general technical and procedural rules, since the licenses and requirements for construction or renovations are part of the relationship between citizens and the state, and the latter is committed to issue upon completion of condition according to law, regardless license was for a mosque or a church. The draft also organized the procedures for obtaining licenses and determined the competent authority and the maximum duration for the issuance of the license. The draft provided for the validity of the unified law for issues that have no specific provisions. The Council presented its draft to the government several times before the Revolution of January 25, and also presented an updated draft after the revolution, subsequent to the events of the Church of Sūl in March 2011.

However, the government has slowed down in passing the law until trends have eventually emerged demanding two separate laws for the construction of both mosques and churches, without clear justification. It is worth mentioning that the technical and procedural rules and requirements of licenses of construction or renovation have nothing to do with religion, so it is inconceivable to have different requirements for building a mosque or a church. If there are special requirements, the law can contain a special section that includes special conditions for mosques, churches, or any other houses of worship that are to be licensed by law.

SCAF prepared a draft law on equal opportunities and anti-discrimination that covers the following aspects:

1. Establishing detailed legislative rules of the general obligations for private and public state institutions with regard to the principles of equal opportunity and to prohibit discrimination among citizens, and to develop appropriate sanctions for any violations, particularly in the areas of work, employment, promotion, training, education, media, and other fields.
2. Creating institutional mechanisms to monitor the implementation of the law, whether in a positive way to compel the state's public and private institutions to establish and implement a plan to accomplish this rules, or in a negative way to detect violations and take the necessary measures to stop them and get compensation for the victims.
3. Creating a procedural system that allows temporary orders to stop violations immediately and assurances for fairness as well as justice for the victims of the violations.
4. Supporting and promoting the equality and anti-discrimination concept among all citizens as well as the concept of equal opportunities. This can be done by raising awareness for the citizen rights that are guaranteed by the law and supporting implementing that law through educational, cultural and media institutions.

SCAF submitted the draft law for the concerned bodies and the government vowed to issue it, but the government settled with issuing only an amendment to the criminal law a punishment on the crime of discrimination against citizens was issued. We appreciate this positive move but it is not enough because it only focused on punishing rather than reforming. Reforming will need to establish a monitoring mechanism for implementing and activating the law to achieve the goal of fighting the concept of discrimination and reinforcing the concept of equality and equal opportunities among citizens.

Section V: Legal reference and violations committed during the incidents

1. The legal reference of the report by the fact-finding committee for the events of Maspero:

The legal reference of the report by the fact-finding committee for the 9/10/2011 events of Maspero is an essential background to understand the governing legislative environment of these events in order to put them in their legal governing and organizing framework, through conventions and international standards to be implemented in Egypt on the one hand, and the national legislation in force on the other hand, as described in detail in the Appendix (1) of this report.

- The international conventions and standards are represented by (a) the International Covenant on Civil and Political Rights, which has been

ratified by the Egyptian Government in a decision of the President of the Arab Republic of Egypt No. 536 of 1981 and published in the Official Gazette - Issue 15 - on April 15, 1982. Since then, it has become a law of the country pursuant to Article 151 of the Constitution; (b) Code of Conduct for Law Enforcement Officials, issued by the General Assembly of the United Nations - 106th plenary meeting - December 17, 1979; and (c) United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials -1990.

- The national legislations are also reflected by the provisions of the Constitutional Declaration on freedom of belief, religious rites practice, freedom of opinion and expression and the right to peaceful protest, as well as the decision of the Minister of Interior No. 156 of 1964 concerning the rules and conditions of firing on the demonstrators, and the law No. 109 of 1979 on the Police Authority, and the law No. 10 of 1914 on public gathering, amended by law No. 87 of 1968 and law No. 14 of 1923 on the provisions for public meetings and demonstrations in public roads, and finally the decree of law No. 34 of 2011, which criminalizes attacks on freedom of action and sabotage.
- Reading the content of each of the relevant international standards and national legislations and regulations in force to judge the extent of considering and ensuring the rights of the content of the report, which is the right of non-discrimination, freedom of opinion and expression, freedom of belief, not being subject to persecution because of religion, or racial discrimination, and also addressing the rules of the use of force and

firearms in the dispersing of demonstrations, proves that national laws and legislations, though organizing those rights, they failed to ensure the safeguards in their texts to ensure that the rights contained therein are worth applying, and resistant to abuse or excess. Those laws have assigned several restrictions that limit the exercise of those rights, prejudicing the ability to exercise them within the frame they were legislated for without contradiction with provisions that criminalize practicing such rights. This necessitates reviewing those laws, as some of them were issued in the early twentieth century, and issuing new legislations that are consistent with human rights norms and international standards relevant to orientation and content.

2. Violations during the events of Maspero

Violation of the right to life and deliberate murder by shooting

The number of victims of the violation of the right to life by shooting the head and chest, which is a crime of deliberate murder, is 8 cases (7 Christian citizens, and 1 military soldier). This is according to death certificates issued to the families of the victims, that could be obtained until the date of preparation of this report, and information from the Ministry of Health, which confirmed the death of one of the military police soldiers.

It is expected, according to estimates by the Committee, that the numbers may increase due to the lack of access to documents proving the cause of

death for 7 of the Christian victims to date. The Egyptian television had announced the death of 3 of the military soldiers and then denied the announcement, and the Committee was not provided by any official data in this regard.

The testimonies regarding the source of firing that were received by the Committee were numerous. According to many, live ammunition had been fired by the military police, using machine guns against demonstrators. The armed forces officials denied shooting citizens, and also denied the presence of live ammunition with the troops stationed outside the state-run TV Building in the Maspero area. This is supported by many testimonies which confirmed the military police did not use live bullets or ammunition.

A number of witnesses stated that the firing began by a number of unidentified civilians who infiltrated the demonstrators by motorcycles in the opposite direction to Maspero, and they opened fire on both the demonstrators and the forces of the military police. This is supported by another testimony that confirmed seeing an armed sniper at the beginning of October Bridge opposite to the building next to the Ramses Hilton Hotel shooting at the demonstrators and the military police and surrounded by a group to help him. Many of the testimonies confirmed the demonstration was shot by live fire twice during the march from Shubrā to Maspero, at Shubrā Tunnel and 26th July Bridge.

Given the lack of information and non declaration of detailed forensic reports to the date of writing this report, and the inability to reach conclusive evidence on the source of live fire, the responsibility of identifying the unidentified civilians and instigators of the perpetrators of these violations that constitute crimes of murder lies with competent investigative bodies, particularly because they have two injured demonstrators shot non-penetrate shots. The bullets were taken out which can help identify their source.

Violation of the right to life and murder by crushing

The number of victims of Christian citizens who died as a result of violation of the right to life when armored vehicles run over demonstrators was 12 cases, according to death certificates issued to the families of the victims until the date of preparing this report. It is expected, according to estimates by the Committee, that the number may increase due to the lack of access to documents proving the cause of death for 7 of the Christian victims to date.

It is proven that the military forces stationed on the scene used armored vehicles to disperse the demonstrators, and these armored vehicles crossed the Kūrniṣh al-Nīl street, back and forth very quickly, amid large numbers of demonstrators, killing 12 of the citizens at least under the tires. This is considered a serious violation of the right to life, and a breach of the officials' obligations of the law enforcement in protecting the demonstrators; which put them in the level of deliberate murders.

Physical assaults and injuries left over by the suppression of the demonstrators. Following the demonstrators approach to the Kūrnīsh al-Nīl street and the area surrounding Maspero, military police used shields and wooden sticks to break up and disperse the demonstration, causing many injuries to the civilians. As a result of the use of force to break up the demonstration and the use of sporadic gunshots by the military police, a state of great panic has risen among the demonstrators and they retreated in large numbers quickly in the direction of Ramses Hilton, 'Abd al-Mun'im Rīyād Square and Tahrīr Square, which caused various injuries. All this represents a violation of the right to physical integrity of the peaceful demonstrators, and a breach of the obligations of those responsible for law enforcement to protect and preserve the safety of the demonstrators, which constitutes a crime punishable by law.

Central Security Forces climbed up the top of the October Bridge and threw tear gas and stones at the demonstrators, in an attempt to disperse them from an area under the bridge, injuring several demonstrators. On the other hand, there was an attack on the unarmed demonstrators by groups of unidentified civilians and thugs using bladed weapons, under the nose of the military police behind Maspero. Many unidentified civilians and thugs, also, in the presence of the military police and central security forces, attacked the demonstrators in the region surrounding the Ramses Hilton. All this represents a violation of the right to physical integrity of the

peaceful demonstrators, and a breach of the obligations of those responsible for law enforcement to protect and preserve the safety of the demonstrators, which constitutes a crime punishable by law.

The military police stationed in Tahrīr Square had allowed people chanting hostile sectarian Islamic slogans against the Christian citizens to cross the square, which led to the occurrence of many physical attacks and harassment against the Christian citizens. Some unidentified civilians and thugs were present in the area of 'Abd al-Mun'im Rīyād; they stopped citizens and attacked them only because those citizens were Christian. All this represents a violation of the right to physical integrity of the peaceful demonstrators, and a breach of the obligations of those responsible for law enforcement to protect and preserve the safety of the demonstrators, which constitutes a crime punishable by law.

All of the above resulted in, according to Health Ministry data, more than 321 wounded civilians and military and Central Security personnel, in addition to 19 wounded who were treated in hospitals.

Destruction of public and private property

This was represented in burning one of the armored vehicles, as well as a bus for soldiers by unidentified civilians and some demonstrators after running over citizens. A number of private cars on the scene were also burned and destroyed. A number of unidentified civilians and thugs set fire to some of the private cars near the Coptic Hospital. All this is a crime

punishable by law against the perpetrators of these crimes, and a breach of the obligations of those responsible for law enforcement to protect and preserve the integrity of the demonstrators and the public and private property.

Section VI: Conclusion and recommendation

The Maspero events represent a turning point that threatens one of the most important elements of the formation of the Egyptian society and the modern Egyptian state and of the reasons for its uniqueness. The civilization legacy of the Egyptian people, who have refused attempts of incitement and hostility against the Christian citizens, played a crucial role in protecting the country and the unity of its people from a serious national disaster. As for the danger and challenge brought by the events of Maspero, it was equally a source of challenge in the preparation of this report as it faced three difficulties. First, the lack of information related to the events. Second, the blackout of the official sources on some aspects. Third, the bias by media sources in dealing with the events due to sensitivity on the one hand, and widespread stereotypes of this issue on the other hand.

These challenges have formed the method of preparation of the report, and the pattern of the recommendations contained therein. The Committee was careful to document all testimonies of obtained "video clips" as far as possible, and treated with individual testimonies very cautiously, comparing all obtained data to its sources.

Consequently, the first recommendation by the Committee is calling for the establishment of independent judicial inquiry commission to consider these events in their cultural, social and political context, and to be vested to see any data that was blocked, since the Committee which was formed on October 10, was chaired by the Minister of Justice, which breaches its independence, and that Committee was concerned only with discussing the causes and consequences of the events without investigating the events themselves.

In addition, public prosecutor has referred the investigation to the jurisdiction of the military prosecutor. Regardless of the question of jurisdiction, these investigations, which necessarily involve accusations of some officials of the armed forces for the crimes of murder of citizens by crushing them to death and assaults and injuries suffered by the citizens on the scene, must be carried out by an independent judicial committee to exclude any suspicion of impartiality. Accountability must be held against those who committed, participated, or instigated the commission of the violations referred to in this report which are crimes punishable by law.

As this report has concluded that there is incitement and antagonizing against the Christian citizens by the official television during the events of Maspero, it is recommended to refer this matter to a criminal investigation as incitement is a crime punishable by the Penal Code. The evaluation, reached by the committee set up by the Minister of Information to discuss

this subject and to conclude at the end that it was a professional fault, is not enough since it covered the event from one side.

The Committee stresses the findings of the emergency meeting held by the Council with its entire board following the outbreak of the events, as they absolutely rejected that any single category in the community would control the law, and that the state alone is responsible for the implementation and enforcement of the law.

The Committee noted with deep concern the frequency of the existence of organized groups of unidentified civilians who attacked the peaceful demonstration at the Shubrā Tunnel and 26th July Bridge. They overlapped with the demonstrators and used live ammunition against peaceful demonstrators and members of the armed forces in the region of Maspero, and also used knives in attacking the demonstrators. They deliberately gathered near the security forces, whether military or police, similar to what happened in the events of 'Abāsīyah Square, in the attempts to attack the Giza Security Directorate, and during the events of Maspero. The Committee requests investigation on this phenomenon and the identification of these unidentified civilians to refer them to investigation and trial.

The Committee re-emphasizes the recommendations of the National Council for Human Rights concerning accelerating the release of a unified

law for building and renovation of houses of worship and the regularization of all houses of worship in Egypt. It also stresses its recommendations relating to the issuance of the law on equal opportunities and preventing discrimination. While the Council welcomes the positive response of the government to the recommendations of the Council to codify a punishment for the crime of discrimination among citizens, it considers it insufficient if it is limited to the deterrent punitive impact of the law, while ignoring the reforming side which implies the establishment of a mechanism to monitor implementation and activation of the law.

The Committee requests the reconsideration of the amended Law No. 10 of 1914 and Law No. 14 of 1923 which organize gatherings, demonstrations and public meetings, so that the law is consistent with Egypt's international obligations and the right to freedom of opinion and expression and peaceful protest in the context of the requirements of the age.

Finally, the state is responsible for compensating killings and injuries committed by law enforcement officials against citizens. The Committee calls for the rapid approval and disbursement of special pension to the families of the Christian martyrs, as it has been done for the martyrs of January 25. As for injuries, the Committee recommends the completion of treatment of the injured and provision of costs for surgeries for critical cases. The state has to bear the full cost of treatment, as well as to approve of and pay compensation according to the criteria applied by the armed forces. Finally, we recommend paying compensations for damage of

property as a result of the events, from the Compensation Fund established at the Ministry of Finance for this purpose in respect of January 25 Revolution.

As a conclusion of this report, the Committee believes that this serious event, though it poses challenges, it opens opportunities for radical reforms. The events of Maspero have undoubtedly given a warning concerning the policy of inaction and delay in implementing a radical solution to the events of sectarianism, and have also pointed out that the policy of fragmentation of this solution has become useless. It is time to take serious and immediate actions to deal with this issue to ensure the rights of equal citizenship for all, and realize a true rule of law, and serious reaction to the origin of the problem in its cultural, social and political aspects within the context of specific and public programs.

The Committee extends thanks to all the ministers who cooperated with it in the performance of its mission, and on top, the ministers of interior, information, and health and population, as well as all institutions of civil society and citizens who gave their effort and time enthusiastically to provide the Committee with testimonies and all available information, documents or films they have to reveal the facts.

*Annex (1): Report by Fact-Finding Committee on the Maspero Events
(October 9, 2011)*

The legal reference of the report by the fact-finding committee for the events of Maspero

The legal reference of the report of the fact-finding committee about the 9/10/2011 events of Maspero is an essential background to understand the governing legislative environment of these events in order to put them in their legal governing and organizing framework, through the international provisions to be implemented in Egypt, represented in: (a) the International Covenant on Civil and Political Rights, which has been ratified by the Egyptian Government in a decision of the President of the Arab Republic of Egypt No. 536 of 1981 and published in the Official Gazette - Issue 15 - on April 15, 1982. Since then, it has become a law of the country pursuant to Article 151 of the Constitution; (b) Code of Conduct for Law Enforcement Officials, issued by the General Assembly of the United Nations - 106th plenary meeting - December 17, 1979; and the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials -1990, both of which were venerable and supported by the international community, legislations and national legal regulations. But with the conflict between the legal international and national provisions in this regard from the perspective of availability, restrictions, caveats, and powers in the use of the rights contained in each. As each of them has a legal basis and reference in the priority of application, the report remains in its human rights wording based, in this regard, on international standards as the rules having priority of application since they contain more guarantees that ensure human rights.

The legal reference is divided into two axes: the first is related to reference to international standards of human rights governing the right to non-discrimination and freedom of opinion, expression, and belief, and preventing of persecution because of religion, or racial discrimination. The standards also include rules for the use of force and firearms according to the tenets and principles set by the United Nations. The second axis deals with the Egyptian legal rules contained in the Constitutional Declaration and relevant laws and regulations in the same context.

Axis I: Relevant international standards:

(A) The International Covenant on Civil and Political Rights

It was stated explicitly in the International Covenant in Article II, paragraph 1, that the commitment of each state that is party in the present Convention should respect and ensure the rights set forth to all individuals within its territory and who are subject to its rule, without discrimination because of race, color, sex, language, religion, political or other opinion, national or social origin, property, kinship or other. It has also stated in Article II, paragraph 2, that the state shall carry out the constitutional and legislative measures to ensure the rights contained therein. Article III included the state's obligation to provide fair and effective procedures for anyone whose rights are violated under the Covenant, even if the violation is committed by persons holding official status; this should be carried out by the judicial authorities competent to adjudicate in the violation in question. Article VI also provides for ensuring

the right to life and protection from arbitrary abuse. Article XVIII states the right to freedom of thought, conscience, religion, belief, and freedom of religious practice. Article XX provides for the prohibition of propaganda for religious and racial hatred, and Article XXI stipulates the right to peaceful assembly, and that restrictions shall not be placed on the exercise of this right except for those imposed to comply with the law and necessary in a democratic society to preserve the interests of national security or public safety and order, the protection of public health and morals, or the protection of the rights and freedoms of others.

(B) Code of Conduct for Law Enforcement Officials

Article I of the Code includes the obligation of law enforcement officials, at all times, to perform the duty posed by law upon them, and serve the community and protect all persons against illegal acts, in a way consistent with the high degree of responsibility required by their profession. The commentary attached to the provisions of that Article in the second paragraph explains that in countries where the military authorities take over the powers of the police, whether uniformed or not, or the powers of state security forces, the definition of "law enforcement officials" includes the staff of such devices. Paragraph (c) of the commentary explains that "serving the community" means: to include, particularly, providing services to assist community members in need of immediate assistance for personal, economic or social emergency reasons or any other type. Article II stipulates that law enforcement officials, during the performance of their duties, shall respect and protect human dignity, and preserve and

consolidate human rights of all persons. Article III stipulates that it is not permissible for law enforcement officers to use force, except when strictly necessary and to the extent necessary to perform their duty. The commentary on this article in the first paragraph explains the meaning of "use of force" and its interpretation as it is to be a reasonable, exceptional, and necessary, in order to prevent crime, to implement the legal arrest, or help doing so, without exceeding that limit. The second paragraph of commentary states that the use of force is also subject to the principle of proportionality to the legitimate objective to be achieved.

(C) UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials [Reviewer's Note: adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990]:

General provisions

1. Governments and law enforcement agencies shall adopt and implement rules and regulations on the use of force and firearms against persons by law enforcement officials. In developing such rules and regulations, Governments and law enforcement agencies shall keep the ethical issues associated with the use of force and firearms constantly under review.
2. Governments and law enforcement agencies should develop a range of means as broad as possible and equip law enforcement officials with

various types of weapons and ammunition that would allow for a differentiated use of force and firearms. These should include the development of non-lethal incapacitating weapons for use in appropriate situations, with a view to increasingly restraining the application of means capable of causing death or injury to persons. For the same purpose, it should also be possible for law enforcement officials to be equipped with self-defensive equipment such as shields, helmets, bullet-proof vests and bullet-proof means of transportation, in order to decrease the need to use weapons of any kind.

3. The development and deployment of non-lethal incapacitating weapons should be carefully evaluated in order to minimize the risk of endangering uninvolved persons, and the use of such weapons should be carefully controlled.

4. Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.

5. Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall:

(a) Exercise restraint in such use and act in proportion to the seriousness of the offense and the legitimate objective to be achieved;

(b) Minimize damage and injury, and respect and preserve human life;

(c) Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment;

(d) Ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment.

6. Where injury or death is caused by the use of force and firearms by law enforcement officials, they shall report the incident promptly to their superiors, in accordance with principle 22.

7. Governments shall ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offense under their law.

8. Exceptional circumstances such as internal political instability or any other public emergency may not be invoked to justify any departure from these basic principles.]

9. Law enforcement officials shall not use firearms against persons except in self-defense or defense of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.

10. In the circumstances provided for under principle 9, law enforcement officials shall identify themselves as such and give a clear warning of their intent to use firearms, with sufficient time for the warning to be observed, unless to do so would unduly place the law enforcement officials at risk or would create a risk of death or serious harm to other persons, or would be clearly inappropriate or pointless in the circumstances of the incident.

11. Rules and regulations on the use of firearms by law enforcement officials should include guidelines that:

(a) Specify the circumstances under which law enforcement officials are authorized to carry firearms and prescribe the types of firearms and ammunition permitted;

(b) Ensure that firearms are used only in appropriate circumstances and in a manner likely to decrease the risk of unnecessary harm;

(c) Prohibit the use of those firearms and ammunition that cause unwarranted injury or present an unwarranted risk;

(d) Regulate the control, storage and issuing of firearms, including procedures for ensuring that law enforcement officials are accountable for the firearms and ammunition issued to them;

(e) Provide for warnings to be given, if appropriate, when firearms are to be discharged;

(f) Provide for a system of reporting whenever law enforcement officials use firearms in the performance of their duty.

12. As everyone is allowed to participate in lawful and peaceful assemblies, in accordance with the principles embodied in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, Governments and law enforcement agencies and officials shall recognize that force and firearms may be used only in accordance with principles 13 and 14.

13. In the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary.

14. In the dispersal of violent assemblies, law enforcement officials may use firearms only when less dangerous means are not practicable and only to the minimum extent necessary. Law enforcement officials shall not use firearms in such cases, except under the conditions stipulated in principle 9

15. Law enforcement officials, in their relations with persons in custody or detention, shall not use force, except when strictly necessary for the maintenance of security and order within the institution, or when personal safety is threatened.

16. Law enforcement officials, in their relations with persons in custody or detention, shall not use firearms, except in self-defense or in the defense of others against the immediate threat of death or serious injury, or when

strictly necessary to prevent the escape of a person in custody or detention presenting the danger referred to in principle 9.

17. The preceding principles are without prejudice to the rights, duties and responsibilities of prison officials, as set out in the Standard Minimum Rules for the Treatment of Prisoners, particularly rules 33, 34 and 54.

18. Governments and law enforcement agencies shall ensure that all law enforcement officials are selected by proper screening procedures, have appropriate moral, psychological and physical qualities for the effective exercise of their functions and receive continuous and thorough professional training. Their continued fitness to perform these functions should be subject to periodic review.

19. Governments and law enforcement agencies shall ensure that all law enforcement officials are provided with training and are tested in accordance with appropriate proficiency standards in the use of force. Those law enforcement officials who are required to carry firearms should be authorized to do so only upon completion of special training in their use.

20. In the training of law enforcement officials, Governments and law enforcement agencies shall give special attention to issues of police ethics and human rights, especially in the investigative process, to alternatives to the use of force and firearms, including the peaceful settlement of conflicts, the understanding of crowd behavior, and the methods of persuasion, negotiation and mediation, as well as to technical means, with a view to limiting the use of force and firearms. Law enforcement agencies should

review their training programs and operational procedures in the light of particular incidents.

21. Governments and law enforcement agencies shall make stress counseling available to law enforcement officials who are involved in situations where force and firearms are used.

22. Governments and law enforcement agencies shall establish effective reporting and review procedures for all incidents referred to in principles 6 and 11 (f). For incidents reported pursuant to these principles, Governments and law enforcement agencies shall ensure that an effective review process is available and that independent administrative or prosecutorial authorities are in a position to exercise jurisdiction in appropriate circumstances. In cases of death and serious injury or other grave consequences, a detailed report shall be sent promptly to the competent authorities responsible for administrative review and judicial control.

23. Persons affected by the use of force and firearms or their legal representatives shall have access to an independent process, including a judicial process. In the event of the death of such persons, this provision shall apply to their dependents accordingly.

24. Governments and law enforcement agencies shall ensure that superior officers are held responsible if they know, or should have known, that law enforcement officials under their command are resorting, or have resorted,

to the unlawful use of force and firearms, and they did not take all measures in their power to prevent, suppress or report such use.

25. Governments and law enforcement agencies shall ensure that no criminal or disciplinary sanction is imposed on law enforcement officials who, in compliance with the Code of Conduct for Law Enforcement Officials and these basic principles, refuse to carry out an order to use force and firearms, or who report such use by other officials.

26. Obedience to superior orders shall be no defense if law enforcement officials knew that an order to use force and firearms resulting in the death or serious injury of a person was manifestly unlawful and had a reasonable opportunity to refuse to follow it. In any case, responsibility also rests on the superiors who gave the unlawful orders.

1 In accordance with the commentary to article 1 of the Code of Conduct for Law Enforcement Officials, the term "law enforcement officials" includes all officers of the law, whether appointed or elected, who exercise police powers, especially the powers of arrest or detention. In countries where police powers are exercised by military authorities, whether uniformed or not, or by State security forces, the definition of law enforcement officials shall be regarded as including officers of such services.

[Reviewer's Note: Article (1), (2), (5), (7), (8), (9), (10) and (14) are the only articles that came in the report, the remaining articles are added by Arab West Report from the original text of the [UN principles](#).]

Axis II: The Egyptian legal rules contained in the Constitutional Declaration and relevant laws and regulations:

(A) Constitutional Declaration:

Article 12 of the Constitutional Declaration ensures freedom of religion, freedom of religious practice and freedom of opinion, and every person has the right to express and propagate his opinion verbally, in writing, photographically or by other means of expression within the law; and self-criticism and constructive criticism to ensure the safety of national construction. Article 16 of the Constitutional Declaration provides for the right of citizens to hold private, peaceful, unarmed meetings, without the need for prior notice. The security men are not allowed to attend such private and public meetings, and processions and gatherings are allowed within the law.

(B) The Decision of the Minister of Interior No. 156 of 1964:

This ministerial decision allowed firing demonstrators to disperse them, if they do not comply with orders issued to them to disperse, and after giving the demonstrators a chance to disperse from the place of assembly. It also organized shooting so that it is intermittent to give opportunity to the crowd to break up. Shooting shall be from small spray guns, and if it fails to disperse the assembly, firearms with bullets are used, otherwise weapons with quick shots when necessary.

(C) Law 109 of 1979 on the Police Authority:

Article 102 allowed policemen to use force to the extent necessary for the performance of their duty if it is the only way to perform this duty, and empowered them with the right to break up gatherings or demonstrations that include at least five people, if they prejudice public safety, after warning the crowd to disperse. The use of arms in this case shall be issued by a president who should be obeyed. In all the three cases mentioned previously, shooting shall be the only way to achieve the previous purposes, and policemen start with a warning that they will fire, and then resort to fire. The Minister of Interior issues a decision for the procedures to be followed in all cases and how to make the warning and shooting.

(D) Law No. 10 of 1914 on gathering, amended by presidential decree, Law No. 87 of 1968:

Article I of the law criminalizes crowding composed of at least five people if it would put the public peace in danger, and the men in power are ordered to disperse such crowd. Article II stipulates that if the purpose of the assembly is to commit a crime or to prevent or disrupt the implementation of laws or regulations, or if the purpose is to influence the authorities in their work or deprive a person from freedom of action, whether that influence or deprivation is by the use of force or threat, any participant in the assembly who is aware of its purpose or who has known the purpose and has not left it, is considered criminal. And the penalty is tightened for those who carry a weapon or machinery that is likely to cause death if used as weapons. Article III also provides that the penalty is emphasized if the

crowd uses weapons, force or violence. In case of holding weapons or similar machines, and if a crime occurs in order to implement the intended purpose of gathering, all the people who make up the assembly at the time of committing this crime bear criminal responsibility as partners if this is proved against them.

Article III bis states that the maximum penalty prescribed for any crime is doubled if the perpetrator is one of the crowd referred to in Articles I and II. The maximum term of imprisonment shall not exceed twenty years. The Article also provides that the penalty shall be imprisonment or aggravated imprisonment if the perpetrator ruined deliberately public buildings or property dedicated to the interests of government, public utilities, public bodies, public institutions and economic units, public sector companies or associations legally considered a public utility. The offender in all cases is judged by paying the value of things that had been ravaged. Article IV of the law prescribes that organizers of rallies under the second article of this law are punished by the same penalties applied on persons who participated in those rallies and be criminally liable for any act committed by any of these persons for the intended purpose of the rally, even if they were not present in the crowd or left it before committing the act.

(E) Law No. 14 of 1923, provisions of public meetings and demonstrations in public roads:

The law ensures the right to protest (Article 1), but it obliges protest organizers to notify the protest in advance to be permitted (Article 3,

paragraph 3). It also grants the police the authority to prevent the meeting if it is a disorder of public security or public order (Article 4, paragraph 1). The organizers of protest may complain to the Minister of Interior of the injunction of prohibition (Article 4, paragraph 4). The police has the power to attend the demonstrations to protect order (Article 7, paragraph A). The police may resolve it if the meeting goes away from the assigned purpose in the notification (Article 7, item 2), or if speeches are delivered, shouting or songs are sung at the meeting to call for sedition, or if other work of crimes stipulated in the Penal Code or other codes occurred (Article 7, item 3), or if other crimes have occurred during the meeting (Article 7, item 4), or if a severe disruption occurred (Article 7, item 5).

At all times, the authorities set forth in Article 2 may decide the meeting place or the plan of the course of the procession or demonstrations that are held on roads or public squares, and have a political purpose. At all times, the authorities set forth in Article 2 may decide the place of meeting or plan of the course of the procession or demonstration provided that it notifies the organizers according to the provisions of Article 4. Any provision of this law does not limit the induction of the police to disperse a rally or gathering that would make public safety at risk or restrict the right to secure the freedom of traffic on the roads and public squares (Article 10). The law provides for criminal penalties on violators of its provisions in chapter 3 on the penalties and general provisions.

(F) Decree by law No. 34 of 2011, criminalizing assault on freedom of action and sabotage:

It is punishable by imprisonment and a fine of not less than twenty thousand pounds and not exceeding fifty thousand pounds, or either penalty, anyone who, under the state of emergency, runs a standing or activity which results in the prevention, disabling or impediment of a state institution, a public authority, or a private or public employer from performing their work. The same penalty shall apply on anyone who promotes, incites or calls for any of the previous acts orally, in writing, or in any way of publicity.

The punishment shall be imprisonment for not less than one year and a fine of not less than one hundred thousand pounds and not exceeding five hundred thousand pounds or either penalty, if the perpetrator uses force or violence during the standing, activity, or work, or if the crime results in sabotage of one of the means of production, or harm the national unity, or social peace, or disturb public order, or damage to money, buildings or public or private property, or occupying or seizing them.