



CAIRO INSTITUTE
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Al-Ittihadyya

“Presidential Palace” Clashes in Cairo
5 and 6 December 2012

Report by the Cairo Institute for Human Rights Studies (CIHRS)
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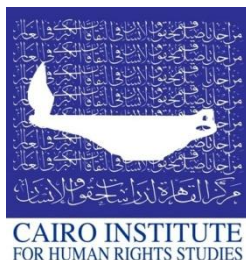
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A report by Cairo Institute for Human Rights Studies



"When the situation got calmer, I went to the other front to find a lot of my friends from the neighborhood, whom I used to hang out with. I stood there in complete shock for a long time. I could have died that night, but at this moment, if they had brought me the Grand Mosque's Imam to tell me that I will go to heaven if I died, I would not have believed him. I am telling you, I was attacking my friends!" - Testimony of one of the protestors in the Ittihadiyya clashes.

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I. Methodology

This report is based on interviews conducted by the Cairo Institute for Human Rights Studies (CIHRS)¹ from 6 – 24 December 2012 as well as research conducted by CIHRS staff related to the Ittihadiyya Presidential Palace clashes which took place on 5 and 6 December 2012.

After a lengthy needs assessment process, CIHRS decided to attribute attention to this particular event in Egypt, given the country's current turbulent political climate. CIHRS' research on this report was based on information gathering from a broad and diverse range of sources. CIHRS interviewed tens of witnesses and victims that belong to the Muslim Brotherhood, the Freedom and Justice Party, opposition protesters, journalists and doctors who were present at the scene as well as human rights activists and lawyers who have attended the prosecutor's investigations with some of the detainees. CIHRS researchers have conducted the interviews in private and in Arabic. Interviewees who did not wish to be named in the report are either referred to by their initials, or their names have been completely withheld based on their request. CIHRS decided to focus on cases of social violence, killings, torture, other forms of ill-treatment and illegal detention of protesters, as well as the events that lead to the escalation of violence between both sides.

The purpose of the report is to shed light on an incident of unprecedented political violence after the popular uprising of 25 January 2011, with the aim of providing the authorities and concerned parties the knowledge to avoid the reoccurrence of such acts in the future.

¹ The Cairo Institute for Human Rights Studies (CIHRS) is an independent regional non-governmental organization founded in 1993. It aims at promoting respect for the principles of human rights and democracy, analyzing the difficulties facing the application of international human rights law and disseminating human rights culture in the Arab region as well as engaging in dialogue between cultures in respect to the various international human rights treaties and declarations. CIHRS seeks to attain this objective through the developing, proposing and promoting policies, legislations and constitutional amendments.

CIHRS works on human rights advocacy in national, regional and international human rights mechanisms, research and human rights education -both for youth and ongoing professional development for human rights defenders. Since its founding, CIHRS has been regularly publishing human rights magazines, an academic quarterly, and numerous books on the topic of human rights. CIHRS' seeks to shed light on the most pressing human rights issues within the Arab region; and to mobilize key players and NGOs to work together in raising awareness and formulating alternative solutions in line with the international human rights law.

II. Overview

The latest phase of Egypt's transition following the popular uprising of 25 January 2011, has been marked by heightened tensions between President Mohamed Morsi and members of the ruling Freedom and Justice Party, backed by several other Islamist movements and political parties in Egypt, on one side, and pro-democracy activists and politicians on the other. These tensions were sparked by disputes over a series of political and legal arrangements to govern Egypt's future and dissolved into street violence on 5 and 6 December 2012. It is clear that a continuation of such tensions would risk pushing the country to the brink of civil strife.

On 5 December 2012, opposition demonstrators were conducting a peaceful sit-in in front of the Ittihadiyya Presidential Palace to express their rejection of the constitutional declaration of 21 November,² which had granted the newly elected president sweeping powers, and of the presidential decree of 1 December, which called for a referendum on a highly contentious draft of the new constitution³ to be held mid-December. The protesters were also demonstrating against continued repressive practices by state institutions which violated basic human rights including the rights to life, physical integrity, peaceful assembly, and freedom of expression.⁴

Violence broke out in the form of street battles on 5 and 6 December in the area surrounding the Presidential Palace in Cairo. These clashes took place when supporters of the Muslim Brotherhood arrived at the Presidential Palace in response to calls by leaders of the Muslim Brotherhood to confront the opposition there. These directives had been issued before the beginning of the clashes by at least a full day; therefore, the Egyptian president and the relevant security authorities should have taken the necessary measures to prevent the crisis from unfolding and to protect Egyptian lives and property. However, the president, the security authorities, and the relevant state institutions did not respond adequately and according to their legal and political obligations. This lack of response thus allowed for violence to be used as a means of political retaliation.

This failure by the government to fulfill its responsibility to ensure that citizens are able to exercise their rights to freedom of expression and assembly in a secure environment is extremely worrying. Police forces did not intervene to promptly prevent clashes between groups of Morsi supporters and the opposition protesters or to actively end clashes once they began, nor did they attempt to stop Morsi supporters from illegally detaining and torturing opposition protesters.

² For more information about the constitutional declaration, *See*, "New Constitutional Declaration Gives Morsi Sweeping Powers and Deals Lethal Blow to the Judicial Independence," CIHRS, at <http://www.cihrs.org/?p=5084&lang=en>, and "Rights Groups File Urgent Lawsuit against Presidential Decree," CIHRS, at <http://www.cihrs.org/?p=5096&lang=en>

³ For more information about the draft constitution, *See* "On International Human Rights Day: Egyptians to Vote on a Constitution that Undermines Human Rights and Liberties," CIHRS, at <http://www.cihrs.org/?p=5249&lang=en> and Ragab Sa'ad Taha, Egypt's new Constitution: Entrenched Despotism, at <http://www.cihrs.org/?p=5167&lang=en>

⁴ For more information about violations committed in the context of the first hundred days of Mohamed Morsi's presidency, *See* "Summary to the Report: After President Morsy's first 100 Days: Worrying Indications for the Future of Human Rights; Major Crises Remain Unresolved," CIHRS, at <http://bit.ly/Ujf4WM>

In this regard, CIHRS wants to reiterate its previous calls, that peaceful assembly including peaceful protests and sit-ins in areas surrounding public facilities and buildings are admissible under international law as long as public officials and stakeholders are able to access these facilities. Intervention by police forces and/or any other types of law-enforcement officials to disperse these peaceful protests and sit-ins by force should be deemed as illegal. Additionally, security forces should not, by any means, depend on citizens to quell down opposition protests.

Despite claims made by a number of the official and president affiliated figures, there is reason to believe that the President was able to move freely to and from his office at the Ittihadiyya Palace, as he was able to enter and exit the palace on Wednesday morning. Furthermore, Vice President Mahmoud Mekki's press conference in the presence of journalists and international press was televised from the Ittihadiyya Palace at exactly the same time as the initial attacks on the sit-in.⁵

In a report submitted to the United Nations Human Rights Council earlier this year, the United Nations Special Rapporteur on the Promotion of the Rights to Freedom of Assembly and of Association clearly highlighted that in cases where official buildings contain an adequate door for officials to exit and enter from, there exists no legal reason to disperse sit-ins and protests taking place in their vicinity or in front of them. There was therefore no legal reason to disperse the peaceful sit-in taking place outside of the Palace.⁶

The state bears both political and legal responsibilities to protect citizens' lives and property, and senior government officials are those who bear the primary responsibility for failing to do so during the Ittihadiyya events. Furthermore, investigating bodies must identify the sources of the firearms which were used by both sides during the clashes (see below for further information), as well as how these weapons were used within the visual range of security forces which were present at the time in the area surrounding the Presidential Palace. Additionally, a full independent investigation into allegations of torture, sexual assaults, kidnapping, and illegal detention should be conducted, and their perpetrators must be brought to justice.

Inciting rhetoric is continuing and increasing, most prominently from the side of state institutions and officials, including the president and members of the Muslim Brotherhood. CIHRS remain concerned about the potential for an escalation of violence in the coming period,⁷ especially given the absence of dialogue between the involved parties.

⁵ News of the press conference from the Presidential Palace can be found at the following link: <http://gate.ahram.org.eg/News/280323.aspx>

⁶ See Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/135/86/PDF/G1213586.pdf?OpenElement>

⁷ See, "President Must Take Urgent Steps to prevent Egypt from Sliding into Civil War," CIHRS, at <http://www.cihrs.org/?p=5190&lang=en>

III. Timeline of events

In the wake of President Mohamed Morsi's constitutional declaration of 21 November and his subsequent decision to call for a referendum on a draft constitution in mid December which did not receive the support of large segments of society and which failed to guarantee minimum protections for basic rights and freedoms, the streets of Cairo and other governorates across Egypt have continually witnessed mass protests.

Prior to the Ittihadiyya events, the state practice of resorting to excessive use of force to repress demonstrations had continued.⁸ This was seen most vividly in Tahrir Square, Cairo following the one-year anniversary of the violent clashes of Mohammed Mahmoud Street in November 2011. From 19-28 November 2012, excessive force by the state resulted in the deaths of three protesters, the injury of several hundred, and the arrest of over 400 demonstrators in Cairo. In contrast, security forces were essentially absent and failed to perform their duty of securing protests and protecting public and private property in other governorates around Egypt. Security forces were similarly ineffective in Cairo on 5 and 6 December, which allowed for major clashes to take place between Morsi supporters and opposition protesters, resulting in the death of at least 11 individuals and the injury of hundreds more.

In the days leading up to the Ittihadiyya clashes, several Muslim Brotherhood and Freedom and Justice Party headquarters were stormed and set on fire. According to Abdel Moneim Abdel Maksoud, a prominent leader and lawyer of Muslim Brotherhood, "In total, 28 Muslim Brotherhood and Freedom and Justice Party headquarters were attacked. Most of them sustained damage, and there were attempts to set many of them on fire."⁹ Some of the targeted headquarters included the Freedom and Justice Party headquarters in Damietta, Suez, and Maadi, Cairo as well as the Muslim Brotherhood headquarters in Mokattam, Cairo. Charges were filed by members of the Muslim Brotherhood and investigations are currently underway. As a result of the initial attacks, members of the Freedom and Justice Party and the Muslim Brotherhood have been organized to take shifts to protect their offices throughout Egypt. According to eye-witness accounts, some of those who guard the premises possess weapons, including pistols and swords. In addition, the Muslim Brotherhood and its political party, the Freedom and Justice Party, allegedly resorted to using children to protect their premises.

In response to the Constitutional Declaration of 21 November, demonstrations erupted in a total of 17 governorates throughout the period between 22 November and 5 December.

⁸ See CIHRS 2011 annual report section on Egypt at http://www.cihrs.org/?page_id=2566#tabs-2566-0-8

⁹ CIHRS interview with Mr. Abdel Moneim Abdel Maksoud on 19 December 2012.

Particularly worrying were the mass numbers of injuries and at least one reported death which occurred as a result of clashes in Alexandria, Port Said, Damanhour, and El Mahala governorates.

As a continuation of weeks of demonstrations, the opposition held peaceful protests on Tuesday, 4 December 2012 in front of Al Ittihadiyya Presidential Palace in Heliopolis, Cairo, and a number of protesters declared a sit-in in front of the palace. Despite the continued presence of opposition protesters in front of the palace, the Muslim Brotherhood and the Freedom and Justice Party released statements declaring their intentions to organize mass pro-president demonstrations the following day in the same location.

On Wednesday 5 December, the ruling Freedom and Justice Party released a statement which asserted that the purpose of the demonstrations was to support “the legitimacy”¹⁰ of the president “voted into power by the Egyptian people.”¹¹

Similarly, the Muslim Brotherhood released a statement with the equivalent content and started rallying its supporters for demonstrations in front of the presidential palace. Statements on the Brotherhood English website included the following:

“Dr. Mahmoud Ghozlan, official spokesman of the Muslim Brotherhood, said that the Muslim Brotherhood and popular forces and movements are calling on people to demonstrate outside the Presidential Palace on Wednesday afternoon in order to support and defend the legitimacy of the elected President. This follows Tuesday’s violent violations by protesters who thought they could shake the foundations of legitimacy or impose their own opinion by force, prompting Egyptian popular forces to show that they, the Egyptian people, did choose this President and gave him full legitimacy through free and fair elections, and that they are able to defend that legitimacy, endorse the new constitution and protect state institutions.”¹²

¹⁰ Statement available at: http://www.hurryh.com/Our_news_Details.aspx?News_ID=15022

¹¹ Ibid.

¹² Statement available at: <http://www.fjponline.com/article.php?id=1162>

IV. How the clashes started?

According to eye-witness accounts, on 5 December 2012, Morsi supporters, largely composed of members of the Muslim Brotherhood, the Freedom and Justice Party, as well as other Islamist groups and parties, assembled after prayers at nearby mosques and began moving towards the Ittihadeyya presidential palace. There were three gathering sites: Rabaa Al Adaweya Mosque, Al Mostafa Mosque, and Omar Ibn Abdel Azeez Mosque, the latter being located directly in front of the Presidential Palace.

At around 4 p.m., following the 'Asr prayers, initial minor clashes took place when opposition protesters participating in the peaceful sit-in were cornered by groups of angry Morsi supporters running towards them from different directions. Morsi supporters who had gathered at Omar Ibn Abdel Azeez Mosque were the first to clash with the participants at the sit-in. Shortly thereafter, a second small group of Morsi supporters attacked the sit-in from al-Khalifa al-Maamoun Street and were immediately followed by a march consisting of a large number of Morsi supporters, who attacked the sit-in from al-Marghani Street.

Dr. Yasser Fouad, a member of the Egyptian Social Democratic Party (an opposition party), was participating at the sit-in at the time of the attack. His tent contained the provisions for the rest of the participants at the sit-in. Dr. Yasser told CIHRS: "Before the 'Asr Prayer, we heard that they [Morsi supporters] were going to pray in the mosque [Omar Ibn Abdel Aziz Mosque] in front of the sit-in and that they would later be coming in marches towards the Ittihadya. There were some people who came to pray, and some minor clashes took place. We started to make barriers in the street to close off the roads from Marghani Street [the street leading to the main gates of the Presidential Palace].

A small number of Morsi supporters came from al-Khalifa al-Ma'moun Street, and then a massive march arrived from al-Marghani Street, running at us, and we stood together and linked arms as they approached. There were people in the middle of them [from the Morsi supporters side] , trying to calm them down and keep them from running at us, but they continued and broke through our lines and started to beat us. A man with a beard hit me with a stick on my thighs, saying, '*By your blood I will be brought closer to God.*' Two people carried me aside so that I would be out of the way, and as I was being carried I watched them take down the tents. I saw my tent being broken down, and they took all of the food that was inside, including the big cartons of water that were inside, and one of them said, 'The water is dirty just like them.'

One of our fellow female activists confronted them [Morsi supporters] and objected to them taking anything from the tent. A man with a beard turned to her and began slapping her on her face; he took off her *hijab* and was about to strip her of her clothes. People from his

group attempted to stop him. Two young men from the opposition protesters also tried to intervene, but they were severely beaten and pulled away.”¹³



Picture of Ahmed Doma, opposition political activist after being stabbed with a knife in his face

AbdelGhany Sayed, another participant at the sit-in, who wrote his testimony on his Facebook page explained: “I went to the other side, in front of Omar Ibn Abdel Aziz Mosque, to see that there were about 2000 of the Brothers [Muslim Brotherhood members] moving forward in a very fast pace towards us. The guys [participants at the sit-in] started to notice that we are amongst pliers and they went to put barb wires and separators at the mosque to ban any clashes. They [participants at the sit-in] kept chanting “selmiya selmiya” [peaceful, peaceful] and they [participants at the sit-in] were telling each other not to carry stones and not to get into a fight.

The Brothers [Muslim Brotherhood members] ran towards us suddenly and very quickly with their poles chanting “Allahu Akbar... Ila Al-Jihad” [Allah is the Greatest... To Jihad] it looked as if we were in the middle of medieval warfare!!!”¹⁴

According to a testimony recorded by CIHRS staff with a member of the Muslim Brotherhood who was present at the clashes and who requested to be identified by his initials H.F.¹⁵: “I heard that protesters were attempting to break into the Presidential Palace, so I decided to participate in a march that was leaving from al-Mostafa Mosque in Heliopolis and heading towards the Presidential Palace. I heard that the first pro-government march clashed with the protesters, but when I arrived at the scene, the situation was relatively calm; the participants at the sit-in had already left and the tents were being disassembled by Morsi supporters.”¹⁶

According to eye-witness accounts and recorded videos, those who attacked the sit-in were armed with electroshock batons, wooden clubs, rocks, and chains.

Later in the day, live ammunition as well as shot shell iron and rubber pellets were also reportedly used.

Participants at the sit-in were beaten, their tents were destroyed, and they were driven away from the premises of the presidential palace by Morsi supporters, who were chanting slogans including: “The people support the President’s decisions,” “The people demand the enforcement of Shariah [Islamic law],” “Behold oh God, the people are applying the law of

¹³ CIHRS interview with Dr. Yasser Fouad on 20 December 2012.

¹⁴ Abdelghani El Sayed’s testimony as published on his Facebook page on 5 December 2012. See <http://on.fb.me/12A3yKJ>

¹⁵ CIHRS interview with H.F. on 19 December 2012. Interviewee has requested to be identified by his initials.

¹⁶ Ibid.

God,” and other chants against non-Islamist political groups, calling them *Kuffar*, or infidels.¹⁷ As the evening progressed, witnesses reported hearing a number of other chants, including: “Baradei, Leave! We will say yes to the constitution!” and “We are happy with the Constituent Assembly; We - the Muslim Brotherhood and the Salafis.”¹⁸

On the morning of 6 December, groups of Morsi supporters who had taken control of the area around the Presidential Palace were videotaped¹⁹ running in mass numbers and shouting “Strength, Determination, Faith...Morsi’s men are everywhere” allegedly in celebration of succeeding in driving away the opposition protesters.

A number of videos²⁰ taken by journalists document tents being torn down and opposition protesters being chased away²¹ from the area of the Ittihadiyya Presidential Palace.

Immediately following the attack, a number of Muslim Brotherhood-owned and affiliated websites began publishing defamatory and inciting news and releasing footage of the participants at the sit-in, claiming that they were drinking alcohol and in possession of US dollars [insinuating that the opposition protesters receive foreign funding to topple the regime]. Indeed, immediately after the attack, Morsi supporters started calling for media to document the “hash and alcohol” that they had allegedly found in the tents.²²

¹⁷ See <http://www.youtube.com/watch?v=FKEU0yjUSSY>

¹⁸ CIHRS interview with a resident of al-Marghani Street, where the clashes broke out, on 6 December 2012. The interviewee has requested to remain anonymous.

¹⁹ See <http://www.youtube.com/watch?v=pwgJKcwmVi8>

²⁰ See <http://www.youtube.com/watch?v=VBAJZp3NIoY>

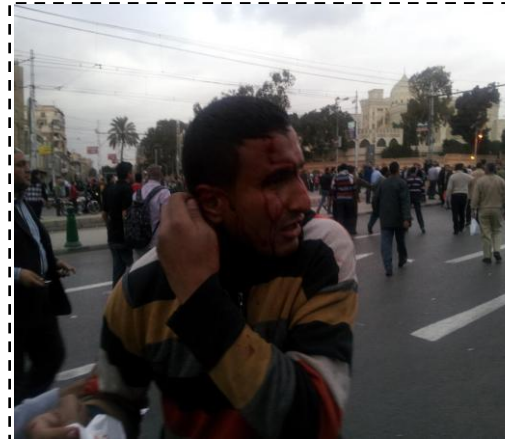
²¹ See <http://www.youtube.com/watch?v=QtjNz4FWzn8>

²² See <http://www.youtube.com/watch?v=6doWU4DzU2U>

Pictures of the initial attack on the sit-in



Picture from Al Masry Al Youm



Picture from twitter@ mai_choucri



Picture from Al Masry Al Youm



Picture for Hassan Amin

After the opposition protesters were driven away, Morsi supporters took control of the area in front of the Presidential Palace and the two groups started to prepare themselves for further clashes.

According to H.F. "Our side [the Morsi supporters] decided to regroup and to stay in front of the Presidential Palace. We heard rumors that protesters affiliated to the National Salvation Front²³ and Ultras²⁴ were coming to join the protesters and attack us, so we decided to wait until they came and fight back. As soon as they [opposition protesters] arrived and started throwing Molotov cocktails in excessive numbers, the clashes started and continued until the morning of the following day."

According to Dr. Yasser: "Those who remained from the sit-in went and regrouped in al-Marghani Street, preparing to attack the pro-Morsi group again. We [opposition protesters]

²³ A coalition of the main opposition parties and movements in Egypt and previous presidential elections candidates created to coordinate the work between opposition groups in response to the current political crisis.

²⁴ Egyptian football fans group.

were going to wait for more marches to arrive in order for our numbers to be larger, but more clashes happened right away, even though our numbers were very small.”

Mostafa Bahgat, a photographer with ONTV, stated in a testimony recorded by CIHRS staff:²⁵ “I arrived at the scene after the tents were destroyed. At the time, protesters were pushed back a few hundred meters towards the Mobil gas station in al-Marghani area. The Muslim Brotherhood members were standing in front of them, with their backs to the Presidential Palace. For a while, protesters from both sides were standing peacefully, talking to each other and arguing, but the general atmosphere was, of course, very tense. Nevertheless, a man with a long beard and a *jalabiya* suddenly appeared and shouted, ‘Take a side, take a side.’ At this moment, both sides started being violent and clashes re-erupted. Both sides started by throwing stones for a while and using Molotov cocktails,” Mostafa added.

“I saw the side of Morsi supporters’ fire shot shell pellets at protesters a short while after the clashes re-erupted. Throughout the fighting, and afterwards from watching videos, I found out that both parties possessed locally-made firearms. I heard gun shots, but I couldn’t see those who were shooting. However, the Morsi supporters possessed shot shell pellets like those used by police forces against protesters during previous clashes over the last two years; I saw the pellets with my own eyes.”

At that time, the fighting was taking place on two fronts: in Roxy Square (behind the Presidential Palace) and in the intersection between al-Marghani and al-Khalifa al-Ma’moun streets.

According to H.F. “honestly, I saw weapons, mainly shot shell pellets and blank firing firearms, with members of *al-Jama’a al-Islamiyya*. They were the most violent in general, from tearing down the tents to beating up protesters. I informed my people [the group of Muslim Brotherhood youth with whom he is affiliated] whenever I saw them [members of *al-Jama’a al-Islamiyya*] use weapons, and we tried to restrain them and ask them to only use rocks.”

Clashes between the two groups continued from the time of the attack until the early hours of the following day. The weapons allegedly used during the clashes varied between tear gas, pellets, live ammunition, Molotov cocktails, blank firing firearms, rocks, and batons.

CIHRS is not in a position to determine to the fullest extent the type of arms used by both sides.

According to the testimony provided by Mostafa Bahgat, activists were particularly targeted by Morsi supporters. He specifically witnessed a prominent Morsi supporter and a dismissed member of a major opposition youth movement, pointing at particular opposition activists

²⁵ CIHRS interview with Mr. Mostafa Bahgat on 19 December 2012.

with a laser pointer. He additionally stated that while filming, he saw several cars and buildings being attacked.

Additionally, several individuals reported the use of tear gas canisters by Morsi supporters, who were using the actual tear gas guns to launch the tear gas canisters at opposition protesters. In contrast, testimonies provided by Muslim Brotherhood members reported that opposition protesters were the ones in possession of tear gas canisters. Both sides and recorded videos, nonetheless, confirm that security officers used tear gas at different times during the clashes, as will be discussed later in the report.

Below are a number of videos recorded during the clashes:

- Video showing a part of the clashes between Morsi supporters and opposition protesters, in addition to a number of injuries sustained from rubber bullets and live ammunition in field hospitals created from the side of opposition protesters: <http://bit.ly/TP3VwE>
- Video showing clashes between protesters, with police cars in the middle firing tear gas: <http://bit.ly/UojFDI>
- Video showing the side of the Morsi supporters firing shot shell pellets during clashes with opposition protesters: <http://bit.ly/120vbw1>
- Video showing one individual from the side of the Morsi supporters firing live ammunition during clashes with opposition protesters, amid the presence of police forces, which did not intervene to halt the attacks: http://youtu.be/oZ8uesrky_U
- Video showing opposition protesters using what appears to be a locally made pistol against Morsi supporters <http://bit.ly/TSvN08>

Some of the injuries sustained during the clashes



Picture for Mohamed salah (ENN)



Pictures from Al Masry Al-Youm



Picture from Al Masry Al-Youm



Picture from Albedaiiah website



Picture from twitter @Pola_Salem



Picture from Elbadil website

V. Abduction and Torture

Protesters captured by Morsi supporters were subjected to extensive torture, according to eyewitness accounts and recorded videos. The area next to one of the gates of the Ittihadiyya Presidential Palace was used to torture opposition protesters, including children. Several testimonies and a number of graphic videos²⁶ indicate the use of extreme forms of torture, including severe beatings by members of the Muslim Brotherhood and other Morsi supporters. The videos also show testimonies by Morsi supporters suggesting that they had arrested “thugs”



Picture from Al Masry Al-Youm

and torturing them to extract forced confessions of having been paid by ex-members of the now dissolved National Democratic Party and other entities to protest against President Morsi’s decisions.

Indeed, footage shot and released by the Facebook group Rasd, which is widely known to be belonging to the Muslim Brotherhood, and other Islamist -affiliated media sources show scenes of tortured opposition protesters,²⁷ claiming that they were “thugs” “arrested” by Morsi supporters and that they had confessed to accepting money to protest against the president.

Dozens of protesters were kept as “hostages” for several hours after being severely beaten and at least 49 of them were only released on the evening of the following day, Thursday 6 December. Most disturbing was the presence of security forces (including Central Reserve Police and Presidential Guards) at the scene, which apparently did not intervene at any moment or take any measures to prevent the torture or illegal detention of protesters.

In fact, according to documented testimonies, anyone believed to be from the opposition camp was arrested by pro-president groups and tortured or beaten. Engineer Mina Philip Gad, who works with Orange Telecommunications International Company, was stripped of his clothes, brutally tortured,²⁸ and held for several hours by dozens of Morsi supporters because he was believed to be from the opposition protesters. Another eyewitness account obtained

²⁶ See http://www.youtube.com/watch?v=px4VB_4ecTo

²⁷ See <http://on.fb.me/WEkfUC>

²⁸ See <http://bit.ly/UkDOiz>

by CIHRS by a resident of al-Marghani Street describes tactics used by the Morsi supporters: “They were stationed at one end of the street. They would then proceed to capture someone from the opposing group. From where we stood we could see them gather around whoever they had captured, encircling them and severely beating them. This was done several times.”²⁹



Picture from Al Watan newspaper of engineer Mina Philip Gad as he was tortured by pro-Morsi groups. Mina was asked repeatedly about his name as he was tortured, yet he refused to say it for fear that he might be subjected to further retaliation as a result of his religion. “Mina” is a name typically given to Coptic males.

According to yet another testimony of a resident from the Heliopolis area who decided to take part in the protests and who was severely beaten after being captured by Morsi supporters: “I was lucky enough to keep my I.D. As soon as they seized anyone, they would take their shoes, their wallet, and their I.D. in order to hand them over to the police and pass them off as thugs.”³⁰

Footage shot by Al Watan newspaper³¹ showed Morsi supporters stating that they had arrested two alleged opposition protesters because they were Christians. The two were later handed over to the police.

A testimony by a former CIHRS staff member concerning a member of her family living on al-Marghani Street reveals the high level of sectarianism present during the clashes. According to her testimony, the person in question was on his way out of his building when he was hit by a rock. As the injury was mild, he proceeded to seek treatment at a pharmacy which was within

²⁹ CIHRS interview with another resident of Al Marghani Street where the clashes took place, on 6 December 2012. The interviewee has requested to remain anonymous.

³⁰ CIHRS interview with Mr. Ahmed Ahmed Amin on 19 December 2012.

³¹ See <http://bit.ly/YB4tue>

mere steps from his home. On his way to the pharmacy, members of the Muslim Brotherhood followed him, and when they reached him they began asking, "Are you Muslim or Christian?" He replied, "Why do you ask? Is that how you pick the ones you beat?" When the Morsi supporters continued to insist on finding out his religion, he responded, "I am Egyptian." Upon his refusal to give away his religious affiliation, they beat him brutally.

On the other hand, CIHRS also recorded testimonies which state that Morsi supporters who fell into the hands of opposition protesters were also beaten. One of the Muslim Brotherhood members told CIHRS staff that he had seen injuries sustained by many of his friends after they had been caught and beaten by opposition protesters.

H.F., who was injured during the events, gave CIHRS the following testimony: "While I was throwing rocks [at opposition protesters], I was hit in the mouth by a rock. As I retreated, I saw a group of people from *al-Jama'a al-Islamiyya* who had encircled an opposition protester and were severely beating him. I kept asking them to stop beating him, but they did not listen to me. One of them turned to me and said that I was with them [the opposition protesters]. I kept swearing that I belonged to the Muslim Brotherhood, but no one believed me. I do not have a beard. They kept hitting me until I could not see in front of me anymore. One of my friends, who told me afterwards that he was beaten by them as well until someone else told them that he was from our side [the Islamists], finally rescued me. I was then transferred by an ambulance to Heliopolis Hospital and had a CAT scan performed on my head - they had beaten me severely on my head. I was also treated for my mouth injury"

Several testimonies from Morsi supporters acknowledge severe beating of opposition protesters. Many of the individuals interviewed claimed that they had tried to intervene to stop the beatings and physical assaults against the protesters, but to no avail. "On three or four different occasions, I intervened, as did other senior members of the Brotherhood, to protect those who were captured. Due to the incompetence of the police, I think people were hesitant to hand over their attackers to the police, as there was a common belief that they would be released,"³² Dr. Ashraf Abdel Ghaffar, a prominent leader of the Muslim Brotherhood who was present during the clashes told CIHRS. Dr. Ashraf asserted that he did not see any weapons used from the side of the Morsi supporters and that they only armed themselves with rocks. He further added that he was present in the area in front of Heliopolis Sporting Club and immediately facing the Ittihadiyya Palace from 6 p.m. until around 2 a.m. (this area was occupied by Morsi supporters since the dispersing of the sit-in and until the early morning of the following day) and that no clashes had reached this area at this time. The clashes that happened took place in the side streets, particularly around the area of al-Marghani.

³² CIHRS interview with Dr. Ashraf Abdel Ghaffar on 19 December 2012.

“I approached a police officer who was standing, along with a group of officers, in front of one of the palace gates, and I asked him to intervene to stop the clashes. He told me directly, ‘No, I will not intervene!’” Dr. Ashraf added.

Later that night, as Dr. Ashraf walked towards the area where the clashes were taking place in al-Marghani Street, he was shot in the head with a shot shell pellet. He was treated in the field hospital erected by the Muslim Brotherhood near the gate of Heliopolis Sporting Club and in front of the Presidential Palace.

Another member of the Muslim Brotherhood and one of the media spokesmen of the Freedom and Justice Party, who asked to be identified by his initials M.S., told CIHRS that the police were nearly completely absent, stating that “for this reason the Muslim Brotherhood was arresting and questioning the thugs [opposition protesters]. There were some violations [referring to Morsi supporters beating opposition protesters], but at 7:30 a.m., when the Police and Republican Guards finally made an appearance, we handed those captured over to the police and the Republican Guards.”³³



Picture from Al masry Al-Youm newspaper, of the groups of protesters held by members of Morsi supporters on 5 and 6 December 2012, hand-cuffed and illegally detained near the gate of the Presidential Palace. The picture also shows police officers in uniform overseeing the scene.

³³ CIHRS interview with M.S. on 20 December 2012. The interviewee has requested to be identified by his initials.

VI. Physical attacks, abductions and torture against female activists

Ola Shahba, an opposition activist and member of the Popular Alliance Socialist Party, was brutally beaten, sexually harassed, and abducted by Morsi supporters. She sustained major head and eye injuries in addition to several cuts and bruises on her neck, back, and legs. According to her testimony, “After midnight, we heard news that the Muslim Brotherhood and the Salafi Al Nour Party had issued a new statement calling on everyone to withdraw. My colleague Rami Sabry and I decided to go back to the front lines where the clashes were taking place in order to assist with potential injuries resulting from the heightened clashes that normally occur in situations of withdrawal.”³⁴

Ola and her friend were caught by Morsi supporters who separated them from each other and started brutally attacking Ola.



Picture from twitter @shawkyelgenawy, of Ola Shahba after the attack

“They pulled me and they pulled each one of us in a different direction. I then found myself surrounded by many people who began beating me. One of them tried to force his finger through my behind.”³⁵

“As they were cursing me I understood that they thought I was a man. I was wearing a helmet, so they did not know that I was a woman. When they took off my helmet and realized that I was a woman, then, the unthinkable happened. I always thought that something like that could have happened on the day of the Battle of the Camel, if I had fallen on the hands of our attackers. I did not imagine that I would be sexually harassed at the hands of those adhering to political Islam.³⁶ They started harassing me and touching my body and my breasts. I then decided to sit to the ground and stop moving and started shouting, “No one touches me!”³⁷

“As I was being pulled away by them, I noticed that they were pulling my hands strongly and I did not understand why, until I realized that they were looking for a tattooed cross on my hand. They asked where the cross was, and I decided to remain silent. I do not know why, but I

³⁴ Ola Shahba’s testimony as published on her Facebook page on 11 December 2012, See <http://on.fb.me/W2qxcL>

³⁵ Ibid.

³⁶ Physical and sexual abuse, including harassment and rape emerged as a new trend of violations when dealing with women protesters. See “The President, His Affiliated Groups and the Government should Stop Targeting Women activists and the Policies of Excluding Women from the Public Sphere”, available in Arabic at <http://www.cihrs.org/?p=5269>

³⁷ Ola Shahba’s testimony as recorded during the satellite talk show “Akher Kalam,” See <http://bit.ly/U512Wf>

was probably overwhelmed with grief at the thought of them caring about whether I was Muslim or Christian.”³⁸

Ola was then put into an ambulance, but she was prevented from leaving as someone entered the ambulance and demanded to search her bag and questioned her, claiming she was in the possession of a Molotov cocktail. She was later forcefully removed from the ambulance and held in a nearby military police kiosk, where a police officer stood by and watched her while she was tortured without intervening. According to Ola, the police officer present at the scene actually incited against her, asking those who were holding her whether they would like his assistance in beating her further.

Ola was released after “negotiations” that her colleagues held with a number of people who were detaining her. According to testimonies provided to CIHRS, several youth leaders of the Muslim Brotherhood and the Freedom and Justice Party intervened when informed of her arrest and torture in order to negotiate her release.

“During my detention they kept accusing me of being a traitor and used some of the most obscene words to swear at me,” Ola added.

Another female activist who was abducted and brutally attacked was Lina Megahed, a former CIHRS’ staff member. According to Lina’s testimony,³⁹ she was abducted from a side street off of al-Khalifa al-Maamoun Street. She was surrounded, severally beaten with signs and sticks, kicked, and sexually assaulted by Morsi supporters. She was then held in a gas station in the area and was allowed to leave after her ID and cell phone were taken away from her. She too was questioned before eventually being released.

³⁸ Ibid.

³⁹ CIHRS interview with Ms. Lina Megahed on 23 December 2012.

VII. Dead and Injured

At least 11 individuals were killed as a result of the clashes in addition to hundreds of protesters injured on both sides. Injuries occurred through the use of live bullets, shot shell iron and rubber pellets, Molotov cocktails and rocks.

Significant controversy surrounds the victims of these clashes, as political groups on both sides have claimed that the victims were affiliated with their group in order to legitimize their positions. Obtaining an official list of victims has proved extremely difficult given the volatile political conditions. Nonetheless, CIHRS has been able to compile the following information about those who were killed:

1. Mohamoud Mohamed Ibrahim Awad, live bullet to the head , from Sharkeya
2. Mohamed Khalaf Eissa, several sustained injuries and live bullet to the head, from Cairo.
3. Mohamed Mamdouh Ahmed El Hussein, live bullet to the chest, from Cairo.
4. Mohamed Mohamed El Senoussi, live bullets to the back, from Cairo.
5. Khaled Taha Abou Zeid, live bullet to the neck, from Gharbiya.
6. El Hussein Abou Deif, live bullet to the head, from Cairo.
7. Hani Mohamed Al Imam, live bullet to the chest, from Daqahliya
8. Alaa Mohamed Tewfiq, skull fracture, from Cairo.
9. Yasser Mohamed Ibrahim, severe head injury, from Suez.
10. Mohamed Farid Ahmed Sallam, bullet to the head, from Menoufiya.
11. Karam Guirguos, asphyxiation due to tear gas (exact reason for death is uncertain).⁴⁰

According to Dr. Mohamed Soltan, head of the emergency section at the Ministry of Health, a number of hospitals around the area treated injuries sustained at the clashes, including the hospitals of Heliopolis, Al Zahraa, Mansheyat Al Bakri, Cleopatra, and Saint Mark Church. This is in addition to a number of private clinics and field hospitals that were created in various places around the site of the clashes, including at the Evangelical Church in Heliopolis, near Heliolido Sporting Club and Heliopolis Sporting Club.

Doctors treated injuries and burns sustained from live ammunition as well as pellets and Molotov cocktails, in addition to cuts and bruises sustained from being hit by hard objects such as wooden and iron clubs, rocks, and chains.

CIHRS staff member Dr. Sally Toma was present during the clashes and was providing first aid services to the injured. Toma reports having witnessed injuries resulting from bullets, stones, and granite stones. She reported witnessing broken joints and cuts and having been involved in the transport of the injured to either hospitals or nearby field hospitals. Additionally, she

⁴⁰ CIHRS was unable to obtain the exact cause of death from an official source.

reported having heard automatic firearms at some point during the night, although she was unable to confirm its source.⁴¹

Dr. Mohamed Zanati, member of the Muslim Brotherhood and the Freedom and Justice Party, who was present during the clashes and provided first aid services to the injured inside the field hospital erected by Morsi supporters in front of Heliopolis Sporting Club told CIHRS that those injured with cuts, bruises, and burns were treated in the field hospital, while the cases which received live bullets were immediately transferred to nearby hospitals; mainly Heliopolis Hospital.

“At around 8:00 or 8:30 PM, and as the clashes intensified, we erected the field hospital on the street in front of the gate of the Heliopolis Sporting Club. Throughout the night, I received two injured opposition protesters whom I treated and then they were taken to in front of the Palace, where all those arrested were kept. In the morning at around 7:00 am, two doctors from our side [Morsi supporters] went to check on the opposition protesters who were arrested and kept overnight in front of the Palace, before being handed over to police.”⁴²

Dr. Mohamed Fatouh, head of the “Tahrir Doctors” group, complained that a number of public hospitals, including Mansheyat Al Bakri hospital, lacked sufficient medical staff and the necessary tools to respond to the injuries resulting from the clashes.

In at least two instances, field hospitals were attacked by Morsi supporters. According to the testimony of Marwa Farouk, member of the Popular Alliance Party, and Naglaa Bedeir, a journalist and author, a group of women and doctors were gathering inside a small shop where a field hospital had been set up by opposition protesters to treat the injured. The shop was raided by Morsi supporters, who decided to capture the injured and intimidated Dr. Mona Mina, elected member of the Doctors Union and member of “Doctors Without Rights” group. Ms. Bedeir stated: “He [one of the attackers] told Dr. Mona Mina ‘Next time when I see you, I will kill you’.” Ms. Bedeir further stated that when she asked the attackers why they insisted on physically assaulting one of the injured and an unconscious protester, one of them replied, “We do not kill them[referring to opposition protesters]. We only break their arms. I will break his arm which threw rocks at us.”⁴³

Regarding a second raid, Mostafa Bahgat told CIHRS that another field hospital was attacked, and the injured inside kidnapped by Morsi supporters. “Close to where I was standing there was a field hospital located at the entrance of a residential building; I saw Morsi supporters storming the building and kidnapping several people. They were beating them in the streets

⁴¹ CIHRS interview with Dr. Sally Thoma on 7 December 2012.

⁴² CIHRS interview with Dr. Mohamed Zanati on 24 December 2012.

⁴³ Naglaa Bedeir’s testimony, according to her statements on the satellite talk show “Akher Kalam” on 5 December 2012 , See <http://bit.ly/TgHd3g>

and taking them away. Some of those kidnapped were injured protesters who were being treated at the field hospital.”

Additionally, several cases of preventing ambulances and medics from reaching injured protesters were reported, allegedly because Muslim Brotherhood members kept the injured for “questioning” about their alleged relations with “foreign entities” and about their role as “agents” being used to “instigate chaos.”

Attacks against the media

Throughout the hours of fighting, media professionals were attacked and prevented from covering the events freely, and several cases of intimidation by Morsi supporters were reported. Violations committed against media professionals constitute a blatant attack on freedom of the press and demonstrate the state’s inability to protect journalists and media personnel.

Upon their arrival at the Ittihadiyya Palace, Morsi supporters attacked and attempted to destroy the satellite transmission units which were present at the scene to cover the sit-in for the Egyptian state television.

Al Housseiny Abu Deif, a journalist with Al Fagr independent newspaper, was shot with live bullets in his head at 1:00 am on 6 December 2012. Abu Deif’s camera was stolen after he was shot. On Wednesday 12 December 2012, he was declared dead. Abu Deif was standing in line with opposition protesters at the time he was shot.

Other journalists who were also reportedly attacked include:

1. Islam Abdel Tawab, Al Aalam Al Youm;
2. Osama El Shazly, Al Badil online newspaper;
3. Sahar Talaat, Radio France;
4. Ahmed Khair Eldin, ON-TV;
5. Mai Saad, director; and
6. Hassan Shahin, Al Bedaya online newspaper

If analyzed within the broader context of intimidation, censorship, and attacks faced by members of the press and the media since President Morsi assumed power, these events represent a very alarming development for press freedom in Egypt. Indeed, the past few months have witnessed arrests of journalists, the confiscation of newspapers, death threats to members of the press, and overall increased censorship.⁴⁴

⁴⁴ For more information on freedom of the press under President Mohamed Morsi, *See* <http://www.cihrs.org/?p=4547&lang=en>

VIII. Arrests

Some of the tortured protesters were immediately handed to police, while others, around 49 individuals, were detained until the following day before being handed over by president Morsi's supporters to the police. According to testimonies of the lawyers representing the protesters who were referred to prosecution, almost all of the protesters arrested in the context of the clashes were captured first by Morsi supporters and then later handed over to the police. Ahmed Amin, a resident of Heliopolis who was captured by Morsi supporters, stated to CIHRS: "I think it is really strange that the police did not intervene. Why did they wait for another party to hand over the protesters? Why did they not do that themselves? The Brotherhood was operating as the police that night."⁴⁵

Mohamed Abdel Aziz from Al Nadeem Centre for Rehabilitation of Victims of Torture stated to CIHRS staff that the number of arrested protesters was 139, of whom around 90 were referred to Heliopolis Prosecution early on the morning of 6 December 2012. The others were referred later that evening. The detainees included over 20 children between the age of 15-18. The charges leveled against them included murder, attempted murder, illegal possession of weapons, and inflicting damage to public and private property.

According to statements made by lawyers present with the detainees, almost all of them were subjected to torture while being detained by members of the Muslim Brotherhood and Morsi supporters. Mohamed Abdel Aziz, added that the effects of electric shocks, stab wounds, bruises, and broken bones were visible on many of those arrested. Most of those arrested were in severally critical conditions, to the extent that the families of some of the detainees were not able to recognize them at first.

In a televised speech ⁴⁶ on 6 December 2012, President Morsi referred to confessions of detained protesters as evidence that they were hired thugs, that they possessed weapons, and that they had received money to attack the Presidential Palace. The speech was aired when the prosecutor's investigation with the detainees was just starting, which raises suspicions that the president was referring to confessions that were extracted under duress by Morsi supporters during the illegal detention of opposition protesters.

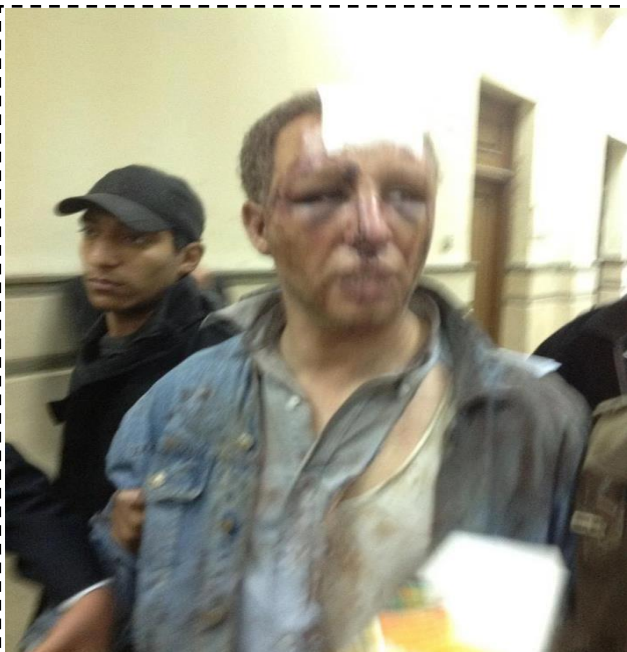
Contrary to the statement made by President Morsi, none of those detained confessed before the prosecution to the possession of weapons or to receiving money to attack the Presidential Palace and Morsi's supporters. Indeed, on 6 December 2012, in case number 15200/2012 Heliopolis misdemeanors, which included testimonies of all those who were arrested in relation to the clashes, no one confessed to possessing the arms which were presented by the

⁴⁵ CIHRS interview with Mr. Ahmed Amin on 19 December 2012.

⁴⁶ Recorded video of President's Morsi Speech on 6 December 2012, See <http://www.youtube.com/watch?v=zPXfwjEHgMs>

Muslim Brotherhood members in the media as alleged “evidence” against the protesters to the police.

Several claims were made by lawyers representing the detainees that pressure was exerted against the District Attorney not to release the detainees. However, on 7 December 2012, the prosecution ordered the release of most of those who were detained in relation to the clashes. According to Rawda Ahmed, lawyer and Deputy Executive Director of the Arabic Network for Human Rights Information, 135 persons were released while 4 others remain in custody pending further investigation.



Picture from twitter @ NadimX of Yehia Nigm, one of the detainees, as he was being referred to prosecution. Yehia was a former Ambassador of Egypt to Venezuela.

District Attorney Mostafa Khater, upon whose orders the detainees were released, was officially transferred from his post in Cairo to Beni Sweif on 12 December 2012 based on orders coming directly from the newly appointed Public Prosecutor’s office, allegedly in relation to his decision to release most of the detainees. This was seen as a disciplinary move against the District Attorney by the Public Prosecutor. That same day, the District Attorney refused to comply with the orders, presented a request to the Supreme Judicial Council asking to be re-instated as a judge and sent a letter of complaint to the Public Prosecutor. Due to political pressures from the office of the District Attorney, the decision was revoked, and the District Attorney was reinstated.

IX. Response of security forces

Police forces did not intervene in attempt to stop the clashes until later on 5 December. At 9:30 p.m., over five hours after the clashes started, police forces made their first attempt to separate the two groups of protesters by assembling in a cordon between them. Six armored vehicles belonging to the police attempted to move in between the protesters, but they all withdrew shortly thereafter. At around 11:30 PM, another attempt was made by police forces to control the situation, this time by firing extensive tear gas to disperse protesters. Three eyewitness accounts by residents from the area confirmed that when the police first tried to separate the two groups, their shields and batons were positioned facing opposition protesters rather than Morsi supporters, signaling that they may have been protecting the Morsi supporters.⁴⁷ One eyewitness, who works as a porter in one of the Marghani street buildings and who has requested to remain anonymous, stated that the police fired tear gas in the direction of the opposition protesters.

According to Mostafa Bahgat: "I first saw the police at around 9 or 9:30 p.m. I was standing in Roxy area, and the opposition protesters were chasing Morsi supporters. The latter began retreating towards the Presidential Palace and were hiding behind uniformed members of the Central Security Forces. The police then started shooting tear gas towards the opposition protesters each time they attempt to advance towards Morsi supporters." This testimony was also supported by a member of the Muslim Brotherhood, who submitted his testimony to CIHRS staff on conditions of anonymity. He stated that when the police finally made an appearance, they would intervene from the side of Morsi supporters, which made it appear as if the police forces were taking their side.

Another testimony by Muslim Brotherhood member M.S. supports this claim. He said to CIHRS, "The gas canisters, which were coming from our [Morsi supporters] side, were being launched by the police against the thugs [opposition protesters] who were attacking the Muslim Brotherhood."

At 3:30 p.m. on Thursday, 6 December 2012, the presidency released a statement announcing that the Presidential Guards had declared that the area surrounding the Presidential Palace would be emptied of protesters and that a ban had been imposed on being present in areas near the palace. Following this announcement, tanks of the Presidential Guards began securing the palace. Furthermore, a concrete wall has been constructed around part of the area surrounding the palace in order to keep the area secure.

⁴⁷ This information was confirmed by three different residents of al Marghani Street and was obtained by CIHRS staff on 6 December 2012 and on 17 December 2012. All three interviewees have requested to remain anonymous.

X. Incitement and intimidation

In addition to official calls by the Muslim Brotherhood and the Freedom and Justice Party to hold protests in the same location and at the same time as the opposition sit-in as well as President Morsi's clearly inaccurate speech in response to the clashes, the Muslim Brotherhood issued a statement indicating, that nine of those who were killed during the clashes and the majority of those injured were members of the Brotherhood.⁴⁸ They also accused the opposition protesters of using firearms to attack, what they described to be, "peaceful" Muslim Brotherhood protesters in front of the Presidential Palace. Furthermore, they accused the media of biased coverage of the events.⁴⁹

The Muslim Brotherhood's websites, Al Ikhwan Online and Ikwon Web, published extremely defamatory articles and coverage in the context of the Ittihadeyya events. For example, on 5 December 2012, Al Ikhwan Online published information that Ahmed Maher, coordinator of the 6th of April Youth Movement and one of the members of the Egyptian Constituent Assembly who had resigned, had headed a group of thugs who attacked and killed members of the Muslim Brotherhood during their demonstration in front of the Presidential Palace.⁵⁰ The following day, the page published a correction⁵¹ that Maher was not present during the clashes and removed the initial post.

On 5 December 2012, Azab Mostafa, member of the Supreme Council of the Freedom and Justice Party, stated the following on a live satellite talk show: "you [the opposition] will not exist anymore"⁵² as he stormed out, directing his speech to another guest speaker on the show.

Also on 5 December 2012, Dr. Essam El Erian, deputy head of the Freedom and Justice Party and current appointed member of the National Council on Human Rights, stated the following in a telephone interview on Misr 25 Channel (a satellite channel affiliated to the Muslim Brotherhood):

"These are no clashes between pro- and anti-president protesters. What is really happening is clashes between the supporters of the revolution and the protectors of legitimacy on one hand and those who wish to overthrow legitimacy [the president] on the other. The true description of the situation is that it is between peaceful protesters, who would like simply demonstrate their opinion to the public and show that this is the popular opinion, and others who seek chaos and practice political thuggery. I believe that the people have responded to the popular cause, and I call

⁴⁸ See <http://www.ikhwanonline.com/new/Article.aspx?ArtID=131159&SecID=0>

⁴⁹ See <http://www.ikhwanonline.com/new/Article.aspx?SecID=212&ArtID=131016>

⁵⁰ The previous post was available on the following link, before being removed:

<http://www.ikhwanonline.com/new/Article.aspx?ArtID=130972&SecID=230>

⁵¹ See <http://www.ikhwanonline.com/new/Article.aspx?ArtID=130991&SecID=230>

⁵² See <http://www.youtube.com/watch?v=GfkvUWY1Pc8>

upon them to gather in tens of thousands to surround those thugs. This is the last chance we have to arrest them, and reveal the third party that was responsible for killing the protesters at the Battle of the Camel, Maspero, Mohamed Mahmoud, Cabinet sit-in [previous clashes in the context of protesters which occurred over the last two years and resulted in the death of dozens of protesters around Cairo]. The people must go down now, from everywhere, and arrest them. Everyone must march towards the area of the Ittihadiyya, surround them and attack them excluding the real revolutionaries from them.”⁵³

At 8:00 a.m. on Thursday 6 December, Dr. Essam El Erian posted the following on his Facebook account:

“This is not a political disagreement. This is the final battle of the deep state. Complicity is clear. Politicians should stay away from members of the previous regime and thugs. They are destroying their future in politics. Dialogue should be held between politicians and not Mubarak’s thugs and supporters. We cannot surrender to supporters of violence, or else the future of Egypt is destroyed. No dialogue under the firing of live ammunition. The matter is clear, one side is holding weapons and the other is unarmed.”⁵⁴

As recently as 12 December 2012, the Freedom and Justice Party’s English page released an article entitled “Egypt ‘Journalists for Reform’ Holds National Salvation Front Responsible for Abu-Deif Murder,” denouncing the murder of one of “their” members, Al-Husseini Abu-Deif.⁵⁵ The article claimed that Abu Deif was shot dead by the side of the opposition protesters, while his friend who was with him at the time he was shot has testified that he was rather shot at from the Morsi supporters.⁵⁶ It is important to note that Abu Deif was known for his harsh criticism, and at several times opposition, of President Morsi’s policies. Moreover, the statement itself contained direct hate messages towards the National Salvation Front and its supporters, which is particularly worrisome given the highly volatile political situation in Egypt at this time.

⁵³ Dr. Essam El Erian’s phone interview with Misr 25 Channel was conducted in Arabic; His statements were translated to English by CIHRS staff. See <http://www.youtube.com/watch?v=sYNtyC0ZXI0>

⁵⁴ Dr. El Erian’s statement on his personal page on Facebook. His statement was translated to English by CIHRS staff, See <https://www.facebook.com/Dr.Essam.Elerian/posts/458617907517114>

⁵⁵ A copy of the article can be found on the official FJP English website: http://fjponline.com/article.php?id=1198&utm_source=twitterfeed&utm_medium=twitter

⁵⁶ Testimony can be found in the following video in Arabic http://www.youtube.com/watch?v=6UIId3f6_5q4

XI. Recommendations

The escalating violence in the Egyptian streets is an alarming sign, particularly after the country's first democratic presidential elections. Unfortunately, since his election, President Morsi has not been able to formulate a political strategy to end infamous practices of the former regime which constituted grave violations to the basic right to peaceful assembly. The obligations incumbent on the state to uphold this right include the protection of participants of peaceful assemblies from individuals or groups, including counter-demonstrators. According to most of the testimonies gathered throughout this report, the police either took sides or did not intervene promptly in order to avoid foreseeable clashes.

Following Morsi's election into power, Egyptian human rights organizations sent a detailed memo to the president with the short-term, mid-term and long-term reforms that needs to be undertaken to address Egypt's long history of state oppression.⁵⁷ Unfortunately, these organizations have received no response from the presidency to date. These recommendations included concrete steps that need to be taken by the president to end persistent violations committed in the context of peaceful protests and ensuring accountability for those who have committed violations in the context of peaceful protests before, during, and after the popular uprising of 25 January 2011.

In this regard, CIHRS has also warned during the first 100 days of Morsi's presidency that the ruling party has deployed in various circumstances "its members and supporters to suppress [...] freedoms, which is a new development in Egypt modern History."⁵⁸ CIHRS previously reported that members of the Freedom and Justice Party have verbally and physically assaulted political opponents who filled law suits against the Muslim Brotherhood and harassed media figures critical to the political positions of the group. Nevertheless none of these incidents were properly investigated.⁵⁹

The Egyptian police forces should be held responsible for failing to prevent one group of protesters from advancing towards another group of protesters in broad day light. In this particular case, the presidency is to be held equally accountable for not adequately reacting to the situation and for failing to take the necessary actions to prevent the catastrophe from unfolding, particularly when the potential for violence became blatantly clear following the repeated calls from leaders of the Muslim Brotherhood and its affiliated political party to members and supporters to disperse the opposition peaceful sit-in in front of the Presidential Palace.

⁵⁷ "A Memo from the Forum of Egyptian NGOs to the president of the republic: A priority to Human Rights in the 100 days", at <http://www.cihrs.org/?p=3272&lang=en>

⁵⁸ See CIHRS, "After President Mohamed Morsi's first 100 days: worrying indications for the future of human rights; Major crises remain unresolved"; at <http://bit.ly/Ujf4WM>

⁵⁹ Ibid

In light of the information gathered throughout this report, the Cairo Institute for Human Rights Studies urges the relevant stakeholders to abide by the following recommendations:

(1) Recommendations to the Government of Egypt:

- (a) Take all necessary steps to ensure that administrative and law enforcement officials are adequately trained in relation to the respect of the rights to freedom of peaceful assembly;
 - (i) To ensure that law enforcement authorities which violate the rights to freedom of peaceful assembly are held personally and fully accountable for such violations by an independent oversight body, and by the courts of law.
 - (ii) To ensure that victims of violations of the rights to freedom of peaceful assembly have access to effective remedy and redress.
 - (iii) To train law enforcement officials to intervene adequately and in a timely manner in cases where two contending groups are likely to clash, especially in light of the volatile political situation currently witnessed in Egypt.
- (b) Release accurate information on all those detained, released, and formally arrested in the aftermath of the Ittihadiyya clashes;
- (c) Release accurate information on the Ittihadiyya clashes and on the events that led to incidents of violence;
- (d) Ensure that the army remains neutral and does not take part in policing activities;
- (e) Ensure that an impartial and prompt judicial review into the clashes is conducted;
- (f) Ensure that the designated investigative judges have adequate security at their offices;
- (g) Discuss with the United Nations Special Rapporteur on Freedom of Assembly and Association means to ensure the security of protesters and to regulate peaceful protests;
- (h) Accept, with no further delay all pending visit requests by the United Nations thematic Special Rapporteurs and Working Groups, including those of: the Special Rapporteur on independence of judges and lawyers, the Special Rapporteur on human rights defenders, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Working Group on arbitrary detention, the Special Rapporteur on the promotion and protection of human rights while countering terrorism, the Working Group on enforced or involuntary disappearances, and the Special Rapporteur on the rights to freedom of assembly and of association;

- (i) Ensure that no derogation is exercised to the rights to life and to be free from torture and other cruel, inhuman or degrading treatment or punishment;
- (j) We also call upon the Presidency and other government officials to refrain from inciting to violence and hatred;
- (k) In light of the draft law on Freedom of Assembly currently being discussed by the Cabinet, and given that the law is largely based on the draft law presented by the Ministry of Interior, CIHRS is deeply concerned about the future of freedom of assembly in Egypt.⁶⁰ We call upon the presidency to ensure that any law enacted upholds international standards as detailed in the report of the United Nations Special Rapporteur on the Promotion and Protection of the Rights to Freedom of Peaceful Assembly and of Association. We reiterate the words of the Special Rapporteur that:

“The exercise of the right to freedom of peaceful assembly should not be subject to prior authorization by the authorities, but at the most to a prior notification procedure, which should not be burdensome. In case an assembly is not allowed or restricted, a detailed and timely written explanation should be provided, which can be appealed before an impartial and independent court.”⁶¹

(2) Recommendations to All Political Parties, including the Freedom and Justice Party and members of the National Salvation Front:

CIHRS further calls upon all political parties to:

- (a) Call on party members and supporters to act in accordance with the law at all times; and
- (b) Publicly and promptly condemn all acts of violence, intimidation, and hate speech by party members and supporters.

⁶⁰ For more information on the draft law presented by the Ministry of Interior and for CIHRS’ legal analysis of its flaws and shortcomings, please refer to the report created by CIHRS on the matter *See* Summary to the report “Criminalizing the Egyptian Revolution,” CIHRS, at <http://www.cihrs.org/?p=4623&lang=en>

⁶¹ *See* Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/135/86/PDF/G1213586.pdf?OpenElement>