

The Egyptian Organization for Human Rights

The EOHR's report on Demonstrations and Protests in Egypt Amidst a Desire for Stability and the Problem of External Interference

Introduction

The right to freedom is an innate right that is guaranteed by statutory laws and norms. Within this context, peaceful demonstrations and freedom of expression are equally a right that should not be conceded or abandoned. Indeed, the right to demonstrate is a recognized right for every citizen and is guaranteed by most national constitutions, legislation, and international covenants. Based on the above, the EOHR released this report to shed light on the September 20, 2020, demonstrations that took place in Egypt. The EOHR sent a fact-finding mission to monitor a number of demonstrations, totaling 6 demonstrations in many governorates such as Giza, Cairo, and Alexandria. In the governorate of Giza, many villages witnessed several demonstrations. Some of these villages included Al-Atf village in Al-Ayyat district, Al-Kadaya village in Atfih district, and Aborjwan village in Al-Badrashin district. The number of participants in the demonstrations ranged in total around 1500-2000 demonstrators. In some demonstrations, the number of participants did not exceed 20 or 30 participants, while some other demonstrations witnessed more than 300 participants.

First: The Legality of the Right to Demonstrate Peacefully

The 2013 Egyptian constitution guarantees the right to peaceful demonstrations through law no. 107 which organizes the right to public gatherings and demonstrations. The first article of the law states: "Citizens have the right to organize and join public meetings, processions, and peaceful demonstrations, in accordance with the provisions and controls stipulated in this law." However, whoever wants to demonstrate must obtain the necessary licenses and notify the police station in the district where the protest will take place in writing in accordance with article 8 of the aforementioned law. The police station should be notified between 3 to 15 working days before the start of the public meeting, procession, or demonstration. The notification can be within 24 hours if the meeting is electoral, provided that the notification is delivered in person. The notification must include information on the place, date, the subject of any meeting, the general purpose of the demonstration, and the organizing individuals or organizations of each meeting, demonstration, or procession. Furthermore, article 6 of the aforementioned law also prohibits carrying weapons, ammunition, explosives, fireworks, flammable materials, or other tools that might expose individuals, facilities, or property to damage or harm. The law also prohibits the use of masks or concealing the face of demonstrators while participating in meetings, processions or demonstrations.

The Supreme Constitutional Court ruling on the protest law:

The protest law was challenged since it was first decreed as unconstitutional as it is in direct conflict with explicit constitutional provisions recognizing the right of citizens to organize public meetings and peaceful demonstrations (article 73 in the constitution). These constitutional articles guarantee citizens their rights and no laws should restrict these rights in a way that

affects their origin and essence (article 92 of the constitution). On December 3rd, 2016, the Supreme Constitutional Court issued a ruling in case no. 160 decreeing that the first paragraph of article 10 of the protest law was unconstitutional as it granted the minister of interior the power to prevent demonstrations in the event that security authorities obtained serious information or evidence that there is a threat to national peace or security. The Supreme Constitutional Court established that the constitution did not authorize the legislators to dictate a method of exercising the right to demonstrate and assemble, but rather required it to be exercised only by notification. This was meant to ensure that the state does not empty this right of its content in a manner that contradicts what it is stipulated in international conventions that the Egyptian state has committed to.

Indeed, the Universal Declaration of Human Rights affirms the right to freedom of assembly in article 20 which states, "Everyone has the right to freedom of peaceful assembly and association." Similarly, the International Covenant on Civil and Political Rights, which was drafted in 1966, also states in article 21, "The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others."

Second: International Responsibility for External Interventions

It is worth noting that Article (16) of the draft articles on the responsibility of states for their internationally wrongful acts, which was approved by the International Law Commission at its (52) session to the General Assembly, stipulate that, "A State which aids or assists another State in the commission of an internationally wrongful act by the latter is internationally responsible for doing so if: (a) that State does so with knowledge of the circumstances of the internationally wrongful act; and (b) the act would be internationally wrongful if committed by that State." What is meant by the state's action here is every act issued by one of the official state apparatus, whether it is legislative, judicial, executive, or any other functions. The state is also responsible for actions that are carried out by instructions under its control.

This law applies to states that incite violence and political subversion inside other countries, using their media, propaganda mechanisms and their financial capabilities. Additionally, violating the principle of non-interference of all kinds in the internal and external affairs of states constitutes a threat to the freedom of peoples, the sovereignty of states, their political independence and their territorial integrity.

Accordingly, the State of Qatar bears full responsibility for the calls issued by Al-Jazeera, which is its official channel, for incitement and violence against individuals and official and informal institutions in Egypt.

Incitement to Violence

The previous events witnessed the contribution of Al-Jazeera and some other channels that broadcast from abroad in feeding the conflict and societal tension, which also increased in previous times the frequency of attacks against Copts, churches, mosques and security forces,

as well as against the armed forces, whether through targeting individuals or ambushes stationed.

This was clear when Al-Jazeera released a documentary in which it directly incites against the Egyptian army, and categorically calls for internal rebellion. This only serves one purpose: dismantling of the Egyptian Army. This is considered as a violation that results in worse harms to human rights in Egypt. As a result of increasing terrorist operations, societal tension and instability, the political system tends to narrow the area of freedoms in order to increase societal control and prevent violence. Once that cycle begins, it usually ends in weakening the state and society. Hence, the more stable the political and security conditions, the more popular calls for human rights will be in society.

Al-Jazeera has had precedents of inciting violence in other countries, and at the head of those countries is the United States of America. In fact the Minister of Justice was ordered to describe the Al-Jazeera channel as a foreign agent working for the Qatari government, and not an independent news network, for its participation in political activities on behalf of the Doha government, which finances and appoints its Board of Directors. This confirms our previous claim that the Qatari regime bears international responsibility for waves of violence and terrorism in Egypt. This pattern was documented by the United Nations in recommendations on the prevention of incitement to violence. The first of these recommendations urges the need to build national capacities to prevent incitement to violence that could lead to crimes, and states should also ensure that any laws criminalizing incitement to violence which leads to atrocity crimes, do not unduly restrict the right to freedom of expression and opinion.

Accordingly, The Egyptian Organization for Human Rights affirms the right to peaceful demonstration. The EOHR also urges the intervening states to comply with their international obligations to uphold Egyptian citizens' right to free expression without external dictations in accordance with the legitimate mechanisms.

Third: Events

Despite the calls in the past few days from personalities and outside channels, to incite demonstrations against the regime, it did not receive an effective response.

Some Egyptian governorates have witnessed a number of limited and sporadic demonstrations, called for by a fugitive abroad, and some foreign media platforms that work to undermine stability in Egypt. Knowing that they are not the first calls by these parties, on the side of the banned groups.

These calls come in a continuous framework of incitement to demonstrate and bring down the Egyptian political system. The demonstrations often stem from the same geographical areas that witness an intense presence of the Muslim Brotherhood with which the Egyptian street did not interact. With the exception of a number of individuals in some villages and side streets who demanded the overthrow of the political system on September 20, 2020.

Calls for violence:

Some of the elements launched calls through the hashtag #اقتحام مدينة الإنتاج الإعلامي or “storm the Media Production City”, and other calls that gained some attention despite their illogical nature.

This is due to the previous siege of the Media Production City carried out by the terrorist Muslim Brotherhood which prompted the media to call on the Twitter administration to delete those tweets that incite violence against media professionals in Egypt.

رصد المظاهرات:

Village/ neighborhood	Center/ District	Governorate	Demonstrators - approx.
Aatf	Al Aiat	Giza	50
Al Kuddaya	Atfih	Giza	300
Abu Ragwan	Al Badrashin	Giza	1000
Warraq	Warraq	Giza	60
El Basatin	El Basatin	Cairo	40
El Maamora	Montaza	Alexandria	50

The village of Al-Atf in Al-Ayyat in Giza governorate witnessed approximately (50) demonstrators on the Cairo-Assiut highway. Police forces intervened and arrested a number of them.

The organization interviewed a number of eyewitnesses: -

(R.M.): "What happened was that a group of Muslim Brotherhood members in Al-Atf village less than (30) individuals, crossed the highways of Egypt - Assiut, and blocked the road by lighting old tires. This lasted for about 20 minutes until the police forces arrived and arrested a group of them. The rest fled, and this situation was repeated the next day. "

(MA): "After the Muslim Brotherhood heard calls for demonstrations, they began to incite people to demonstrate, and because a large number of people, workers, lost their source of income, they participated in these demonstrations. There was a burning accident of a police car and some damage to a police armored vehicle, and it is strange that we met people from Kerdasa are present in our demonstrations in Al-Ayyat. "

Approximately 300 demonstrators also participated in protests in the village of Al-Kadaya in Atfih, Giza Governorate. The organization interviewed a number of eyewitnesses in the village:

(MA): "What happened was that a group of young men and some of those who lost their jobs were incited by some individuals to demonstrate against the regime because they felt that they were being exposed to injustice and it took about an hour to demonstrate. The elder in the village intervened and tried to control the situation and promised them that they will raise their demands to state officials and solve their problems, in addition to this, there is a problem with us, which is the closure of brick factories and the high costs of delivering natural gas to the

ambush, despite the presence of a Canadian grant for this and the visit of Minister of Petroleum Sameh Fahmy with the Canadian ambassador in Cairo to open a natural gas delivery station to prevent pollution. “

Hundreds of demonstrators also participated in the village of Aborjawan in Badrasheen, south of Giza Governorate, and tried to set fire to police cars, videotaping it and posting it on social media platforms. However, the families intervened until the police arrived and arrested them.

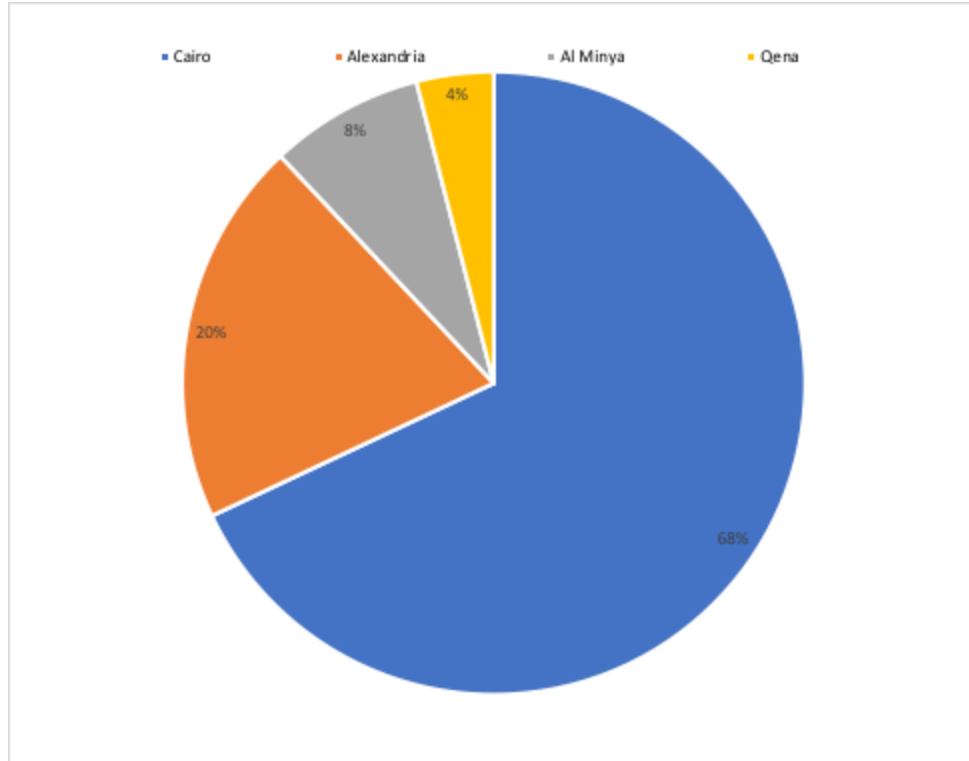
The organization met with a number of eyewitnesses in the village, including: -

(S.A.): “What happened is that the people in Aborjawan heard that there was a march coming from the village of Mazghouna, and we have a large number of people who lost their jobs. Some of them work in brick workshops, builders and those whose homes were removed also participate in the demonstration. The police force was attacked and a rescue car was torched, and that took about an hour and a half, as security forces came and extinguished the fire and arrested a group of demonstrators.

(HM): "The people do not have a relationship with the Muslim Brotherhood. These are people that were incited by some of the Brotherhood to demonstrate due to their loss of their source of income, and they are a defeated people, and some of their families have also been arrested."

The Giza Public Prosecution Office has begun to investigate those who were arrested in the village of Aborjawan in the Badrashin district. They were charged with "inciting riot and violence and joining a terrorist group", and the security services requested complementary investigations about the incident to find out their circumstances. Those accused of committing acts of violence have been investigated in the State Security Prosecution since the dawn of September 21, similar to the events of September 20, 2020.

Regarding the preliminary data received about the arrested which monitored by the organization, we find that the cases of arrest are limited to the governorates of Cairo, Giza, Alexandria, Qena and Minya, and the following table shows the number of cases of those arrested from the different governorates, in percentage:



Fourth: The Recommendations

1. The EOHR urges intervening states to abide by their international obligations to respect the will of the Egyptian people and their right to freedom of opinion without external dictation or intervention. The EOHR believes in the right of people to determine their own destiny and their right to choose or change their leadership through their legislative mechanisms.
2. The EOHR calls on the Attorney General to release all the peaceful protestors that did not participate in violent actions and ensure the provision of human rights to the remaining defendants through a fair trial and decent treatment.
3. The EOHR renews its calls to the legislative authorities to amend the protest law to allow freedom of peaceful protest and assembly in accordance with article 73 of the 2014 constitutions and the obligations stipulated by international human rights conventions which were legislated into law by article 93 of the constitution.
4. Invite the Egyptian political parties to conduct field work to ascertain the needs of the Egyptian public. These reports should be taken up with the political leadership. These moves should fortify the active participation of political parties and their resonance with the Egyptian public.
5. Invite the civil society organizations in Egypt to reassess the geographic location of their development projects to meet the needs of areas with more significant needs.
6. Invite the appropriate local and regional authorities to take into account the enclosed events and look into their cause and find solutions for these issues.

7. The EOHR reaffirms the right to peaceful protests and freedom of expression and the necessity of providing space for descent by the reigning authorities in accordance with the law, the constitution, and international norms and conventions.