



Worrying indications for the future of human rights and minimal, ad-hoc responses under pressure¹

One hundred days have passed since President Mohamed Morsy assumed office to become the first elected president following the January 25 Revolution. At this point, we find ourselves having to review and reflect on the practices and decisions made during this period. Although it may be too soon to accurately gauge the new president's success and achievements, this period gives clear indications of the president's vision, policies, and priorities vis-à-vis the future of human rights in the country.

Ending the power-sharing arrangement with the Supreme Council of the Armed Forces (SCAF) was a significant, positive step, but the president's possession of both executive and legislative authority also carries grave risks and increases the president's responsibility for current practices.

The first 100 days of Morsy's presidency saw other positive developments to achieve justice and improve human rights. President Morsy issued four decrees, three of which ended military trials and thus improved the situation of detainees. The fourth banned pre-trial detention for crimes related to publications. The first decree² created a committee to examine the status of persons convicted in military or civilian trials and detained by the Interior Ministry or other bodies in the period from January 25, 2011 to June 30, 2012. The second decree³ formed a fact-finding commission to look into the killing, attempted killing, and injury of peaceful demonstrators throughout the country in the period from January 25, 2011 to June 30, 2012. The third decree⁴ granted a blanket amnesty for those who committed a felony or misdemeanor while intending to support the revolution in the period from January 25, 2011 to June 30, 2012, whether they had already been tried or only charged pending investigation or trial. The fourth decree,⁵ which abolished pre-trial detention for the crime of insulting the president, was issued the same day a court ordered the editor-in-chief of *al-Dostour* to be detained pending trial. By doing so, the president avoided going down in history as the first post-revolutionary president during whose first one hundred days in office an editor was imprisoned.

Nevertheless, the absence of human rights issues from the president's 100-day plan and his disregard for the proposals of Egyptian human rights groups had an overall negative impact on the decisions he made or failed to make. Despite the positive nature of the decrees noted above, these were isolated steps taken under pressure rather than as part of a comprehensive plan to firmly establish the foundations of a nation governed by justice and the rule of law. Indeed, some of these decrees, such as the decree forming the fact-finding commission, were not consistent with international standards used in such cases. This was also apparent in the failure to make a clean break with past policies of impunity, for example in the decision to honor SCAF leaders, particularly Field Marshal Mohammed Hussein Tantawi and General Sami Anan, without opening independent investigations into incidents for which they are suspected of being responsible. Morsy also appointed the commander of the military police, thought to be responsible for several atrocities, as the military adjunct to China.

¹ Introduction to report prepared by the Cairo Institute for Human Rights Studies about the future of human rights after President Mohamed Morsy's first 100 days.

² Decree 5/2012, issued on July 4, 2012.

³ Decree 10/2012, issued on July 5, 2012.

⁴ Law 89/2012.

⁵ Law 85/2012 amending Law 96/1996 regulating the press.

Certainly, President Morsy inherited an extremely difficult legacy of human rights abuses from the Mubarak and SCAF eras, but the elected president was expected to have a plan to address this legacy, particularly since he was the president of the Freedom and Justice Party (FJP), which held a parliamentary majority, before assuming the presidency. Yet, incidents over the first 100 days showed that human rights issues were absent not only from the president's 100-day plan but from his priorities as well. This led to several crises in his first 100 days in office in addition to a number of violations of the rights to freedom of assembly and peaceful protest, freedom of religion and belief, freedom of opinion and expression, freedom of the press and publication, and rights to labor and education.

The first crisis appeared during the president's first week in office, when he disregarded the judicial ruling dissolving the People's Assembly and, in doing so, the principle of judicial autonomy. The crisis appeared to abate as the Supreme Constitutional Court and the State Council upheld two court rulings settling the matter. However, the issue of judicial independence quickly resurfaced when the president attempted to dismiss the public prosecutor⁶ in violation of the judiciary law, using public dissatisfaction with the prosecutor's weak performance in the trials pertaining to the killing of protestors as an excuse. This decision was closely related to the FJP's desire to marginalize the court in order to expand the powers of the president (who, for the first time in Egypt's modern history, holds both legislative and executive power), so as to further advance the goals of the Muslim Brotherhood.

There have been other moves to exploit public pressure for the reform of certain institutions in order to strengthen the Muslim Brotherhood's control over them, without actually instituting the legislative and institutional reform called for by the Egyptian public.⁷ The reform process thus far has been limited to replacing old regime figures with Brotherhood members or supporters, or those known for their willingness to cooperate with the regime and follow orders. A few symbolic figures with no influence per se, but whose presence lends a revolutionary or reformist facade to the advancement of "Brotherhoodization," have also been included. This process began in the domain of state-owned media, followed by the Supreme Press Council and the National Council for Human Rights, with the public prosecutor and the prosecutorial establishment seemingly next in line.

The second, larger crisis of freedom of the press has not yet subsided; indeed it seems likely to grow in light of the perpetuation of certain policies and practices, the continuation of a political discourse that is intolerant of all political criticism, and the insistence of the majority in the constituent assembly—affiliated with the president's party—on restricting freedom of the press and expression. It should also be noted that President Morsy's government has followed in the footsteps of the SCAF and previous Mubarak governments in its hostility to freedom of association, particularly the freedom to form and operate trade unions and civic associations.

The third crisis is also linked to freedom of opinion and expression. The ruling party has deployed its members and supporters to suppress such freedom, which is a new development in Egypt's modern history. Under the Mubarak regime, the security apparatus instead regularly used thugs to discipline demonstrators and at times targeted female demonstrators with sexual harassment. In the first 100 days of President Morsy's term, members of the FJP—the political arm of the Muslim Brotherhood assembled in front of the Administrative Court to verbally and physically assault opponents of the Brotherhood who had filed lawsuits against them in the courts. They surrounded Media Production City, harassed media figures critical of the Muslim Brotherhood, and vandalized the car of a prominent journalist, the editor-in-chief of *al-Yom al-Sabia*. On several occasions, they harassed demonstrators in Cairo's Talaat Harb Square and forcibly prevented them from reaching Tahrir Square. Finally, on October 12, they violently assaulted a demonstration opposed to the Muslim Brotherhood, the president, the current draft constitution and the constituent assembly, causing more than 100 injuries. Even more

⁶ In fact, rights groups are not satisfied with the performance of most of those who have occupied the post of public prosecutor since 1952.

⁷ It is for this reason that political and rights groups are extremely hesitant to forcefully push demands for institutional reform, such as security reform, fearing that the result will be to indirectly support the "Brotherhoodization" of these institutions.

worrying is that an FJP leader and presidential advisor ordered the members of the Muslim Brotherhood who had assaulted the demonstrators to leave Tahrir Square in order to surround the office of the public prosecutor at 4 pm, and then demanded that the prosecutor either accept his dismissal or face the consequences.

The report addresses the most significant crises and incidents related to liberties and human rights as well as the most important rights-related decisions and actions taken by the president in his first 100 days in office. It analyzes how the president has dealt with these crises and concludes with several recommendations. The president is the head of the executive authority and, under the constitutional declaration, possesses unprecedented legislative and executive powers. He is therefore the party chiefly responsible for all policies and practices. If such policies are not advocated by him, it is his duty to either stop them or dismiss those responsible for carrying them out. This is precisely what the president has done on several occasions, but unfortunately not in the context of human rights policies and practices.

Having reviewed the policies and practices pursued in the first 100 days, CIHRS fears that without a swift, radical reassessment of strategy, the current course will surely lead to an increased and grave assault on several fundamental rights of Egyptians. Assaults on rights might be conducted through limitations in the constitution, in laws, or both, or through the perpetuation of statutory, administrative, and security restrictions on these rights as was prevalent under the rule of Hosni Mubarak and the SCAF. The most significant of these rights are:

1. The right to peaceful assembly and collective political protest, (here, there is the possibility of increased participation by supporters of the ruling party in repressing such practices, as was seen during and after the first 100 days of President Morsy's tenure);
2. The right to freely form and operate NGOs in accordance with international standards (with human rights groups being particularly targeted);
3. The right to form independent trade unions and trade union pluralism;
4. The right to freedom of belief and the exercise of religious rites for non-Sunni Muslims, as well as minority rights in general;
5. Freedom of the press, media, and information;
6. Women's rights.

The current situation is exacerbated by the lack of channels of communication between various political parties and by the sharp political and ideological polarization currently dominating society, including incitement to religious hatred and violence. There is also a risk of political and religious violence, including terrorism. Moreover, this is happening at a time when the authorities clearly do not have the political, security, and social capacities to end the politically, religiously, and socioeconomically motivated violence in the Sinai Peninsula or even draft a comprehensive plan to address this dangerous situation and prevent it from spreading to the rest of the country.