

Long live the Egyptian popular revolution
The dictator has fallen; now it's time to bring down the police state

Roadmap for a nation of rights and the rule of law
Statement by the Forum of Independent Human Rights Organizations

12 February 2011

- **Civilian body to oversee the country's affairs for a one-year transitional period, in conjunction with the armed forces, and the postponement of presidential elections.**
- **Dissolution of the People's Assembly, Shura Council, and local councils.**
- **Civilian figure to oversee the Interior Ministry and the dissolution of State Security Investigations, a crucial pillar of the police state.**
- **The provision of public liberties, particularly the freedom to establish political parties, professional and trade unions, and civic organizations; and the dissolution of the Egyptian Trade Union Federation and the General Federation of Civic Associations.**
- **A new constitution for a civil, democratic state that respects human rights and grants all citizens equal status regardless of religion, belief, or race.**
- **No provision of legal immunity for the former president.**

The Forum of Independent Human Rights Organizations congratulates the Egyptian people for their successful revolution and the removal of the dictator Hosni Mubarak, who denied dignity and humanity to Egyptians for three decades. The Forum especially salutes the revolution's martyrs and the young people who sparked the uprising, creatively mobilized and organized, and bravely fought to achieve the first goal of deposing the dictator under a coalition of youth leaders. The Forum also salutes the peoples of the world, international rights groups, research centers, and the governments who showed their solidarity with the January 25 revolution from the first moment. The Forum urges nations around the world holding the financial assets of former senior officials to facilitate the repatriation of Egypt's looted assets.

Furthermore, the Forum salutes the role of the armed forces in protecting the revolution and supporting its demands up to the achievement of its first goal. In particular, it applauds the third communiqué issued by the Supreme Council of the Armed Forces, which stated that the council "will not be an alternative to the legitimacy approved by the people." As such, the Forum calls on the supreme council to quickly release a timetable for the transfer of power to a civilian body to manage the transition phase to a civil, democratic state that respects human rights, in cooperation with the armed forces, and with the participation of civil society, which can monitor the implementation of the roadmap.

The Forum also urges the Supreme Council to issue urgent directives to Egyptian diplomats abroad, particularly Egypt's representatives at the UN and the UN Human Rights Council, to withdraw from international coalitions hostile to human rights. Egypt's continued diplomatic support in Geneva and New York for the worst dictatorships in the world, and its complicity against upholding the rights of the victims of these dictatorships, is the greatest insult to the martyrs of Egypt's January 25 revolution.

To the civilian body that will assume responsibility in the transitional phase, and to the Supreme Council until such a civilian body is formed, the Forum offers the following proposals:

I. *Dissolve the People's Assembly, the Shura Council, and local councils*, which are the product of the most fraudulent elections in Egypt's history, in order to avoid any challenge to the legitimacy of legislative or constitutional amendments issued by the parliament. Moreover, all officials involved in the administration of elections to these bodies must be investigated.

The Forum believes that holding parliamentary or presidential elections in the current corrupt legislative and political environment will produce results that differ little from the previous elections. Indeed, the next elections must be held after a transitional period of at least one year during which time public liberties are respected in full, particularly the right to form political parties, professional and trade unions, civic associations, and all forms of media.

II. *Take immediate steps to hold accountable those responsible for all crimes committed against Egyptians since the beginning of the uprising on January 25.* This entails:

1. No guarantee of immunity should be granted to former president Hosni Mubarak that prevents holding him accountable for any crimes he may have committed, directly or indirectly, during his time in power. Immunity should be revoked if promises have already been made to the contrary.
2. All officials responsible since 25 January for orders to open fire, killing hundreds of demonstrators, and those responsible for the shutdown of internet and mobile phone services, should be referred to trial, starting with the former interior minister and his aides.
3. All officials responsible for the coordinated withdrawal of security forces and the subsequent release of prisoners, which lead to a wide spread intimidation and terrorizing of citizens, and looting and theft, must be held accountable.
4. An independent judicial body for truth and equity should be formed to investigate and receive complaints of corruption and human rights abuses committed before and after 25 January. The authorities should guarantee and provide every facility to ensure the independence and impartiality of the body. The latter should give priority to the investigation of crimes committed since 25 January.
5. Identify and prosecute those responsible for the massacre in Tahrir Square on 2 February and the attacks on the offices of several human rights organizations on 3 February. The Public Prosecutor's investigation should be transparent and the public should be informed of the findings in a timely manner.
6. The minister of information should be brought to trial for his responsibility for the misinformation campaigns launched by state-owned media, along with one private satellite channel, designed to smear the participants in the January 25 revolution as foreign agents, as well as his orchestration of a xenophobic campaign of incitement to hatred and violence against foreigners. It should be noted that these orchestrated media campaigns harmed the tourism sector and cost the nation enormous material and moral losses that

will take years to recover. The CEOs and chief editors of state-owned papers that participated in these campaigns must be dismissed.

7. Stop all prosecutions, arrests, and harassment of political activists, journalists and foreign correspondents, and human rights defenders; immediately end the military police's participation in civilian police affairs and their involvement in arrests and detentions; immediately investigate all human rights violations; immediately release all those detained by the military police; and, refer those suspected of violations of the general law to the civil investigating authorities.

III. *Take immediate measures to uproot the police state and reinstate the rule of law.* This entails:

1. Dissolve the State Security Investigations Services, a vital pillar of the police state responsible for disappearances, brutal torture, arbitrary detention, the sabotage of political parties, the restrictions on human rights groups, and the erosion of Egyptians' dignity and the rule of law.

2. Appoint a civilian figure from outside the police apparatus to oversee the Interior Ministry and end the Interior Ministry's hegemony over the Public Prosecutor's Office and its usurpation of some prerogatives of the Justice Ministry.

3. Issue an immediate declaration rescinding the exceptional state of emergency, which has led to the collapse of sovereignty of the law and the independence of the judiciary, and under which torture, abductions, and extrajudicial killings have increased, human dignity denied, and court rulings disregarded.

4. Any urgent constitutional reform must involve the abolition -not the amendment- of Article 179 of the constitution, which aimed to normalize the state of emergency by legalizing the exceptional powers of the security apparatus under the emergency law to arrest, search, and engage in the surveillance of telephone communications, written correspondence, email, and the internet.

5. Immediately release all political prisoners and detainees and review the status of their convictions, which involves retrials for those prosecuted in exceptional courts before their natural judge or amnesties; and, release those held in administrative detention under the emergency law without charge or trial, and reform penal institutions to bring them in line with international norms.

IV. *Adopt a comprehensive program for far-reaching constitutional and legislative reforms* that will pave the way for democratization and respect for human rights, in accordance with a specific timetable. This program should include:

1. Constitutional reform

The amendments introduced in 2007 to the infamous 1971 Constitution, damaged it beyond repair. As such, the Forum proposes:

a. Draft a new constitution that will have enshrined in it the separation of powers, end the executive's absolute control over the legislative and judicial authorities, and limit the absolute authorities given to the president.

b. Guarantee the right of all individual citizens to run for the office of president and limit the presidency to no more than two four-year terms.

c. Restrict the authority of the president to declare a state of emergency, ensuring that it can only be invoked for a limited period and only in cases of war, armed internal unrest, or natural catastrophes. In all cases, it should be limited to the affected areas of the country.

d. Establish the civil nature of the state as a state for all its citizens based on the principles of equality and impartiality toward all citizens regardless of religion, belief, gender, or race. Competence should be the sole standard used to determine appointment to the civil service.

e. Guarantee freedom of religion and belief for all citizens without discrimination and criminalize incitement to religious hatred and sectarian violence.

f. Guarantee the independence of state-owned media from the executive so that it can accurately reflect the intellectual, political, cultural, religious, ideological, racial, and social diversity of Egyptians.

g. Enshrine the sovereignty of constitutional guarantees for rights and public freedoms above all other supplementary legislation.

h. Enshrine the hierarchy of international human rights agreements above Egyptian legislation, making them invulnerable to abrogation, amendment, or suspension by any subsequent law.

2. Legislative reform

a. Abolish the political parties' law (Law 40/1977) and its amendments and adopt a law grounded in international norms that protect the freedom of association, guaranteeing the freedom to establish political parties and gain legal status by notice alone. The regular judiciary should have jurisdiction over the establishment and operation of political parties.

b. Guarantee the right to diversity in professional and trade unions in accordance with international norms; abolish Law 35/1976 on trade unions and its amendments, which imposes government tutelage over trade union activity, erodes labor freedoms, and establishes a unilateral, hierarchical structure that entrenches trade-union uniformity; and, dissolve the Egyptian Trade Union Federation.

c. Abolish Law 100/1993 on professional syndicates and its amendments, conduct elections in professional syndicates, and guarantee the right of unions, syndicates, and trade federations to draft their own bylaws free from government tutelage and hegemony.

d. Abolish the NGO law (Law 84/2002), dissolve the General Federation of Civic Associations and the regional federations, and refer to relevant articles in the civil code while observing international norms that guarantee the right to association, particularly the following provisions:

- Recognition of all forms of civic association without restriction or discrimination.
- The establishment of civic associations by notice only, without the need for a permit.
- The general assemblies of NGOs must have the sole authority to determine the policies of civic associations, their articles of incorporation, and the composition of their boards.
- Guarantee the right of NGOs to establish general federations, networks, and alliances without administrative tutelage, as well as the right to join international and regional networks and alliances.
- Prohibit the dissolution of NGOs or the dismissal of their boards by administrative order.
- Prohibit the dissolution or suspension of any NGO but by a court order subject to appeal.
- Guarantee the right of civil society institutions to develop their resources and receive the necessary funding for their activities.

e. Take the necessary legislative measures to ensure freedom of the media by:

- Ending the control of the executive and its ruling party over state-owned media; taking action to restructure the radio and television broadcasting to strengthen diversity, competition, and free, democratic expression; and, transform the state-owned visual and written media into organizations at the service of the public that enjoy administrative, financial, and programming independence and with representative boards whose members are chosen based on competence and in consideration of a diversity of views and trends.
- Grant the authority to license visual and aural media outlets to a national media council, composed of independent figures, which is not subject to the tutelage of the executive. The law establishing this council should guarantee the right of judicial review of any of its decrees.
- Abolish legislative and administrative restrictions on the circulation of information and the right of citizens to information, and adopt a law that guarantees media workers the right to access and publish information and punishes the obstruction of this right.
- Abolish penal provisions that mandate prison time for publication crimes; prohibit provisional detention for these crimes, including the crime of insulting the president; and, review provisions in the Penal Code and publications law to ensure that they cannot be used to stigmatize or limit freedom of opinion, expression, or the media.

f. Amend the judiciary law to guarantee the independence of the Public Prosecutor from the executive, prohibit intervention by the Justice or Interior Ministry in the legal process, guarantee that the general assemblies of the courts have the right to refer cases to the competent judges without interference, and uphold the independence of judges' clubs.

g. Amend the law on the National Council for Human Rights to compel relevant state agencies to provide it with the necessary information and reports, respond to citizen complaints referred to them by the council, and reconsider the composition of the council to ensure real independence by appointing at least one-third of its members from independent human rights organizations.

h. Amend Article 126 of the Penal Code on punishment for crimes of torture in accordance with the comprehensive definition of the crime and its perpetrators as included in Article 1 of the UN Convention Against Torture: amend the Code of Criminal Procedure to guarantee victims of grave police violations or their families the right to file a criminal suit

against those responsible for these abuses; and, stiffen the penalties for crimes of torture and prohibit discretionary leniency or clemency in sentencing to ensure the proper penalty for these crimes.

i. Take legislative measures to ensure that civilians cannot be prosecuted before military tribunals and limit the jurisdiction of the military judiciary to military personnel who have committed crimes and violations in their units or during the course of duty.

3. Electoral reform

a. Amend the law on the exercise of political rights and Law 174/2005 on the regulation of presidential elections to end the Interior Ministry's control over general elections, including presidential polls, and grant oversight of all elections to one independent judicial body chosen by judges through the courts' general assemblies. This body should be given the authority necessary to fully supervise the electoral process, starting from the preparation, review, and updating of voter rolls, and including the receipt of declarations of candidacy and challenges to them, the drawing of electoral districts and polling stations, the drafting of campaign rules and guarantees of compliance with them and the implementation of the legal provisions that criminalize thuggery, violence, and coercion of voters and vote-buying, as well as the use of religious slogans or houses of worship, public monies, or state facilities to support particular candidates. This body should also be responsible for announcing election results. This requires the establishment of judicial policing under the authority of the body, not subject to the Interior Ministry, to guarantee its directives are implemented.

b. Adopt a proportional, open list system, which can guarantee better representation for political parties and empower social sectors that have long been marginalized in political life.

c. Legalize the right of NGOs to monitor elections at all stages, facilitate their ability to act independently, end the National Council for Human Rights' monopoly over permits for election monitoring, and accept international monitors for general elections.

d. Reconsider state funding for political parties in general elections to provide funding and incentives to encourage parties to include young people, women, and others besides Sunni Muslims on their electoral lists.

e. Implement court orders that ban police guards from university campuses, end security interference in student activities and academic and faculty appointments, end security and administrative intervention in faculty clubs and student union elections, and uphold the right of students to draft new bylaws for student unions.

V. *Draft a clear plan for the gradual activation of all economic, social, and cultural rights to meet the demands of the January 25 revolution, especially a minimum wage and pension standard that is commensurate with the cost of living.*

Signatory organizations

- Cairo Institute for Human Rights Studies
- Andalus Institute for Tolerance and Anti-Violence Studies
- Arab Network for Human Rights Information
- Association for Freedom of Thought and Expression
- Center for Egyptian woman's Legal Assistance
- Hesham Mubarak Law Center
- Misryon Against Religious Discrimination
- New Woman Research Center
- The Arab Penal Reform Organization
- The Egyptian Association for Community Participation Enhancement
- The Egyptian Center for Economic and Social Rights
- The Egyptian Initiative for Personal Rights
- The Human Rights Association for the Assistance for the Prisoners