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Egypt: Key human rights concerns ahead of presidential elections

Egypt's presidential elections will not wipe the country's human rights record clean after 10 months of gross violations, Amnesty International said today.

Instead, the organization has warned that the human rights situation is likely to continue to deteriorate, with neither of Egypt's two presidential candidates pledging any human rights reforms, nor action to hold those responsible for abuses to account. Instead, both candidates have made a crackdown on the Muslim Brotherhood movement a signature issue.

Presidential candidate Abdel Fattah El Sisi, the former minister of defence and deputy prime minister for security matters, has stated that the Muslim Brotherhood will not exist under his rule. Hamdeen Sabahi, Egypt's other presidential candidate, has said that "there is no place for the Muslim Brotherhood in the political life, whether as a party or a group".¹

Amnesty International acknowledges that the security situation has deteriorated in the months following Mohamed Morsi's ousting, with army checkpoints, security personnel and government buildings all coming under increased attacks. The media has reported that attacks against the security forces have left hundreds of security personnel dead since 3 July 2013.² Attacks have also appeared to increasingly target ordinary Egyptians. The organization denounces indiscriminate attacks, as well as attacks targeting civilians by armed groups.

It is the responsibility of the state to uphold the rights to life and security of people and bring those responsible for violent attacks to justice. However, in doing so Egypt must not use it as an excuse to crackdown on freedoms of expression, peaceful assembly and association.

Since Mohamed Morsi's ousting as president on 3 July 2013, the country has witnessed human rights abuses on an unprecedented scale. Hundreds of people have died in protests and political violence – many at the hands of the security forces. The nadir came on 14 August 2013, when security forces used excessive force – including lethal force – to dismantle two sit-ins by Morsi supporters in Nasr City and Giza, killing over 600 people in a single day and triggering a wave of political violence, as well as sectarian attacks on Coptic Christians. The violence that followed the dispersal led to the killing of another 622 people across the country until 17 August 2013, according to a report by the National Council for Human Rights.³ Following the ousting of Mohamed Morsi on 3 July, more than 1,400 people have died in protests and political violence.

Thousands of people now languish in detention as part of the authorities' crackdown on the Muslim Brotherhood movement and supporters of Mohamed Morsi. Amnesty International has received new reports of torture and other ill-treatment in police stations and prisons, including military prisons, as well as deaths in custody. The organization has also documented grossly unfair trials in which civilian courts have agreed to sentence hundreds of people to death, and military courts have tried journalists for criticising the army.

The authorities have arbitrarily restricted freedoms of expression, association and assembly. A widening crackdown has targeted both supporters of the Muslim Brotherhood and others critical of the interim authorities, including journalists, political activists and human rights organizations. The interim authorities have jailed both supporters and opponents of Mohamed Morsi, including individuals considered by Amnesty International to be prisoners of conscience.

The government has also carried out the forced eviction of hundreds of families, imprisoned and forcibly returned scores of refugees and asylum seekers fleeing the conflict in Syria and others at risk of torture and other serious violations, and failed to protect women and minorities from discrimination and violence.

Instead of holding security forces accountable for human rights violations, the authorities have given them more powers to commit abuses. In November, the president signed a new law giving the Interior Ministry sweeping powers over protests, including to use firearms against peaceful protestors. The government is finalizing new counter-terrorism legislation which, if passed, would undermine safeguards against arbitrary arrest and torture and expand the scope of the application of the death penalty. The authorities have trumpeted a new constitution adopted in January 2014 that prohibits gender discrimination, but have routinely flouted its safeguards against torture and other ill treatment and its guarantees of freedoms of expression, peaceful assembly and other human rights.⁴

The results of Egypt's elections will reverberate beyond the country's borders. While the USA and EU have announced they have suspended transfers of military aid, the elections may provide them cover to resume shipments of arms and equipment that facilitate human rights violations. Whoever emerges as the winner, Egypt's authorities have made it clear that they will co-operate with the other states in the Middle East and North Africa, and beyond, to uproot those they claim are responsible for "terrorism", including the Muslim Brotherhood.

To stop the cycle of repression and political violence, Egypt's next president should take the action needed to stop gross violations of human rights by the state and protect against serious human rights abuses by non-state actors, end impunity and ensure justice for victims and their families. To do so, authorities must ensure effective, independent and impartial investigations into all credible reports of abuses.

The country's partners should not use the elections as a cover to return to "business as usual" with Egypt. Instead, there must be an acknowledgement of the scale and seriousness of the human rights violations committed in the last 10 months.

Amnesty International urges Egypt to commit to making the findings of its investigations into human rights abuses public. Furthermore, given the country's poor record on accountability, the organization encourage the authorities to provide regular updates on their progress to the UN Human Rights Council. Should Egypt fail to make real progress towards accountability, the Human Rights Council should establish alternative mechanisms to do so.

As an immediate step, Amnesty International is also urging the Egyptian authorities to allow the visits of UN Special Rapporteurs and other human rights experts, many of which have been awaiting government permission for years.

Amnesty International has a range of concerns about the situation in Egypt:

Excessive force by the security forces

The security forces have repeatedly used unnecessary and excessive force – including lethal force – to disperse protests. Since 3 July 2013, over 1,400 people have died in political violence, many after security forces forcibly dispersed protests by Mohamed Morsi's supporters.

- Security forces killed at least 600 people when they used excessive force to disperse pro-Morsi protesters at Rabaa al-Adawiya Square and al-Nahda Squares in Cairo on 14 August 2013.⁵ Eight members of the security forces also died in the ensuing violence. The number of deaths and injuries on a single day dwarfed even that of the 2011 uprising.
- On the third anniversary of Egypt's 2011 uprising, security forces sought to prevent anti-government gatherings, breaking-up marches and rounding up hundreds of protesters and bystanders. At least 64 people were killed and hundreds injured in the violence that broke out as security forces tried to clear the protests.

Torture and other ill-treatment

Detainees have frequently complained of severe beatings by the security forces during their arrest, their arrival at police stations and during their transfer between prisons, as part of so-called "welcome parties". They include supporters of Mohamed Morsi, as well as political activists and others who have criticized the interim authorities. Some detainees, including those arrested on the third anniversary of the 2011 uprising, were subjected to electric shocks. Amnesty International has also documented instances in which detainees held in conditions amounting to enforced disappearance faced torture in order to extract "confessions".

- Security forces repeatedly beat detained journalist Abdallah Elshamy in the weeks following his arrest on 14 August 2013, according to information available to Amnesty International. The beatings included during his initial detention at a police station and then upon his transfer to different prisons.⁸ He is currently on hunger strike in protest at his continued detention. He was recently moved to solitary confinement in a maximum-security prison (known as Al-Aqrab, "The Scorpion") as a punitive measure for his hunger strike. Amnesty International considers the journalist, who works for Al Jazeera Arabic, to be a prisoner of conscience.
- Security forces arrested and beat scores of protesters on the third anniversary of the uprising on 25 January 2014. One told Amnesty International: "...the walls of the cell were smeared with blood... I was beaten so hard that I was thrown from one side of the room to the other".9
- Egyptian lawyers and activists have a list of at least 30 civilians who are reportedly being held in secret at Al Azouly Prison inside Al Galaa Military Camp in Ismailia, 130km north-east of Cairo. Former detainees there have told Amnesty International that many more possibly up to 400 could be held in the three-storey prison block. The detainees have not been charged or referred to prosecutors or courts, and have had no access to their lawyers or families. One former detainee told Amnesty International: "They took off my clothes and gave me electric shocks all over my body during the investigations, including on my testicles, and beat me with batons and military shoes. They handcuffed me from behind and hung me on a door for 30 minutes. They always blindfolded me during the investigations. In one interrogation they burned my beard with a lighter."

Crackdown on Mohamed Morsi's supporters

The security forces have led a sweeping crackdown on individuals perceived to be supporters of Mohamed Morsi, arresting thousands and holding them in prisons – at least 16,000 people according to official estimates. ¹⁰ The Prosecution has ordered the continued detention of many of those arrested, pending criminal investigation, but without formal charges. Some have faced months of such preventive detention. In other cases, civilian courts have handed down heavy sentences of up to life imprisonment for those accused of involvement in political violence and belonging to a "banned group engaged in terrorist activities".

In September 2013, a court banned the activities of the Muslim Brotherhood movement and the next month the authorities struck it from the list of approved non-governmental organizations and closed at least 1,055 associations affiliated with the movement without separately investigating their activities. In December 2013, the government declared the Muslim Brotherhood to be a "terrorist organization" but have yet to produce evidence linking it to specific attacks.

- Ousted president Mohamed Morsi is currently on trial in three separate criminal cases on allegations of espionage, involvement in political violence and staging a jail-break during the 2011 uprising. He will also face trial for insulting the judiciary.¹¹ The army and security forces arrested Mohamed Morsi and nine of his aides on 3 July 2013 and detained them for months in conditions amounting to an enforced disappearance. Aide Khaled al-Qazzaz does not face criminal charges, despite months in detention.
- Security forces arrested peaceful protesters Abrar Al-Anany, Menatalla Moustafa and Yousra Elkhateeb on 12 November 2013 at Mansoura University, following clashes between supporters and opponents of the Muslim Brotherhood which eyewitnesses, university security and the women's lawyers say they were not involved with. On 21 May, a court sentenced the women to between two and six year-prison sentences. They are currently imprisoned in Mansoura Public Prison. Amnesty International considers them to be prisoners of conscience.¹²
- Security forces arrested high-school student Khaled Mohamed Bakara on 25 November 2013, after his teachers saw him with stationery that had symbols used by the Muslim Brotherhood. He was released on bail of 500 Egyptian pounds (US\$72) on 22 December 2013, but he may still face criminal charges and trial.¹³

Widening restrictions on the rights to freedoms of expression, association and peaceful assembly In the months after 3 July 2013, the authorities' intolerance of dissent has widened to encompass anyone who has dared to criticize them, or challenge their narrative of the events around Mohamed Morsi's ousting. Those targeted include opposition and human rights activists and journalists.

The authorities have arbitrarily restricted freedom of expression. Journalists and media workers who have reported

on abuses or criticized the authorities have faced harassment, arrest and trial on accusations of spreading false rumours and belonging to banned terrorist groups. The authorities have also raided and closed down a number of television stations known for their support of Mohamed Morsi.¹⁴

- Al Jazeera English staff **Mohamed Fahmy**, **Peter Greste** and **Baher Mohamed** are on trial in Egypt, charged with broadcasting false news and involvement with the Muslim Brotherhood. All three men are prisoners of conscience.¹⁵
- Journalist **Ahmed Abu Deraa** faced a military trial following his arrest in September 2013, after suggesting that military operations in the Sinai were targeting ordinary Egyptians, mosques and homes. On 5 October 2013, a military court gave him a six-month suspended prison sentence. ¹⁶
- Journalists **Amr Al Qazzaz** and **Islam Farahat**, from the Rassd network, were arrested in November 2013 for leaking videos of Abdel Fattah El Sisi and a number of government documents. The two journalists stood trial before a military court, which acquitted Amr Al Qazzaz but sentenced Islam Farahat to one year in prison and a fine of 500 Egyptian pounds (US\$70).¹⁷

The authorities have continued to suppress the work of human rights organizations. The government places unreasonable restrictions on the registration, funding and activities of civil society organizations, and it is drafting legislation that would further constrain freedom of association. The authorities have also cracked down on mass activist movements that have criticized their record on human rights and political freedoms.

- On 22 May 2014, security forces raided the Egyptian Center for Economic and Social Rights, briefly arresting at least 15 activists and lawyers. According to one of those released, the security forces beat the activists with their hands and rifle butts. Some of the women activists also allegedly faced sexually harassment during the arrests. The raid was the second one on the centre in six months.¹⁸
- On 28 April 2014, the Court of Urgent Matters banned the activities of the 6 April Youth Movement and ordered the authorities to shut down its headquarters, after ruling the group was involved in "co-operating with foreign states, including the US, to cut the US [military] aid, possessing weapons, protesting and spreading chaos in the country", and had "distorted Egypt's image". The movement had led many of the mass protests during the 2011 uprising.

The authorities have also imposed new restrictions on freedom of peaceful assembly. In November 2013, the president signed a new law on protests, giving the Interior Ministry sweeping powers over demonstrations and forcing protest organizers to inform the authorities 72 hours in advance before staging any demonstration. The security forces have used the law to forcibly disperse protests staged by Mohamed Morsi's supporters, as well as by other political groups and human rights movements.

- On 26 November 2013, the security forces in Cairo used excessive force to break up a peaceful protest against the new law on demonstrations, staged by the "No to Military Trials" group outside the parliament building. Security forces arrested dozens of people at the scene and subsequently detained 24 men, later arresting prominent activist Alaa Abd El Fattah at his home. At time of writing, all have been released, though Alaa Abd El Fattah and protester Ahmed Abdel Rahman spent over three months in detention. They and 23 others still face trial for breaking the protest law.¹⁹
- On 22 December 2013, a court jailed leading political activists Ahmed Maher and Mohamed Adel and blogger Ahmed Douma for breaking the protest law. They are currently serving three-year prison sentences. Ahmed Maher and Mohamed Adel are leading members of the 6 April Youth Movement. Amnesty International considers the three men to be prisoners of conscience.²⁰
- On 21 May 2014, an Alexandria court upheld a two-year prison sentence for human rights lawyer and activist **Mahinour EI-Masry** and a number of other activists for staging an "unauthorized protest", "assaulting the security forces", "blocking roads" and several other charges. The charges related to a protest held outside an Alexandria criminal court which was re-trying two police officers accused of killing Khaled Mohammed Said in June 2010. The young man's death, after he was publicly beaten by the security forces, sparked widespread anger in Egypt and helped to spark the "25 January Revolution".

Lack of accountability

Despite the scale of human rights violations, the authorities have failed to ensure effective, independent and impartial investigations. Security forces have continued to commit abuses with little to no prospect of judicial bodies holding them to account, with the Public Prosecution failing to conduct adequate investigations, and courts routinely acquitting the few members of the security forces who have faced trial.

In March 2014, state media reported that the government had ordered the judiciary to investigate the violence at Rabaa al-Adawiya, but there is little guarantee that any such investigation would be independent or impartial.²¹ A fact-finding committee appointed by President Adly Mansour last year to investigate human rights violations since 3 July 2013 does not have powers to compel government bodies to co-operate with its inquiries, and it is unclear whether the report will be made public or if the Prosecution will use its findings to initiate criminal prosecutions.

■ On 18 March 2014, a criminal court jailed a police captain for 10 years for his role in the killing of **37 detainees on 18 August 2013**, who died when security forces fired tear gas into the police vehicle transferring them to Abu Zaabal Prison. Three lower-ranking members of the security forces also received one-year suspended sentences. The case is the only incident in which courts have held security forces accountable for human rights violations after 3 July 2013.

Selective justice and unfair trials

In practice, the judiciary has focused on abuses allegedly committed by Mohamed Morsi's supporters, while ignoring gross human rights violations by the security forces.

In some cases, trials have been grossly unfair and have violated both Egyptian law and international standards. The Public Prosecution has frequently referred mass trials to court, with dozens or even hundreds of defendants all facing the same set of charges, with apparently little or no evidence of individual criminal responsibility. In many cases, the Public Prosecution has relied almost entirely on police "witnesses", without presenting any other material or audio-visual evidence. Defence lawyers have also reported difficulties in obtaining case files and evidence against their clients, jeopardising their ability to prepare an effective defence.

- On 28 April 2014, a criminal court in the Upper Egypt city of Minya sentenced **37 people to death and 491** others to life in prison following a grossly unfair trial.²² All faced charges of involvement in an attack on a police station in the village of Mattay on 14 August 2013, murdering a police officer and attempted murder of two other police officers, as well as belonging to the banned Muslim Brotherhood movement. The court had agreed to sentence 528 of the defendants to death in a previous session. However, the court panel announced in its trial on 28 April that there had been a misapplication of the law and accordingly it called on the prosecutor to challenge the verdict and file again for the death sentence.
- In a separate hearing on 28 April 2014, the Minya Criminal Court agreed on death sentences for a further **683 people**. They included **Mohamed Badie**, the detained General Guide of the Muslim Brotherhood.²³ All faced charges of involvement in deadly violence around the police station in the village of al-Adwa, in Minya governorate, on 14 August 2013. No defendants were present in court, though the security forces are holding 74 of them in detention, a defence lawyer told Amnesty International. The court will formally hand down the sentences on 21 June 2014.²⁴

In at least one case known to Amnesty International, civilian supporters of Mohamed Morsi have faced an unfair trial before a military court.

■ On 6 May 2014, a military court sentenced **five civilians** to one year in prison. They included Khaled Hamza, the former editor of Muslim Brotherhood website Ikhwanweb. Military police had arrested the men, all supporters of Mohamed Morsi, on 25 February 2014 at the border with Sudan while trying to leave the country.²⁵ Their lawyers have said the men faced torture and other ill-treatment in detention.

The authorities have also judicially harassed political activists opposed to both the Muslim Brotherhood and the interim government and other government critics, prosecuting them on trumped-up criminal charges.

• On 5 December 2013, a court sentenced activists **Mona Seif**, **Alaa Abd El Fattah**, **Ahmed Abdallah** and nine others to one-year suspended prison terms for participating in a gathering that "endangered public safety".

The Public Prosecution charged them with attacking the campaign headquarters of a presidential candidate in May 2012. The court handed down its verdict based on unreliable witnesses and scant evidence.²⁶

Continued discrimination

Women and Coptic Christians faced a rising tide of violence and discrimination at the peak of the political turmoil.

Women protesters participating in demonstrations around Tahrir Square faced a wave of sexual violence, with over a hundred attacks around Tahrir Square reported in the week of 30 June 2013 alone. Despite the level of violence, and the fact that attacks regularly take place during protests, the authorities have taken little action to stop or investigate them, or to bring those responsible to justice.²⁷ The interim authorities have approved a new law to combat sexual harassment, but have yet to promulgate it.

Coptic Christians faced an unprecedented level of violence after the Rabaa al-Adawiya dispersal on 14 August 2013; sectarian attacks left four dead and 200 Christian properties and 43 churches damaged. The Egyptian authorities said the attacks were "terrorism", yet failed to ensure adequate, impartial and independent investigations – including into the security forces' failure to prevent and stop the violence.

■ A mob killed Coptic Christian **Iskandar Tous** in his home in the village of Delga, in Minya, on 14 August 2013. The men mutilated his body and dragged it through the streets, pulled by a tractor. Iskandar Tous, 60, was a father of nine. After his family buried him, his body was dug out of its grave on two occasions.²⁸

Since Mohamed Morsi's ousting, Amnesty International has also received renewed reports that security forces have arrested groups of individuals on the basis of their perceived sexual orientation or gender identity.

Human rights abuses and rising political violence

Both supporters and opponents of Mohamed Morsi committed human rights abuses in the protests around the former president's ousting in July 2013.²⁹ In most cases documented by Amnesty International, security forces failed to police protests adequately to defuse the situation or to protect the right to life.

The security situation has deteriorated in the months following Morsi's ousting, with army checkpoints, security personnel and government buildings all coming under increased attacks. While the violence has mostly affected North Sinai, it has increasingly spread to other regions. Violence targeting the security forces in the four days following Rabaa al-Adawiya left 64 police officials dead, according to a recent report by the National Council for Human Rights.

Amnesty International condemns human rights abuses regardless of the perpetrators and the organization categorically denounces indiscriminate attacks and attacks targeting civilians by armed groups. No cause can ever justify such attacks. However, Amnesty International is concerned that the authorities are using the deteriorating security situation as a pretext to repress all forms of perceived opposition, including those who use lawful and peaceful means of protest. The Egyptian government has the right and duty to protect lives and prosecute those responsible for crimes, but they must not sacrifice human rights in the name of "countering terrorism".

On 3 April 2014, the Cabinet approved counter-terrorism legislation which, if now formally adopted, could impose further arbitrary restrictions on freedoms of expression, association and peaceful assembly and erode fair trial safeguards. In practice, the authorities are likely to use any new counter-terrorism powers to crack down on the Muslim Brotherhood and other opponents.

The right to adequate housing

The authorities have failed to uphold the right to adequate housing for residents of informal settlements. The authorities have taken some measures to identify and address unsafe areas, but have yet to evacuate some hazardous areas and re-house the residents. The authorities continue to carry out forced evictions in informal settlements.

Amnesty International is also concerned that government plans to develop Egypt by the 2050s may also lead to mass forced evictions.³⁰ In May 2014, the government announced that it was implementing the first stage of the plan in El Alamein.³¹

■ On 18 February 2014, the Cairo Governorate **forcibly evicted at least 1,200 families** and demolished their homes.³² Families said the authorities did not give them any warning or alternative housing. The evictions left at least 300 families homeless.

The rights of refugees, asylum seekers and migrants

The Egyptian authorities do not respect the rights of refugees, asylum seekers and migrants in Egypt. The security forces regularly arrest refugees, asylum seekers and irregular migrants crossing into Egypt, sometimes using excessive force against them.³³ Sudanese activists in Egypt have faced harassment and threats of forcible return (*refoulement*).³⁴ Refugees from Syria have faced arbitrary arrests and unlawful detention, and some have faced *refoulement*.³⁵ The authorities have failed to end human rights abuses by criminal groups holding refugees, asylum-seekers and migrants captive in the Sinai Peninsula.³⁶ The Office of the United Nations High Commissioner for Refugees (UNHCR) has registered 137,560 refugees from Syria in Egypt.³⁷

Endnotes

¹ See: video of Abdel Fattah El Sisi: http://www.bbc.co.uk/arabic/middleeast/2014/05/140505_egypt_sisi_interview.shtml and: video of Hamdeen Sabahi: https://www.youtube.com/watch?v=LdpJm7JaC-k

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- ³ See report by National Council for Human Rights, 17 March 2014, pp34 and 35, available at: http://www.almasryalyoum.com/news/details/412470
- ⁴ See: Amnesty International, "Egypt constitution draft improved text amid ongoing violations" (Index: MDE 12/076/2013), 9 December 2013: http://www.amnesty.org/en/library/info/MDE12/076/2013/en
- ⁵ Sources at the forensic department told Amnesty International that they conducted 377 autopsies on individuals killed in Rabaa al-Adawiya during the dispersal and a medical committee examined a further 173 bodies at the Imam Mosque. In a report published in March 2014, the National Council for Human Rights put the death toll at 624 "civilians", drawing on additional figures from hospitals and other sources. The Muslim Brotherhood subsequently rejected the findings of the NCHR's report into the violence. See: Amnesty International, *Egypt: Security forces must show restraint after reckless policing of violent protest*, 23 August 2013: https://www.amnesty.org/en/news/egypt-security-forces-must-show-restraint-after-week-irresponsible-violence-2013-08-23; "Summary of the National Council for Human Rights fact-finding mission about the disperse of Raba'a Al-Adaweya sit-in", National Council for Human Rights, March 2014, p8:

http://www.nchregypt.org/media/ftp/rabaa%20report%20translation.pdf; and "Muslim Brotherhood: Rabaa Coup False Report Will Never Cover Up the Truth", Ikhwanweb, 7 March 2014: http://www.ikhwanweb.com/article.php?id=31588

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- ⁸ For more information about the case, see: Amnesty International, *Egypt: Journalist jailed after reporting on protest: Abdallah Elshamy* (Index: MDE 12/022/2014), 28 April 2014: http://www.amnesty.org/en/library/info/MDE12/022/2014/en
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- ¹⁰ As obtained by the Associated Press, based on discussions with military and security sources. See: "Egypt crackdown brings most arrests in decades", Associated Press, 16 March 2014. WikiThawra, a joint effort by activists to document arrests, documented 21,000 arrests to 31 December 2013.
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- ¹² For more information about the case, see: Amnesty International, *Three women jailed on trumped-up charges* (Index: MDE 12/021/2014), 17 April 2014: http://www.amnesty.org/en/library/info/MDE12/021/2014/en
- ¹³ For more information about the case, see: Amnesty International, *Further information: Egyptian school boy released on bail: Khaled Mohamed Bakara* (Index: MDE 12/001/2014), 8 January 2014: http://www.amnesty.org/en/library/info/MDE12/001/2014/en
- ¹⁴ Immediately after Mohamed Morsi's ousting on 3 July 2013, the authorities took at least six channels known for their support of the president off-air and raided their offices. The channels are Al Hafez, Al Jazeera Mubasher Misr, Al-Khalijia, Misr 25, Al-Nas and Al-Rahma.
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- ²⁴ See testimonies at: Amnesty International, *'There is no justice in this country anymore' Egypt's mass death sentences*, 29 April 2014: http://livewire.amnesty.org/2014/04/29/there-is-no-justice-in-this-country-anymore-egypts-mass-death-sentences/
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