

Summary of the National Council for Human Rights fact-finding mission about the disperse of Raba'a Al-Adaweya sit-in

First: The violations committed during the sit-in and its disperse

1. The violations committed during the disperse of the sit-in:

1.1. Extrajudicial killings:

The report and the testimonies documented some crimes that led to the death of some citizens who were present for various reasons in the Raba'a and Nahda sit-ins. The causes of death often resulted from torture or cruelty which is reinforced by the testimonies of the survivors of torture during the sit-in. The Egyptian Forensic Medical Authority received in sporadic dates prior to the disperse of the sit-in a number of corpses: 6 cases in the surroundings of the Raba'a sit-in, two cases in Al-Orman garden inside Al-Nahda sit-in, and three cases in a garbage dump in Al-Omraneya area, the total number of cases is 11 resulting from severe torture that led to their death according to the report of the Forensic Medical Authority, which is considered to be a flagrant violation of the right to life , protected by the International Covenant on civil and Political Rights , which expressly provides for the right man not to be deprived of his life arbitrarily , as well regarded as an offense under the provisions of the Egyptian Penal Code.

2.1 Torture and cruel and inhuman treatment

According to the testimonies received by the committee, the groups that were responsible of securing the sit-in exposed some of the citizens who were present inside or in the parameters of the Raba'a sit-in for various reasons to torture and cruel treatment. The victims were taken to unknown locations inside the sit-in that were probably allocated for this purpose. They used to investigate with the victims in these places, as they had doubts that they belonged or were sent by security forces. The victims were severely beaten with different tools and the torture traces were documents in the official records done by the survivors, which is considered to be a flagrant violation of the right to physical integrity and the right of man not to be subjected to torture or the use of cruelty, according to the provisions of the International Covenant on Civil and Political Rights and in accordance with the provisions of the International Convention Against Torture, while those actions do not constitute torture under the provisions of Egyptian law because they were not the employees in charge of public service, and are viewed as crimes of

beating or the use of cruelty. Therefore, the Egyptian legislator is urgently required to revise the penal provisions relating to the definition of torture, according to the International Convention Against Torture.

3.1 Forcible detention and illegal arrest

Many citizens were arrested by the administration of the sit-in, in order to investigate with them through the groups securing the sit-in as mentioned above, or against some individuals who used to provide services to the sit-in and they were forced to hand their identity cards to prevent them from moving without the permission of the sit-in administration, representing an arbitrary detention in violation of the law, which should only be practiced by public authorities according to the law, such act represent an assault on the human right to not be caught one, but the law and by the authorities empowered to do so, and it's considered to be an assault on the right to freedom of movement, which represent a violation of the provisions of the International Covenant on civil and Political Rights, as well as the provisions of Egyptian law .

4.1 The exploitation of children in Political conflicts

The Muslim Brotherhood and its supporters used children in the political conflict with their opponents. They forcibly crowd-sourced children inside the Raba'a Al- Adaweya sit in, and they organized model marches composed of groups of children brought from children care houses and they made them carry banners where it was written " Children against the coup". Children below the age of 10 years participated in these marches and they wore white grave clothes (a symbol of death), and they were carrying banners where it was written " martyrs to be", which is considered to be a clear violation to the provisions of the International Convention for the Protection of the Rights of the Child, which prohibits absolutely the use of children in any conflicts, political or military, as it prohibits the use of children in acts incompatible with their nature and their awareness, and it contradicts as well with the Egyptian law, particularly Article 291 of the Law of the Child, which prohibits the exploitation of children in any image, and Article 64 of the Law on trafficking in human beings for the year 2010, which prohibits political exploitation of children, and teaching them a political speeches designed to appeal to other parties

5.1 Civilians to carry weapons inside the sit-in

The committee documented through the reports of some Egyptian organizations and some testimonies, that some weapons were seen inside the sit-in, which is not only a crime that contradicts with the concept of a peaceful sit-in, it exerts a serious danger on the lives of the peaceful

protesters who didn't know about the existence of weapons inside the sit-in. It also represents a violation of the right of peaceful assembly protected under article 21 of the International Covenant on Civil and Political Rights, which prohibits the use of weapons or its carriage amid concentrations of civilians, irrespective of whoever conditioning nature of political conflict.

6.1 Inciting on violence and hatred

The committee documented through viewing many recorded videos for speakers on the podium of the sit-in, whose words included incitement of violence, fighting and martyrdom. Furthermore, such videos contained paramilitary demos practiced by some members inside the sit-in. The speeches represented a discourse calling for discrimination on the basis of religion and insulting some of the Islamic and Christian religious symbols, which would be described as inciting on hatred. And in return, the committee has monitored a similar speech inciting on violence and hatred against the protesters in some satellite TV channels and some media outlets, such acts represent a violation of the provisions of the International Covenant on Civil and Political Rights and the international conventions against all forms of discrimination.

2. The violations that occurred during the disperse of the sit-in:

1.2 Not giving the peaceful protesters an ample opportunity to leave the sit-in:

The process of the disperse of the sit-in began at 7 am after that the security forces called upon the protesters to evacuate the sit-in location, and identified Al- Nasr street to them as a safe passage. However, they didn't give the peaceful protesters enough time to leave away from the events locations, as the alarm only lasted for 25 minutes. The security forces were prepared actually for the disperse of the sit-in and were positioned too close to the frontlines of the protesters which led to clashes between the protesters and the forces making it hard for the protesters who want to leave peacefully, which added more complexity to the situation. They should've announced the disperse before starting the process of the implementation by a sufficient time to enable the peaceful protesters from the safe exit without exposure to injury or murder , particularly that the protesters were numerous and the disperse process started in an early hour. Moreover, the security forces must've claimed restraint even though they have been provoked by the protesters and since they were the authority that made the decision of the disperse, it must have been a reasonable time between the call for evacuation and the start of the disperse.

2.2 The use of civilians as human shields by armed groups:

Many of the testimonies documented by the committee, as well as the recorded videos affirmed the presence of armed groups inside the sit-in, it also documented , within this context, several testimonies and evidence that supports the use of weapons against the security forces responsible for the disperse of the sit-in. The armed groups were positioned among the peaceful protesters in order to shoot the security forces, which made them as human shields, and a direct target of the fire by the security forces, which represents a violation of the provisions of Egyptian law with respect to resisting the authorities, and also in terms of the use of weapons among civilians in flagrant violation of the provisions of international law of human rights.

2.3 Inadequate study and failing to secure safe passage:

The idea of identifying a safe passage for the peaceful protesters aims to reduce the number of casualties and deaths as there's a possibility of resisting the authorities by some of protesters. The safe passage identified by the Ministry of Interior in the evacuation plan (Al-Nasr road) witnessed many clashes that lasted for hours in the day of the disperse. Furthermore, the influx of supporters of the sit-in from several streets, including the safe passage, has prevented the most peaceful protestors to find themselves a safe exit from inside the sit-in. Although there were other outlets enabling the protesters to get out of the sit-in, like Al-Tayaran street in the direction of Salah Salem after eleven o'clock in the morning, and Anwar al-Mufti since five o'clock in the evening, but the failure of the security forces in securing the advertised safe passage, had confused the protesters and made them exposed to the exchange of fire between armed men and security forces. The Ministry of Interior should've examined the possibilities of the eruption of clashes in the safe passage before announcing it ,and should've provided alternative exits and to declare it clearly so as to minimize the loss of lives to the maximum limits.

2.4 Resisting the authorities and the lack of proportionality

The testimonies documented by the Committee, as well as the measures taken by the authorities , and the context of the events during the process of resolving the sit-in , affirm that the armed clashes had occurred on a large and heavy scale and between security forces and armed men in the sit-in , and that the armed men had started fire using their weapons toward the security forces charged with implementing the evacuation of the field and disperse of the sit-in . As evidenced by the reports of the Forensic Medical Authority with regard to the causes of death by identifying the types of weapons used and the cause of death , as well as

the number of deaths resulting from the clashes , the security forces , although they were allowed to use weapons when necessary due to the outbreak of resistance by the armed people , and maintained the proportional qualitatively in terms of the nature of the weapons and bullets used (review forensic report about gunshots being used) , but it has failed to maintain restraint in some cases and violated proportionality in terms of the intensity of fire toward the sources which are not commensurate with the objective of the task calling for the use of firearms , the silence of the sources of fire towards the police (reviewing the forensic report on the preparation of the dead from both sides) , which is a violation of the code of behavior of law enforcement officials , as Article III of the Code of Conduct for Law Enforcement Officials provides that it's not permissible for law enforcement officials to use force , except in the case of strictly necessary and to the extent required for the performance of their duty. And exposed to comment on this article in the first paragraph of it to the statement meant the use of force and its interpretation , that he ordered should be exceptional if necessary , in order to prevent crimes or pursuant to the arrest of a legal or assistance on it , without that exceed that limit , and the address of the second paragraph to comment on the use of force is also subject to the principle of proportionality to the legitimate objective to be achieved . As stated in Article IX of the rules of the police use of firearms that he should law enforcement officials not to use firearms against persons except in cases of self-defense , or the imminent threat of other death or serious injury , or to prevent the perpetration of a particularly serious crime involving a grave threat to life , or to arrest a person presenting such a danger and resisting their authority , or to prevent his or her escape , and only when less dangerous means are insufficient to achieve these objectives . In all cases , lethal use of firearms intentionally should only be allowed when strictly unavoidable in order to protect lives.

2-5 Depriving injured people of the access to the necessary first aid

On the day of the disperse of the sit-in, the Egyptian ambulance allocated 300 ambulance cars in anticipation to any injuries and deaths that may result of the disperse of the sit-in of Raba'a Al-Adaweya, in addition to another hundred reserve ambulance cars in the parameters of Rab'aa Al-Adaweya and some of them were attached to Raba'a Al-Adaweya hospital and critical cases were transferred to it, and the cases that needed more care were transferred outside. The ambulance cars located outside the sit-in weren't able to enter inside the sit-in on the day of the disperse because of the eruption of armed clashes and the heavy exchange of fire which prevented the ambulance cars of getting during the clashes, particularly after the death of one of the drivers of these ambulance cars because of the random gun-shot. Thus, the rest of the ambulance cars

couldn't get inside the sit-in before the end of the armed clashes and the control of the security forces on the square, which led to the deprivation of many injured from saving their lives and getting the necessary aid.

Second: The extracts of the report:

1 . The disperse and evacuation process of Raba'a Al-Adaweya sit-in on 14/8/2013 came in implementation of the decision of the Egyptian public prosecutor issued on from Nasr City jurisdiction located in Raba'a Al-Adaweya square , in response to the fact that some Egyptian citizens filed complaints about being subjected to severe hardship due to the sit-in , which lasted for 47 days , representing a violation of their civil, political , economic, social rights , and especially the right to physical integrity and safe life and the right to housing, employment, freedom of movement . Also, there were information about the detention and torture of citizens within the sit-in which led to the death of some of them on the impact of torture practiced against them, according to reports of the Forensic Medical Authority Egyptian at an earlier date sit on the Opening Date.

2. The disperse and evacuation process of the Raba'a Al-Adaweya sit-in on 14/8/2013 occurred with the knowledge of security forces from the Ministry of Interior, within the framework of a plan put by the Ministry.

3. The disperse and evacuation process of the Raba'a Al-Adaweya sit-in on 14/8/2013 occurred within the framework of the efforts of the Egyptian government to implement and enforce the Egyptian laws on a part of the Egyptian territories, after it has given the protesters 46 days to negotiate.

4. The Ministry of Interior - being the authority concerned with the implementation of the resolution of the Egyptian Public Prosecution - had put a plan (which the committee had concluded and wasn't able to view). The plan included warning the protesters to urgently evacuate before starting the operations, as well as identifying a safe passage " identified as Al-Nasr road" which is the largest roads connected to the square and heading to the Autostrad road. In this regard, the Ministry of Interior called some media outlets and civil society organizations to follow the evacuation and disperse of Raba'a Al-Adaweya sit-in.

5. The Muslim Brotherhood and its supporters called for the sit-in in Raba'a Al-Adaweya square, it started as a peaceful sit-in within the context of a political conflict. However, later between the start of the sit-in on 28/6/2013 and the disperse on 14/8/2013 (the committee couldn't identify the exact date), the sit-in administration allowed the entry of

armed people who probably belong to the sit-in and they settled in various places of the sit-in, and they didn't inform the peaceful protesters representing the majority of the sit-in, which made of the sit-in a non-peaceful one even though the majority of the protesters were peaceful, who also represent the majority of the victims of the disperse of the sit-in due to the large scaled clashes monitored by the report.

6. The security forces responsible for the implementation of the square evacuation warned the protesters using loudspeakers (the committee made sure it was clearly heard inside the sit-in) asking them to evacuate the square and informing them of the safe passage. However, the security forces started to disperse the sit-in after only 25 minutes from the warning, which is not a sufficient period for the departure of thousands of protesters in the early hours of the morning. It is also noted that the security forces were provoked by the protestors, in addition to their will to evacuate the square as early as possible before more protesters join the sit-in, but these were easily predicted matters and they should've been tackled by the plan, which is considered to be a flagrant disruption to the disperse plan and could've been a cause to a state of panic that delayed the evacuation of the square by the protesters.

7. The context of the disperse process in the early hours of the morning pointed out to the fact that the clashes were in the usual context as the clashes in past incident until nearly 11 am when some of the armed people suddenly shot and killed one of the security forces officers while he was holding the loudspeaker asking the protesters to evacuate the square. The security forces, in return, responded by firing towards the Events ceremonies house where the source of fire on the slain officer started, and on the impact of armed clashes broke out in several themes within the field between the security forces and armed elements continuously without interruption until almost one o'clock pm.

8. The security forces carrying out the raid, even though they were allowed to use fire weapons in cases of emergency, maintained a qualitative proportionality between the weapons used, but they failed to maintain proportionality in the intensity of all the sources of fire by armed people.

9. The armed people present inside the sit-in were moving and shooting between the protesters which could be described as using them as human shields, putting them in the danger of being the direct targets of the fire during the period of clashes. The armed people didn't have a specific dress code which maximized the danger on the peaceful protesters.

10. The security forces identified - according to their plan - a safe passage for the protesters and they declared it publicly, Al- Nasr road, but they failed to secure it until 3.30 pm due to the clashes that have erupted in many axes around the square including the safe passage between the security forces and some marches that aimed to join the protest from the direction of October 6th bridge. Thus, the protesters who wanted to leave the sit-in had to leave through side streets and some of them were caught by popular committees formed by the residents of Raba'a area and they were handed to the security, and the sit-in administration used this point to scare the protesters who wanted to leave the square. Moreover, the security forces only succeeded to secure the safe passage by 3.30 pm until 6 pm according to ON TV satellite channel.

11. The wideness of Raba'a square's parameters and the eruption of armed clashes in many axes of it, prevented ambulance cars to get inside the square after the murder of one of paramedics, which caused the deprivation of many injured from basic medical aid to save their lives. The ambulance cars could only get inside the square after the disperse and the evacuation of the square at 6 pm on 14/8/2013.

12. The process of the disperse of Raba'a Al-Adaweya sit-in and the armed clashes between the security forces and the armed men inside the sit-in until 7 am on 14/8/2013, 632 death, including 624 civilians and 8 policemen (as stated in the attached tables). 377 bodies were dissected and burial permits were issued for the rest of them with the knowledge of the health inspector of the Ministry of Health in Egypt at the request of the families of the victims and the knowledge of the public prosecutor.

13. as a direct response to the disperse and the evacuation of the Raba'a Al-Adaweya square, armed violence acts erupted in 22 governorate where a number of churches and governmental facilities were burnt and some police stations were attacked. The violence acts lasted for 4 days from the morning of 14/8/2013 until the evening of 17/8/2013, which led to 686 deaths including 622 civilians and 64 policemen (as mentioned in the attached tables). It is believed that most of the civilian casualties were of innocent citizens who happened to be during the indiscriminate firing carried out by some elements or during armed clashes with security forces

Third: The Recommendations:

According to the facts mentioned above, the National Council for Human Rights presents the following recommendations:

1. Opening an independent judicial inquiry into all of the events, which coincided with the Raba'a Al-Adaweya sit-in and all the events that accompanied its disperse and evacuation by the security forces, in addition to the events that took place in many Egyptian governorate as a response to the disperse of the sit-in, and determining the responsibility for these events. Undertaking the necessary judicial procedures without delay against whoever proves to get involved in committing any of the crimes and violations mentioned in this report, and bringing them before a fair and just trial, to ensure that the perpetrators will be punished. It is worth mentioning that the President of the Republic formed a high-level fact- finding committee upon a decision yet a judicial investigation wasn't announced yet.

2. Working to take legislative measures aiming to unequivocally terminate the possibility of the use of violence or calling for it as a means to express opinion between any of the groups or political forces.

3. The need to begin immediately and without delay in subjecting policemen to training and continuing education, especially in the areas of Criminal Investigation and the disperse of riot gatherings and training them on relevant international standards for the use of force by law enforcement officials.

4. Urging the Egyptian government to urgently activate the International Convention against torture and all forms of inhuman and degrading treatment, and make the necessary legislative amendments to conform the definition of torture in Egyptian law with the International Convention to ensure that the fight against crime and the punishment of perpetrators. Furthermore, the Council demands the state to consider amending the law to make the anatomy compulsory in case of suspicion of felony.

5. Calling upon the government to compensate all the victims who died as a result of armed clashes and who have not been found to be involved in acts of violence or inciting on them.

6. Calling upon all political forces and the government to stop and renounce violence and counter-violence, and uphold the values of respect for human rights and fundamental freedoms for all in order to ensure the protection of their right to life, and respect for the rule of law and human rights.

7. Appealing to the Egyptian government to immediately intervene to stop the campaign of hatred and incitement to violence promoted by some

local media, so as it represents a serious risk to the stability and security of the country and the state of its human rights, and to take the necessary measures without delay to ensure that the deployment and expansion of hate and violence, including the practice of democracy and protect human rights values without which no way for the country to overcome its crisis.