



GIJTR

Global Initiative for Justice
Truth & Reconciliation

VICTIM-CENTERED APPROACH TO TRANSITIONAL JUSTICE

COUNTRY: Egypt

INTRODUCTION

After Hosni Mubarak's removal from power in 2011, Egyptians rallied under "bread, freedom, and social justice" to address past human rights violations. At the time, there was a general sense of optimism, and Egyptians were focused on forensic accounting and institutional reforms.

The Supreme Council of the Armed Forces (SCAF) positioned itself as the custodian of the revolution, impeding the country's transition, economic plan, and political strategy.¹ The SCAF struggled to formulate a clear definition of their own interests and constitutional means of safeguarding them, and their management of the transitional process was plagued by deficiencies.²

Despite the arrest of Mubarak and his associates due to popular pressure after the 2011 revolution,³ the Egyptian judicial system failed to hold them criminally responsible for the violent crimes committed during the uprising. The state's efforts to seek truth and provide redress for victims were limited, and criminal accountability for human rights abuses under the dictatorship was not prioritized. The political scene deteriorated, and the army seized power in July 2013, with Abdel Fattah al-Sisi, the commander of the Egyptian army, announcing the overthrow of the elected president, Mohamed Morsi.⁴

Between 2011 and 2022, numerous human rights violations were documented in Egypt, including abuses of power, torture, arbitrary detention, and infringements on freedom of expression, assembly, and association. Of particular

concern were reports of excessive force by security forces against protesters and dissidents, as well as extrajudicial killings, mistreatment in detention, and violations by nonstate actors. Despite this, Egypt has failed to establish a mechanism to promote accountability and uncover the truth.

THE EGYPTIAN CONTEXT

Egypt was ruled by President Hosni Mubarak and the National Democratic Party for nearly 30 years, using censorship, repression, and election fraud to stay in power. This led to the 2011 revolution that removed Mubarak from office. But the transition was unstable and violent, with the military playing a major role.⁵ The army has also been widely criticized for its handling of the transition and the protesters.⁶ Protests, clashes, and arrests of opposition figures followed, fueled by social and economic grievances like corruption, poverty, and inequality.⁷

The struggle for power between Egypt's military and civilian political forces, coupled with the absence of shared vision, trust, and cooperation among political actors, has hindered the country's progress toward democratic transition and transitional justice. As a result, human rights violations go unpunished, fostering a culture of impunity and impeding the establishment of a just society,⁸ which has resulted in most parties opting for neutrality and implicit support.⁹

After two and a half years of political upheaval and transitional governance, from the outbreak of the January 25, 2011, revolution, the military removed the country's first elected president, Mohamed Morsi, from power in 2013. The army announced a new political road map, and this led to a split in the grand coalition backing the coup.¹⁰ The fight against terrorism and extremism in Egypt has added another layer to the ongoing conflict, with the government responding with various measures such as military operations and crackdowns. However, this approach has raised concerns about human rights violations and the erosion of the rule of law.¹¹

President Sisi's governance has been characterized by the increasing dominance of the military, leading to a loss of independence of civilian institutions and the crushing of independent political parties, youth movements, media, and civil society organizations.¹² Also, the military takeover led to increased repression by the military and security forces, neutralizing opposition groups and leading to tighter security controls and control of the public sphere.¹³

The judiciary played a vital role in the early stages of the revolution, but its independence and credibility have diminished as it has become increasingly politicized and subject to government influence.¹⁴ Since the military takeover in 2013, the new regime has pushed for faster verdicts

THE GLOBAL INITIATIVE FOR JUSTICE, TRUTH, AND RECONCILIATION

In 2014, the International Coalition of Sites of Conscience (ICSC) launched the Global Initiative for Justice, Truth & Reconciliation (GIJTR), a consortium of nine international organizations focused on offering holistic, integrative, and multidisciplinary approaches to issues of truth, justice, and reconciliation. GIJTR works primarily with local populations, civil society organizations, survivors, and governments to develop transitional justice approaches that are victim-centered and collaborative and support dignity, respect, inclusion, and transparency in societies emerging from conflict or periods of authoritarian rule. Since its founding, GIJTR has engaged with people from 72 countries, worked with 681 civil society organizations, conducted 323 community-driven projects, and documented more than 5,040 human rights violations.

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and tighter security measures, which have compromised the judiciary's impartiality. Some judges have supported the regime and issued arbitrary death sentences.¹⁵

Following the military takeover in 2013, the Egyptian military augmented its presence in the economy.¹⁶ The military's economic influence has since grown to the point where it has become a major market-shaping force, with the ability to influence government policies and investment strategies.¹⁷ The military plans to further expand its economic portfolio by attracting private investment, thereby jeopardizing the civilian economy's growth prospects.¹⁸

WIDESPREAD HUMAN RIGHTS VIOLATIONS

Since Sisi's ascension to power in 2013, Egypt has experienced a significant rise in human rights violations with impunity,¹⁹ including extrajudicial killings, forced disappearances, and arbitrary arrests by security forces.²⁰ Torture is a widespread and systematic practice,²¹ and prisoners are mistreated and neglected, leading to numerous deaths.²² Additionally, political detainees face strict security supervision after release²³ and the demolition of homes and forced displacement of the population in Sinai.²⁴ Children are exposed to various types of human rights violations and risk the death penalty.²⁵

These violations, including the largest mass killing by the state in modern Egyptian history, have affected all segments of society in conjunction with the events of the dispersal of the Rabaa Al-Adawiya square sit-in. The government has enacted laws that restrict freedoms under the pretext of fighting terrorism,²⁶ amended the judicial system to enable systemic violations of fair trials,²⁷ and employed military trials for civilians,²⁸ exceptional trials,²⁹ emergency courts,³⁰ and frequent use of the death penalty.³¹ The Egyptian government curtails freedom of association, expression, and peaceful assembly. Women and girls suffer from inadequate protection against sexual and gender-based violence,³² discrimination, and inequality,³³ and those who speak out against these violations face retaliation.³⁴ The government subjects people to arbitrary detention, torture, and mistreatment based on sexual orientation, gender identity, and violations against marginalized groups, as well as religious and ethnic minorities' rights abuses.³⁵

Political opposition has faced significant restrictions.³⁶ The media is controlled by the government, security services, and businessmen close to it. It is heavily regulated and censored to prevent the dissemination of information that contradicts the official state narrative or highlights human rights violations. In April 2021, 638 websites were blocked in the country.³⁷

Egypt has a reputation as one of the world's largest jails for journalists. Journalists are prosecuted for offenses like "supporting a terrorist group" or "disseminating false information" under laws that carry increasingly severe penalties. Journalists routinely experience censorship, searches, office closures, detentions, fake trials, forced disappearances, and arbitrary detention.³⁸

The government also follows a broad definition of terrorism,³⁹ which conflates civil disobedience and peaceful critics with "terrorism," which has "collective and devastating effects on the promotion and protection of human rights,"⁴⁰ and remain as a sword hanging over political actors and all independent voices once they are critical of the government's performance or the peaceful expression of their views.⁴¹

As a consequence, human rights violations have led to the displacement and forced exile of thousands of people, and hundreds have been prevented from traveling and managing their assets.⁴² Nongovernmental organizations (NGOs) have had their offices closed,⁴³ and human rights defenders, journalists, and activists have been targeted with surveillance and arbitrary detention,⁴⁴ as well as prosecution through “terrorism circuits” of criminal courts and the Supreme State Security Prosecution. This has been used to silence dissent and violate the rights of peaceful critics.⁴⁵

The testimonies of victims of human rights abuses in Egypt reveal a pattern of systemic violations and a lack of adherence to the rule of law. Opponents of the authoritarian regime were particularly targeted with little accountability or legal protection. Arbitrary detention, torture, sexual harassment, and unfair trials resulted in lengthy prison sentences without credible evidence. Victims suffered physical and psychological trauma, with ongoing health effects requiring medical and psychological assistance. Their families also suffered, losing financial stability, job opportunities, and sources of income. Some students and demonstrators were subjected to arrest, torture, and expulsion from universities because of their political beliefs. Exiled victims reported facing various challenges, including uncertainty and fear, and a lack of health care and communication with their families. They need psychological support to deal with the effects of their experiences. Despite these difficulties, many victims remain determined to seek justice and freedom in their own country, rejecting asylum elsewhere.

FORMAL AND INFORMAL TRANSITIONAL JUSTICE MECHANISMS

Formal and informal transitional justice mechanisms have not adequately addressed the needs of victims despite some efforts made after the 2011 revolution. Prime Minister Essam Sharaf issued a decree establishing The Committee of Inquiry and Fact-Finding on the Events That Accompanied the Revolution of January 25, 2011. The National Council for Human Rights also formed The Fact-Finding Committee on the Crimes and Abuses Committed During the Events of the Revolution of January 25, 2011. But the transparency and efficiency of the work of those committees varied widely, with membership allied to the military and a failure to publish results publicly. Critics argue that these mechanisms have had limited impact in promoting accountability and justice, with victims’ needs and rights remaining unaddressed.⁴⁶

Although these fact-finding committees received praise, concerns arose about the potential for other committees established by the executive authority to prioritize protecting the regime and security sector officials over seeking the truth and delivering justice to victims. Some argue that informal transitional justice initiatives, including truth telling, have had a positive impact but with limitations.

Many commissions failed to reveal the truth or complete their work, casting doubt on their ability to contribute to Egypt’s transitional justice processes. In December 2013, interim president Adly Mansour issued a decision to form The Independent National Committee

to Collect Information, Evidence, and Fact-Finding That Accompanied the Revolution of June 30, 2013, and the Events That Followed, and to Document and Date Them, which was known in the media as The June 30 Fact-Finding Committee.⁴⁷ The commission comprised judges and legal professionals but lacked representation from civil society and human rights organizations. Furthermore, the commission's mandate was limited, as it lacked enforcement and accountability mechanisms, rendering it nonbinding for state institutions to cooperate with the commission. Additionally, the commission's powers of subpoena, search, and seizure were not explicitly defined within the mandate.⁴⁸

In November 2014, the June 30 fact-finding committee⁴⁹ released its executive summary, having failed to meet its original deadline, and blamed it on a lack of cooperation from the security forces and the Muslim Brotherhood. The committee exonerated the army and police forces of any wrongdoing and put the blame on protesters for the deaths and violence during the Rabea al-Adaweya Square sit-in. The committee failed to establish a mechanism for implementing its recommendations. The Egyptian Initiative for Personal Rights⁵⁰ issued its own fact-finding report that challenged the findings of the June 30th committee,⁵¹ aligning with the assertions made by Human Rights Watch, while Human Rights Watch estimated approximately 1,150 deaths. Furthermore, Human Rights Watch claimed that the military had planned and executed the systematic killing of demonstrators, which likely constituted a crime against humanity, while the June 30 fact-finding committee's report did not make such claims.⁵²

Between 2011 and 2013, various informal transitional justice initiatives and organizations were established to address human rights violations. Civil society organizations played a vital role in promoting accountability and justice by implementing initiatives such as truth telling, legal and policy reform, and victim support programs. However, these initiatives faced challenges because of a hostile political environment and limited resources. Furthermore, international organizations have made significant contributions to transitional justice efforts, including providing funding, support, and technical assistance for transitional justice initiatives.⁵³

Despite being seen as capable of providing fair findings, civil society initiatives were often neglected by Egyptian authorities because of repressive laws on NGOs. These organizations continued to conduct independent fact finding despite the risk of reprisal.⁵⁴ The management, internal governance, and independence of NGOs working on human rights in Egypt presented additional challenges to their ability to defend human rights and promote transitional justice.⁵⁵ Civil society actors are currently facing repression in Egypt, and many activists are living in exile, despite having the potential to support transitional justice processes.⁵⁶

VICTIMS' POSITION IN THE CONTEXT OF TRANSITIONAL JUSTICE

In the context of transitional justice in Egypt, victims of human rights violations and conflict have encountered various obstacles in seeking justice, accountability, and appropriate support. One of the key demands during the transitional justice process was compensation for victims of state-sponsored violence during the January 25th revolution. The Ministry of Health recorded 840 fatalities and 6,467 injuries due to police repression and subsequent attacks by hired "thugs."⁵⁷

The Supreme Council of the Armed Forces established a health and social welfare fund within six months of the revolution.⁵⁸ However, the fund was primarily utilized as a tool for political legitimacy and was perceived by many as a means to silence dissent rather than ensure accountability, justice, and reconciliation.⁵⁹ The compensation fund lacked a clear vision and mechanisms for its operations, and the transitional governments of the time did not provide the necessary support to rehabilitate victims.

After Mohamed Morsi took over the presidency of the republic, in July 2012 he issued a decision to form The Committee for Collecting Information, Evidence, and Fact-Finding on the Incidents of Killing, Attempted Killing, and Injuring Peaceful Demonstrators All Over the Republic, but it was limited to a fact-finding mission and did not consider victims of the Mubarak regime. The committee's investigations were confidential, and members were not authorized to review previous investigations. The committee submitted its confidential report to the presidency at the end of 2012.⁶⁰

The victims we spoke to advocate for a genuine transitional justice process to address human rights violations in Egypt. They stress the importance of allowing victims to tell their stories and express their preferences. The victims express skepticism about the previous transitional justice processes in Egypt and the need for both the regime and opposition to have a genuine intention for transitional justice. They are willing to participate in a genuine process with the goal of reaching the perpetrators and helping to prove the crimes they committed.⁶¹

The victims interviewed reject the idea of reconciliation at the expense of the rights of the victims. Some believe accountability of perpetrators is a central aspect of justice. They believe that all perpetrators of human rights violations in Egypt must be held accountable and that trials should be transparently broadcasted. Victims also express skepticism about previous trials and view the exoneration of any perpetrators as unacceptable.

Determining the perspectives of victims in Egypt proved challenging, as experiences varied widely among individuals. Some victims reported feelings of marginalization, ostracism, or stigmatization within their communities, depending on factors such as the nature of the violations they endured and the support they received. Coping mechanisms also varied widely, as individual responses depended on available support and resources. Some victims focused on rebuilding their lives, while others sought justice and accountability for their experiences. Victims also turned to different sources of support, such as community organizations, civil society groups, and family networks.

Many victims reported significant challenges in reintegrating into society, including difficulties in obtaining documentation and finding employment because of the stigma associated with their past experiences. These challenges have resulted in an inability to live a productive life and participate in society, with some victims unable to start their own businesses. Victims struggle with the psychological effects of their experiences, which makes reintegrating into society difficult for them. They face discrimination and social isolation from their communities, making it even harder to regain a sense of normalcy. While some victims receive support and resources from their community, others report further abuse and repression from the state and security services after their release. The social isolation experienced by victims leads some to leave their communities, which only makes it harder for them to reintegrate into society.

Victims have varying opinions on the roles of state agencies, civil society, and international organizations in achieving transitional justice. Some prioritize societal dialogue, equity, and the importance of a political will, while others express skepticism toward state agencies because of their involvement in violations. The victims appeal to international economic institutions and

business leaders to push them towards a stage of real transitional justice. Some believe that the United Nations has a limited role and call for human rights organizations in the United Nations, the European Union, and Africa to play a more active role in promoting transitional justice in the Middle East. Others argue for the involvement of international and local economic institutions to aid in promoting transitional justice.

Ultimately, the nature of the violations that victims experienced, the support available to them, and the political and social context in which they operate influence how they perceive and respond to their challenges. Despite these obstacles, victims remain committed to seeking justice and hope to overcome their past experiences.

CONCLUSION AND RECOMMENDATIONS

In the context of Egypt, the implementation of transitional justice processes between the revolution and the army's takeover in 2013 provided valuable lessons in working directly with victims. It was crucial to approach victims with empathy, sensitivity, and a rights-based approach to respect their trauma and uphold their rights. However, the lack of a well-studied perception of the transitional justice process in Egypt contributed to impunity and human rights violations.

The transitional justice phase stopped after the army seized power. The victims interviewed emphasized the need for a just and transparent system of accountability and a shift in the power structure to prevent future human rights violations in Egypt. Various actors, including state agencies, civil society, and international organizations, have a role in achieving this goal.

Recommendations include:

- Empowering victims and victims' families through awareness raising and psychosocial support.
- Adopting a victim-centred approach that focuses on victims' needs and experiences, involving victims in determining their priorities and needs, and including victims in the planning and implementation of transitional justice strategies and mechanisms.
- Organizing a truth recovery process to reduce the risk of future recurrence and consolidate a basis for societal support. This also includes relinquishing the culture of blame on the victims and recognizing and empathizing with the suffering of the "other" side.
- Raising awareness of victims and their families of the importance of the transitional justice process and the nature of the role they are entrusted with.

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