

Executive Summary

This document was prepared in March 2014 on the basis of the latest information known to the submitting organisations.

Principal concerns are:

- **lack of provision for conscientious objection to military service**
- **use of conscripts as forced labour in non-military activities of the armed forces**
- **restrictions on the civil rights of those who have not completed military service, including conscientious objectors**
- **violations of the freedom of expression by bringing criminal proceedings for criticism of the armed forces**
- **juvenile recruitment and militarisation in the education system**

Military Service, conscientious objection, and freedom of expression

1 In Egypt, military service of three years is obligatory for all men aged between 18 and 30. Conscripts account for something over 50% of the armed forces manpower.

2 The Military Balance 2014¹ observes that it is hard to judge the overall effectiveness of the armed forces “given the level of conscription and the tasks that some conscripts are reported to undertake in relation to the Egyptian armed forces' extensive domestic business and industrial interests”. It should be noted that such non-military uses of military conscripts may be classified as forced labour.

3 The penalty for “draft evasion” is one year's imprisonment and a fine, which does not discharge the obligation to serve; indeed the period of service may subsequently be doubled.

3 No provisions allowing for conscientious objection to military service have ever existed, even though the Human Rights Committee has found that such objection is protected under Article 18.1 of the International Covenant on Civil and Political Rights (ICCPR).²

4 No Egyptian male aged upwards of 18 may take up formal employment, study at educational institutions, stand in parliamentary or presidential elections or renew his passport without certification from the military recruitment authorities either that he has performed his military service, or been granted exemption or deferral.

5 Even those whose military service has been deferred for purposes of education need the permission of the military authorities to travel abroad. This is usually denied. It is estimated that some four million young Egyptian males at any one time suffer from this violation of Article 12.2 of the ICCPR.

6 In the case of those who have conscientious objections to military service, the absence of

¹ International Institute for Strategic Studies (London), The Military Balance 2014, February 2014, p315.

² Views adopted on Communications 1853/2008 and 1853/2008, *Atasoy & Sarkut v Turkey*, 29th March, 2012 (CCPR/C/104/D/1853-1854/2008, issued 19th June 2012)

any provisions mean that all these restrictions on civil rights will last indefinitely, the only alternative being to abandon the objections. This thus involves a violation also of Article 18 of the ICCPR.

7 Young Egyptian men who find themselves abroad are dissuaded from returning, knowing that they will be prevented from leaving again until they have performed military service. The result is that many find themselves running the risks involved in overstaying after the expiry of their visas. Others leave the country illicitly.

8 As a general rule, persons who are unwilling to return to their home country in order to perform military service, where that is a general obligation, are not entitled to refugee protection. Conscientious objectors, however, should not be returned to a country where because of the lack of any legal provisions they would have to refuse to perform military service contrary to their deep-seated principles and face the consequences outlined above

9 Draft evasion has been common for many years, but there were no reports of conscientious objection until the “No for compulsory military service movement” was established on 9th April 2009, to campaign largely via facebook for the repeal or amendment of the military service law, the abolition of conscription in favour of entirely voluntary recruitment, and to defend the right of conscientious objection. The Movement has recently launched a challenge in the domestic courts to the travel restrictions on men of “military age”

10 The first recorded instance of a person publicly declaring himself a conscientious objector was Maikal Nabil Sanad, who having finished University education was ordered to report to the College of Reserve Officers at Fayed (Ismailia) on 22nd October 2010, to begin his compulsory military service. He wrote explaining that as a pacifist he rejected military service with copies to the Minister of Defense, the Prime Minister, Heads of both Houses of Parliament and the President of the Republic.

11 Nabil was arrested by Military Intelligence on 10th November 2010 and held for two days. Subsequently he was adjudged by the military authorities to be unfit to serve, and has never been charged with regard to his initial refusal of military service. He was however subsequently persecuted as a result of his documentation in online blogs of abuses by the military during the “Arab Spring” uprising. He was arrested on 4th February 2011 and held for 27 hours, during which he suffered beatings and other maltreatment, but was released without charges. On March 28th he was again arrested, and was charged with "insulting the military by publishing false news about it" and "obstructing public security". On 10th April, he was found guilty and sentenced to three years imprisonment.. Many features of the trial were contrary to the ICCPR. As a civilian he was tried in a military court. The trial went ahead in secret when it had been publicly announced that it had been postponed. Charges such as “insulting the military” were subsequently criticised by the Human Rights Committee in General Comment 34: “States parties should not prohibit criticism of institutions, such as the army or the administration.”³ And of course a military court cannot by definition be an impartial tribunal to adjudicate on such charges.

12 Nabil's imprisonment attracted widespread international attention and criticism. He was recognised by Amnesty International as a prisoner of conscience. After a hunger strike of more than 100 days, he was eventually included among the 2,000 prisoners released in an amnesty on the 25th January 2012, the first anniversary of the “revolution”.

³ CCPR/C/GC/34, 12th September 2011, para 38.

13 At present two members of the “No for compulsory military service movement” who are liable to military service have declared their conscientious objection to the recruitment authorities. Emad el Dafrawi declared his conscientious objection to military service on 12th April, 2012, rejecting all forms of violence and bearing arms. Mohamed Fathy Abdo Soliman, 25 years old, declared his conscientious objection on 20th July 2012, and refused to recruit in a compulsory military service, citing his pacifist beliefs. He sent letters to the minister of defence, the president of the republic, the chief of the parliament and the chief of the Shura council, asking to be excused military service and to be permitted to replace it with a service of a civilian nature.

14 No attempt has yet been made to arrest either of the declared objectors and charge them with “evading military service”, although they of course are forced to live clandestinely with the fear that this may happen at any time. Meanwhile, they suffer from all the restrictions on civil liberties detailed above – a situation which the European Court of human rights, in a similar case in Turkey, termed “civil death”.⁴

Military involvement in education and juvenile recruitment

15 Following the 25th January revolution, all schools were required to add to the curriculum a subject of which the title has been translated “Militarist Upbringing”, which is to be taught within the school by a serving armed forces officer.

16 Students at “El Minya High School for Boys” have launched a campaign entitled “No to Militarizing Schools”, urging boycotts of these classes. The immediate response of the school administration was to rename the institution the “El Minya Military High School for Boys”.

17 On acceding to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed contact, which it did on 6th February 2007, Egypt made a declaration which stated that (subject to safeguards) the minimum age of voluntary recruitment was 16 years. When it reported to the Committee on the Rights of the Child under the optional protocol, the Committee noted that the delegation had stated that voluntary recruitment of persons was prohibited under domestic law, but that this had been contradicted in the written responses to the list of issues, and that Egypt had not withdrawn its declaration.⁵ If there is indeed a prohibition in domestic law, Egypt should be encouraged to amend its declaration accordingly.

Contact: Derek BRETT
International Fellowship of Reconciliation
Main Representative to the United Nations, Geneva
derekubrett@gmail.com
Tel: (41) 77 462 9825

⁴ European Court of Human Rights, Chamber Judgement, Second Section, *Ülke v Turkey* (Application no. 39437/98) 24 January 2006, para 62.

⁵ CRC/C/EGY/OPAC/1, 18th July 2011.