

Universal Periodic Review (UPR) - Egypt

Thirty-fourth Session (2019 November 13)

Conditions of Nubian's in Egypt as Indigenous Residents

in the Period 2014: 2018



مركز حدود للدعم والاستشارات

BSC

border center for support and consulting



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This report is submitted by independent coalition of Egyptian non-governmental human rights organizations, covering issues related to the status of Nubians as indigenous people in Egypt between 2014 and 2018.



Adalah Center for Rights and Freedoms (Adalah)

Founded in 2014

<http://www.adalaheg.org>

Adalah is an independent non-governmental legal and rights center established in 2014 by a group of professionals and human rights defenders. The Center works to defend rights and freedoms in general. In particular, Adalah focuses on four programs: Criminal Justice Program, Student Rights and Academic Freedoms Program, Refugee Program and Minority Program, through legal support and strategic litigation, research, monitoring and documentation, advocacy activities and capacity building.



Border Center for Support and Consulting (BSC)

Founded in 2013

<https://www.bsc-eg.org>

BSC (Hodoud) is an Egyptian non-profit human rights organization working on the rights of Nubians as indigenous people within Egypt through the legal and community framework, and focuses its efforts to enable Nubians entitlement as indigenous people within Egypt to enjoy the international rights package established in national laws and international obligations, through advocacy programs and raising the capacity and legal assistance through which we submit and propose legislative amendments and the issuance of studies and periodicals corresponding to the international obligations of Egypt.

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I. Right of Nubians to be acknowledged as indigenous people inside Egypt

A. Where is Nuba?

1. The geographical region located on the banks of the Nile from the first waterfall south of Egypt and extends to the sixth waterfall in Sudan, the Nubians settled in this region since thousands of years in the form of a group of one ethnic origin joined by one language and distinctive culture richness, which contributed to shaping their habits and the form of their community.

B. The beginning of the Nubian problem in modern times:

2. In 1841, after the Ottoman caliphate¹ issued the decree demarcating the southern border of Egypt, this was followed by the decision of the Minister of Interior to amend the borders of Egypt and Sudan on the basis of the bilateral agreement between Egypt and the British occupation on January 19, 1899, which involved the separation of ten Nubian villages of the Halfa Center in Nuba province, villages south of the latitude 22, to enter the borders of Sudan. The area inside the Egyptian border extended from the village of Adhandan in the south to the waterfall in the north, and the name of the province of Nuba, which was known as the Border Directorate, was changed to Aswan. Thus, the administrative boundaries established by British colonialism separated between the Nubians; however, communication continued despite the existence of the illusional borders until Egypt was formally separated from Sudan in 1951 and since then the Nubians have become Egyptian citizens and Sudanese citizens.

C. Egyptian dams and the drowning of Nubian lands:

3. The idea of Egyptian dams on Nubian lands began in 1898 when Khedive Abbas Helmi II issued a decision to start building the Aswan reservoir in the first waterfall area of the Nile, which took four years to build. Nile River was diverted through it in 1902 and the start of storage of flood water behind it without warning or alert, which led to the drowning of 10 Nubian villages without reference to compensation of Nubians from the government or the concerned authorities.
4. In 1912, the matter was repeated and as a result of the announcement of the raising of the Aswan reservoir (the 1st raise) 8 more villages from the Nubian villages drowned without reference to compensation for the Nubians who were affected and their villages drowned. In 1933 and the effect of the announcement of the second ramp of the Aswan reservoir, a new village group was expropriated, forcing some Nubian villages to migrate to areas north of Nuba (Edfu, Thomas and Afia) which are located hundreds of kilometers away from their homeland.

¹ (Gideon Bigger) Middle Eastern studies, vol. 14, No. 3 (Oct 1978) pp 323-325

D. Forced displacement of Nubians and their resettlement in inappropriate areas:

5. In 1963 and upon the announcement by late President Gamal Abdel Nasser of the construction of the High Dam, 39 Nubian villages south of the High Dam were relocated to the Kom Ombo Plateau area north of the High Dam. Despite government promises to compensate affected people, which was agreed upon before² their displacement, and settling them in a mountainous area characterized by soil filled with groundwater, which leads to a number of annual operations to replace and renovate the houses which were collapsing on their heads, and amid promises and concessions by the Egyptian governments to return them and resettle them in their old areas after settlement of the dam water in the dam lake; at the same time successive Egyptian governments tried to change the demographic structure of the southern dam area, whether by establishing development projects or offering them for internal and external investment or seizing them as military zones.

E. Number of Nubians in Egypt:

6. The number of Nubians in Egypt is estimated in unofficial statistics at 3.5 to 4 million people, 20% of whom live in the Aswan area (Nubia) and the rest are between the governorates of Cairo, Alexandria, Suez Canal cities and outside Egypt. Despite the signing of the International Covenant on Economic Rights Social and cultural rights and civil and political rights, the government does not recognize the concept of indigenous peoples. This is evidenced by the Egyptian periodic reports on ratified or universal periodic human rights treaties, where they are described as "ethnic groups" and also in responding to complaints, Egypt categorically denies the existence of ethnic minorities or indigenous populations and insists on describing them as ethnic groups within a unified national fabric.

F. The legislative framework for the right of the Nubians as indigenous people to their resettlement and development of their original areas:

7. After the adoption of the Constitution of 2014, which decided the right of the Nubians as indigenous residents of the area south of the High Dam and their resettlement and development of their original areas as well as compensation for what they suffered during the past 100 years, the text of Article 236, therefore, states that "The state is working on the development and implementation of projects that return the population of Nuba to their original lands and its development within 10 years as stipulated by the law". The legal effect of the adoption of the constitutional means the following: First: the constitutional article came in the explicit recognition by the Egyptian state that the Nubians are the indigenous people of the South of the High Dam, the first confession which came in line with the definition of the Convention No. 107 of 1957 for indigenous peoples, which was ratified by Egypt in 1957 and which is in line with the United Nations

² <http://cutt.us/XKlwo>

Declaration of Indigenous Peoples issued in 2007; Second: the article explicitly stated that the right of Nubians in the land is a collective right and not an individual right of compensation, indicating the invalidity of any subsequent actions that address the matter as one of individual right or tries to encroach thereon.

8. After the adoption of the Constitution, there were many developments and events in the file of resettlement of the Nubians to their original home. At the end of 2014, the Ministry of Justice initiated a community discussion between the State and the Nubians on how to implement Article 236 on the resettlement and reconstruction of Nubia³. The debate continued for about six months and ended with an endless draft to be submitted to the Council of Ministers for its presentation to parliament. But the draft disappeared within the corridors of the Council of Ministers and the minister responsible said that the draft law failed because there are sovereign authorities who refuse Nubian ownership of their old lands⁴. In subsequent dates were issued many of the decisions revoked their right to resettlement and in violation of the constitutional text, including Republican Decree No. 444 of 2014 And resolution 355 of 2016.
9. All the decisions were characterized by focusing on two main axes, the first is the development of the South Valley and the second is the protection of the southern borders of Egypt. Despite the existence of a constitutional text that requires the state to resettle the Nubians to their ancient lands, the state ignored it completely when planning the old Nuba area.
10. In April 2018, the Egyptian Parliament discussed the activation of the first item of the text of article 236 of the Egyptian Constitution with the establishment of the Upper Egypt Development Authority, completely ignoring the second item concerning the return of the Nubians to their homeland and the development of their regions. Later decree 157/2018⁵ authorized the formation of the development authority light of statements amidst statements by the then Egyptian Parliament speaker that the article on the resettlement of the Nubians in their original areas is an article drafted by the devil and that he was personally one of the opponents for it to be included in the Constitution⁶, leaving no room for doubt regarding the reluctance of the Egyptian regime to recognize the right of Nubians to return to their original areas according to the Egyptian Constitution.

II. The right to preserve Nubian identity, culture and language

11. Egypt has signed the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the International Convention for the Protection of All Forms of Cultural Diversity. Despite signing these agreements, Egypt has not taken

³ <https://www.youm7.com/story/2014/10/28/%D9%86%D9%86%D8%B4%D8%B1-%D9%86%D8%B5>

⁴ <https://www.youm7.com/story/2014/10/28/%D9%86%D9%86%D8%B4%D8%B1-%D9%86%D8%B5>

⁵ <http://www.cc.gov.eg/Images/L/385777.pdf>

⁶ <https://www.alaraby.co.uk/society/2018/5/13/>

the measures stipulated in Article 2 to ensure the preservation of the immaterial heritage of Nubians and their children inside. Egypt The Egyptian authorities deliberately falsified the facts in the previous reports of Egypt in the Universal Periodic Review of Human Rights in 2014. In fact, the Nubian language is one of the dominant Arabic dialects, although the Nubian language and is classified internationally according to UNESCO as a language of African origins and is not related to the Arabic language, which thus discloses an attempt to hide procedures undertake inside Egypt towards the eradication of local cultures, foremost the Nubian culture and their Arabization, according to the text of Article 60 of the Egyptian Constitution "The State protects the cultural, civilizational and linguistic unity of the Egyptian society and works to Arabize science and knowledge. "

12. The Egyptian government has refrained from teaching Nubian language in its educational institutions to Nubian children in violation of the Convention on the Rights of the Child. In addition, educational institutions in universities have failed to study Nubia, especially educational institutions interested in African languages. Despite the foundation of the institute for African studies by the state, but the institute does not have a special program in Nubian language. It is one of the local African-Egyptian languages, which marked the beginning of the disappearance of the Nubian language within the Nubian society inside Egypt and the consequent loss of cultural rites associated with the language and gradual collapse of the cultural identity of the Nubians.
13. In 2017 and 2018 the Egyptian state prevented Nubians from celebrating the 7th of July, international Nubian day, without giving any reasons. Several local and international organizations issued a joint statement demanding that they be allowed to celebrate their event and demanding an end to all forms of racial discrimination against their cultural practices, equal to the various Arab occasions that are celebrated throughout the year without refusal by the state.

A. II. Recommendations:

14. Recognition by the Arab Republic of Egypt the Nubian language as the language of local inhabitants within Egypt, with the consequent provision of appropriate cultural protection measures to ensure that they do not diminish in the future and to stop any discriminatory approach against them.
15. Establishing a national council for different cultures whose mission will be to develop scientific methodologies for the development of non-Arabic languages within Egypt and to integrate them into the official educational and cultural curricula.

III. The right to protect Nubians from all forms of discrimination

16. Egypt has signed the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, as well as the

International Convention on the Elimination of All Forms of Racial Discrimination, which was ratified in 1967. Although 60 years have passed since Egypt ratified the Convention, no measures were taken for their enforcement. Although the Egyptian Constitution contains a prohibition of discrimination in all its forms, but all Egyptian legislation are void of provisions of the definition of the forms of racial discrimination or the penalty of the commission of these crimes.

17. Egypt also did not develop cultural awareness programs that exposed racial discrimination in the educational, cultural, or governmental institutions, which had no positive or negative indications regarding the state of racial discrimination inside Egypt. The latest report⁷ of the Arab Republic of Egypt to the Committee on the Elimination of Racial Discrimination shows absence of statistics or indicators because of the lack of legal provisions that allow the right of victims of racial discrimination to take judicial means to face it.
18. Five years have elapsed since the adoption of the Egyptian Constitution of 2014, Article 53 of which defines the definition of discrimination and the establishment of an independent anti-discrimination commission. Despite the importance of applying the constitutional text to improve the human rights situation in many controversial issues facing domestic legislation, however, legislative and executive institutions did not move in the direction of implementing the text, despite the progress of many organizations in drafting laws to activate the establishment of the Commission.

A. Racial Discrimination against Nubians in Political Participation and Government Posts:

19. Egypt constantly ignores all the recommendations of human rights institutions, which emphasize the need to survey the number of ethnic groups - minorities or indigenous groups - and enumerate their numbers to accurately reflect the human rights situation, which has recently been subjected to the concluding observations of the Committee on the Elimination of Racial Discrimination that numbers of Nubians in Egypt should be counted as one of the ethnic groups to measure the indicators of racial discrimination.
20. According to unofficial reports from civil society organizations - because of the criminalization of Egyptian law for any census carried out outside its governmental organizations - the Nubians account for 3% of the population inside Egypt. However, the constitution and the law of exercise of political activities inside Egypt, the participation rate within the political life within the Egyptian parliament for the religious minorities (Copts) and the allocation of a percentage of women and the allocation of the proportion of people with disabilities, did not address the development of measures to ensure the fair representation of Nubians in political life in Egypt and take over public functions and functions of senior management in the state and recruitment in the government and judicial without discrimination against them.

⁷ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/001/73/PDF/G1600173.pdf?OpenElement>

B. Racial Discrimination against Nubians in the Egyptian Media and Press:

21. The Egyptian public and private media outlets have presented contents reflecting of all forms of racial discrimination against citizens of black skin and the Nubians and their stereotyping through certain roles such as (servants, guardians of real estate and minimum jobs), in addition to the Egyptian television in all its sectors. The Egyptian media is the first factor in increasing the spread of racial discrimination in Egypt against Nubians in view of their skin color.
22. However, we are seeing remarkable progress, but it is not enough for the state to limit these violations. The recently promulgated law regulating the press and media, which included for the first time administrative sanctions against the Egyptian and private media subject to this law whose contents contain racial discrimination, continues to ignore the development of clear criminal legislation punishing the crimes of incitement to racial hatred or profiling which involves the degradation of individuals with black skin in Egypt.
23. However, on the other hand, the official and private media annually carried out information campaigns against Nubian activists on charges of secession and bullying abroad, which is an official approach of the Egyptian state towards all who defend the rights of the Nubians as indigenous residents and establish an impression among Egyptians that the Nubians are a unpatriotic, who wish to separate from Egypt. This has created a physical and moral threat to defenders of Nubian legal rights inside Egypt.

C. III. Recommendations:

24. The Egyptian State shall fulfill its constitutional obligation provided for in Article 53 by passing a law establishing an independent anti-discrimination commission.
25. We call upon the Egyptian government to work swiftly to establish the Commission against Discrimination to enable the development of appropriate legislation to reduce the phenomenon of racial discrimination within Egyptian society.
26. We call upon the Egyptian government to begin the work of census that includes ethnic groups, indigenous peoples and minorities to ensure that they enjoy their basic rights stipulated in the Egyptian Constitution.
27. We call on the Egyptian government to work on the establishment of appropriate measures to ensure the representation of Nubians in political life and public service within Egypt.

IV. Right of return, resettlement and participatory development

A. Law on the Establishment of the Supreme Commission for the Resettlement, Reconstruction and Development of the original Nuba State (an unfulfilled promise):

28. Following the adoption of the 2014 Constitution, the Minister of Transitional Justice and the Affairs of the Council of Representatives formed a committee under the name of "Development of Nubia and Aswan", which is concerned with the implementation of Article 236 of the Constitution. The Committee defined the Nuba people as displaced persons due to the Aswan reservoir in 1902, 1912 and 1933, The Committee announced the readiness of the draft law for the establishment of the High Commission for the Development and Reconstruction of the Old Nuba, to be submitted to Parliament for approval. However, the draft was never submitted. In a report published by a local news website, Mada Masr, it stated that representatives of sovereign bodies expressed their rejection of the draft for reasons of national security⁸. Since then no further development happened, resulting in loss of confidence by Nubians in the current authority, which did not provide them with adequate reasons for the refusal and the 4 years' delay in issuing the law.

B. Presidential Decree No. 444 of 2014 (the seizure of the land of the Nubians partly for investment and development and partly for transformation into military territory):

29. While Nubians were waiting for the constitutional texts to become a reality in their lives regarding the right of return, compensation and participatory development, President Abdel Fattah Al-Sisi issued Presidential Decree No. 444, published in the Official Gazette on 29 November 2014, considering the territories of 16 border Nubian villages as military borders, where civilians cannot live or take advantage of. These villages are located from the village of Al-Alaki north to Adhandan in the south. The land, 110 km east of dam lake and 25 West of the Dam Lake, is considered a military border. Thus undermining the right of return of Nubians to their home country, and displacing 16 out of 44 villages along with the villages of the waterfall⁹.

30. The government ignored the Nubians' anger and the Nubian rejection of the Republican decision and has moved ahead with plans to use more land adjacent to investment and development. Sisi issued resolutions 355 and 498 in 2016, which approved the confiscation of about 1100 thousand acres of land for projects contracted by the state, where the city of Forgendi (one of the Nubian regions) was included in the plan for the implementation of one and a half acres, and thus become 168 thousand acres. In response to this step, unprecedented demonstrations took place, and the project was strongly opposed at the time¹⁰.

⁸ Mada Masr, Right to Return of Nubians, Rana Mahmoud, 20 May 2018

⁹ Mada Masr, Decree 444, Fatma Imam Sqouri, 12 February 2015

¹⁰ Ibid.

31. The clear contradiction between the constitutional text in article 236, which requires the State to establish projects to restore the population of the Nuba to their areas of origin, and Presidential Decree No. 444 of the year 2014, lead to the resort to the Council of State, where the Hoddoud center as well as the Federation of Nubian Lawyers in 2015 filed two lawsuits to cancel the administrative decision No. 444. the administrative Court referred the case to the Board of Commissioners of the Council to prepare a report including recommendations to the court. It recommended the cancellation of resolution No. 444 and remove all its effects due to the breach of the Egyptian Constitution. But so far after more than 4 years no judgment has been issued by the Council of State¹¹

C. Law for the establishment of the Upper Egypt Development Authority (alleged development without the Nubians):

32. On 5 June 2018, the Egyptian Parliament approved a draft law proposed by the Government to establish a public service body called the Upper Egypt Development Authority, pursuant to the first paragraph of Article 236, which is affiliated to the Prime Minister. It aims to develop a plan to accelerate the overall development of Upper Egypt, and development priority areas, as determined by the executive regulations to be issued by the Prime Minister after the promulgation of the law. To counter the hopes of the Nubians, after the Parliament had ignored the application of the second paragraph on the resettlement of Nubians in their old areas or their right to return to their land¹².
33. On 16 July 2018, President Abdel Fattah al-Sisi issued Law No. 157 of 2018 on the establishment of the Upper Egypt Development Authority, despite numerous criticisms of the law inside and outside parliament. The law was discussed in complete secrecy, according to MP Abd al-Sabour, in the absence of deputies of the province of Aswan, saying "we were surprised to discuss the plenary session of the report of the Local Administration Committee on the articles of the law last Sunday." The MP also considered the law unconstitutional, as it did not include any mention of the question of the return of Nubians to their areas of origin from which they were displaced, which is the basis for the rights of Nuba residents to resettle them on the banks of Lake Nasser. Nevertheless, the Government insists on introducing the law as an implementation of article 236 of the Constitution¹³.
34. Instead of amending the law and responding to Nubian demands, the law was amended on February 4, 2019, with the addition of a representative of the Ministry of Interior to form the body. The state, by passing this law, affirmed its violation of the Egyptian constitution, as well as its discriminatory policy against the Nubians, which makes them more fearful for their rights that have been seized from them in the past, and on their future under a political system that does not care about their constitutional rights.

¹¹Mada Masr, Committee of Commissioners recommend cancellation of decree 444, 19 August 2017

¹² Mada Masr, Decree 444, Fatma Imam Sqouri, 12 February 2015

¹³ Ibid

D. IV. Recommendations:

35. The Egyptian State must fulfill its constitutional obligation provided for in Article 236 by issuing an independent law establishing a national authority for the resettlement, reconstruction and development of the original Nuba State.
36. The Egyptian State must fulfill its constitutional obligation provided for in Article 53 by passing a law establishing an independent anti-discrimination commission.
37. Amendment of Presidential Decree No. 444 of 2014 in respect of the areas falling within the scope of Article 236 of the Egyptian Constitution, as well as the repeal of the Presidential Decree Nos. 355 and 498 of 2016.

V. The right to freedom of opinion, expression and peaceful assembly of Nubians as indigenous people

38. Egypt received 17 recommendations in the last universal periodic review of 2014 regarding freedom of expression, the right to organize and the right to peaceful assembly. However, the Egyptian authorities did not implement any of the recommendations approved at the 28th session. However, the period covered by the report witnessed a significant deterioration in the level of repression of freedom of opinion and expression of the Nubians as indigenous people.

A. Forceful dispersal of peaceful gatherings of Nubians as indigenous inhabitants by force:

39. The failure of the State to comply with constitutional provision 236, and the promulgation of Law No. 157 of 2018 on the establishment of the Upper Egypt Development Authority, Presidential Decree No. 444 of 2014 and Nos. 355 and 498 of 2016, regarding the right of return and participatory development, under the pretext of national security at other times under development claims that do not take into consideration the Nubians, prompting the Nubians to peacefully oppose the policies of the State that has denied their rights, through such measures as litigation before the Council of State to invalidate Resolution 444 of 2014, and peaceful protest as one of the tools pursued by the Nubians in their quest to restore their rights.
40. In November 2016, following the announcement by the Egyptian Council of Ministers about the Egyptian countryside project, which included the confiscation of some Nubian lands for annexation of one and a half million acres project and investment, the General Nubian Union (Nubian Popular Organization) announced a peaceful march entitled "the march of return" in November 2017, which called for marching towards the confiscated lands in the Toshki area to object to the absence of the concept of participatory development and the right of the Nubians to return to those territories. At the same time they declared their commitment to maintain public order, but the security cut the road

between Aswan and Abu Simbel and besieged the Nubian return convoy for more than two days in the desert of the city of Abu Simbel south of the High Dam, cutting off food and water supplies and shooting at the peaceful Nubian demonstrators, which led to the injury of three people¹⁴. Nubian women's activists sent relief to disband the siege and returned to Aswan after submitting their demands to exclude the Nubian region from the project to be established.

B. Security intervention in the management of Nubian institutions:

41. The dispersion of the Nubian peaceful demonstrations was not the only violation by security to suppress their movement. Security tried to intervene in changing the leadership of the Nuba Union in 2017-2018 and to isolate its president. They invited a number of their members to a security body and tried to force them to sign to his impeachment or freeze all activities of the Union because of its evolution and increasing demands. The security requirements were rejected, and the general assembly of the union voted that the union chair should remain in his position until the upcoming elections¹⁵

C. V. Recommendations

42. Abolition of the Demonstration Law No. 107 of 2013 and the repeal of the Law No. 10 of 1910, restricting the freedom of expression and the right to peaceful protest.
43. End the interference of Egyptian security in the affairs of Nubian institutions, associations and clubs, and the preservation of the right to freedom of association of the Nubians as indigenous residents.
44. Allow Nubians the right to move to their original areas and stop infringing upon their peaceful communities guaranteed by the Egyptian Constitution.

VI. The right to a fair trial of Nubians as indigenous people

45. The Nubians were exposed as indigenous people in Egypt to a series of violations which began with the non-observance of their constitutional rights and extended to the confiscation of their lands under the pretext of national security and development. Their peaceful demonstrations were dispersed by force, others were besieged; the police opened fire at some of the marches and several Nubian activists were arbitrarily arrested and held in an illegal detention place not intended for civilians and were tried in front of exceptional courts (emergency state security) where there is no appeal and the final decision is that of the president or whoever he authorizes to ratify sentences or order a retrial.

¹⁴ <https://arabi21.com/story/961850/> جرحى-نوبيون-بنار-الجيش-باعتصام-ضد-مشروع-السياسي-فيديو

¹⁵ <https://www.frontlinedefenders.org/en/case/threats-against-general-nubian-union-and-its-leaders>

A. The right to personal freedom and the prohibition of arbitrary detention:

46. In April 2018, the Arbitrary Detention Commission issued a report to monitor abuses against Nuba activists who were arbitrarily detained, accusing the Egyptian government of arbitrary arrest and violation of fair trial guarantees against arrested Nuba activists.
47. In January 2017 in the governorate of Aswan, a group of Nuba activists organized a peaceful protest, but security dispersed them and arrested 7 activists accused of demonstrating and gathering and objecting to an executive decision. While the army was preventing the Nubian march of return, many of the residents of the neighboring villages joined the march protesting the police dispersion. The army opened fire despite the peaceful nature of the march, resulting in the injury of three activists who were taken to hospital.¹⁶
48. . In 2017, a group of Nubian activists took part in a peaceful demonstration demanding the promulgation of the law establishing the Supreme Commission for the Resettlement, Reconstruction and Development of the Nuba. The security forces arbitrarily arrested 24 activists under the Emergency Law and held them in the Shallal military camp, where civilians should not be held. They remained there for 76 days. In October of the same year, while waiting for the verdict against the Nubian activists, security forces fired tear gas at a gathering of Nuba activists in front of the court house. Seven of them were arrested under the pretext of demonstrating and disrupting a public road. They too were taken to Shallal army camp.

B. The right to guarantees of legal, just and independent investigations:

49. Investigations were conducted by the Public Prosecutor's Office with 24 Nuba activists on 4 September 2017 at 6 am during an official holiday (Eid al-Adha), without the presence of a lawyer or any form of legal aid, in violation of the Egyptian Criminal Procedure Code and all international instruments on trial guarantees, and in the presence of police officers who wrote the reports against them, in a third violation, since investigations are supposed to take place in a judicial authority under the authority of the Public Prosecutor's Office, not in a police camp, without the presence Officers. The Public Prosecutor's Office did not investigate the defendants' claims of torture at the hands of police officers, despite the existence of clear signs of being subjected to torture, in violation of Article 55 of the Constitution, which criminalized the torture of all those arrested or whose freedom is restricted. Torture has become a policy used by Egyptian authorities to fabricate cases of dissidents, according to the CAT report, "Torture is a systematic practice in Egypt, and interrogators facilitate torture by failing to curb torture, arbitrary detention, ill-treatment or taking action on complaints."

¹⁶ International group for minority rights, a banned justice, unfulfilled promises, Situation of minorities in Egypt since 2014, January 2018

C. The right to a trial before a natural rather than an exceptional or paramilitary court:

50. Following the completion of the investigations with the defendants, they were not informed of the result of these investigations and the decision issued against them, in addition to the transfer of the accused to the Supreme State Security Court after an arbitrary detention of 76 days, which was reinstated in accordance with the Prime Minister's Decision No. 840 of 2017, published in the Official Gazette on May 4, 2017, and which constitutes a violation of the right of the accused to a fair trial, since there is no second level appeal and the decision is under the control of the Military Commander. The UN Working Group on Arbitrary Detention considered such situation to fall under the fifth item of arbitrary detention cases in the commentary report on the complaint filed against the Egyptian government by a group of Nubian detainees.¹⁷

D. The right to be tried before a competent, independent and public court:

51. The trial took place in a location that lacks impartiality and independence at the Shallal Camp, without even a decision by the Minister of Justice to transfer the trial to that camp to correct the false procedure. The trial, a matter of the judicial authority, took place inside a location that follows the Egyptian Ministry of the Interior, which is part of the executive authority, thus leading to its lack of independence.

52. It is worth mentioning that because of the venue of the trial, the President of the Court of Cassation rejected the transfer of the seat of the appeals sessions 655 to 85 to the headquarters of the Police Academy. In his letter to the Minister of Justice, he rejected the place in response to a letter that provides for the transfer of the seat of the appeal sessions no. 655 "We confirm the inappropriateness of the location for the court of cassation and call for moving the trial to an appropriate independent location in the city of Cairo place, and to inform us thereof so that the place can be examined before its use in the trial."

E. The right to treatment and medical care within a lawful place of detention and the safety of death as a result of negligence:

53. Article 55 of the Egyptian Constitution obliges the state to provide a healthy and humane place in the detention of any citizen. Article 24 of the Nelson Mandela Rules, which imposes responsibility for the provision of health care to prisoners, states that they have the right to access essential health services free of charge and without discrimination on the basis of their legal status. On the contrary, during his detention at the Shallal military prison, Nubian activist Muhammad Saleh Sorour, aka, Gamal Sorour suffered a diabetic crisis. The ambulance was 4 hours late resulting in his death. The Attorney-General closed the investigation into the death of Sorour, despite the clear responsibility of the prison officers responsible for the delay in providing him with the necessary medical care. Thus,

¹⁷ https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session81/A_HRC_WGAD_2018_28.pdf

Sorour joins the hundreds of people who died in Egyptian prisons because of the low or non-provision of health services..¹⁸

F. VI. Recommendations:

54. Re-open a transparent investigation and hold accountable those responsible for the death of Nubian activist Jamal Sorour.
55. Stop the Nubian trials against the backdrop of peaceful demonstrations and gatherings and expression of opinion.
56. Re-investigate the violations against the Nubian activists' claims of being tortured.
57. Abolish the work of the Emergency Supreme State Security Court because it constitutes a clear violation of the guarantees of a fair trial.
58. Suspend the holding of trials in places where the Ministry of Defense or the Ministry of the Interior constitute a clear threat to the independence of the trial.
59. Stop all media, security and government campaigns carrying hate speech against Nubian activists for defending international obligations and constitutional rights.
60. Respect for the principle of public trial and to allow lawyers to speak with the defendants without hindrance or barrier. In addition, the courtroom should not isolate between the defendants and the rest of the trial elements, be in constant contact and informed of all proceedings of his or her trial in a place that is under the control of the judiciary.
61. Ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

¹⁸ Mada Masr, After the death of Sorour, will hunger strike beat the detention in remand and medical neglect? 5 November 2017