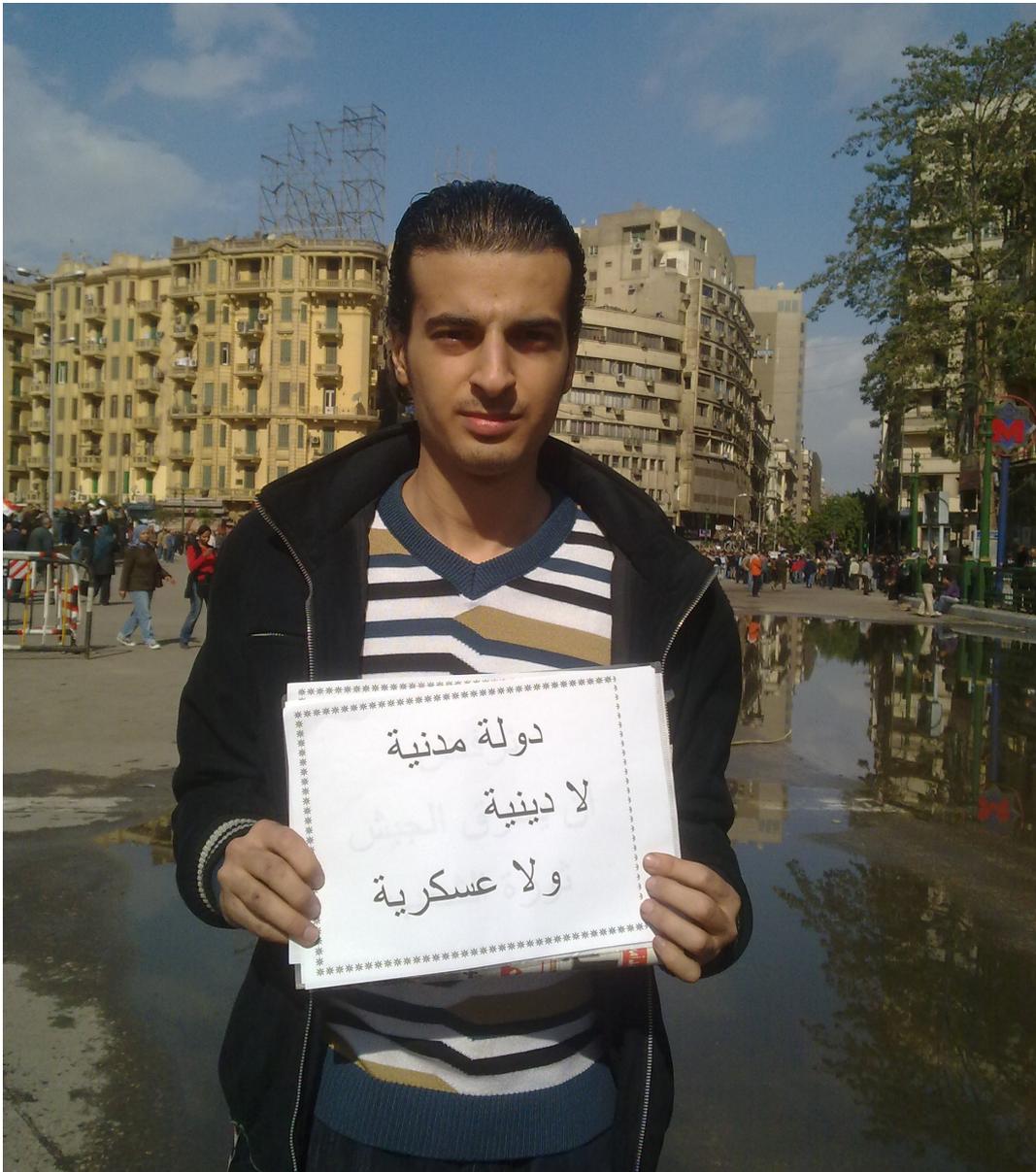




# Freedom for Maikel Nabil Sanad

**Egyptian pacifist blogger sentenced to three years' imprisonment for "insulting the military"**



**Maikel Nabil Sanad during the revolution, protesting against the military. He was arrested on 28 March 2011, and sentenced to three years' imprisonment on 10 April 2011 for "insulting the military"**

*"War is a crime against humanity. I am therefore determined not to support any kind of war, and to strive for the removal of all causes of war."*  
**WRI declaration**

War Resisters' International is an international network with 83 affiliated organisations in 42 countries. It aims to:

- ▶ connect and support war resisters around the world
- ▶ promote nonviolent action to remove the causes of war

#### **War Resisters' International**

5 Caledonian Road  
London N1 9DX  
Britain

☎ +44-20-7278 4040

☎ +44-20-3355 2364

Fax: +44-20-7278 0444

Email: [info@wri-irg.org](mailto:info@wri-irg.org)

Web: <http://wri-irg.org>

#### **Chair:**

Howard Clark

#### **Treasurer:**

Dominique Saillard

#### **Staff (London):**

Javier Gárate

Andreas Speck

#### **Accounts**

##### **Britain:**

War Resisters' International

Account No: 5072 7388

Sort Code: 08-60-01

Unity Trust Bank

Nine Brindley Place

4 Oozells Square

Birmingham B1 2HB

IBAN GB11CPBK 0800

5150 073210

SWIFT CPBKGB22

##### **Eurozone:**

War Resisters' International

Bank of Ireland

Bank of Ireland

IBAN IE91 BOFI 9000

9240 41 35 47

SWIFT/BIC BOFIE2D

# Freedom for Maikel Nabil Sanad!

On 28 March 2011 Maikel Nabil Sanad, a blogger, pacifist, and conscientious objector, was arrested by military police at his home, on charges of “insulting the military”, “spreading false information”, and “obstructing public security”. Less than two weeks later – on 10 April 2011 – he was convicted by a military court and sentenced to three years’ imprisonment.

## A highly relevant case

The case of Maikel Nabil Sanad is highly relevant, as it is a test about the seriousness of the interim military rulers of Egypt to respect their own interim constitution, which was recently approved in a referendum and came into force at about the same time Maikel Nabil Sanad was arrested. This interim constitution supposedly guarantees freedom of expression and the freedom of the press. However – it seems this does not include the freedom to criticise the present (and effectively past) rulers – the military. The sentence also comes at a time when more people in Egypt are realising the double-game of the military, with protestors on Tahrir Square demanding the resignation of Defence Minister *Mohamed Hussein Tantawi Soliman*, who is now also the chair of the Supreme Council of the Armed Forces, which presently governs Egypt. During protests on 8 April – the biggest since Mubarak’s resignation – up to eight people were shot dead by the military, and gunfire lasted for hours around Tahrir Square.

On 7 March, Maikel Nabil Sanad published a detailed analysis of the role of the military during and after the revolution on his blog<sup>1</sup>, highlighting that the military did support the police during the revolution, and did continue to arrest people even after the



Maikel Nabil Sanad during the revolution

fall of Mubarak. He wrote: “*In fact, the revolution has so far managed to get rid of the dictator but not of the dictatorship.*”

## The trial

The trial in front of the 10<sup>th</sup> of Ramadan military court in Nasr City, Cairo, did not meet the standards of a fair trial set out in article 14 of the International Covenant on Civil and Political Rights (ICCPR). There were a range of violations:

- first of all, as a civilian Maikel Nabil Sanad should not have been tried in a military court. Trials of civilians in military courts should be the exception, while in post-revolution Egypt they seem to be the rule.
- Maikel Nabil Sanad and his lawyers had little time to prepare a proper defence. Although the trial had been postponed several times, it lasted in total only about two weeks, with less than a week between the disclosure of the prosecution evidence and hearing where the defence had to rebut all accusations.
- The interested public was not allowed to attend the trial, including an observer of War Resisters' International, who travelled to Cairo from London. This is a grave violation of the principle of a public trial.
- On the day of the sentencing (10 April), his lawyers and family were told that sentencing would be postponed to 12 April, but that it took place on 10 April in their absence. This was a cheeky trick to even deprive him of his right to legal representation during sentencing, and left him on his own, with neither his lawyers, nor his family present.

Besides these procedural irregularities, the trial in itself is in clear violation of article 19 of the International Covenant on Civil and Political Rights, which guarantees freedom of opinion and expression. According to the United Nations Human Rights Committee, this includes the right to criticise the authorities and the military<sup>2</sup>.

## The military in Egypt after the revolution

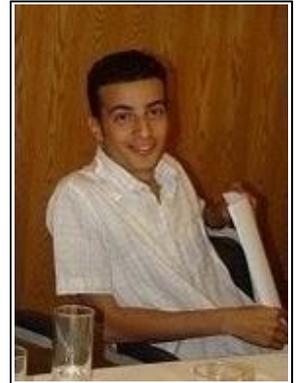
In a letter Maikel Nabil Sanad was able to smuggle out of prison, he wrote that he had been arrested in order to prevent him from publishing more about the role of the military – to shut him up.

In his own blog post from 7 March, Maikel Nabil Sanad highlighting the following:

The Egyptian army did not at any point side with the protesters. They supplied live ammunition to police attempting to suppress

1 An edited version of this blog post is available at <http://wri-irg.org/node/12484>

2 Human Rights Committee: Draft General Comment No. 34 on article 19 after the first reading by the Human Rights Committee, 25 November 2010, <http://www2.ohchr.org/english/bodies/hrc/docs/CCPR.C.GC.34.CRP.4.doc>



the demonstrations, were involved in the arrest, detention and even torture of protesters both before and after the departure of Mubarak, and are seeking by various means to suppress or limit the scope of the revolution. Many people are continuing to protest, calling for a civilian council instead of the Supreme Council of the Armed forces.

The report identifies three stages in the revolution:

***Stage 1: from the beginning of the demonstrations on 25 January 2011 until the army took over the streets on 29 January***

The Egyptian revolution started on 25 January, 2011 when tens of thousands of Egyptians took to the streets. During the first four days of the revolution, the police forces brutally confronted the protesters, killing more than 500 of them and injuring over 6000. Another thousand are missing. What was the reaction of the army?

1. Sami Annan, the Chief of Staff of the Egyptian army visited the USA to assure the Obama administration that the Egyptian army remained loyal to Mubarak and it would not abandon him. (See full text for the evidence of this gleaned from the US news agency Startfor and the Egyptian daily newspaper Al-Masry Al-Youm.)

2. The army provided the police with bullets to kill the demonstrators. On 28 January, the police used tear gas, smoke bombs and rubber and live bullets to attack the tens of thousands of demonstrators who had occupied Tahrir Square. When the police ran out of ammunition, military jeeps moved through the crowds to supply the police with live bullets which they fired at the protesters. The military police intervened in this way a second time when the police again ran out of ammunition. In response the crowd set fire to two army jeeps, an armoured vehicle belonging to the Armoured Corps, and captured four tanks.

***Stage 2: From 29 January until Mubarak announced he was stepping down on 11 February***

From the early hours of Saturday 29th of January 2011, and after the demonstrators detained some of the tanks and burnt several jeeps the armed forces began to change tactics. Officers started speaking to the demonstrators, calming them, pacifying them. However, the new phase of the relation between the protesters and the army was based on managing the conflict through indirect mechanisms such as:

- Blockading the protesters and preventing them from leaving Tahrir Square. During the first few days, the army stopped demonstrators from moving in the direction of the Ministry of the Interior and Parliament. However, during the last the last three days of Mubarak's rule, when the crowds in the square had become too large and determined to control, the army did not attempt to obstruct them from marching from the Square. This accorded with its policy of avoiding a direct

clash with the revolutionaries.

- Adopting a stance of passive neutrality whilst continuing to support the police and Mubarak thugs. The army issued many statements proclaiming it would protect the protestors. However, after the second speech of Mubarak on the night of Tuesday 1 February, the army stood by as thugs flooded the streets chanting for Mubarak to stay. They continued to do so during the following two days, when the thugs attacked the demonstrators with camels and horses, killing ten demonstrators and injuring over 1,500. The thugs were also allowed to climb buildings overlooking Tahrir square and throw Molotov cocktails at those below.
- Using Egyptian Intelligence to try to persuade some politicians to appeal to the revolutionaries to leave Tahrir Square. A document seized at the state security headquarters in Nasr City when it was occupied on 5 March shows that a Major Khalid Mohamed Mohsen Sharkawy visited Amr Mousa, Secretary General of the Arab League, asking him to make such an appeal to the demonstrators. He subsequently did so, urging them to accept the terms offered by Mubarak in his second speech.
- Arresting, abusing and torturing demonstrators, and raiding the offices of Amnesty International (3 February), the Heshm Mubarak Centre for Human Rights and other international human rights organizations, confiscating their files and arresting of their leaders.
- On 30 January Malek Adly was arrested, so too on 3 February was the blogger "Sand Monkey" on his way – with medical aid- to Tahrir Square; a few hours later his blog was blocked. On the 4th of February, Wael Abbas, the blogger, and Maikel Nabil Sanad (author of the report) were arrested, and on the 6th of February the blogger Kareem Amer was arrested. Some estimates put the number of demonstrators arrested and held in military establishments during these two weeks at over 10,000. Those who were subsequently released told of the torture and killing of many other demonstrators by army officers and members of the intelligence service.

The document goes on to list a number of testimonies including that of the author who was subjected to beatings and sexual harassment after his arrest. It refers also to the report in the Guardian of 9 February by Chris Greal which cites human rights groups who state that the army was involved in detentions, disappearances and torture, and to an Amnesty International report (17 February) that included testimonies of young people who were arrested and tortured by the military police with whips and electric shocks.

- Attempting to invade Tahrir Square. The army attempted on more than one occasion during the period 4th to the 10th February 2011 to eject the protesters from the Square. This resulted in many clashes between them. For example on the night of the 6th of February when the troops near the Egyptian Museum tried to move further into the square, they were halted by protesters forming a human chain. The army fired shots in the air, and arrested 3 protesters whose fate is still not known.

### **Stage 3: After Mubarak stepped down -From February 12 until the report was written in late March**

After Mubarak announced he was stepping down, the army used the media to convey the message that it had joined the revolution, whilst doing everything to ensure its suppression, or at least hindering its progress. Among the steps taken were:

- A ban on photography in Tahrir Square. The aim here was to isolate the rebels emotionally from the rest of the Egyptian people. So, when the revolutionaries were attacked they might start to feel they had been abandoned by their own people. And the wider Egyptian public, having no idea of the extent of the crackdown against protesters, might start to wonder why they were continuing to protest.
- Manipulation and control of the media. Various means were used to this end. For example, on 15 Feb some officials in the higher military council held a meeting with the chief editors of newspapers and other media personnel and ordered that there should be no further discussion of Mubarak's wealth. On 26 February major general Trek E-Mahdi was appointed general supervisor of the television and radio union, which means that Egyptian media is now directed by an army department.
- Ordering mobile companies to send SMSs to people warning them against participating in sit-ins and encouraging them to oppose protesters.
- Further violent attempts to clear Tahrir Square. On 14 February Many people were injured and taken to Qasr Al-Ainy hospital after the army succeeded in dispersing various demonstrations in the square. The army then published a statement warning citizens against demonstrating.

The report goes on to cite further instances of attacks by the army on demonstrators since the departure of Mubarak, and provides more testimonies of arrests, detentions and torture. It points out that the armed forces continue to enforce a curfew, and refuse to end the state of emergency. It concludes that although the army claims to have joined the revolution, it constantly tries to circumvent its demands and could exercise an undue influence on the provisions of the new constitution.

Read the full document at <http://wri-irg.org/node/12484>

Since Maikel Nabil Sanad published his report, other individuals and organisations have published more facts about repression by the army since Mubarak's resignation. Channel 4 reported on 7 April about allegations of torture, arbitrary detention and sham trials by the Egyptian armed forces<sup>3</sup>. According to an article in the Washington Post from 2 April 2011, at least 5,000 people have been tried in military courts since 28 January 2011<sup>4</sup>.

## **What you can do:**

### **Write to Maikel Nabil Sanad:**

Maikel Nabil Sanad  
El-Marg prison  
El-Kalag  
El-Khanka  
Qalyubeya  
Egypt

### **Write letters of protest to the Egyptian authorities:**

Director of Military Judiciary  
Major-General Ahmed Abd Allah  
Military Judicial Department  
Cairo, Egypt

Military General Attorney  
Major-General Medhat Radwan  
Military Judicial Department  
Cairo, Egypt

Minister of Defence  
His Excellency Muhammad Tantawi  
Ministry of Defence  
Cairo, Egypt  
mmc@afmic.gov.eg ; mod@afmic.gov.eg  
Fax: +20 2 2 5748 822  
A protest email can be sent at <http://wri-irg.org/node/12728>.

Egyptian Embassy in Britain  
26 South Street, London W1K 1DW  
Tel.: 020 7499 3304,  
Fax: 020 7491 1542,  
E-Mail Address: [eg.emb\\_london@mfa.gov.eg](mailto:eg.emb_london@mfa.gov.eg)  
A list with contact details for Egyptian embassies is available at <http://www.mfa.gov.eg/English/Embassies/Pages/Listing.aspx>

- 3 Channel 4: Egypt. After the revolution, allegations of military abuse, 7 April 2011, <http://www.channel4.com/news/egypt-after-the-revolution-allegations-of-military-abuse>
- 4 Washington Post: Egypt's military keeping repressive practices in place, 2 April 2011, [http://www.washingtonpost.com/world/egypts-military-keeping-repressive-practices-in-place/2011/04/02/AFFjgpPC\\_story.html](http://www.washingtonpost.com/world/egypts-military-keeping-repressive-practices-in-place/2011/04/02/AFFjgpPC_story.html)