



**CONFIDENTIAL**

**Egypt:**  
**Torture: A Systematic Practice**

**Third Follow-up Report**

**Report to the Committee against Torture under article 20 of the  
Convention against Torture**

**11 October 2013**

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## 1. Introduction

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In its third follow-up report the Alkarama Foundation ("Alkarama") wishes to provide information in order for the Committee against Torture ("Committee") to assess the level of compliance of Egyptian authorities with the provisions of the Convention against Torture and keep the Committee informed of the systematic practice of torture that has been ongoing in Egypt to this date. This report follows our original communication "Egypt, Torture: a Systematic Practice" dated March 2012 ("Original Communication"), the first follow-up report dated September 2012 ("First Follow-up report") and the second follow-up report dated April 2013 ("Second Follow-up report").

This follow-up report is timely, following on the military coup on 3 July 2013, Egypt is currently undergoing dramatic transition with a new constitution to be voted on in November and parliamentary and presidential elections set to take place in six to nine months according to official sources. In addition, a number of laws are being amended and new ones are being promulgated. The new leadership speaks of a new era and a desire to break with past practices. Yet as this report will demonstrate, the practice of torture remains as systematic in Egypt today as it was when former president Morsi was in power, as a heritage of the Mubarak era. The victims of a large number of torture cases documented in this report are individuals who were opposed to the military takeover on 3 July 2013.

In addition, the number of individuals detained has risen dramatically since the military takeover. These arrests have also targeted individuals that have opposed the coup, with many of them being detained incommunicado without having been tried. Chief amongst them is former president Mohamed Morsi. This is particularly concerning as the risk of torture in the pre-trial phase is high especially if the detainee is held incommunicado with no access to a lawyer and the outside world. Aware of this risk, the Committee against Torture has repetitively raised the issue of pre-trial detention such as the necessity to provide judicial review during this phase or its time-limit.<sup>1</sup> In the same line the Human Rights Committee has urged states to shorten the pre-trial phase to a few days.<sup>2</sup> Finally, the Special Rapporteur on Torture has made it clear that pre-trial detention of criminal suspects shall be the exception, not the rule, and shall be as short as possible.<sup>3</sup>

We believe that the intervention of the Committee by means of an investigation, as set out in article 20, will prod the Egyptians authority to seize this new period in Egypt's history to repair the past by providing victims of torture with reparations, bringing those responsible to justice and undertaking the measures necessary to prevent further acts of torture.

Alkarama therefore once again urges the Committee to find that reliable information has been received which contains well-founded information indicating that torture is being systematically practiced in all places of detention in Egypt and that it should decide that a confidential enquiry be initiated, as per article 20.2 of the convention. We also urge you to remind Egypt of its reporting obligations under the convention, namely to provide its long-overdue sixth periodic report.

## 2. Developments in Egypt

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Egypt's economic situation worsened in spring 2013, with food prices soaring because of Egypt's growing need for hard currency. According to the World Bank, Egypt's economic growth registered 2% in the 2012/2013 fiscal year, which marks the second year of a recession .

In a sign of growing discontent with Morsi's presidency, the anti-Morsi *Tamaroud* movement that was founded in late April 2013 launched a campaign to gather signatures calling for early presidential

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1 For example: Committee Against Torture, Committee against Torture: Conclusions and Recommendations, Cameroon, 11 February 2004, (CAT/C/CR/31/6) or Committee against Torture, Concluding Observations of the Committee against Torture on Japan, 3 August 2007, (CAT/C/JPN/CO/1)

2 Human Rights Committee, General Comment No. 8 (1994) on Article 9, para 2.

3 Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment submitted to the Human Rights Council at its thirteenth session, 9 February 2010, (A/HRC/13/39), para. 77 (c).

elections. By 29 June 2013 the first-year anniversary of the handover of power to Morsi *Tamaroud* claimed to have reached 22 million signatures.

Discontent also channeled through regular protests against Morsi around the country. The protests were sometimes met with counter-protests expressing their support for Morsi such as the one on 21 June entitled "No to Violence".

Amid the polarization in Egypt, the armed forces issued a statement calling on all parties to find common ground while reiterating that they did not wish to involve themselves in politics. On 28 June 2013, clashes break out between pro-Morsi demonstrators and opponents leading to four deaths and the burning down of the Muslim Brotherhood's headquarters.

The tipping point was the protests on 30 June that occurred throughout Egypt calling for Morsi's departure. The size of the turnout that day emboldened the army to intervene, giving Morsi a 48-hour ultimatum to resign and arrange early presidential elections. In view of Morsi's rejection of the ultimatum, on 3 July the army deposed Morsi and announced the suspension of the constitution, the adoption of a roadmap that involved appointing Adli Mansour as interim president and head of the constitutional council, drafting a new constitution and new legislative and presidential elections.

This new era heralded a campaign of repression against the Muslim Brotherhood and other anti-coup political groupings. Large swaths of the movement were arrested, with many detained incommunicado amid the recurrent practice of torture that is described in this report.

In addition, there was excessive use of force by security forces against demonstrators. In fact, a series of demonstrations opposed to the military takeover took place starting from the "Day of Rage" on 5 July 2013. These demonstrations were marked by high death tolls: on 8 July, for example, over 60 demonstrators were killed, and on 27 July, over 70 people were killed.

Whilst protests continued and two anti-coup sit-ins in Cairo and Giza were established, the roadmap was put in place. On 9 July, Adli Mansour issued a constitutional declaration composed of 33 articles. A week later, the first cabinet was formed, headed by Hazem El Biblawi composed mostly of liberals and leftist figures and with no Brotherhood members.

Egypt's crackdown on protests took a dramatic turn on 14 August when security forces violently dispersed the two large sit-ins composed of individuals demanding the reinstatement of president Morsi. No confirmed death toll has been made public to date, but it is estimated by observers that the death exceeded a thousand in Rabaa' alone. Alkarama's office in the country has documented 986 cases. As a result of the protests, Adli Mansour declared a state of emergency. While the dispersal attracted international condemnation, Gulf countries especially Saudi Arabia, the UAE and Kuwait stepped up their support for Egypt's new regime by offering financial packages in view of potential withdrawal of funding from Western countries.

Pro-Morsi protests resumed unabated on 16 August in condemnation of the events that had happened two days earlier.

The crackdown on the Brotherhood continued after the dispersal of the sit-ins with the arrest of Mohamd Badie, the spiritual guide of the Muslim Brotherhood on 20 August 2013. At present, it is estimated that the number of Muslim Brotherhood members detained in Egypt largely exceeds the 1000. Restrictions on the Muslim Brotherhood's activities eventually lead to a court ordered banning the Muslim Brotherhood and freezing its assets on the 23 of September. Two days later the last news media outlet of the Muslim Brotherhood, the Freedom and Justice Newspaper was shut down.

September witnessed a big push for the completion of the constitution, accompanied by the resumption of the military campaign in the Sinai that had begun in August 2013 under the name "Operation Sinai", targeting Islamist armed groups.

Regarding the constitutional drafting process, Adli Mansour appointed a ten-member committee that finalised an extensive list of modifications to the 2012 constitution on 20 August. The list of

modifications is currently being studied by a 50-member committee headed by Amr Moussa. None of the fifty members is from the Muslim Brotherhood; however the Salafi Nour party is represented in the committee. The committee is expected to submit its final draft in November that will be later voted on by a referendum.

### **3. Obligations under the Convention still unfulfilled**

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Egypt ratified the Convention against Torture (CAT) on 25 June 1986 but has not ratified its Optional Protocol (OPCAT) to date. Furthermore, Egypt has not yet made a declaration under article 21 of the convention for inter-state complaints nor accepted the individual complaints procedure under article 22. In terms of its reporting obligations, Egypt was scheduled to submit its fifth periodic report on 25 June 2004 to the Committee against Torture, which it has not yet done. Its report is therefore 9 years overdue.

With regards to the International Covenant on Civil and Political Rights, ratified by Egypt on 14 January 1982, it has still not ratified either optional protocols relating to the use of the death penalty and the submission of individual complaints. Its fourth State report was due on 1 November 2004, but has still not been submitted. Its report is therefore also 9 years overdue.

Regarding the Human Rights Council, Alkarama deplores Egypt's lack of cooperation with the Special Procedures. Egypt has received two requests for visits since Alkarama's last report in April 2013. One from the Special Rapporteur on Violence against Women (on 10 July 2013), and another from the Special Rapporteur on extra-judicial, summary or arbitrary executions (on 8 August 2013). The latter is a second request that adds to the original one sent in 2008 that has remained unaddressed. For other pending requests we refer to our original communication and the two follow-up reports on September 2012 and April 2013.

## **4. Systematic Practice of Torture**

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### **4.2 Insufficient Legal Framework**

The legal framework regarding torture remains insufficient in Egypt and has not known any progress since Alkarama's last follow-up report in April 2013. Egypt is in the process of drafting a new constitution and any weakening of this legal framework will put it farther from its obligation under 2(1) of the CAT to take effective legislative measures to prevent torture. Egypt must be aware that one way to end impunity is to make its internal legislation on torture in line with its international obligation.<sup>4</sup>

#### **4.2.1 Constitutional Declaration:**

On 8 July 2013, President Adli Mansour issued a constitutional declaration by decree that will be valid until a new constitution is adopted by referendum, which is set to take place in November 2013.

This constitutional declaration does not contain any provisions on torture. This is unfortunate, given that the declaration sets out to guarantee several fundamental human rights in 13 out of its 33 articles. Alkarama fails to see why the prohibition of torture that is *jus cogens* should not be included in a constitutional declaration, especially as the previous two Egyptians constitutions of 2007 under Hosni Mubarak and 2012 under Mohamed Morsi contained explicit provisions on the prohibition of torture.

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4 The Committee against Torture stated that: "[s]erious discrepancies between the Convention's definition and that incorporated into domestic law create actual or potential loopholes for impunity." Committee against Torture, General Comment No. 2 (2008), Implementation of Article 2 by State Parties. para.9.

#### 4.2.2 Emergency Law:

After the dispersal of the anti-coup sit-in on 14 August at Rabaa' Al-Adawiya, and the high number of casualties that occurred on the day, *interim* president Adli Mansour declared a state of emergency for one month. This state of emergency was extended for another two months on 12 September 2013. The text of the state of emergency does not mention the prohibition of torture. Alkarama expresses its concern for this omission considering that emergency situations are usually invoked wrongly as providing a waiver for the prohibition of torture in contravention of article 2(2) of the CAT. The prohibition of torture is a non-derogable under the CAT and the ICCPR, and no legal text should suggest otherwise.

#### 4.2.3 Proposed amendments to the Constitution:

The ten-member committee that was appointed by *interim* president Adli Mansour pursuant to article 28 of the Constitutional Declaration of 8 July 2013 was tasked with amending the 2012 Constitution and submitting the proposed amendments to a fifty-member committee (also appointed by Adli Mansour) that will draft the final constitution. Alkarama expresses its concern about the proposed amendment to article 36 of the constitution which is the only article in the text that deals with torture. The version of this article in the 2012 Constitution is as follows:

**Article 36**

*Anyone who has been arrested, jailed, or restricted in his freedom in any form is entitled to being treated in a way that respects his dignity. He must not be tortured, threatened, or degraded. He must not be harmed physically or mentally. He must only be detained or jailed in locations that are hygienic and becoming to a human being and that are under judicial supervision.*

*Any deviation from these instructions is a crime that will be punished, as stipulated by law.*

*Any statement made under such illegal circumstances or elicited under threat of such circumstances shall be considered null and void."*

The proposed article 40 (the equivalent of the above-mentioned article 36 in the old constitution) drops any mention of the second paragraph criminalizing the failure to respect the prohibition of torture. Considering that these articles are the benchmark for the fifty-member committee, this provision might find its way to the final draft. This would be a worrying outcome which would suggest that the Egyptian legislator is not working to meet its obligations under 2(1) of the CAT.

#### 4.2.4 Egyptian Criminal Law

Despite the fact that no changes have been introduced to Egyptian Criminal Law since our last report, and Alkarama's comments therefore remain valid, some interesting initiatives to strengthen the prohibition of torture had begun before the military takeover on 3 July. The Egyptian legislature and executive had in fact discussed possible amendments to articles 126 and 129 of the Criminal Code that deal respectively with the crime of torture and crime of cruelty. Alkarama, in its first report in March 2012, had expressed misgivings about these two articles as they stood, demonstrating to what extent they fell short of Egypt's obligations under international law. Had the amendments been adopted, they would have expanded the crime of torture in Egyptian law to make it more consistent with international law. For example, whereas the current article 126 restricts the crime of torture to individuals who have been charged, the proposed amendments replaced the word 'accused' with 'human being', thus making the terminology consistent with that of article 1(1) of the CAT. Also, the definition of crimes of cruelty was set to be expanded and the penalty increased.

Nevertheless, the attempted amendments, even if laudable, would not have brought Egypt's definition of torture in line with the CAT had they been adopted. Article 1 of the CAT still includes in the definition of torture the notion of severe pain or suffering carried out with a view *to coerce or intimidate*. This purposive element of torture would have been left out in the proposed amendment.

Moreover, the proposed amendments would have criminalized acts of torture when carried out at the instigation of a public official but not at the 'consent' or 'acquiescence' as set out in article 1 of the CAT. These initiatives have been interrupted ever since the military takeover on 3 July 2013. So far, under the presidency of Adli Mansour, the law on torture has not been addressed, even though there have been initiatives to amend laws pertaining to human rights issues (for examples, the NGO law, and the demonstrations law).

Alkarama calls for these initiatives to modify provisions of Egypt's Criminal Law regarding torture to be relanched to ensure they meet Egypt's international obligations in the matter.

#### **4.2.5 Detention Law**

As mentioned above, Egypt is working on amending or promulgating a number of new laws. Alkarama expresses its concerns about the modification of article 143 of the Criminal Procedure Code. This modification allows the court of appeal or cassation to extend the detention of the defendant for 45 days without limits. The judgment affects only cases where the first court judgment sentences the defendant to life imprisonment or death.

In this situation, a defendant can be detained indefinitely pursuant to the provisions of this law, with the court renewing the detention whenever the 45 days come to an end. This leaves the defendant in a state of uncertainty regarding the length of his or her detention. This can well amount to torture if the renewal has a purpose and is used to inflict mental pain on the defendant.

This amendment casts doubt on the willingness of the new authorities to overhaul the legal framework regarding torture to bring it into compliance with international standards.

### **4.3 Forces implicated in torture**

Alkarama has investigated cases of torture that have occurred when victims were in the custody of the army or police or prison authorities, which indicates that the practice of torture in Egypt still permeates most Egyptian security institutions.

Alkarama has noticed an increase in cases of individuals tortured by the Republican Army; in most of these cases the victim was tortured at the moment of arrest and/or during transfer. Recent cases indicate that torture is systematically used in police centers such as Sayyeda Zeinab, Salam in Cairo and Section 3 of the police in New Cairo. 'Aqrab prison remains a notorious place where torture and other form of ill-treatment are practiced.

In some cases the victim was tortured consecutively by the army, police and then by the prison authorities, such as in the Case of ██████████.

██████████ ██████████ aged ██████ and is of Egyptian nationality and lives in ██████████. He works as a ██████████ He is married and has one child.

On ██████ 2013, Mr ██████ was arrested on Salah Samma' Street in Cairo by members of the Republican Guard. He was charged on ██████ 2013 but was not informed of the content of the charges. While detained, he was not allowed any contact with the outside world, including his family and legal counsel, nor did he receive any visits. He was released on ██████ on bail.

During his arrest by members of the Republican Guard, he was beaten on the head with the butt of a rifle and was dragged on the ground, which resulted in injuries. On the day of his arrest, he was transferred to Salam Police station in Cairo in an overcrowded transportation vehicle with 45 other individuals. During the transfer, he suffered from asphyxiation. Upon his arrival at the police station, he was insulted by one of the police officers, as well as being forced to sit on his knees for an hour and a half. After his transfer to 'Aqrab prison on ██████ 2013, he was badly treated, the food served was in bad condition and his private belongings

were confiscated and not returned to him upon his release. It is highly likely that Mr [REDACTED] was subjected to torture because of his anti-coup stance and for being a supporter of deposed president Morsi.

#### 4.4 Extra-judicial excutions due to torture

A form of torture that leads to death is the deliberate failure to provide medical care to persons in need, when this omission leads to the death of the victim after suffering because of his or her illness, as well as the mental anguish caused by the lack of treatment.

The Special Rapporteur on Torture, and other Cruel, Inhumane and Degrading Treatment has paid increasing attention to the issue of health-care and torture and ill-treatment, with a special focus on this question in his last report published on 1 February 2013.<sup>5</sup> The Special Rapporteur stated that "not every case where a person suffers from severe pain but has no access to appropriate treatment will constitute cruel, inhuman, or degrading treatment or punishment. This will only be the case when the suffering is severe and meets the minimum threshold under the prohibition against torture and ill-treatment; when the State is, or should be, aware of the suffering including when no appropriate treatment was offered."<sup>6</sup> Despite the fact that the Special Rapporteur does not deal specifically with detention in this case, there is no reason to believe that the case of a detained victim who has been denied proper treatment should be excluded. To the contrary, as former Special Rapporteur Manfred Nowak stated, ill-treatment applied in a situation of powerlessness (e.g. detention) will be more likely to amount to torture.<sup>7</sup> Alkarama believes that the case of Safwat Safwat Khalil which it investigated amounts to torture as the victim was denied proper treatment for over one month in prison, eventually leading to his death. The authorities were fully aware of his cancer.

Safwat Safwat **Khalil** (صفوت صفوت خليل) aged 59, is of Egyptian nationality and lives in [REDACTED] city. He works as a pharmacist and is married.

Safwat Safwat Khalil was arrested from his house located in [REDACTED] on 14 August 2013 by the Central Security Forces. The arrest was carried out pursuant to an arrest warrant issued by the State Security Intelligence on charges of incitement to violence and resisting authorities. The legal basis of the arrest warrant rests in the state of emergency in force in Egypt since 14 August 2013. Safwat Safwat Khalil was taken to Mansoura Prison.

Khalil suffered from cancer, and he was receiving medical care including chemotherapy while in prison. When the medical authorities requested that Khalil remain in hospital due to health concerns, the request was refused by the Interior Ministry. The lack of medical care led to his death in prison on 26 September 2013.

A similar case is that of Abdel Wahab Mohamed **Abdel Wahab** (عبد الوهاب محمد عبد الوهاب) a 42-year-old Egyptian national who lived in [REDACTED]. He is a peasant and married with three children.

Mr Abdel Wahab was arrested at his house on 24 August 2013 by members of the General Security, State Security and the Police Special Forces. Some were dressed in civilian clothing and others in official uniform. The arrest warrant is based on the emergency law and was issued by the State Security Department.

Mr Abdel Wahab was charged on 14 August 2013 by the Public Prosecutor on charges of burning, destroying and penetrating 'Adwa Police Station.

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5 Report of the Special Rapporteur on Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment submitted to the Human Rights Council at its twenty-second session, 1 February 2013 (A/HRC/22/53), paras. 17-26.  
6 Report of the Special Rapporteur on Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment submitted to the Human Rights Council at its twenty-second session, 1 February 2013 (A/HRC/22/, para 13.  
7 Report of the Special Rapporteur on Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment submitted to the Commission on Human Rights at its sixty-second session, 23 December 2005, (UN Doc. E/CN.4/2006/6), para 39.





weapons, breaking into the Ministry of Planning and attacking soldiers. On the same day he was moved from the Republican Guard premises to the police station in Cairo.

On the [REDACTED] Mr. [REDACTED] managed to contact his family through his lawyers however they could not visit him. He was released on bail on the [REDACTED]/2013.

During his arrest he was beaten with a stick on the body and head and then transported in a car for one hour that lacked ventilation which led him to almost suffocate. When he reached the police station of Cairo he was insulted and beaten by the members of the State Security. Mr [REDACTED] did not get examined by a doctor. Through torture the police tried to extract confessions from M. [REDACTED] that he attacked members of the republican Guard before their building in Cairo. M. [REDACTED] did not confess.

#### 4.7 Torture of minors

Alkarama is gravely concerned by the fact that it continues to receive cases of minors being subjected to torture in Egypt. It should be noted this is not the first time that Alkarama has included torture cases of minors in its follow-up reports.

Alkarama is appalled by the use of administrative detention against children. The Egyptian authorities' recourse to detention of children without alternative measures being sought is alarming and not in line with international standards. As the Special Rapporteur on Torture stated, the threshold for detaining a child is higher than that of an adult.<sup>9</sup> Alkarama urges the Egyptian authorities to detain children only as a last resort as required by the first two articles of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, and only for "serious acts involving violence", as required by the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ('Beijing Rules') adopted in 1985.

Ill-treatment of minors reaches the severity threshold of torture more easily than for adults, considering the vulnerability of the victim due to his or her age. The former Special Rapporteur on Torture stated that "children are necessarily more vulnerable to the effects of torture [and other forms of ill treatment] and because they are in critical stages of physical and psychological development may suffer graver consequences than similarly ill treated adults."<sup>10</sup>

These are the most recent cases of torture of juveniles received by Alkarama, accompanied by a violation of the freedom from arbitrary detention and freedom of expression.

[REDACTED] [REDACTED], aged 16, and of Egyptian nationality and is a pupil. He lives in [REDACTED].

Mr. [REDACTED] was arrested without warrant on [REDACTED] 2013 in front of 'Abdel Mn'em Riyad Bisnawrass School by members of State Security of Bender el Feyoum dressed in civilian clothing. The authorities did not show any warrant. The legal basis for his arrest is the emergency law. On [REDACTED] 2013 he was charged for joining the Muslim Brotherhood, a banned organisation, calling for civil disobedience in front of public buildings and inflicting damage on state facilities (his school). The public prosecutor ordered that Mr [REDACTED] be detained for 15 days pending investigation. While in custody at the police station of Bandar Al-Fayoum, he was beaten by State Security on different part of his body while being told that he will not be able to go to school anymore and that his future is doomed. Finally he

9 Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment submitted to the General Assembly at its sixty-fourth session, 3 August 2009, (A/64/215), para. 65.

10 Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment submitted to the Human Rights Commission at its Thirty-Fifth session, 9 January 1996, (SE/CN4/1996/35) para.10. The European Court, in the same line stated that age is factor to be taken into account when assessing the severity of violence: "[severity] depends on all the circumstances of the case, such as the duration of the treatment, its physical or mental effects and, in some cases, the sex, age and state of health of the victim, etc." European Court of Human Rights, Selmouni v France No. 25803/94 (1999), para.100.

was detained with adults in contravention of article 37(c) of the Convention on the Right of the Child.

[REDACTED] aged 16, is a pupil of Egyptian nationality and lives in [REDACTED].

Mr [REDACTED] was arrested without s warrant on [REDACTED] 2013 in front of Sidi Fath School in [REDACTED] by Members of State Security dressed in civilian clothing. The authorities did not show any warrant. He was charged on [REDACTED] 2013 for distributing leaflets that compromise state security and calling for civil disobedience. The legal basis for his arrest is the emergency law. While in custody at the police station of Bandar Al-Fayoum, he was beaten by State Security on different part of his body and threatened on the same tone that Mr. [REDACTED] was. Finally he was detained with adults in contravention of article 37(c) of the Convention on the Right of the Child.

#### **4.8 Impunity and lack of adequate reparations for torture victims:**

By tolerating impunity for acts of torture, Egypt paves the way for the repetition and recurrence of these acts<sup>11</sup> and therefore fails to meet its obligations to prevent torture by judicial means pursuant to article 2 (2) of the CAT.

Egypt has a duty to effectively investigate acts and complaints of torture and bring those responsible to justice while providing effective reparations to torture victims.

Another worrying facet of impunity is that allegation of torture are not always picked up by Egyptian officials, in certain circumstances they do not act upon clear 'reasonable ground' that acts of torture are being committed as require by article 12 of the CAT.

The cases of [REDACTED], [REDACTED], [REDACTED] [REDACTED] that Alkarama investigated are revealing in this respect.

[REDACTED], aged 24, is of Egyptian nationality and lives in the [REDACTED], New Cairo Egypt.

[REDACTED], aged 48, is of Egyptian nationality and lives in the [REDACTED] New Cairo Egypt.

[REDACTED] aged 18, is of Egyptian nationality and lives in [REDACTED] New Cairo Egypt.

[REDACTED] aged 42, is of Egyptian nationality and lives [REDACTED]

These four individuals were returning from a demonstration and holding banners featuring deposed president Morsi. They were arrested at a police checkpoint on [REDACTED] 2013 in New Cairo by the Investigation Unit of the Police and were taken to the police station in New Cairo where they were subject to torture leading to bruises and even a factured jaw. On [REDACTED] the four men were charged, *inter alia*, with assault on a policeman. On [REDACTED], they were examined by doctors that produced four medical reports documenting the acts of violence they had been subjected to. For example, the report concerning [REDACTED] states the following: "Several bruises in the head and scratches. Several scratches in the back and others on the right foot. Injury in the left ear and bruise in the

11 The Committee against Torture stated that: "To guarantee non-repetition of torture or ill-treatment, States parties should undertake measures to combat impunity for violations of the Convention." Committee against Torture, General Comment No. 3 (2012), Implementation of Article 14 by State Parties, para.18.

lower lip. His central incisors are loose and he is unable to exert pressure on his molars because of the displacement of the jaw.”

The Deputy Public Prosecutor referred the case to the judge on 14 September (two days after the medical reports were prepared) for a first hearing that occurred on 17 September. The Deputy Public Prosecutor ignored the four medical reports that certainly amounted to ‘reasonable ground’ that acts of torture were committed within the meaning of article 12 of CAT, thus leaving these acts of torture without an investigation that could bring those allegedly responsible to trial and provide reparations to the four victims.

This incident and others similar to it will only serve to perpetuate the tradition of impunity for acts of torture lamented in our previous three reports, and pave the way for repetition and recurrence of these acts.

## **5. Conclusion**

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It is our view that torture continues to be practiced systematically in Egypt. Egypt is thus far from respecting its international commitments stemming from the Convention against Torture. As shown above and in previous reports, the practice of torture permeates Egyptian institutions that have the ability to arrest or detain individuals. In addition, there is a surge of the practice of torture in order to quell and intimidate political opposition at present, following the military coup.

The legal framework on torture and its systematic practice indicate that the Committee against Torture’s concluding observation in 2002 were not acted upon by Egypt.

We believe that the Committee is best placed to provide comments and suggestions to Egypt through the undertaking of an inquiry in accordance with article 20(2) of the Convention due to its expertise and independence. Egypt is embarking on a new political process; therefore any such action will serve as a call to address the urgent question of the systematic practice of torture in Egypt.

As stated in our introduction, we urge the members of the Committee find that reliable information has been received which contains well-founded information indicating that torture is being systematically practiced in Egypt, and the Committee should decide, according to Article 20 (2) that a confidential inquiry be initiated.