



**CONFIDENTIAL**

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

**Fourth Follow-up Report**

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

**11 April 2014**

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## 1. Introduction

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In its fourth 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 date. This report follows our original communication dated March 2012; the first follow-up report dated September 2012 ("First Follow-up Report"), the second follow-up report dated April 2013 ("Second Follow-up Report") and the third follow-up report dated October 2013 ("Third Follow-up Report").

Nine months after the military takeover and despite the fact that the leadership claims it will cease past practices, there has been an explosion of human rights violations and the practice of torture remains as systematic as it has been since the 1980s. We strongly believe that the intervention of the Committee by means of a confidential inquiry is now more than ever essential as the new authorities need to seize the opportunity to comply with international standards and put an end to the practice of torture, and this, despite the fact that a confidential procedure was already undertaken by the Committee between 1991 and 1994.

As a reminder, the Egyptian authorities, at the time, expressed their discontent as to the publication of the Committee's publication of its results, giving the pretext that it would "give a wrong indication to the terrorists groups and their supporters" and "encourage the latter to proceed with their terrorist schemes and to defend their criminal members who engage in acts of terrorism by resorting to false accusations of torture."<sup>1</sup> The Committee noted that it was aware that allegations of torture received were made in a particular context i.e. a renewal of the state of emergency in the country until April 1997, with mass arrests and severe penalties for those found guilty of terrorism.<sup>2</sup>

Alkarama is particularly preoccupied as this very context which was prevailing 20 years ago, when torture was then primarily used by intelligence services as a tool to combat terrorism, is now reappearing, following the military takeover on 3 July 2013. The situation is all the more serious now that the Muslim Brotherhood, whose candidate was elected in 2012 and thus enjoys support from a large part of the population, has been declared a terrorist organisation since December 2013. Today, the repression has extended to all anti-coup supporters, whether politically engaged along the Muslim Brotherhood or secular parties, or simply demonstrators opposing the takeover and the repression.

Therefore, since the last inquiry of the Committee, the practice of torture has worsened and continues to be widespread and systematic. We fear that the Egyptian authorities might pick up on using this resurfacing context of alleged "terrorism" as a justification of torture, arguing that "most of the allegations concerning torture in Egypt relate to individuals who have been accused or convicted of acts of terrorism".<sup>3</sup>

Furthermore, the recommendations made by the Committee in 1995 to Egypt, namely to reinforce its legal and judicial infrastructure to combat torture; set up an independent investigation machinery; and undertake an investigation into the conduct of police forces, were clearly not implemented.<sup>4</sup> Egypt therefore failed to "inform the Committee within a reasonable delay of the action it takes with regard to the Committee's findings and in response to the Committee's comments or suggestions", according to Rule 89(2) of the Rules of Procedure.

As we feel that the lack of a follow-up procedure to article 20 confidential inquiries impedes the Committee from reviewing the implementation of its recommendations, we call upon the Committee to initiate a new confidential inquiry with the Egyptian authorities urgently. Indeed, the persistent practice of torture since 1995 and the serious threshold that is now being reached as well as the non-fulfilment of Egypt's obligations under the Convention (see Part 2) justify that the systematic character of torture in Egypt be inquired again.

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<sup>1</sup> General Assembly, 51<sup>st</sup> session, *Report of the Committee against torture*, A/51/44, para. 199.

<sup>2</sup> General Assembly, 51<sup>st</sup> session, *Report of the Committee against torture*, A/51/44, para. 202.

<sup>3</sup> General Assembly, 51<sup>st</sup> session, *Report of the Committee against torture*, A/51/44, para. 210.

<sup>4</sup> General Assembly, 51<sup>st</sup> session, *Report of the Committee against torture*, A/51/44, paras. 221-222.

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

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Egypt ratified the Convention against torture on 25 June 1986 but has not ratified its Optional Protocol to date. Egypt even rejected recommendations formulated in this regard during its last Universal Periodic Review in 2010 on the ground that, among others, “under Egyptian law, the competence to conduct visits to places of detention lies exclusively with the Public Prosecution” and granting that jurisdiction to another entity would constitute an “interference in the affairs of the judiciary”.<sup>5</sup>

Egypt has not made a declaration under article 21 of the Convention for interstate complaints nor accepted the individual complaints procedure under article 22.

Egypt was scheduled to submit its fifth report on 25 June 2004 to the Committee against Torture, which has not yet been done. Its report is therefore nine 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 nine years overdue.

Regarding the Human Rights Council, Alkarama deplores Egypt’s lack of cooperation with the Special Procedures. Since Alkarama’s third follow-up report, the Special Rapporteur on freedom of association and assembly has renewed his request for visit on 30 October 2013, adding to the original one sent in 2011 that has remained unaddressed.

Furthermore, the Special Rapporteur on Torture has transmitted five communications regarding allegations of torture to the Egyptian authorities in 2013.<sup>6</sup> Egypt has failed to reply to all the above, thus demonstrating the continuous lack of cooperation with the Special Procedures.

## **3. Developments in Egypt**

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Since our last follow-up report, the repression of the Egyptian authorities against the Muslim Brotherhood and other anti-coup political groupings has intensified through a zero tolerance policy for any form of dissent. Arbitrary arrests and judicial harassment has exploded, amid the recurrent practice of torture that is described in this report.

In this regard, the crackdown against the Muslim Brotherhood is embodied by the judicial harassment of former President Mohamed Morsi, who is to date undergoing several court proceedings, on charges of incitement of supporters to commit violence and murder during the December 2012 protests-, killing police officers during a jailbreak in 2011, insulting the judiciary and finally “spying for the international organisation of the Muslim Brotherhood, its military wing and the Hamas movement” and “carrying out terror attacks.” The tipping point of the crackdown was the recent mass death sentences issued by the criminal court of Minya against 529 people on 22 March for allegedly attacking a police station. The trial took place over two days; the prosecution did not show evidence and defence lawyers were prevented from presenting their case.

Right after the lifting of the state of emergency in mid-November, Interim President Adly Mansour signed the restrictive “Law on the Right to Public Meetings, Processions and Peaceful Demonstrations” No. 107-2013 on 25 November, which places draconian restrictions on the right to freedom of assembly and expression. Indeed, it enables the authorities to ban an assembly and impose penalties for “disrupting security and public order” or “crippling the interests of citizens”, which are too vague. In addition, sit-ins are prohibited (article 14), which demonstrates that the law does not take into

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<sup>5</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review – Egypt, Addendum*, 7 June 2010, A/HRC/14/17/Add.1, para. 5.

<sup>6</sup> Human Rights Council, *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment Jean E. Méndez – Addendum: Observations on communications transmitted to Governments and replies received*, A/HRC/25/60/Add.2, 11 March 2013, pp.31-35.

account the notion of peacefulness of assemblies. It obliges organisers to give notice of a public assembly three days in advance and sets out sanctions (including prison sentences) for those who do not abide by that law. Last but not least, article 13 of the law grants the authorities the right to use firearms "proportionately with the threat to life, objects and property".

This is especially preoccupying considering there is a persistent practice of violent dispersion of protestors in Egypt and impunity in this regard, as recently demonstrated by the unlawful killing of 106 demonstrators and bystanders on the third anniversary of the Egyptian revolution, by the police and army who were using force excessively to quell protests against the Egyptian government.<sup>7</sup> The Egyptians authorities still refuse to hold security services accountable for mass protestors' killings.

Furthermore, relying on this draconian demonstration law, the repression of opponents and critics who are peacefully exercising their rights to freedom of expression and assembly has worsened since the military takeover. The judiciary, which is controlled by the executive and shows no independence, has repeatedly prosecuted activists and critics for their alleged participation in "unlawful protests" and often tortured them while in detention. Hundreds have been convicted to years of imprisonment, after speedy unfair trials. This aims at criminalising all sorts of dissent and dissuading all voices from striving to be heard.

Attacks on media have continued as well. Not only journalists and media activists have been arrested and prosecuted for investigating and reporting human rights violations, such as the Al Jazeera staff who are currently being tried on political charges e.g. "disseminating false information" or "belonging to a terrorist organisation", but persecution has also expanded to any voice of dissent. In late January, the Ministry of Interior even declared that they would start arresting those using social media websites to "incite violence against the police".<sup>8</sup>

Following a bomb attack on 24 December against a police station in Mansoura which killed 16 people and injured 130, the Interim Government declared the Muslim Brotherhood a "terrorist organisation" and blamed them for the bombing. An official stated that this designation was enabling the authorities to deal with the Brotherhood under the section of the Criminal Code that deals with terrorism (articles 86 to 99).<sup>9</sup> Although this does not have the force of law, it has been used to arrest and prosecute numerous people.

It is in the midst of this repression that the Egyptians were called to vote in a referendum on the new Constitution in mid-January. Beforehand, many activists who were in possession of "no to the Constitution" posters were arrested and charged with calling for "changing the basic principles of the constitution" or "attempting to overthrow the economic or social system", based on article 28(b) of the Egyptian Penal Code.

Interim President Adly Mansour announced that Presidential elections will be held before parliamentary polls, contrary to what was agreed in the roadmap, and will take place on 26 and 27 May. On 8 March, a controversial electoral law decree was issued, making decisions of the Electoral Commission immune to legal challenges, according to its article 7.

## **4. Systematic nature of torture in Egypt remains**

### **4.1 Insufficient legal framework**

#### **4.1.1 Lifting of the state of emergency – replaced *de facto* by the new demonstration law**

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<sup>7</sup> Alkarama, [Egypt: Killing of demonstrators continues unhindered on the third anniversary of the revolution](#), 3 February 2014 (accessed 19 March 2014).

<sup>8</sup> AhramOnline, [Police to arrest social media users 'inciting' violence](#), 30 January 2014 (accessed 10 April 2014).

<sup>9</sup> The Guardian, [Egypt declares Muslim Brotherhood a terrorist group](#), 25 December 2013 (accessed 10 April 2014).

The state of emergency, which was established after the Rabaa events on 14 August 2013, was lifted on 12 November 2013. This was ruled by the Cairo Administrative Court two days earlier than expected. However, the authorities said they would wait until the Court formally notifies them of the decision before implementing it.

However, it seems that the new law on demonstrations n°107-2013, adopted ten days after the end of the state of emergency, has in effect replaced it. Indeed, according to its article 7, participants in public assemblies are prohibited from "disrupting the interests of citizens" and "obstructing the course of justice". Any person who violates this ban is punishable by two to five years of imprisonment (article 19). According to article 10, the Ministry of Interior can ban a protest on vague grounds such as the "threat to peace and security". Security forces can resort to the use of force on the basis of article 13, "by means proportional to the extent of the danger posed to lives, capital or property", which legalises the use of force against demonstrators and will create a climate of impunity.

Therefore, despite the lift of the state of emergency, the continuous repression of protestors has been maintained through the law on demonstrations, which justifies the violence used against protestors.

#### **4.1.2 The new 2014 Constitution**

The proposal of the Constitution drafted by the fifty-member Constituent Assembly was endorsed by a referendum, which passed by a rate of 98.1%. Two articles of the new Constitution address the issue of torture:

##### ***Article 52***

"All forms of torture are a crime with no statute of limitations."

##### ***Article 55***

"All those who are apprehended, detained or have their freedom restricted shall be treated in a way that preserves their dignity. They may not be tortured, terrorized, or coerced. They may not be physically or mentally harmed, or arrested and confined in designated locations that are appropriate according to humanitarian and health standards. The state shall provide means of access for those with disabilities. Any violation of the above is a crime and the perpetrator shall be punished under the law. The accused possesses the right to remain silent. Any statement that is proven to have been given by the detainee under pressure of any of that which is stated above, or the threat of such, shall be considered null and void."

Alkarama welcomes these provisions as they forbid and criminalise the use of torture and rejects confessions obtained under duress. However, if the Egyptians authorities do not bring their legislation, and criminal law in particular, in line with international standards and the Convention against torture, these constitutional provisions cannot be put into practice.

#### **4.1.3 Egyptian criminal law – amendments to the "terrorism" section**

An appropriate legal basis is needed in order for the above-mentioned Constitutional provisions to be effective. Yet, no changes have been introduced to Egyptian criminal law since our last follow-up report. None of the amendments to articles 126 and 129 of the Criminal Code that were discussed in autumn 2013 (see our third follow-up report) were approved.

Thus, Egyptian criminal law still falls short of the country's obligations under international law and the Convention against torture. Alkarama urges Egypt to modify its Criminal Code and its Code of Criminal Procedure in order to meet with international standards.

After an attack on 2 April 2014 on a police post near Cairo University, draft amendments to the provisions of the Criminal Code related to "terrorist crimes" were put forward. On 3 April, the Cabinet approved the amendments and they are currently waiting to be considered by the State Council's fatwa to review their constitutionality before being ratified by interim president Adly Mansour.

The amendments increase the punishment of terrorism-related offenses and expand the scope of crimes that falls into that category. Actions such as filming a demonstration (article 86 *bis*) or sending information to a foreign non-governmental organisation (article 86 *bis* J) are now criminalised and punishable by life imprisonment or death sentence. Alkarama is extremely worried that the revised provisions will be used by the Egyptian authorities to condemn a very large number of individuals and will reinforce the repression apparatus.

In particular, the definition of the crime of terrorism (article 86) has been broadened to the intention and the incitement to (among others) "disturb public order", and does not only criminalise the commission of the crime itself. Moreover, article 86 *bis*, which used to set as a sanction for the crime of terrorism imprisonment, has now been modified to life imprisonment or death penalty. However, if the crime is committed, the sanction applicable is systematically the death sentence.

Furthermore, the hard labor penalty which was inflicted on whoever tries "to overthrow or change the constitution" or "the form of government" has been replaced with a ten years or life-long prison sentence, according to the amended article 87.

Finally, it is noteworthy that a Decree from the President of the Council of Ministers issued on 9 April 2014 (No. 579-2014) gives enforceability to a court judgment dated 24 February 2014 which designs the Muslim Brotherhood as a terrorist organisation. The decree further criminalises any participation in the activities of the organisation, including its promotion or funding. This decree mandates the armed forces and the police to protect public places and in particular universities and ensure the safety of students against this terrorist movement. Alkarama fears that this decree will serve as a basis to reinforce the repression against student, either supporters of the Muslim Brotherhood or other anti-coup movements.

#### **4.2 Forces implicated, places where practiced and groups targeted by torture**

Since the military takeover, the use of torture has reached alarming levels. The victims are not only members or supporters of the Muslim Brotherhood, but also ordinary citizens protesting against the coup, who are subjected to repression and harassment through the systematic practice of arbitrary arrests, incommunicado detention and torture.

The cases documented in this follow-up report continue to demonstrate the general and systematic character of the practice of torture by all security forces. The cases mentioned below indicate that the practice of torture permeates most of Egyptian security institutions, especially the police, the military, members of the National Security Agency, prison authorities and sometimes pro-army militia groups ("Baltagya").

Locations where torture is practiced remain diverse, for example National Security Detention Centres, prisons, police stations and even public places.

As for the groups being targeted by torture, we have previously documented cases of torture of opposition figures under Mubarak, ordinary citizens after the fall of his regime, and since the military takeover, members and supporters of the Muslim Brotherhood, dissidents, members of civil society and journalists, along with ordinary citizens.

The case of ██████████ is particularly symptomatic of the interspersed character of security forces involved in the widespread practice of torture. Indeed, he has been tortured since his very arrest, by police agents, members of State security forces and prison officials in various places such as his home, a police station, the State Security Investigation Building, and Tora prison.

1. ██████████ born on ██████████ 1988 is of ██████████ nationality. He works as a ██████████ in Cairo. Mr ██████████ was living in Egypt since 2010.

On ██████████ 2013, at about 9.15 p.m., Mr ██████████ was arrested by police and State security forces wearing face masks. He was beaten up and tortured at all steps of his arrest. Whilst being interrogated in his home, he was hit on his head with the back end of a rifle, handcuffed, before being taken to Tajamo Awawal Police Station, in New Cairo District 2. There, he was attached, hooded and laid on his stomach in a cold cell. He was left in this position from 10 p.m. to 8 a.m., beaten and insulted by police forces.

On ██████████ he was punched, kicked and hit with the back end of a kalashnikov by 15 officers on his way to the State Security Investigation building where he was forced to walk down the stairs blindfolded. He was then put in a small cell and left handcuffed in a stress position for eight hours. Mr ██████████ was also punched several times, before being taken to an interrogation room upstairs. On 22 August, he was transferred to Tora prison in Aqrab where he was detained for about seven months. He suffered from back pain and he had not received any medical attention despite his numerous requests.

To protest against his situation, Mr ██████████ started a hunger strike on ██████████ 2013. On ██████████ 2013, Mr ██████████ began refusing liquids. He was placed into an isolated cell and tortured as a consequence of his hunger strike and refusal to take liquids.

He was finally released at the end of ██████████ 2014, with no further explanations.

Finally, the case of Mr Ahmed Ousama Almahdy Mohamed shows that pro-military militia groups are also among the forces practicing torture and demonstrate the impunity that prevails in Egypt.

2. Mr ██████████ ██████████ is a 22-year-old business student. He lives in ██████████ in Cairo.

He was arrested on ██████████ 2014 in Ramses street on his way home, by members of a state-affiliated militia who attacked him with a knife, beat him up, dragged him on the ground before handing him over to the police who also severely beat him up. No arrest warrant was shown. The policemen then brought him to the police station of al Azbakiyah where he was detained for 11 days and severely tortured.

He was charged with participating to an unauthorised demonstration, chanting slogans, inciting to protest against the army, obstructing traffic, attacking police forces and citizens and state institutions. He was then transferred to the Prison of Abu Zaabal where he remains detained to date.

Upon his arrival on the prison, he and other detainees were put in a cell, forced to undress completely, and water was spread on the floor in order to electrocute them. They were then electrocuted on more sensitive parts of their bodies. He now suffers from respiratory problems and severe pain in his kidneys.

#### **4.3 Torture in the context of violent repression of any dissent, particularly during demonstrations**

The violent repression that has been beaten down Egypt since July 2013 has led to the excessive and widespread use of torture on the streets against demonstrators, as shown by the cases below, and which sometimes even led to extrajudicial executions.

3. Mr **Farid Shawky Fouad Mohamed** (فريد شوقي فؤاد محمد) was a 36-year-old mechanical engineer and father from ██████████ City, Egypt. On 10 July 2013, Mr Mohamed's body was found near Al-Tayaran Street, close to Raba'a Al-Adaweya Square.

Mr Mohamed was one of hundreds of people who went missing during the shootout in front of the Republican Guards headquarters in Cairo on 8 July 2013. It is believed that



Mr Mohamed was arrested following the shootout, during which some 650 people were reportedly arrested. The majority of these individuals were later released on bail.

According to a military doctor who examined his body,<sup>10</sup> Mr Mohamed died as a result of torture. Mr Mohamed's body had signs of torture caused by what appears to be military equipment including military boots and a specific type of electric clips used by the military. His body also showed signs of beatings by thin electric wires or a whip, as well as bruises all over his body which were most likely caused by being beaten and kicked. There were also signs that an electric baton had been used.

4. Mr [REDACTED] [REDACTED] born on [REDACTED] 1983 (currently aged 30) is married with one daughter. He lives in [REDACTED], Egypt.

Mr [REDACTED] was arrested by the police on 6 [REDACTED] 2013 in Dokki, Cairo, as he was demonstrating, without being shown an arrest warrant. His arrest was violent as he was beaten up and dragged on the ground by members of the police before being taken away.

While in Wadi Natroun Prison, Mr Ahmed requested a meeting with the director of the prison to protest about his conditions of detention. As a result of his request, the officer stripped him naked, took away his clothes and locked him up in a freezing room alone. He was repeatedly beaten up.

5. Mr [REDACTED] [REDACTED] is a 16-year old school student. He lives in [REDACTED], Tanta.

6. Mr [REDACTED] [REDACTED] is a 30-year old state employee. He lives in [REDACTED] Tanta. He is married with children.

Mr [REDACTED] and Mr [REDACTED] were arrested alongside a number of others by the Investigation Forces of Tanta Police 2, on 3 February 2013 during a peaceful pro-Morsi demonstration in Tanta, close to Jakaat Street. The next day, they were charged with "belonging to a terrorist organisation", "demonstrating without a notification", and "compromising security and public safety".

After their arrest, they were both transferred to Tanta Police 2 station, more specifically the Military Prosecution section, where they were subjected to torture by members of the Investigation Unit and military police. Mr [REDACTED] and Mr [REDACTED] were electrocuted on their genitals and other parts of their body. In addition, they were severely beaten up.

7. A group of eight Egyptians, including 2 minors, were tortured following their taking part in a peaceful demonstration. We refer to:

1) Mr [REDACTED] [REDACTED] is a 15-year-old student living in [REDACTED] Al Buhayra.

2) Mr [REDACTED] [REDACTED] is a 15-year-old student living in [REDACTED], Al Buhayra.

3) Mr [REDACTED] [REDACTED] is aged 37. He works in the governmental service and lives in [REDACTED] Al Buhayra.

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<sup>10</sup> See unedited [video testimony](#) in Arabic by this doctor.

- 4) Mr [REDACTED] is aged 39. He works as a teacher and lives in [REDACTED] Al Buhayra.
- 5) Mr [REDACTED] aged 30. He lives in [REDACTED] s, Al Buhayra.
- 6) Mr [REDACTED] is aged 32. He works as a teacher in [REDACTED], Al Buhayra.
- 7) Mr [REDACTED] is aged 48. He lives in [REDACTED] Al Buhayra.
- 8) Mr [REDACTED] is aged 30. He lives in [REDACTED], Al Buhayra.
- 9) Mr [REDACTED] is aged 36. He works as an entrepreneur and lives in [REDACTED], Al-Buhayra.

These eight individuals were arrested on 28 November 2013 by members of Central Security and the Investigation Unit of Abu Homs Police Station while they were demonstrating against the government's policies.

On 30 November 2013, they were charged with inciting riots and demonstrating without prior notification. After their arrest, they were taken to the Central Security headquarters in Damanhour where the agents beat them all over their bodies. They were then forced to strip out of their clothes and once naked the agents touched and beat their genitals in particular which caused severe pain. This pain adds to the mental suffering they felt for having had to stand naked in front of strangers, a particularly humiliating situation in a conservative society like Egypt.

All actions taken by the victims and their families to protest against their arrest and their detention's conditions were ineffective and the authorities failed in guarantying their physical integrity.

#### **4.4 Torture due to political opinion and to spread fear**

The practice of subjecting individuals to torture as an act of reprisals has become more systematic after the military takeover on 3 July 2013; and violence amounting to torture has mainly targeted sympathizers of the Muslim Brotherhood. They are targeted whenever evidence of their political opinion come to the attention of the police or during demonstrations when they are arrested and tortured in order to be intimidated into not going anymore to demonstrations, as illustrated by the cases documented below.

- 8.** Ms [REDACTED] is the 45-year-old director of Met Ghamr Hospital's Radiology Department. She is married with three children.

On [REDACTED] 2014, Ms [REDACTED] was arrested without an arrest warrant at the hospital by the Inquiries Unit of Met Ghamr Police while she was examining a patient. She was beaten up, her headscarf was removed and the policemen pulled her hair. She was dragged on the floor for approximately 30 meters in front of her colleagues and insulted, told that she would be impaled because she was an Islamist terrorist who does not deserve to live in Egypt.

That same day, Ms [REDACTED] was charged with "belonging to a terrorist organisation", and "jeopardising peace and security". Ms [REDACTED] later learned that her arrest and ill-treatment was prompted by a complaint made by the head of the hospital to the police about Ms [REDACTED] using a pin featuring a Muslim Brotherhood insignia for her headscarf.

9. Mr ██████████ ██████████ is a 21-year-old student, and a Muslim Brotherhood supporter.

He was arrested at the Al-Nour mosque in Mansoura, on 25 ██████████ 2014, by police and national security forces without being shown an arrest warrant or made aware of charges against him. He was brought to Mansoura's police station where he was repeatedly tortured, electrocuted, beaten up and trampled. He was insulted and threatened of sexual assault in order to obtain confessions.

He was then charged with "participating to an unauthorised demonstration" and "carrying weapons" and transferred to the prison of Gamasa where he currently awaits his trial.

10. Mr ██████████ ██████████ is a 23-year-old journalist.

He was arrested by police and national security forces on 26 ██████████ 2013 at his home without being shown an arrest warrant or made aware of charges against him. He was then transferred to Dayrout police station and interrogated by State Security officers. He was brought before the General Prosecutor who ordered that an investigation be open.

He was then transferred to Asyut police station where he was placed in solitary confinement and severely tortured. The policemen placed him in a refrigerated room for an entire day, forced him to drink dirty water, and he suffered from the moisture of his cell and having to sleep on the floor.

He was then charged with "belonging to a terrorist organisation", "blocking traffic and roads", "attacking public institutions" and "threatening public peace and security" and transferred to Sahel police station where he remained detained for two months. In February 2014, he was transferred to the Central Security detention centre of Asyut, where he is being detained to date.

#### 4.5 Torture to extract confessions

Extracting "confessions" remains a key objective since the authorities can use them to justify the arrest and produce evidence for a conviction in court. In most cases, the judges ignore allegations of torture and do not order an investigation. Security forces in Egypt still resort to violence to obtain confessions which will be used in court judicial proceedings, in contravention of its international obligations. Egyptian authorities must be aware the use of confessions and information through torture in court room proceedings renders the trial unfair. Alkarama has continued to report abuse of Egyptian authorities in this regard.

11. ██████████ ██████████ born ██████████ 1989, is an anti-military coup activist. He lives with his family in ██████████, Al Daqahliya.

On 6 ██████████ 2014, ██████████ was abducted in Ahmad Maher Street, Al Mansoura, Al Daqahliya by police forces without an arrest warrant being shown. Five days after his abduction, ██████████, completely disoriented and scared, appeared along with two other young men on pro-government TV channels and was forced to 'confess' the premeditated murder of a police officer.<sup>11</sup>

Nine days later, the family learnt that ██████████ was detained in Al Aqrab high security prison in Tora, South Cairo. The victim's family was finally able to visit ██████████ on 27 ██████████ 2014, after three weeks of incommunicado detention. After his abduction, he was

<sup>11</sup> Arrest of the accused in the murder of the bodyguard of the judge in Morsi's case, ( ضبط المتهمين فى جريمة قتل حارس ) , 12 March 2014, <https://www.youtube.com/watch?v=2gDgb7PrpKI> (accessed on 4 April 2014).

taken to Al Mansoura's police station, where he was severely tortured for four days in a row. He was forced to undress, while blindfolded, beaten, electrocuted and humiliated without interruption. He was then forced to make false confessions. Then, he was transferred to Al Aqrab prison where he is currently detained.

██████████ was brought before the General Prosecutor to be "formally" interrogated. He was accused of having killed a police officer and constituting a terrorist cell. ██████████ told the Prosecutor that he had been tortured and forced to confess publicly a crime he maintains he did not commit. He refuted all the charges held against him but the Prosecutor simply refused to file any complaint.

The family sent letters to the Attorney General and the General Prosecutor in both Al Mansoura and Al Daqahliya, to request information about the victim and his whereabouts. They also sent letters to the Security Director of Al Daqahliya and filed a complaint with the Attorney General on 11 and 16 March 2014, respectively. None of the initiated procedures were successful.

#### **4.6 Widespread torture of minors**

Unfortunately, Alkarama is still receiving cases of minors being subjected to torture in Egypt, for whom ill-treatment reaches the severity threshold of torture more easily than for adults, considering the vulnerability of the victim due to his age. 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.

**12.** Mr ██████████ ██████████ aged 16, is from Ismailia.

Mr ██████████ was arrested by the police on 8 ██████████ 2013 in Matafa Mosque in Ismailia during prayer time. The arresting forces did not show an arrest warrant, but took him to Police Unit 2 of Ismailia where he remained detained. The next day, he was charged with "participating in illegal gatherings, rioting, thuggery and damaging private property".

While in custody, he was blindfolded and beaten for an hour and a half all over his body until he fainted. The aim of the beating was to force him to confess to the veracity of the charges brought against him. Mr ██████████ eventually yielded and admitted to the charged brought against him.

**13.** Mr ██████████ ██████████, aged 17 (born ██████████ 1997), was arrested on 28 ██████████ 2014, in the bus, by police officers wearing plain clothing. As he was arrested, the police officers severely beat him up; he also received electric shocks.

He was then brought to Nasr City police station where he was held until 6 February. There, he was forced to shower three times a day with frozen water. With other detainees, he was forced to stand on his knees and hands, asking them not to move while the officers were trampling on him and on his head. He was also electrocuted in the neck. He was charged with "belonging to a terrorist organisation", "carrying Molotov cocktails", "harming national unity, social peace and security" and "prevent state institutions from doing their work". A friend of his, who was arrested with him, was forced to confess under torture that he received money from the Muslim Brotherhood to create chaos on the day Morsi went on trial.

He is currently detained at the Juvenile Prison of El Marg, northeast Cairo, where he awaits his trial.

#### **4.7 Death caused by denial of medical treatment or severe conditions of detention**

Severe conditions of detention can amount to cruel, inhuman and degrading treatment or punishment as they sometimes lack evidence of the intentional purposive element. However, the intentional withholding of medical treatment from persons either injured by state officials or detained amounts to torture.

**14. Mr Mahmoud Abd El Hady** (محمود عبد الهادي) is a 59-year-old mechanical engineer.

He was arrested at his home by officers from the Ministry of the Interior in October 2013 without being shown an arrest warrant or made aware of charges against him. He was charged with "possessing and distributing pamphlets" and transferred to Al Mustaqbal Prison where he was repeatedly denied appropriate treatment. Indeed, Mr Abd El Hady had heart problems and his health kept on deteriorating. His requests to the General Prosecutor that he be released were ignored.

He died on 4 March 2014 in Al Mustaqbal Prison due to the continuous denial of medical care.

#### **4.8 The rising of sexual violence**

Alkarama has documented cases of sexual violence that reach the threshold of cruel, inhuman or degrading treatment or punishment. These cases in addition to the one concerning torture indicate the extent to which mental and physical violence is engrained in the practice of Egyptian security authorities.

**15.** The following group of women were arrested during the demonstrations that took place as Egypt was celebrating the 40<sup>th</sup> anniversary of the 1973 Israeli-Arab war on 6 October 2013. Demonstrators opposed to the military takeover of 3 July 2013 marched in Cairo and different parts of Egypt.

- 1) Ms [REDACTED] [REDACTED] a 19-year-old Egyptian from Cairo.
- 2) Ms [REDACTED] [REDACTED], a 19-year-old Egyptian from Cairo.
- 3) Ms [REDACTED] [REDACTED], an 18-year-old Egyptian from Nasr City, Cairo.
- 4) Ms [REDACTED] [REDACTED], a 33-year-old Egyptian from Cairo.

The four women named above were arrested during the demonstrations on Ramses Square by members of the army and Central Security, and brought before a prosecutor the same day.

Following a brief interrogation, they were charged with "gathering in a public place, bullying, blocking the road and transportation" and "jeopardising national peace and security". Despite being placed in administrative detention by the prosecutor, they were transferred to al Qanater Prison along with prisoners. They were released on 15 [REDACTED] 2013.

During their detention, the four women were forced to take blood and urine tests, supposedly to determine whether they were pregnant. They were subject to these tests in Jalla hospital in Cairo on 31 October 2013 and a second time in the prison hospital on

4 November 2013. The authorities subjected these women to the tests although they were aware that they were not married, which in a conservative society like Egypt is all the more degrading and humiliating. It should be noted that in Egyptian domestic law, there is no procedure that allows the authorities to conduct such tests.

**16.** The following group comprises 22 Al-Azhar university female students who were arrested on 28 and 30 December 2013, on the campus, severely tortured and forced to undergo virginity tests. We refer to:

- 1) Ms [REDACTED], aged 20, living at [REDACTED], Cairo.
- 2) Ms [REDACTED], aged 19, living at [REDACTED], Cairo.
- 3) Ms [REDACTED], aged 19, living in [REDACTED].
- 4) Ms [REDACTED], aged 19, living in Nasser city.
- 5) Ms [REDACTED] aged 18, living in Nasser city.
- 6) Ms [REDACTED], aged 18, living in Nasser city.
- 7) Ms [REDACTED] aged 19, living in Nasser city.
- 8) Ms [REDACTED], aged 19, living in Nasser city.
- 9) Ms [REDACTED] aged 18, living in Nasser city. Ms Salamah was released on bail while awaiting trial.
- 10) Ms [REDACTED] aged 20, living in Nasser city.
- 11) Ms [REDACTED], aged 19, living in Nasser city.
- 12) Ms [REDACTED] aged 19, living in Nasser city.
- 13) Ms [REDACTED] aged 17, living in Nasser city.
- 14) Ms [REDACTED] aged 18, living in Nasser city.
- 15) Ms [REDACTED] aged 19, living in Nasser city. On 13 [REDACTED] 2014, she was released on bail while awaiting trial.
- 16) Ms [REDACTED] ه) aged 18, living in Nasser city. On 13 [REDACTED] 2014, she was released on bail while awaiting trial.
- 17) Ms [REDACTED] aged 19, living in Nasser city. On 13 [REDACTED] 2014, she was released on bail while awaiting trial.

- 18) Ms [REDACTED] [REDACTED] aged 18, living in Nasser city. On 13 [REDACTED] 2014, she was released on bail while awaiting trial.
- 19) Ms [REDACTED] [REDACTED]), aged 22, living in Nasser city. On 13 [REDACTED] 2014, she was released on bail while awaiting trial.
- 20) Ms [REDACTED] [REDACTED], aged 18, living in Minya. On 13 [REDACTED] 2014, she was released on bail while awaiting trial.
- 21) Ms [REDACTED] [REDACTED] aged 20, living in Ismaïlia. On 13 [REDACTED] 2014, she was released on bail while awaiting trial.
- 22) Ms [REDACTED] [REDACTED] aged 18, living in Qalyubiya. On 13 [REDACTED] 2014, she was released on bail while awaiting trial.

On 28 and 30 [REDACTED] 2013, the police intervened violently against a large group of female students who were demonstrating on the campus against the government's policies and arrested 22 women (14 were arrested on the first day and eight the second one). All of them were assaulted, tortured, sexually harassed and had their headscarves removed by police officers.

They were charged with "preventing students from attending exams", "public disturbance" and "attacks against police officers with Molotov cocktails".

The victims remained in incommunicado detention in Nasr police station without any contact with their family or their lawyer. They were exposed to continuous ill-treatment and humiliation. A few days later, the girls were transferred to Al Salam Security Centre.

On 6 [REDACTED] 2014, they were transferred to Al Qanater prison where they were mistreated and exposed to humiliations and intimidation. They were continuously beaten and harassed by other detainees. All of them were forced to undergo virginity tests in order to intimidate and dissuade them from demonstrating.

The victims and their families unsuccessfully addressed various authorities, in national and international levels, in order to protest against their arrest and their inhuman detention.

Such acts even though they do not amount to torture fall under the category of cruel, inhuman or degrading treatment or punishment and embody the rising of sexual violence practiced against women in Egypt.

#### **4.9 Impunity and lack of adequate reparations for torture victims**

Unfortunately, lack of accountability is a structural problem in Egypt that extends to most human rights violations. Egyptians authorities have failed since the revolution to put an end to human rights violations by bringing to justice state officials especially in the security sector for violations of the right to life and the prohibition of torture.

When allegations of torture are for example brought to the attention of the prosecutor, they are simply ignored. Such omission constitutes a violation of Egypt's obligation to effectively investigate acts and complaints of torture and bring those responsible to justice while providing effective reparations to torture victims.

17. Mr [REDACTED] [REDACTED] born on 16 April 1981, lives with his family in [REDACTED] Qena, Egypt. He works as an officer in a company.

On 7 [REDACTED] 2013, Mr [REDACTED] was arrested by police officers dressed in uniform, without an arrest warrant being shown, while he was visiting his brother who was detained at Naga Hammadi Police Station.

While waiting in the queue to visit his brother, Mr [REDACTED] entered into an argument with two police officers, Wael Ayyad and Atiyato Shaaban, about their disrespect of visitors to the station. In reaction to this, the two police officers started hitting and beating Mr Hussein with a baton on different parts of his body, kicking him, punching him and dragging him on the floor. He was badly injured.

Mr [REDACTED] was detained overnight at Naga Hammadi Police Station. He did not receive any medical treatment for his injuries. On 8 [REDACTED] 2013, the Prosecution of Naga Hammadi ordered his immediate release because no charges had been issued against him.

Mr [REDACTED]'s lawyer filed a complaint No. [REDACTED] of 2013 in which he accused the two police officers of attacking and torturing Mr [REDACTED]. The complaint has still not been acted upon to date and to our knowledge.

## **5. Conclusion**

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It is our view that torture continues to be systematically practiced in Egypt. We believe that intensive measures need to be undertaken to reverse the entrenched nature of the problem. We consider that article 20 can and should be viewed and used as a constructive mechanism in order to monitor and promote human rights in Egypt rather than it being considered a 'punitive' or 'discouraging' exercise.

The situation in Egypt continues to worsen and the crackdown of all dissent is intensifying. The recent developments in Egypt, in particular the demonstration law and the amendments to the Criminal Code regarding the crime of terrorism show no sign of improvement, as the practice of torture continues.

We therefore urge the members of the Committee to establish that reliable information has been received which contains well-founded information indicating that torture is being systematically practiced in Egypt, and that a confidential inquiry be initiated.