



CONFIDENTIAL

Egypt:
Torture: A Systematic Practice

Fifth Follow-up Report

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

17 October 2014

Table of contents

I.	INTRODUCTION	3
II.	OBLIGATIONS UNDER THE CONVENTION STILL UNFULFILLED	4
III.	DEVELOPMENTS IN EGYPT	5
IV.	SYSTEMATIC NATURE OF TORTURE IN EGYPT REMAINS	6
4.1	INSUFFICIENT LEGAL FRAMEWORK	6
4.1.1	<i>The continuous application of the protest law and indefinite detention</i>	<i>6</i>
4.1.2	<i>The 2014 Constitution</i>	<i>6</i>
4.1.3	<i>Egyptian criminal law and the prohibition of torture.....</i>	<i>7</i>
V.	FORCES IMPLICATED, PLACES WHERE TORTURE IS PRACTICED AND GROUPS TARGETED	7
5.1	TORTURE AND ILL-TREATMENT IN THE CONTEXT OF VIOLENT REPRESSION OF ANY DISSENT, PARTICULARLY DURING DEMONSTRATIONS.....	8
5.2	TORTURE DUE TO POLITICAL OPINION AND TO SPREAD FEAR.....	10
5.3	TORTURE TO EXTRACT CONFESSIONS.....	12
5.4	WIDESPREAD TORTURE OF MINORS	14
5.5	INHUMAN OR DEGRADING TREATMENT CAUSED BY DENIAL OF MEDICAL TREATMENT AND/OR SEVERE CONDITIONS OF DETENTION	15
5.6	THE ISSUE OF SEXUAL VIOLENCE	16
5.7	PERPETRATORS' IMPUNITY.....	17
VI.	CONCLUSION	17

I. Introduction

In its fifth follow-up report, the Alkarama Foundation ("Alkarama") wishes to provide recent information in order for the Committee against Torture ("Committee") to assess the level of compliance of the Egyptian authorities with the provisions of the Convention against Torture and to 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"), the third follow-up report dated October 2013 ("Third Follow-up Report") and the fourth follow-up report dated April 2014 ("Fourth Follow-up Report").

Nearly one year and a half after the military takeover, new presidential elections have been held; leading to the election of Abdel Fattah Al Sisi, who served as Minister of Defence and Military Production under Mohamed Morsi's presidency. Despite the leadership claims it is on the way of building a state that respects the law, the judiciary and human rights¹, there has been a serious escalation of human rights violations in the course of the year, amongst which the practice of torture remains as systematic as it has been since the 1980s, against all fringes of the population.

Several reports issued by civil society and media², at the national and international level, underlined the trivialisation of the practice of torture, as such as it could now be defined as an "*unwritten law*"³. The justification given by the authorities to these violations, and particularly by Al Sisi, is that they are necessary "*to combat militancy and save the country from civil war*"⁴.

We strongly believe that the intervention of the Committee by means of a confidential inquiry is more than ever essential as the 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.*"⁵

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.⁶ 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. The situation is seemingly the same nowadays, as the new authorities have justified waves of arrests and courts' decisions under the fight against terrorism and the need to stabilise the state and preserve its interests.

The situation is all the more serious now that the Muslim Brotherhood, whose political wing the Freedom and Justice Party had won all elections since 2011, has been declared a terrorist organisation on 24 December 2013, contrasting with previous regimes who tolerated its existence; although without granting it a legal status. Since, every person affiliated with or assisting the Muslim Brotherhood can be considered a terrorist and therefore face prosecution under charges of terrorism. This could potentially affect hundreds of thousands of Egyptian citizens.

¹ Ahram Online, *The world has grasped Egypt's terrorism threats, says El-Sisi*, 24 September 2014 (accessed on 13 October 2014).

² See for example : Amnesty International, *Egypt: Rampant torture, arbitrary arrests and detentions signal catastrophic decline in human rights one year after ousting of Morsi*, 3 July 2014 (accessed on 15 October 2014); The Guardian, *Egypt's secret prison: 'disappeared' face torture in Azouli military jail*, 22 June 2014 (accessed on 15 October 2014).

³ Daily News Egypt, *Torture is an "unwritten law": rights groups*, 7 May 2014 (accessed 10 September 2014).

⁴ The Daily Star Lebanon, *Sisi justifies recent crackdown as necessary for security of state*, 22 September 2014 (accessed on 22 September 2014).

⁵ General Assembly, 51st session, *Report of the Committee against torture*, A/51/44, para. 199.

⁶ General Assembly, 51st session, *Report of the Committee against torture*, A/51/44, para. 202.

Today, the repression has extended to all individuals opposing the Government's policies. As a consequence, since the last inquiry of the Committee, the practice of torture has worsened and continues to be widespread and systematic. 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.⁷ 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 justify that the systematic character of torture in Egypt be inquired again.

II. Obligations under the Convention still unfulfilled

Egypt ratified the Convention against torture on 25 June 1986 without reservations, 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 "interference in the affairs of the judiciary".⁸ Egypt is to be reviewed for its second UPR during the 20th session, on 5 November 2014.

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 ten years overdue and we believe the Committee should urge Egypt to send its report as soon as possible.

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 ten years overdue.

Regarding the Human Rights Council, Alkarama deplores Egypt's lack of cooperation with the Special Procedures. Since Alkarama's fourth follow-up report, the Special Rapporteur on the independence of judges and lawyers sent a reminder on 27 March 2014 concerning its request for visit, adding to the original one sent in 1999 that has remained unaddressed. The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism also sent a reminder in 2014 concerning its initial request for follow-up visit, of 2011.

Furthermore, the Special Rapporteur on Torture has transmitted five communications regarding allegations of torture to the Egyptian authorities in 2013.⁹ Egypt has failed to reply to all the above, thus demonstrating the continuous lack of cooperation with the Special Procedures. Concerning the three joint urgent appeal to which the Special Rapporteur on Torture associated with in 2014, Egypt answered two, but failed to provide the mandate holders with the satisfying clarifications.¹⁰

⁷ General Assembly, 51st session, *Report of the Committee against torture*, A/51/44, paras. 221-222.

⁸ 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.

⁹ 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.

¹⁰ Human Rights Council, *Communications report of Special Procedures, Communications sent, 1 March to 31 May 2014; Replies received, 1 May to 31 July 2014*, A/HRC/27/72, 20 August 2014.

III. Developments in Egypt

Since our last follow-up report, no changes have been noted in Egypt regarding the protection and promotion of human rights. On the contrary, the Egyptian authorities continue to repress any form of dissent, whether this dissent takes the form of peaceful protests or public criticism of the situation by single individuals. Arbitrary arrests and judicial harassment are commonplace, amidst 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 and that of his staff, who are to date undergoing several court proceedings, on various charges from "*incitement to violence*" to "*spying for foreign interests*". Their trials have been postponed on numerous occasions and Mohamed Morsi did not show up at his last hearings¹¹, allegedly for "*security reasons*". The Muslim Brotherhood spiritual leader, Mohamed Badie, was him sentenced to life in prison on 30 August 2014, following an unfair trial, under various charges related to "national security" and the events of August 2013.

In the past year, nearly 20,000 Muslim Brotherhood supporters have been arrested by the authorities, under charges of "*terrorism*" or "*harming the interests of the state*". If they have not all been prosecuted and judged, most of them have been sentenced to prison or fines following unfair trials. It is believed that at least 27,000 people have been arrested in the course of the year, be they affiliated or not to political parties.

Furthermore, if Egypt officially removed the state of emergency in November 2013, it has renewed its most restrictive articles by the adoption of the "*Law on the Right to Public Meetings, Processions and Peaceful Demonstrations*" No. 107-2013 on 25 November 2013.¹² The Cabinet even recently suggested worsening the penalties enshrined in the law, despite calls from national and international civil society to repeal it.

No legislative changes have been made concerning the independence of the judiciary from the executive, despite numerous criticisms concerning the lack of separation of powers in Egypt. As a consequence, the judiciary follows the instructions of the public prosecution, which is directly subordinated to the executive branch; undermining the application of international fair trial rights to prosecuted citizens. Moreover, article 204 of the Constitution still authorises military courts to judge civilians, under certain circumstances. However, the wording of the article leaves space for interpretation and the relevant laws does not create the necessary comprehensive legal framework.

Concerning freedom of expression and despite Al Sisi recent statements according to which the authorities are aiming at building a country "*respecting freedom of speech*"¹³, media have been under severe scrutiny and censure from the executive and the judiciary.¹⁴ As a consequence, main opposition media have been shut down since the military takeover and journalists have been jailed, including foreigners, and sentenced to prison under trumped-up charges, particularly of "*collusion with foreign interests*".

Civil society also has been under attack; the Ministry of Solidarity issuing a draft law on associations¹⁵ in July 2014. The draft envisaged to create a Committee overseeing activities and funding of associations, subsequently putting them under the direct control of the executive, and thus undermining the independence and diversity of Egypt's civil society. The condemnation from international and national associations led the government to postpone its adoption to date but a

¹¹ Alkarama, *Egypt: URGENT APPEAL – Morsi and Al Tahtawi Absent From Their Two Last Hearings*, 8 October 2014.

¹² See fourth follow-up report

¹³ UN General Assembly, '*The Fasten Seat Belt Light is Illuminated*', *Warns Secretary-General, Summoning World Leaders at Start of Annual Debate to 'Find and Nurture Seeds of Hope*', GA/11560, 24 September 2014 (acceded 2 October 2014).

¹⁴ The New York Times, *Egypt Seizes Newspapers to Censor an Article*, 1 October 2014 (acceded 2 October 2014).

¹⁵ Alkarama, *Egypt : Draft Law on Associations Risks Bringing the Country Back to the Freedoms of the Mubarak Era*, 18 July 2014.

presidential decree amending the Penal Code in September 2014 was the occasion for the authorities to put new restrictions on funding of association, jeopardising their independence¹⁶.

Furthermore, the Ministry first planned to apply a compulsory requirement to register for all Egyptian associations by 2 September, which sparked wide criticism, as it was opening the possibility for the Ministry to choose which associations would be allowed to work in Egypt. The deadline was finally postponed to November, and the registration obligation should come into force right after Egypt's UPR.

Finally, as highlighted before, presidential elections were held in May 2014 and saw the victory of Abdel Fattah Al Sisi, who sworn into office on 8 June 2014, while parliamentary elections are expected to take place before the end of the year. Since the presidential elections, violations of human rights have not decreased. In reaction numerous jailed opposition figures have started hunger strikes in protest against their unlawful detentions and the 2013 protest law. Their movement launched a wave of solidarity hunger strikes from people of the outside, including journalists and civil society.¹⁷

IV. Systematic nature of torture in Egypt remains

4.1 Insufficient legal framework

4.1.1 The continuous application of the protest law and indefinite detention

As highlighted in previous reports, the law on emergency was in force for most of Egypt's last 30 years. It was removed during the revolution but reinstalled after Rabaa's massacre to be finally withdrawn in November 2013.

However, the new law on demonstrations n°107-2013, adopted ten days after the end of the state of emergency has in effect replaced it, as emphasised in our fourth follow-up report. 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. If several organisations called for the amendment of the law, the authorities have constantly refused to examine it.¹⁸

As described in our third follow-up report, the amendments to article 143 of the Criminal Procedure Code have opened the possibility for the courts to renew preventive detention indefinitely. Combined with the protest law, it was used to keep imprisoned hundreds of peaceful protesters, who are still awaiting trial.

4.1.2 The 2014 Constitution

The proposal of the Constitution drafted by the fifty-member Constituent Assembly, appointed by the military, was endorsed by a referendum whose lawfulness was challenged by the opposition. Under article 93 of this Constitution, all international treaties ratified by Egypt are an integral part of its legislation, including therefore the CAT. Moreover, 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."

¹⁶ Ahram Online, [Egypt amends penal code to stipulate harsher punishments on foreign funding](#), 23 September 2014 (accessed 2 October 2014).

¹⁷ Ahram Online, [Despite Alaa Abdel-Fattah's release, Egypt's hunger strike continues](#), 15 September 2014 (accessed 2 October 2014).

¹⁸ Ahram Online, [Egypt government reneges on amending protest law](#), 18 September 2014 (accessed on 19 September 2014).

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, as it was recognised by the Egyptian authorities in their national report submitted for the second UPR review¹⁹.

4.1.3 Egyptian criminal law and the prohibition of torture

An appropriate legal framework 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, the Egyptian authorities stating that the unfolding of the revolution impeded the adoption of appropriate laws.²⁰ They eventually stated that following the parliamentary elections, the necessary amendments to national law will be adopted.²¹

Moreover, the possibility to bring a criminal action against any violation of the rights and freedoms guaranteed by the Constitution is still not enforceable in practice. Thus, Egyptian criminal law still falls short of the country's obligations under international law and the Convention against torture and the authorities do not show any willingness to modify their legislation in the near future.

As highlighted in our fourth report, the Cabinet has approved amendments to the Criminal Code related to "terrorist crimes" in April 2013 that have severely increased sanctions applicable to terrorism-related offenses and widened the scope of the law. The new amendments have been widely used against Muslim Brotherhood supporters and political opponents in general.

Furthermore, amendments to the Penal Code put forward in September 2014 added an element of "*terrorist intention*" to the support or funding of Egyptian associations by foreign entities and for which the penalty shall be death for the prosecuted. Given the wide wording and scope of the amendments, Alkarama fears they could be used as a new tool to repress the opposition.

V. Forces implicated, places where torture is practiced and groups targeted

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 other opposition members and human rights defenders, as well as ordinary citizens protesting against the government, who are subjected to repression and harassment through the systematic practice of arbitrary arrests, *incommunicado* detention or enforced disappearances, 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,

¹⁹ General Assembly, *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, Egypt*, A/HRC/WG.6/20/EGY/1, p.16

²⁰ Ibid.

²¹ Ibid., p.6

members of the National Security Agency, and prison guards. The authorities however maintain that such practice do not exist in Egypt, stating that “*prisons in Egypt have become like hotels*”.²² Locations where torture is practiced remain diverse, for example National Security Detention Centres, which are not official places of detention *per se*, prisons, police stations.

The case of ██████████ is a typical example of the practice of torture by different law enforcement officials and the military, in different locations, to intimidate Egyptian citizens, particularly minors, of taking part in the opposition’s events.

1. ██████████ is aged 17. He used to be a student at ██████████’s high school and was living in ██████████, Tanta.

He was arrested on 4 ██████████ 2014 while at school, sitting for his final exams, by the police of Tanta. They did not present any arrest warrant, beat him up and insulted him in front of his class. He was brought to Tanta’s second police station where he was charged with “*arson of a police car*” and “*affiliation with the Muslim Brotherhood*” and remained detained incommunicado for several days. He continuously denied the accusations held against him, stating he did not take part in any political group.

He was then brought to the Central Security Forces Camp facility in Tanta where he stayed for three days and later reported having been questioned on his political affiliations by intelligence services agents, as well as on the one of his brother they were looking for. He was repeatedly beaten and electrocuted, including on the genitals until he finally admitted that his brother was staying at his grandmother’s house.

Finally they forced him to sign confessions in which he admitted the arson of the police car. When he told the Prosecutor about the acts of torture he was subjected to, the latter refused to take them into account. He was finally transferred to El Marg prison where he reported having been beaten by prison guards. His family submitted several complaints before official bodies, and particularly the General Prosecutor of Tanta and the Ministry of Interior, but no investigation was launched to date.

5.1 Torture and ill-treatment in the context of violent repression of any dissent, particularly during demonstrations

The violent repression that has beaten down Egypt since July 2013 has led to the excessive and widespread use of ill-treatment on the streets against peaceful demonstrators and bystanders, as shown by the cases below, and which sometimes even led to extrajudicial executions.²³ The authorities also systematically arrest all individuals who have taken part in peaceful demonstrations, be it on site or later, and prosecute them, under the protest law No. 107-2013.

2. For example, Alkarama had documented the cases of a group of 15 individuals who have been arrested while demonstrating peacefully in Al Fayoum’s streets. We refer to:

- a. ██████████, aged 48. He works as an agent in a school and used to live in ██████████ Al Fayoum. He is married.

- b. ██████████, aged 29. He works as a freelance and used to live in ██████████ Al Fayoum. He is married.

²² Los Angeles Times, *Egyptian official denies torture, says prison is like a hotel*, 2 July 2014 (accessed on 13 October 2014).

²³ Alkarama, *Egypt: Karim Shama, One Summary Execution Too Many*, 21 August 2014.

- c. [REDACTED] aged 34. He is a teacher and used to live in [REDACTED] Al Fayoum. He is married.
- d. [REDACTED], aged 18. He is a student and used to live in [REDACTED] Al Fayoum.
- e. [REDACTED], aged 29. He works at the Ministry of Habous (Waqf) and used to live in [REDACTED] Al Fayoum. He is married.
- f. [REDACTED] [REDACTED] aged 20. He is a student and used to live in [REDACTED], Al Fayoum.
- g. [REDACTED] [REDACTED], aged 34. He works at the Ministry of Habous (Waqf) and used to live in [REDACTED] [REDACTED], Al Fayoum. He is married.
- h. [REDACTED] [REDACTED], aged 18. He is a student and used to live in [REDACTED], Al Fayoum.
- i. [REDACTED] [REDACTED] aged 42. He is a farmer and used to live in [REDACTED] Al Fayoum. He is married.
- j. [REDACTED] [REDACTED] aged 63. He is retired and used to live in [REDACTED] Al Fayoum. He is married.
- k. [REDACTED] [REDACTED]), aged 18. He is a student and used to live in [REDACTED], Al Fayoum.
- l. [REDACTED] aged 18. He is a student and used to live in Al Soufi neighbourhood, Al Fayoum.
- m. [REDACTED], aged 21. He is a student and used to live in [REDACTED], Al Fayoum.
- n. [REDACTED] aged 18. He is a student and used to live in [REDACTED] Al Fayoum.
- o. [REDACTED] aged 42. He is a merchant and used to live in [REDACTED] Al Fayoum. He is married.

On 14 [REDACTED] 2014, the 15 aforementioned individuals were peacefully demonstrating along with hundreds of citizens, in Al Fayoum's streets. As they were marching on the main Boulevard, the police charged them without warnings and fired teargas and buckshot in their direction to disperse the crowd, even if the demonstrators were not presenting a threat to public order nor acted violently.

The 15 individuals were arrested in the unfolding of the dispersal after they had found refuge inside a shop. They were violently beaten by police officers and brought to Al Fayoum police station. They were then charged with "*illegal demonstration*"; "*threat to public order*"; and "*affiliation with an illegal group*". They reported having been violently assaulted by police officers during their custody, and some, of having been subjected to electric shocks on numerous occasions during their detention. They are still awaiting trial.

3. [REDACTED] is aged 19. He is a student at the Faculty [REDACTED] University. He used to live in [REDACTED], Fayoum Governorate.

He was arrested on 19 [REDACTED] 2014 while peacefully demonstrating in downtown Fayoum by the police and brought to Fayoum police station where he was charged under the protest law with "illegal demonstration" and "affiliation with an illegal group" by the Public Prosecutor. He was then brought to Fayoum's prison where he reported having been tortured and insulted on several occasions. He claimed not having any political affiliation before the Public Prosecutor, but he remains detained to date and no investigation was launched into the acts of retaliation he was subjected to.

4. [REDACTED] is aged 23. He is in third year of [REDACTED] at [REDACTED] University and used to live in [REDACTED] Ash Sharqiyah Governorate.

He was arrested on 31 [REDACTED] 2014 while walking in 6th of October city streets, by members of the National Security and the police, who did not show any warrant and violently beat him up. He was brought to the Central Security Forces facility of Zagazig, where he was charged with "attempted murder of a student"; "demonstrating inside the university"; "damaging public and private buildings"; and "violence against forces", under the 2013 protest law. He remained detained three days in this branch before being moved to the State Security compound n°5 on 3 April 2014.

He was transferred on the same day to Tora prison where he remains detained to date. His family and lawyer were never allowed to visit him, but he was able to contact one of his friends and reported having been electrocuted and beaten by officials in the Central Security Forces branch of Zagazig leading him to limp, as his knee was broken under the acts he was subjected to.

His family sent several telegrams to the authorities, and particularly to the General Prosecutor and the Ministry of Human Rights asking for his release and for the appointment of a doctor, but they never received an answer.

5. [REDACTED] is aged 25. He is a Business School graduate and used to live in [REDACTED] Alexandria. He is single.

He was arrested on 20 [REDACTED] 2014, in front of Alexandria's Shouma Club. He was arrested in the course of a demonstration's dispersal, of which he was the witness. The police forces, belonging to the Department of Sidi Gaber, brought him forcibly to their headquarters despite his explanations on his non-participation to the demonstration.

He was charged with "joining a terrorist group" and "attacking the security forces and disrupting public order". He reported having been subjected to cruel forms of torture and was prevented from attending his trials hearings. He was finally moved to the Security Forces branch of Alexandria on 23 [REDACTED] 2014 and his family has not seen him since. His trial was expected to be held on 8 [REDACTED] but was eventually postponed to an unknown date.

5.2 Torture due to political opinion and to spread fear

The practice of subjecting individuals to torture as an act of reprisals or retaliation has become commonplace in the past year; particularly against sympathisers 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. Even when they are not politically affiliated with the Muslim Brotherhood, the authorities charged them with this accusation, as the legislation is now more severe for this group.

6. [REDACTED] is aged 34 (born in 1980). He is a teacher and used to live in [REDACTED] Giza. He is married.

He was arrested on 27 [REDACTED] 2014 while on Gameat el Dowal el Arabiya Street (League of Arab States Street), by a patrol of Agouza Police Forces, wearing plainclothes and uniforms. He was brought to Agouza Police Station where he was charged, on 28 [REDACTED] 2014 of "*affiliation with the Muslim Brotherhood*" and "*illegal demonstration*". He remains detained in Agouza Police Station.

Because of his political affiliations, he has been subjected to numerous acts of torture perpetrated by the Investigation Forces of Agouza Police Station, such as kicks on his entire body and repeated punches in the face of such violence that he eventually broke his jaw and has vision problems. This comes in addition to the fact that his lawyer and loved ones are not allowed to visit him anymore. Furthermore, the authorities refused his medical examination, thus worsening his state of health.

7. [REDACTED] is aged 17. He is a high school student and lives on [REDACTED] Tanta.

He was arrested on 26 [REDACTED] 2014 as he was coming back home from school, by members of the Intelligence Services of the second section of Tanta, who assaulted him in the streets. He was brought to the State Security camp of Tanta, where he was charged with "*arson of a police car*" and of "*being a member of the Muslim Brotherhood*". He remained detained *incommunicado* for 48 hours, until a former prisoner who had been released told his family he had been arrested but that he was in a very bad state of health because of the various acts of torture he had been subjected to.

He was transferred to second section of the State security of Tanta, where he remains detained to date. His family was authorised to visit him until 18 May. Since, the authorities have refused the visits despite several telegrams sent to the Public Prosecutor, the Ministry of Justice, the Ministry of Interior and the Attorney General by his loved ones, refuting the charges held against him.

Mr [REDACTED] reported having been tortured for two consecutive weeks after his arrest, particularly by means of electrocutions and punches in the face, while being blindfolded. The different kicks he received eventually broke his right hand. The authorities authorised a medical examination only 45 days after the fracture happened. After that, he was deliberately jailed with particularly dangerous common law criminals, to terrorise him.

8. [REDACTED]. He is a merchant and used to live in [REDACTED] and is married.

On 7 [REDACTED] 2014, Mr [REDACTED] was walking in the area of Imbaba's airport when he was approached by a police man who told him he was searched after checking his identity. To the surprise of Mr [REDACTED] the officer suddenly fired at him three times as Mr [REDACTED] had turned his back to him. The policeman then brought him, wounded, to Imbaba police station. There, he was severely beaten and insulted by police officers and to cover up for the shots, the police officer told his hierarchy that Mr [REDACTED] was carrying weapons with him, accusation the latter refuted.

He was charged on the same day with "*affiliation with the Muslim Brotherhood*" and on 8 [REDACTED] he was brought to the Security Forces camp of 6th October city, where he remains detained to date. He did not receive any medical care, despite having been shot three times in a row and his family has not been authorised to visit him since 22 [REDACTED] 2014.

They reported his allegations of torture to the General Prosecutor but he did not reply. The prosecution eventually authorised Mr [REDACTED]'s examination by a doctor, who confirmed that

Mr El Hawary had received three shots, in addition to other marks of torture, which were infected. The doctor requested his hospitalisation; refused by the authorities.

9. [REDACTED] is aged 44. He is a math teacher and used to live in [REDACTED] Giza. He is married.

He was arrested on 22 July 2014 by a patrol of Agouza police, as he was driving back home and crossing Lebanon Square in Giza. The police was arresting every individual with beards and checking their identities, to see if they were belonging to the Muslim Brotherhood. After his arrest, he was brought to Agouza police station where he was insulted and assaulted by police officers who kicked him on the entire body, leaving bruises. He was then charged of "*affiliation with the Muslim Brotherhood*".

He complained about the acts perpetrated against him to the Public Prosecutor and showed him the evident signs of torture on his body, but he refused to grant him access to a doctor, or to take note and investigate his allegations.

10. [REDACTED] is aged 43. He is a postman and used to live in [REDACTED] Giza. He is married and father of six children.

He was arrested on 22 [REDACTED] 2014 at his home, after the Fajr prayer. A patrol of Imbaba police department raided his house, without showing any arrest warrant. After searching his house, they arrested Mr [REDACTED] and brought him to Imbaba police station, where he remained detained *incommunicado* for one week.

He reported having been repeatedly tortured during his secret detention and particularly of having been beaten with sticks, kicked on his entire body and electrocuted. He was then brought to the Central Security camp on Cairo-Alexandria Desert Road where he was tortured again. He was then interrogated by the prosecution for 4 consecutive hours before they charged him of belonging to the Muslim Brotherhood. Mr [REDACTED] showed the Prosecutor the marks of torture he had on his body but this one did not write them down in his report and did not ask for his medical examination.

5.3 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. Of all the cases we have documented, we never received information according to which judges requested investigations into the allegations of torture made by detainees. 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 that 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. [REDACTED] is aged 37 (born in [REDACTED] 1977). She is married and has a daughter. She lives [REDACTED], in Cairo.

12. [REDACTED] is aged 33. She is single and lives in [REDACTED], in Cairo

The two aforementioned individuals have been arrested as they were leaving by car a peaceful demonstration held on 16 [REDACTED] 2013. The police officers arrested them after finding a photo of Mohamed Morsi inside the car and brought them to Al Quba police station – Alf Maskan. There, they were held *incommunicado* and tortured while interrogated. The police officers beat them up with truncheons, burned their hands and kicked them violently. They reported having been threatened to be raped and that they had been sexually assaulted.

They were charged under the protests law and after seven days of *incommunicado* detention and torture at the police station, they were forced to sign a declaration confessing they were "*in possession of weapons and of a camera*" aimed at being "*used against the security forces*" during the demonstration. On the basis of these confessions, the Cairo Criminal Court sentenced the two women to life in prison, on 6 █████ 2014.

13. █████ is aged 47 (born on 26 █████ 1967). He is the sales director of a █████ printing company and lives in █████ Daqahlia Governorate.

He was abducted on 17 █████ 2014 around midnight while walking in Talkha, by members of the intelligence services of Mansoura and of the National Security, who did not show any arrest warrant. It is believed that they brought him to Mansoura police station but he remained detained *incommunicado* for several days and his family was only made aware through the media that he was charged with "*being a member of a terrorist cell and being affiliated with a terrorist organisation aiming at bombing the police headquarters and cult places*".

They searched every hospital and police station of Mansoura and Talkha but the authorities constantly denied his detention. His loved ones were finally informed on 25 █████ 2014 by a co-detainee's family that he was being detained in Jamsa prison, Damietta governorate.

They sent a telegram to the General Prosecutor to challenge the lawfulness of his detention, but they did not receive any answer and his lawyers were prevented to see the case file. When they visited him, he reported having been tortured repeatedly by means of whipping, kicks and iron bars, until he fainted. They reported these allegations to the public prosecution but no steps were taken to investigate them. A medical examination was nevertheless done 30 days after.

Mr █████ said he had been tortured inside Mansoura police station but that he had constantly denied any participation in a terrorist cell; charges his family believes are being trumped up. He was nevertheless forced to sign confessions that he was not allowed to read and could not confirm if they had been used against him in court. After signing the confessions, he was brought before the Public Prosecutor, with evident marks of torture on his body. The latter asked him if he was involved in terrorist organisations, which he denied. He was threatened to be raped in front of the prosecution services if he did not confess his implication, which he did not.

The Prosecutor then required his return at the police station, where he was tortured again for three consecutive days. He fainted on several occasions and was woken up by the kicks on his body. The police finally decided to take photos of different people that had been arrested – but who did not know each other – including Mr Saad, and they send the material to the media, stating that the individuals were members of a terrorist cell and that Mr Saad was at its head. He is still detained to date and the authorities never investigated his allegations of torture.

14. █████ also known as █████ aged 29. He is a merchant of █████ and used to live in █████, Fayoum Governorate. He is married and father of two sons.

He was violently arrested on 25 █████ 2014 while walking in █████ streets by the police and brought to the police station. He was charged with "*belonging to a terrorist group*" and "*illegal demonstration*". He reported to his family having been tortured repeatedly after his incarceration in Fayoum police station. His family warned the Police chief about the allegations but he did not reply so they turned to Fayoum's administration and to the Prosecutor but they never replied as well. Mr █████ has constantly denied the charges held against him but is nevertheless still detained to date.

5.4 Widespread torture of minors

Unfortunately, Alkarama is still receiving more and more 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 victims due to their 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 sometimes, of freedom of expression.

15. Alkarama has been able to document **52 cases of children subjected to torture**, ill-treatment and sometimes even raped in Koum El Dekka prison by prison guards.²⁴ They were arrested in Alexandria between 20 [REDACTED] 2013 and 30 [REDACTED] 2014 and charged with "*demonstrating without authorisation*"; "*assaults on police officers*" and "*affiliation to a prohibited party*", under the 2013 protest law.

None of them have been tried to date and their detention is constantly renewed as permitted by article 143 of the Egyptian Criminal Procedure Code as amended in [REDACTED] 2013. Some of them are also detained with common law criminals in worsening hygienic conditions; aggravating their state of health. Since their respective arrests, their lawyers have warned the Public Prosecutor but he rejected their allegations, stating they had been made-up.

Consequently, he refused to add the reports to the case-file and to appoint a doctor for a medical examination of the children. The judge of Alexandria's Court of Misdemeanours also refused to take into account the allegations of the children when they were brought before him.

They reported having been held in isolated cells where the military officers would torture them by stubbing out cigarettes on their body, electrocute them – including on the genitals –, while hanging them by the hands for several hours. Their lawyers also reported rape attempts, or in some occasion rapes, perpetrated by guards and military officers on these minors; and to turn a blind eye on sexual abuses committed by common law criminals against them.

16. [REDACTED] is aged 15 (born in 1999). He is a secondary school student and used to live in [REDACTED] Sharqia governorate, Egypt

He was arrested on [REDACTED] 2014 after taking part to a peaceful protest in Zagazig streets. He was brought to the police station where he was beaten up by police officers before being transferred to Zagazig Central Security Forces' facility where he was secretly detained for three consecutive days. He was tortured by policemen and national security officers who made use of wooden sticks and of an iron bar. He was finally brought to Zagazig second administrative prison where he remains arbitrarily detained to date without the medical attention his state of health requires.

17. [REDACTED] is aged 15 (born in 1999). He is a student and used to live in [REDACTED], Alexandria.

He was arrested on [REDACTED] 2014 by the Police department of Montazah, and by members of the military, while participating to a peaceful demonstration in Alexandria. He was brought to Montazah Police station where he was charged with "*assault on law enforcement officials*"; "*illegal demonstration*" and "*damages of public buildings*", under the 2013 protest law. He was detained for one week in the police station before being moved to Koum El Dekka prison. There, he was detained incommunicado for the entire month of [REDACTED] and reported later having been subjected to torture by penitentiary officers and by some of the forces stationed in the prison.

He was exposed to several electric shocks: cigarette burns and kicks in his genital parts causing him severe internal bleedings that were not examined by a doctor after. Because of

²⁴ See the list of names in annex.

the electric shocks he underwent several epileptic seizures since he was imprisoned, to which the guards have not reacted, endangering his life.

It is believed the torture was perpetrated in retaliation for the complaints filed by his family and lawyer regarding his detention with common law criminals. As a consequence, the latter did not mention to the court that he had been repeatedly tortured, by fear of reprisals from the guards. His family sent information to the General Prosecutor to fill a complaint before the National Human Rights Council, but without success.

5.5 Inhuman or degrading treatment caused by denial of medical treatment and/or severe conditions of detention

Severe conditions of detention – a general trend in Egypt²⁵ - 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, as this had been underlined in the report of the Special Rapporteur on torture on "*Applying the torture and ill-treatment protection framework in health-care settings*".²⁶ Alkarama received credible information from various source indicating a trend of denial of pain treatment towards detainees, particularly those detained for political reasons, from the authorities.

18. ██████████ is aged 21. He is a student at the ██████████ Faculty of ██████████ University and used to live in ██████████ Sharqia Governorate.

He was arrested on 14 ██████████ 2014 during a sit-in on Rabiaa square, by a joint patrol of the army and the police, who forcibly dispersed the peaceful demonstration. He was beaten and lynched during his arrest and put in a police vehicle, along with 60 other individuals arrested during the dispersal. They remained three hours in the vehicle, filled three or four times its normal capacity, without ventilation, leading some individuals to faint.

He was charged on the same day after having been brought to Cairo Stadium, with "*possessing a firearm*"; "*assault on law enforcement officials*"; "*violation of the law and the Constitution*"; "*attempt murder on police officers*" and "*affiliation with an illegal group*". The following day, he was transferred to Al Shorouk Department where he remained detained for three days before being moved to Abu Zaabal military prison. He was again transferred, four months after, to Tora prison until he was released on 14 ██████████ 2014.

He tried to challenge the lawfulness of his detention on several occasions, without success. He also reported having been tortured on numerous occasions, in the different detention centres he was detained in. During his time at Al Shorouk Department, he was kept detained in a cell of 2.5*3 meters with 30 other individuals with nearly no ventilation and without food and water, for three consecutive days. He was assaulted during his transfers from one prison to another and reported having been sexually abused during his detention in Abu Zaabal military prison, then beaten with sticks and electrocuted for two consecutive hours and his fingernails forcibly removed. These acts ultimately led to the fracture of his left arm.

Because of the conditions of detentions, he testified that some prisoners eventually died in detention, without further investigation or steps taken by the authorities. The prosecution was made aware of these exactions but did not take any steps to investigate them. He was finally released in ██████████ 2014 but is still facing prosecution for other trumped up charges.

²⁵ EIPR, "*Health in Egyptian Prisons: a field study on the determinants of health behind bars*", 17 June 2014 (accessed on 15 October 2014).

²⁶ Human Rights Council, "*Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, A/HRC/22/53*", 1 February 2013 (accessed on 15 October 2014).

19. ██████████ is aged 57 (born in 1957). He is a ██████████ professor at ██████████ high school. He usually lives in ██████████ Damietta governorate and is married.

He was arrested on 7 ██████████ 2014, while at home. He was then brought to Ezbet El Nakhel's police station where he was charged with "*attempted murder of two of his neighbors*", charges he firmly denied. His family believes he has been arrested because of his affiliation with a political opposition party. He was moved to the Security Forces Camp in New Damietta on 8 ██████████ 2014 and then, three months later, to Gamasa High Security Prison where he remains detained, awaiting trial.

He is in a very bad state of health as he does not benefit from any medical attention, despite having had an open-heart surgery in the past and that he suffers from a serious cardiovascular disease. The prison staff has always confiscated his medication and his conditions of detention are worsening. His family reported that the doctors have constantly asked for his immediate hospitalization but the authorities have always refused it, deliberately putting his life at risk. The Public Prosecution, warned by the lawyers and the family of Mr ██████████ did not take further action.

20. ██████████ is aged 72. He is retired and used to live near ██████████, Alexandria, Egypt. He is married with children.

He was arrested after his house was raided by a joint patrol of the police and the army on ██████████ 2013. Even if the authorities claimed he was wanted, they did not show any arrest warrant. He was immediately brought to Montazah's police station and charged by the Public Prosecution with "*demonstrating illegally on 26 July 2013*"; "*arson*"; "*damaging public property*"; "*affiliation with a forbidden party*" and "*incitation to demonstrate*". Mr ██████████ expressed his outrage at the facts presented as he is unable to walk and can only move with the help of a wheelchair. Consequently, he denied having taken part in a demonstration on ██████████ 2013 and subsequently, to have "damaged building" and "committed arson", as his physical condition does not allow him to undergo repetitive and important efforts.

He was nevertheless sent to Burj Al Arab prison where he remains detained to date and his hearings are constantly postponed. He does not benefit from the medical attention his state of health requires; despite calls from his lawyers to hospitalise him. He also reported having been ill-treated and is particularly stressed by the prison environment, which has worsened his state of health. The prison guards have not taken any steps to make his detention more suitable to his condition.

5.6 The issue of sexual violence

Alkarama has documented cases of sexual violence that reach the threshold of cruel, inhuman or degrading treatment or punishment. They are only examples of a widespread practice, perpetrated by law enforcement officials as well as military and intelligence services.²⁷ These cases, in addition to the ones concerning torture indicate the extent to which mental and physical violence is engrained in the practice of Egyptian security authorities.

21. ██████████ is aged 18 (born on ██████████ 1995). She is a student in ██████████ university for Girls of Cairo and used to live in ██████████ Egypt.

She was arrested on ██████████ 2013 while she was walking back home. The policemen who arrested her previously searched her in a humiliating way and without motives. She was brought to Nasr City police station where she reported having been beaten by police officers and investigation officers and threatened to be raped.

²⁷ Al Monitor, *Female prisoners in Egypt suffer rampant abuse*, 30 June 2014 (accessed 1 October 2014).

She was charged with "*illegal demonstration*" and was transferred to the Central Security Forces camp where she again reported having been sexually harassed and ill-treated, particularly by having been deprived of sleep by the soldiers. Then she was moved to Al Qanater prison on [REDACTED] 2013 where she was harassed by the prison personnel and other inmates, sexually assaulted and forced to undergo virginity tests. She remained detained *incommunicado* for 11 consecutive days.

In reaction to her protests and of her family's complaints to the Public Prosecutor – which were all unsuccessful – she was moved to Banha disciplinary prison on [REDACTED] 2014 and has not been judged to date. She was again held *incommunicado* for 13 days. She is depressed and psychologically affected by the constant harassment she had to go through since her arrest.

22. [REDACTED] is aged 16 (born in Ismailia). She used to live in [REDACTED] Qantara.

She was arrested with her aunt and cousin on [REDACTED] 2014 as they were inside the [REDACTED] university, after having been reported to the police by the university security. They were arrested for having participated to the university protests. They were brought to Ismailia's third police department where they were charged inter alia with "*illegal demonstration*"; "*hooliganism and violence*"; and "*disruption of traffic and public order*", on the day of their arrests.

She remained detained in Ismailia third police section and on [REDACTED] 2014, the section was visited by officials. They forced the girls to remove their clothes and Ms [REDACTED] was brought to an individual cell where she was forced to undergo an humiliating virginity test, as she was the only girl of the section not being married. She was then continuously harassed by guards and prevented from attending her trial hearings. She also reported having been tortured while detained *incommunicado*.

She is in an unstable psychological state resulting from the different acts she had to go through. She was eventually sentenced on [REDACTED] 2014 to two years in prison by the Court of Misdemeanour.

5.7 Perpetrators' impunity

Unfortunately, lack of accountability is a structural problem in Egypt that extends to most human rights violations. Egyptian 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.

VI. Conclusion

The situation in Egypt continues to worsen dangerously and the crackdown affects all forms of dissent, to the concern of the civil society. Consequently, Alkarama's first report, and its subsequent follow-up reports, this one included, are even more relevant and call for action as it becomes hard not to recognise that the practice of torture is omnipresent in Egypt, as it has reached unprecedented levels.

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.

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 in the shortest delays.