



Egypt

Torture: A Systematic Practice

**Report submitted to the Committee against Torture under
Article 20 of the Convention against Torture**

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About Alkarama

Alkarama is a non-governmental organization founded in 2004 to contribute to the promotion and protection of human rights, particularly in the Arab world. Its goal is to assist victims of violations of human rights to recover their rights and to wage a campaign so that governments respect these rights, all through the human rights protection mechanisms of the United Nations.

Our work is centred on four themes: arbitrary detention, torture, enforced disappearances and extrajudicial executions. The aim of our organization is to work in a constructive fashion with all civil society actors, the High Commissioner of Human Rights, the national human rights institutions as well as the member states as much as possible.

Based in Geneva, Alkarama also has offices and representatives in Beirut (Lebanon), Doha (Qatar), Sana'a (Yemen), and Cairo (Egypt), as well as numerous correspondents and volunteers in all of the Arab countries.

1. Introduction

1.1 Reasons for this Complaint

Since Alkarama was founded in 2004, we have documented more than a thousand cases of torture in Egypt, of which 150 have been submitted to the United Nations Special Procedures. These cases were sent to us by the victims themselves, their relatives, or their lawyers. In 2011 alone, Alkarama submitted 26 cases to the Special Rapporteur on Torture. Since 1996, more than 603 cases of torture in Egypt have been cited in the reports of the Special Rapporteur on Torture.

Our sources continue to report widespread practice of torture throughout the country, including a significant number of cases in Cairo. The practice of torture is attributable to the Intelligence and Security Services of the state, but also to the police and penitentiary authorities, demonstrating the implication of all of the state's services and the climate of impunity in which torture is committed. The victims are in large part male adults, but cases of women and children being subjected to torture have also been reported.

The information that we submit to the Committee has been confirmed by the reports of the Special Rapporteurs on Torture, Summary and Extrajudicial Executions, and on the promotion and protection of human rights and fundamental freedoms while countering terrorism. The final observations of the Committee against Torture and the Human Rights Committee also establish the existence and extent of this practice.

Despite a number of recommendations by the Committee against Torture, the Human Rights Committee and the Special Procedures, torture continues to be practiced in a widespread and systematic manner throughout Egypt. Since the uprisings of January 2011, despite high expectations to the contrary, the practice of torture has not stopped. It has been used as much if not more than before Mubarak's departure to repress the opposition movement. The recurrence of the practice of torture and the lack of improvement motivates our present communication to the Committee against Torture under Article 20 of the Convention.

This provision of the Convention was enacted in order to remedy a situation in which torture is systematically practiced in the territory of a state party by initiating a confidential investigation in cooperation with the state party.

Indeed, Article 20 establishes that¹:

1. If the Committee receives reliable information, which appears to it to contain well-founded indications that torture is being systematically practised in the territory of a State Party, the Committee shall invite that State Party to co-operate in the examination of the information and to this end to submit observations with regard to the information concerned.
2. Taking into account any observations that may have been submitted by the State Party concerned, as well as any other relevant information available to it, the Committee may, if it decides that this is warranted, designate one or more of its members to make a confidential inquiry and to report to the Committee urgently.
3. If an inquiry is made in accordance with paragraph 2 of this article, the Committee shall seek the co-operation of the State Party concerned. In agreement with that State Party, such an inquiry may include a visit to its territory.
4. After examining the findings of its member or members submitted in accordance with paragraph 2 of this article, the Commission shall transmit these findings to the State Party concerned together with any comments or suggestions that seem appropriate in view of the situation.
5. All the proceedings of the Committee referred to in paragraphs 1 to 4 of this article shall be confidential, and at all stages of the proceedings the co-operation of the State Party shall be sought. After such proceedings have been completed with regard to an inquiry made in accordance with paragraph 2, the Committee may, after consultations with the State Party concerned, decide to include a summary account of the results of the proceedings in its annual report made in accordance with article 24.

1 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), adopted by General Assembly Resolution 29/46, 10 December 1984

The Committee against Torture defines the "systematic" character of torture as:

"The Committee considers that torture is practised systematically when it is apparent that the torture cases reported have not occurred fortuitously in a particular place or at a particular time, but are seen to be habitual, widespread and deliberate in at least a considerable part of the territory of the country in question. Torture may in fact be of a systematic character without resulting from the direct intention of a Government. It may be the consequence of factors that the Government has difficulty in controlling, and its existence may indicate a discrepancy between policy as determined by the central Government and its implementation by the local administration. Inadequate legislation which in practice allows room for the use of torture may also add to the systematic nature of this practice.²"

Amnesty International submitted a complaint under Article 20 in 1991. In 1996, the Committee against Torture published the summary report of results of the investigation of Egypt under Article 20 of the Convention. In its conclusion, it stated:

"On the basis of this information, the Committee is forced to conclude that torture is systematically practised by the security forces in Egypt, in particular by State Security Intelligence, since in spite of the denials of the Government, the allegations of torture submitted by reliable non-governmental organizations consistently indicate that reported cases of torture are seen to be habitual, widespread and deliberate in at least a considerable part of the country.³"

The government argued that the security situation in the country renders the investigation under Article 20 inappropriate:

If a summary account of the results of the confidential proceedings concerning Egypt were published in the Committee's annual report, this might be interpreted as signifying support for terrorist groups and would 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. In other words, it might ultimately be interpreted as signifying that the Committee is indirectly encouraging terrorist groups not only in Egypt but also worldwide. This is definitely not one of the objectives specified in the Committee's mandate⁴

Since 1996, the worrying evolution of the general human rights situation in Egypt as well as the insufficient collaboration of the state party with the Special Procedures and lack of adoption of recommendations made by UN bodies leave us no other option but to submit this complaint.

1.2 The Situation of Egypt in Relation to the UN Human Rights Mechanisms and its International Obligations

Egypt ratified the International Covenant of Civil and Political Rights on 14 January 1982 but has not ratified its Optional Protocol. Its fourth state report was due to be submitted to the Human Rights Committee on 1 November 2004. Egypt has ratified the Convention against Torture on 25 June 1986 and was supposed to submit its fifth report on 25 June 2004 to the Committee.

In 2007, Egypt, in its letter of declaration of intent to the Human Rights Council – in which it was a member until 2010 – committed to actively collaborate with the Special Procedures system of the United Nations and to strengthen this cooperation during its tenure⁵. Alkarama regrets that to this day the Egyptian authorities have insufficiently collaborated with the human rights protection mechanisms of the UN. It also did not effectively or seriously implement recommendations of the treaty bodies.

2 Report of the Committee against Torture, Geneva, 9 July 1996 (A/51/44), para. 214.

3 Report of the Committee against Torture, Geneva, 9 July 1996 (A/51/44), para. 220.

4 Report of the Committee against Torture, Geneva, 9 July 1996 (A/51/44), para 199.

5 Note verbale dated 18 April 2007 from the Permanent Mission of Egypt to the United Nations addressed to the President of the General Assembly (A/61/878).

To date, requests for country visits, which remain without any response, have been sent by the Special Rapporteur on the Independence of Judges and Lawyers; the Special Rapporteur on the Situation of Human Rights Defenders (request sent in 2003, reminder sent in 2008); the Special Rapporteur on the Freedom of Religion and Belief (request sent in 2005); the Special Rapporteur on Torture and other Cruel, Inhuman, or Degrading Treatment (requests sent in 1996 and 2007); the Working Group on Arbitrary Detention (request sent in 2008); and by the Special Rapporteur on Extrajudicial, Summary, and Arbitrary Executions (request sent in 2008).

Nevertheless, in its Universal Periodic Review in 2010, Egypt declared:

"Since the adoption of the Code of conduct for Special Procedures, Egypt demonstrated its willingness to cooperate more with them and did not exclude addressing a standing invitation to them in the future.⁶"

We are forced, however, to note that the collaboration of the Egyptian authorities with the UN mechanisms remains woefully inadequate.

1.3 Structure of the Complaint

In the first part of this complaint, we describe the general context of human rights in Egypt, the more specific situation of torture, and we list the places torture is practiced, those agents responsible, the objectives of torture, the methods used, as well as the groups targeted by this practice.

The second part of this complaint describes the recommendations given to the Egyptian government by the different human rights mechanisms of the UN and the defiance of authorities in implementing these recommendations.

2 Context

2.1 Historical Context and Current Situation in Egypt

2.1.1 Egypt under Mubarak

President Hosni Mubarak led Egypt from 1981 to 11 February 2011, the day on which he was forced to step down. His tenure was marked by a long tradition of political repression, supported by a legal and political arsenal.

A state of emergency (Law No. 162 of 1958) was introduced following the assassination of President Sadat in October 1981, authorizing restrictions on the freedom of association and giving the security forces excessive powers, especially the Intelligence and Security Services of the State (State Security Investigation - SSI). The authorities habitually detained anyone suspected of violating "national security" or "public order", without charge or legal proceedings (Article 3 – renewable and unlimited administrative detention). This created conditions which favoured the practice of arbitrary detention and the use of torture to extract confessions, as well as prosecution in unfair trials.

Administrative detention could be ordered orally and had to be confirmed in writing within eight days. The appeal of administrative detention decisions was a complicated procedure, and even if a judicial decision was issued ordering the release of the detainee, these orders were often never executed. Some were held in administrative detention for years after having served the sentence received upon conviction. According to Egyptian human rights organizations, nearly 5,000 people remained in detention without charge as of January 2011, some for more than a decade⁷. Administrative detention for undefined periods promotes the use of torture and creates a climate of impunity.

⁶ Report of the Working Group on the Universal Periodic Review – Egypt, 26 March 2010, (A/HRC/14/17).

⁷ Human Rights Watch, Egypt, *"Work on him until he confesses", Impunity for torture in Egypt*, January 2011 (1-56432-739-6).

The practice of torture was systematized in the 1980s and was justified by the need to combat "terrorist" groups. In the 1990s Egypt was facing armed attacks by several groups, mainly the Jama'a Islamiya (Islamic Group), who renounced armed struggle in 1997. The Anti-Terrorism Law enacted in 1992 contains a very broad definition of terrorism that criminalizes and punishes, *inter alia*, the exercise of freedom of expression and assembly.

Since then, the number of attacks has dropped significantly despite isolated incidents like the bombings in Taba and Nuweiba in 2004, Cairo in 2005, and Sharm El Sheikh in 2006. The authorities have used these attacks as an excuse to justify the repression of thousands of people as a part of the anti-terrorism legislation. After the 11 September 2001 attacks, many Western governments extradited individuals suspected of terrorism to Egypt in violation of the provisions of the Convention against Torture.

In addition, election cycles were frequently marked by massive arrests of members of the Muslim Brotherhood and other political movements considered "illegal." In 2005, approximately 800 people were arrested before elections. Since then, the political field was increasingly restricted, and close to 800 people were re-arrested before municipal elections on 8 April 2008, and more than a thousand more in November 2010 on the night before legislative elections.

In 2007, Parliament voted without the opposition present and passed the amendment of 34 articles of the Constitution, including provisions granting the security services emergency powers in the fight against terrorism, including the allowance to conduct arrests and prolonged detentions. Article 17 provides that "the President of the Republic has the right to defer any crime of terrorism to whichever judicial authority under the Constitution or the law," meaning that people can be judged before military tribunals and extraordinary jurisdictions that are not subject to appeal.

In May 2010, a presidential decree limited the application of the state of emergency to cases of drug trafficking and terrorism. While hundreds of people should have been released, the authorities' commitment was not kept. Indeed, the definition of "terrorism" in Egyptian law is very broad and covers "any threat or intimidation" which aims to "disturb public order or threaten safety." The use of such a broad definition allows for the detention of human rights activists and political opponents under the state of emergency⁸.

3.2.2 The Uprising of 2011 and the Post-Mubarak Era

The "day of rage" on 25 January 2011 marked the beginning of nearly three weeks of revolt that led to the resignation of President Mubarak. On 28 January, the army was deployed in Cairo, Alexandria, and the Suez, causing a wave of arrests and repression. Mobile telephone networks and the Internet were regularly cut off. Thousands of protestors, human rights activists, journalists, and political opponents were arrested, sometimes forcibly disappeared, and many were tortured. Over 800 people lost their lives and nearly 6,000 were injured, including many victims of live ammunition. Their relatives have insofar received no compensation, and acts committed by members of the security forces have not been investigated.

On 11 February 2011, the President stepped down from his position and transferred power to the armed forces, which govern Egypt to the present day. The "National Democratic Party" (NDP) that had been in power until this point was dissolved and the 1971 Constitution was suspended. The Supreme Council of the Armed Forces (SCAF), headed by former Defence Minister Marshal Tantawi, says that it will hold power for the next six months or until legislative and presidential elections are held.

The SCAF committed to respect and promote freedom of expression and association as well as to ensure the protection of civilians; it also warned against any disturbance to public order or attempt to

⁸ Alkarama, *Egypt: Keep Promise to Free Detainees by End of June*, 30 June 2010, http://en.alkarama.org/index.php?option=com_content&view=article&id=539:egypt-keep-promise-to-free-detainees-by-end-of-june&catid=22:communiqu&Itemid=102 (consulted 26 February 2012).

create "dissent". While democratic changes were announced, measures taken by the SCAF restrict freedom of expression and assembly and maintain a climate of repression practiced with impunity.

The Egyptian authorities have taken measures designed to demonstrate their desire for change, such as the release of political prisoners. On 19 February 2011, Prime Minister Ahmed Shafiq announced the release of 222 of 487 political prisoners still in detention⁹, adding that only a "handful" had been arrested during the events of January.

At the end of February 2011, protests and strikes demanding the complete departure of the army became more sporadic but did not stop. These were violently repressed and thousands of demonstrators were arrested, detained, and tortured.

On 9 October 2011, a Coptic demonstration to denounce an attack on a church was violently repressed in Shubra, leading to the deaths of 28 people and hundreds of injured.

On 17 December 2011, an assembly of protestors in front of the Cabinet of Ministers in Cairo was violently dispersed, leading to the deaths of 17 protestors and hundreds of injured.

On 2 February 2012, protestors were marching towards the Ministry of the Interior to denounce the negligence of security at a football match in Port Said. There was no intervention to protect the fans of the team Al-Ahly, leading to the deaths of 70 people and a thousand injured. During the demonstrations, security forces fired live ammunition into the crowds, leading to 15 dead and hundreds of injuries¹⁰.

New practices such as "virginity tests" have been imposed on demonstrators, an alarming sign of the aggravation of the situation of human rights which demonstrates that the authorities do not truly wish to put an end to the old practices.

On 9 March, 17 women were arrested at a sit-in in Tahrir Square, and were then transferred to the military prison of Keikstep where they were submitted to "virginity tests."¹¹

These violent acts demonstrate that any criticism of the regime is not tolerated. In 2011, almost 12,000 civilians were court martialed for the "offenses" related to the protests.

A referendum on 19 March 2011 was held to amend the Constitution of 1971 and approve the adoption of a Constitutional Declaration that provided for the transfer of powers to a civilian government. The Intelligence and Security Services of the State was dismantled and the legislation on political parties was amended, allowing more parties to participate in elections, including the Muslim Brotherhood.

The state of emergency law was completely reinstated, even though it had been restricted to acts of terrorism and drug trafficking by Mubarak in May 2010. Offenses such as violating the freedom to work, the blockage of roads, the spreading of false rumours, and arms trafficking were included in the broadening of the law's scope. On 24 January 2012, the SCAF announced that it would lift the state of emergency except in cases of "banditry," which again demonstrates the reluctance of the authorities to put a complete end to this state of exception¹².

Law 10/201 on "violent behaviour" or "banditry" was adopted to punish acts of intimidation and disturbance of public order. The penalties under the Penal Code were doubled and such acts are now

9 Huffington Post, *Egypt Prisoners To Be Released, According to Prime Minister*, 19 February 2011, http://www.huffingtonpost.com/2011/02/19/egypt-prisoners-being-rel_n_825617.html (Consulted 15 March 2012).

10 FIDH, *Egypt's Revolutionary road, one year on: still awaiting respect for human rights and democratic reforms*, 9 February 2012, <http://www.fidh.org/Egypt-s-Revolutionary-road-one> (Consulted 26 February 2012).

11 Amnesty International, *Egypt: Broken promises: Egypt's military rulers erode human rights*, November 2011 (MDE 12/053/2011).

12 Alkarama, *Egypt: Exceptions to Ending Emergency Law Invite Abuse*, 24 January 2011, http://en.alkarama.org/index.php?option=com_content&view=article&id=848:egypt-exceptions-to-ending-emergency-law-invite-abuse&catid=22:communiqu&Itemid=102 (Consulted on 26 February 2012).

punishable by death¹³. The crime of “banditry” is defined as the use of force or threat of force against a victim, with the intent to intimidate or cause damage to his property.

In April, a military decree enacted Law No. 34/2011, criminalizing demonstration and strikes that impede the function of public services. The SCAF also increased restrictions on freedom of the press and took actions against NGOs.

On 29 December 2011, authorities searched the offices of 17 local Egyptian and international NGOs, accusing them of having received funds from foreign countries¹⁴. Forty-four people were tried on charges of illegal financing of NGOs.

On the eve of the 28 November 2011 legislative elections, the “Law on the Corruption of Political Life” was passed. It put in place punishments including imprisonment and deprivation of political rights for all those condemned for “political corruption.”

Sit-ins and demonstrations calling for the holding of presidential elections after legislative elections were violently dispersed. The security forces used batons and electrocution to disperse sit-ins. On 19 November, clashes occurred between demonstrators and security forces. These used tear gas, rubber bullets, and live ammunition to attack protestors. Within four days, 45 civilians were killed and nearly 2000 were injured.¹⁵

Finally, on 25 January 2012 on the anniversary of the revolt, the authorities announced the release of 3,000 detainees¹⁶. Yet the political and legal changes announced by the military authorities are, in reality, counter-acted by the well-established practices of repressing any protest movement and creating a climate of impunity that fosters torture.

2.2 Egyptian Law Regarding Torture

The practice of torture, prohibited under international law and in the Egyptian Constitution, nevertheless remains a key element of repression. Legislation on torture remains ambiguous, creating more uncertainty and a climate of impunity. Furthermore, the existence of secret detention centres and the control executive of the judiciary favour the practice of torture. Finally, allegations of torture are neither investigated nor prosecuted.

Article 42 of the Egyptian Constitution stipulates that “anyone arrest, detained, or whose freedom is restricted shall be treated in a manner that preserves their dignity and there should be no abuse, whether physical or moral. Any declaration made under duress or threat shall be considered null and void.” However, there is no clear definition of what constitutes torture, leaving authorities free to interpret that provision.

Article 126 of the Penal Code in Egypt punishes any act of torture committed by public officials against a defendant if the acts are intended to extract confessions. This provision excludes detainees who have not been charged and does not criminalize acts of torture committed for purposes of retaliation and intimidation. The scope of this law is therefore restricted: it punishes the perpetrator only and does not attribute any responsibility to the supervisor who gave the order, or by their silence, allowed its commission.

Section 129 establishes a “crime of cruelty” only when an agent of the state uses his position in an act of cruelty that violates the dignity of a person or causes him or her physical pain. The offense is punishable with a prison sentence not exceeding one year or a fine of 200 Pounds (25€).

13 Amnesty International, *Egypt: Broken promises: Egypt's military rulers erode human rights*, November 2011 (MDE 12/053/2011).

14 Alkarama, *Egypt: Security forces raid offices of 6 civil society organizations in Cairo*, 29 December 2011, http://en.alkarama.org/index.php?option=com_content&view=article&id=841:egypt-security-forces-raid-offices-of-6-civil-society-organizations-in-cairo&catid=22:communiqu&Itemid=102 (Consulted on 26 February 2012).

15 FIDH, *Egypt's Revolutionary road, one year on: still awaiting respect for human rights and democratic reforms*, 9 February 2012, <http://www.fidh.org/Egypt-s-Revolutionary-road-one> (Consulted 26 February 2012).

16 Al Jazeera, *Egypt releases inmates on revolt anniversary*, 25 January 2012, <http://www.aljazeera.com/news/middleeast/2012/01/2012125132412573594.html> (consulted 15 March 2012).

Finally, Article 282(2) of the Penal Code establishes that anyone who illegally arrests a person and threatens to kill them or subject them to physical torture is punished with hard labour.

It is therefore clear that legal provisions on torture remain insufficient to eradicate its practice.

Regarding investigations of allegations of torture, Article 24 of the Code of Criminal Procedure provides that any victim of a crime may file a complaint that is then transferred to the Public Prosecutor (al-niyaba al-`aama). The Public Prosecutor is not an independent judicial body and is under the control of the executive branch. The Prosecutor alone decides on whether prosecution is appropriate then is responsible for carrying out any investigation before transmitting any torture cases to the appropriate bodies. Victims of torture are not entitled to themselves accuse and prosecute those who tortured them before a court. According to Articles 63 and 232 (2) of the CCP, only a prosecutor can accuse an official; a victim can only register a complaint through civil proceedings. The prosecution thus enjoys absolute discretion on the investigation and prosecution of torture, and it alone can lodge an appeal.

In addition, impunity is favoured by the slow pace of investigations (up to two years) from when they are ordered. Speed is an essential right of recourse for victims: in 1996 the Committee against Torture said that the slowness of legal remedies favours impunity for torturers¹⁷.

Impunity is reinforced by the intimidation of victims and their families, who receive threats of retaliation to make them withdraw their complaint. Witnesses are also often detained and the police seek retribution.

Finally, obtaining a medical certificate attesting to torture is crucial. Only the Public Prosecutor can order a legal medical examination and courts do not accept certificates issued by hospitals in cases against government officials. Such legal medical reports often miss signs of torture because they were ordered too late for such signs to be visible. For example, in the case of the "Zeitoun Cell," the accused said they were tortured and were not allowed to be examined by a doctor for three months after they were tortured, and the report thus established that no torture had been committed. Additionally, doctors performing such examinations are subject to many pressures and do not always report objectively. In the case of Khaled Said, the first forensic report stated that he had died of asphyxiation without further comment or details¹⁸.

The prosecutors of the Security Courts are responsible for the interrogation of detainees held incommunicado and tortured for several weeks, and often base their accusations on confessions extracted under torture. The public prosecution, which reports to the executive, controls all the stages of torture's investigation as well. There is a clear conflict of interest in this fact, as the prosecutor is responsible for inspecting detention centres, ordering forensic examinations, investigating and prosecuting officials accused of committing abuse, but also for making arrests, obtaining confessions from, and prosecuting suspects¹⁹.

To date, no official of the SSI has been convicted of acts of torture. In 1996 the Committee against Torture expressed concern that no investigation or inquiry had ever been ordered and no member of the SSI had ever been prosecuted since the Convention against Torture came into force in Egypt in 1987²⁰. In 2009, M. Martin Scheinin confirmed that there were very few cases in which police officers had been investigated and that complaints against officers of the SSI had produced no results²¹.

17 Report of the Committee against Torture, Geneva, 9 July 1996 (A/51/44), para. 206.

18 Egypt, "Work on him until he confesses", *Impunity for torture in Egypt*, Rapport Human Rights Watch, January 2011 (1-56432-739-6)

19 Egypt, "Work on him until he confesses", *Impunity for torture in Egypt*, Rapport Human Rights Watch, January 2011 (1-56432-739-6).

20 Report of the Committee against Torture, Geneva, 9 July 1996 (A/51/44), para 207.

21 Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism - Mission to Egypt of April 2009, 14 October 2009 (A/HRC/13/37/Add.2), para. 30.

indeed he is now paralysed from the waist down and suffers from constant pain caused by three broken ribs. He has had no access to medical care during his detention²⁴.

b. Intelligence Services (جهاز المخابرات العامة – Gihaz al-Mukhabarat al-Amma)

People detained by the Intelligence Services risk being tortured from the time of their arrest until their incarceration in an official prison. Generally, these services use torture to obtain information or confessions that will then be used in the victim's trial when they are brought before a judicial authority.

██████████ ██████████ ██████████ ans, Mr Al Sayed was arrested at his home by agents of the Criminal Investigation Branch of the Police on 30 juin 2011 who were dressed as civilians. He was then beaten on his back, burnt with cigarettes and questioned about the possible location of his cousin Taher, who the police were searching for.

██████████ was directly taken to the Farag Police Station, where he was subjected to various acts of torture at the hands two agents who are known and named. They forced him to undress and shaved his hair, eyebrows and moustache.

As he could not answer the questions he was asked, ██████████ was taken to another room where fifteen other agents waited for him. He was again stripped of his clothes and beaten. Each of the fifteen agents stepped on him as he was lying on the floor, and he was raped with a wooden stick. He was finally released later that day.²⁵

c. Police forces and central security forces (قوات الأمن المركزي – Quwat el-Amn el-Markazi)

The police have broad powers and often conduct brutal arrests: the abuse generally begins at the stage of arrest. These police special forces are under the Ministry of the Interior and work closely with the SSI. They are responsible for the protection of certain sites, overseeing demonstrations, anti-riot operations and special operations. They may impose curfews, conduct military operations against suspected terrorists, and often accompany officers during arrests.

Several people have died while in detention in the hands of the police, and the deaths are generally officially justified by saying the detainee resisted arrest, participated in an inmate fight, committed suicide, or was already in a fragile state of health upon arrival. For example, the authorities justified the death of Khaled Said on 8 June 2010 by the fact that he had ingested drugs prior to arrest. A medical report submitted in September 2011 indicates that Mr. Said had died from asphyxiation after being beaten and a bag was placed in his mouth while he was still conscious²⁶.

██████████ year old businessman, lived in Alexandria. At 23:00 on 8 June 2010 four police officers entered an internet café, was dragged onto the street, where he was beaten to death. Following the violent beatings, ██████████ collapsed to the ground and lost consciousness. The policemen continued to beat him while he was unconscious, kicking him in the head and face. Agents then loaded the victim into their car before returning moments later on the scene where they threw Khaled Said Kasem's lifeless body onto the highway. Faced with mounting pressure from the public and the press, Sidi Jaber's Prosecutor General was forced to open an investigation. Two policemen were sentenced to seven years prison for their implication in the death of Khaled Said, a sentence which is insufficient in view of the grave nature of the crime²⁷.

24 Alkarama, *Egypt: Torture victim paralysed while in custody*, 25 June 2010, http://en.alkarama.org/index.php?option=com_content&view=article&id=659:egypt-torture-victim-paralysed-while-in-custody&catid=22:communiqu&Itemid=102 (Consulted 26 February 2012).

25 Alkarama, *Egypt : Arrest and torture of Mr Al Sayed*, 20 July 2011, http://en.alkarama.org/index.php?option=com_content&view=article&id=790:egypt-arrest-and-torture-of-mr-al-sayed-&catid=22:communiqu&Itemid=102 (consulted 26 February 2012).

26 Human Rights Watch, *Egypt: "Work on him until he confesses", Impunity for torture in Egypt*, January 2011 (1-56432-739-6).

27 Alkarama, *Egypt: Khaled Said Kasem murdered by police in Alexandria*, 23 June 2010, http://en.alkarama.org/index.php?option=com_content&view=article&id=540:egypt-khaled-said-kasem-murdered-by-police-in-alexandria&catid=22:communiqu&Itemid=102 (consulted 26 February 2012).

d. Prison Authorities

Egyptian prison authorities also practice torture and ill treatment as in a systematic manner.

██ year old seller, was arrested on 29 January 2012 with his neighbour who he was driving to the hospital. They were arrested by military personnel and transferred to Hadra prison. Mr ██████████ was tortured, in particular beaten, electrocuted and humiliated for having allegedly participated in the protests in the country. He was finally released on 14 February, after 21 days of detention and torture, without any legal procedure.

e. Other Agents Responsible for Torture

Alkarama has documented cases implicating security agents who place people under arrest outside of the law and then bring those people to the competent authorities. This demonstrates the impunity with which all of the security forces act.

██ year old student, was arrested on 8 March 2010 by security agents of the Kwaisna Art Institute as he was posting a press release by a Student Union. These agents who are not legally allowed to carry out such an arrest, took him into their offices and tied him up before violently beating him all over his body. The same day, he was delivered to the El Kwaisna Police who also insulted him, threatened him and violently beat him whilst not allowing him to sleep or drink for three days. They then brought him before the Prosecutor of El Kwaisna who immediately ordered his liberation. Despite this order he was transferred on 11 March 2010 to the offices of the SSI in Beshbeen El Koum where an administrative order for his detention was issued under the pretext that he "belonged to an illegal religious organisation". He was then released on 12 June 2010 from Damanhour Prison.²⁸

2.2.3 The Places where Torture is Practiced

In its 1996 report, the Committee against Torture confirmed its concern that the information received from NGOs indicates "torture is practiced in the centers of the State Intelligence and Security Services and in military camps of the central security forces."²⁹

a. The Centers of the State Security Intelligence

Torture is widely practiced in the SSI detention centers and is usually accompanied by enforced disappearance, sometimes spanning several months. The SSI premises are not places of official custody and detention there is not recognized, which favors the impunity in which torture is carried out. The Public Ministry has no control.

In 2002, the Committee against Torture noted that there was "evidence that torture and abuse are commonly practiced in administrative premises of the Intelligence Service of State Security, acts are easily committed, according to information available to them, there is no mandatory inspection of the premises by an independent body."³⁰

In 2010, the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism has expressed concern at the arrest of terrorist suspects who are detained incommunicado in the underground sub-centers of SSI³¹, even before the formal registration of their detention. It highlights the lack of judicial review of the premises of SSI, which are not subject to any inspection, and thus withhold those arrested in the protection of the law.

28 Alkarama, *Egypt: Ibrahim Moujahid twice tortured now illegally held at Damanhour prison*, 28 April 2010, http://en.alkarama.org/index.php?option=com_content&view=article&id=497:egypt-ibrahim-moujahid-twice-tortured-now-illegally-held-at-damanhour-prison-&catid=22:communiqu&Itemid=102 (consulted 26 February 2012)

29 Report of the Committee against Torture, Geneva, 9 July 1996 (A/51/44), para. 208.

30 Conclusions and recommendations of the Committee against Torture, Egypt, 29th session, CAT/C/CR/29/4, 23 December 2002

31 Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism - Mission to Egypt of April 2009, 14 October 2009 (A/HRC/13/37/Add.2), para. 28.

b. Prisons

Prisons are also places where torture is practiced. The terrible detention conditions constitute a form of abuse in themselves, often inflicted on prisoners as retaliation. Torture is often used in prisons to "punish" the prisoner for membership of a certain group (eg political), extract confessions when a trial is in progress, or to ensure that prisoners do not talk about acts of torture they suffered.

➤ *Damanhour Prison - 150km Northwest of Cairo*

██ is a blogger and law student. Arrested at the border with Israel by agents of the SSI on 4 February 2009, he was sentenced to one year's imprisonment by a military court for having attempted to cross the border illegally. While detained at Damanhour prison, he was tortured several times by a prison guard and by the head of investigations at the prison during interrogations in an attempt to obtain confessions that could lead to a second condemnation. He was beaten all over his body as well as on the face, and threatened with rape. He was accused of political activities and of having gone to Gaza with other activists to express his solidarity with the Palestinian people. He was finally released on 22 February 2010.³⁶

➤ *Torah Prison – Hawamdeya Quarter, South of Cairo*

In 2007, Alkarama Foundation informed the President of the International Committee of the Red Cross about the disastrous prison conditions. Many Muslim Brotherhood members were held here until their release after the resignation of Mubarak. In 1998, the Special Rapporteur on Torture stated that:

"It is also reported that prison conditions are poor. Cells are reportedly poorly ventilated, food is inadequate in quantity and nutritional value, there is severe overcrowding and medical services are not always available. The use of torture is reported to be common, and relatives and their lawyers are often unable to obtain access to prisons for visits."³⁷

██████████-year-old student, was injured by a gunshot wound to his leg fired by the military during a protest in Cairo on 16 December 2011. After leaving hospital on 29 December, he was summoned by the police of Al Azbakeya on 9 January 2012, following which he was detained in secret for three days at Security department in Cairo, where he was severely tortured. He was then transferred to Torah Prison, where he also suffered ill-treatment, including a violent beating. He was not allowed to continue the treatment for his gunshot wound and was not transferred to a hospital despite his serious medical condition.³⁸

c. Military Detention Centers

The military detention centers are also places where torture is widespread. In 1996, the Egyptian authorities had told the Committee against Torture that no one was detained in military camps or centers³⁹.

██████████-year-old ██████████ and his brother ██████████ aged 26, were arrested in Cairo by SSI agents, on 22 September and 8 December 2009 respectively. Zakaria was interrogated about his membership of the Muslim Brotherhood for 6 days at Al Mazah military prison in Cairo. As soon as he arrived at the military base, he was undressed and his feet were tied with a metal wire. His torturers then electrocuted him by attaching cables to his legs, his torso, his penis, his tongue and between his eyes. He was suspended from the ceiling by the feed for more than 7 hours and detained in complete isolation

36 Alkarama, *Egypt: Ahmed Douma, student blogger, tortured during detention in Damanhour prison*, 18 December 2009, http://en.alkarama.org/index.php?option=com_content&view=article&id=381:egypt-ahmed-douma-student-blogger-tortured-during-detention-in-damanhour-prison&catid=22:communiqu&Itemid=102 (consulted 26 February 2012).

37 Report of the Special Rapporteur on Torture to the Human Rights Commission, 55th Session, 12 January 1999 (E/CN.4/1999/61), para. 191.

38 Alkarama, *Egypt : Mr Mohanad Hassan arrested and tortured for complaining against military use of force on protesters*, 22 February 2012, http://en.alkarama.org/index.php?option=com_content&view=article&id=861:egypt-mr-mohanad-hassan-arrested-and-tortured-for-complaining-against-militarys-use-of-force-on-protesters-&catid=22:communiqu&Itemid=102 (Consulted 26 February 2012).

39 Report of the Committee against Torture, Geneva, 9 July 1996 (A/51/44), para. 209.

without water or food. His brother Diah was also torture, notably by being forced to remain in water for long periods of time through which electricity was regularly passed.⁴⁰

██████████-year-old student was arrested at his home on 16 March 2011 during a police raid on his building. The police were seeking to arrest a neighbor, but broke into his apartment, beat and insulted him, and then tied his hands and feet before dragging him outside. His arrest was made without an arrest warrant, following which he was detained incommunicado for three days at the B-C 23 Military Zone in Cairo. He was then presented to the Cairo military court and sentenced to 25 years' imprisonment on the basis of a fanciful charge of possession of explosives, resisting arrest, use of violence and non-respect of the curfew in place at the time (keeping in mind that he was arrested while at home).

d. Police Stations

Numerous cases have been reported of people arrested and then detained at police stations in police custody. Alkarama has noted the frequency of cases of deaths as a result of torture in police centers.

██████████-year-old shop-keeper was arrested on 5 November 2006 by the police of Mina Al Bassal and taken to their station where he was detained incommunicado. It was only when a police officer finally recognized his detention that his sister was able to visit him, despite numerous previous attempts. She noted that he bore numerous traces of violence. A few days later, his family was informed that he had "committed suicide by hanging". His family has expressed numerous doubt about this, given that the place where he was found was reserved for personnel only. A request for an autopsy was made to the prosecutor in order to determine the cause of death and open an inquiry, but this has not been carried out to date.⁴¹

Twenty-year-old student ██████████ was arrested in the street by police officers on 29 September 2009. Presented to the prosecutor of Al Oumranya, he was brought back to the police station for "further investigation". He remained there for more than three and a half months, without any judicial oversight. He was severely beaten during his detention, which caused great injury to his abdomen. On 1 January 2010, he was urgently brought to the Om El Masryen General Hospital, where he died of his injuries despite urgent surgery on 6 January 2010.

██████████-year-old shoe-maker was arrested by members of the Shebra Al-Khaymi police force on 29 March 2009 in a Cairo restaurant, on the orders of agent Mustafa Lutfi following a verbal confrontation with the latter. He was taken to the station where he remained for six months without any legal proceedings. He suffered repeated torture and inhuman and degrading treatment. He was notably stripped of his clothing before other detainees, suspended by his feet, severely beaten all over his body, burned with cigarettes, electrocuted on his thorax and other sensitive parts of his body. He was also forced to eat like an animal and to clean toilets, and kept with his hands and feet tied for several days without interruption.⁴²

e. In Public Places

The culture of impunity in which torture is practiced, supported by the State of Emergency Law is such that all security forces do not hesitate to use disproportionate violence in public areas, especially during demonstrations or sit-ins.

██████████-year-old student, and ██████████, a student of ██████████ were both arrested close to the Israeli embassy in Giza (a neighbourhood in Cairo) during a gathering to commemorate the exile of Palestinians following the creation of the state of Israel on 1 May 2011. Both were beaten on their bodies and faces, dragged on the ground and then thrown into a truck with 50 others, where they were detained for 12 hours. They were

40 Alkarama, *Egypt: Detention and torture of Zakaria and Dia Ibrahim*, 16 December 2009, http://en.alkarama.org/index.php?option=com_content&view=article&id=377:egypt-detention-and-torture-of-zakaria-and-dia-ibrahim&catid=22:communiqu&Itemid=102, (consulted 26 February 2012).

41 Alkarama, *Egypt : UPR Report to Human Rights Council*, 31 December 2009, http://en.alkarama.org/index.php?option=com_docman&task=doc_download&gid=134&Itemid=104, (consulted 26 February 2012).

42 Alkarama, *Egypt: Mahmoud El Sanussi tortured by police, now under administrative detention*, 27 April 2010, http://en.alkarama.org/index.php?option=com_content&view=article&id=500:egypt-mahmoud-el-sanussi-tortured-by-police-now-under-administrative-detention&catid=22:communiqu&Itemid=102 (consulted 26 February 2012).

then detained incommunicado in a military prison and finally released on 19 and 20 May respectively. Both were condemned to one year's suspended sentence by a military court.⁴³

f. Other Places where Torture is Practiced

In clashes between security forces and demonstrators, it is not uncommon for people arrested to be taken away to public buildings "requisitioned" for the detention of protestors.

██████████, ██████████, and ██████████ were arrested on 9 March 2011 by military forces and detained at the Cairo National Museum, where they were beaten. According to their testimonies, they were amongst approximately 150 other people. ██████████ was taken to an office behind the museum and released that evening while ██████████ was electrocuted and beaten for over two hours. Officers also cut his hair and took his clothing before releasing him that same day.

2.2.4 Groups Targeted by Torture

The practice of torture has been systematic in Egypt since the 80s, after the reintroduction of the state of emergency. In the 90s, it was used primarily used by intelligence services as a tool to combat terrorism, especially against the militants of Islamic Jihad and the Jama'ah Islamiya.

In July 2009, a group of 15 people, known as the 'Zeitoun cell' accused of belonging to a terrorist organization were detained in secret for months at the headquarters of the SSI where they were severely tortured in order to obtain confessions. They reappeared when they were presented to the Supreme State Security Court in January 2010, following which they were transferred to Torah Prison. During their hearing, despite most of them affirmed having been tortured, the judge did not open an inquiry into these allegations.⁴⁴

In its review by the CAT in 1996, the Egyptian authorities had said they were determined to implement the articles of the Convention against Torture despite the crimes of terrorism whose aim was to overthrow the democratic regime and fighting these terrorists was an important part of promoting constitutional legitimacy and the rule of law⁴⁵.

The electoral periods in Egypt have always been accompanied by waves of mass arrests of activists of banned political groups, especially the Muslim Brotherhood. Before the November 2000 elections, nearly 1600 people were arrested, as opposed to 800 in 2005 and in the municipal elections of 2008. In 2010, more than a thousand people were arrested.

In addition, dissidents, members of NGOs, political opponents and journalists who criticize the military regime are the objects of systematic harassment on the part of the authorities.

██████████ is a lawyer and human rights activist working at the Arab-European Centre of Human Rights and International Law. He was arrested on 12 June 2011 by the police of Al Dakhila as he was interviewing protestors. During his detention, he was torture and abused, including by being violently beaten, forced to remain standing for hours facing a wall, deprived of food and drinking water and prevented from using the toilets for 26 hours. He was then transferred to Wadi Jadid Prison. On 3 August 2011, he was sentenced to two years' imprisonment on the pretext that he had incited citizens to resemble and for having attacked the head of Al Dakhila's town council.

During the events of January 2011 and after the departure of Mubarak, the security forces carried out mass arrests; incommunicado detention and torture were practiced against all categories of people, though especially against protesters.

43 Alkarama, *Egypt: The authorities must investigate the torture to which peaceful demonstrators in front of the Israeli Embassy were subjected*, 6 June 2011, http://en.alkarama.org/index.php?option=com_content&view=article&id=744:egypt-the-authorities-must-investigate-the-torture-to-which-peaceful-demonstrators-in-front-of-the-israeli-embassy-were-subjected&catid=22:communiqu&Itemid=102, (consulted 26 February 2012).

44 Alkarama, *Egypt: 15 previously disappeared victims from the so-called "Zeitoun Cell" now held at Istikbal Tora Prison*, 19 January 2010, http://en.alkarama.org/index.php?option=com_content&view=article&id=407:egypt-15-previously-disappeared-victims-the-so-called-qzeitoun-cellq-now-held-at-istikbal-tora-prison&catid=22:communiqu&Itemid=102, (consulted 26 February 2012).

45 Report of the Committee against Torture, Geneva, 9 July 1996 (A/51/44), para. 203.

a. The Extraction of Confessions

Extracting "confessions" remains a key objective since they 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.

Twenty-two detainees accused of belonging to the Lebanese Shiite group *Hezbollah*, were arrested between December 2008 and April 2009 and taken to the headquarters of the SSI in Cairo, where they were tortured and forced to make confessions. They all state having been tortured: electric shocks on various parts of their bodies, being forced to remain standing all night, threats of torture of families members and being forced to listen to their cries. During their hearing before the Supreme State Security Court, the judge was informed of their secret detention and the multiple consequences caused by their torture, but he refused to order an inquiry on the basis of these allegations. On 28 April 2010, they were all sentenced to heavy sentences: 10-20 years' imprisonment. Their hasty trial was manifestly unfair and based exclusively on confessions made under torture.⁵⁰

b. Acts of Reprisals

Torture is also used as a way to punish the victim in reprisal for an act or specific speech.

██████████ a Dutch and Egyptian national aged ███ was arrested from his home in Cairo by SSI agents on 8 May 2001. He was taken to their headquarters immediately after his arrest. Having been able to contact the Dutch embassy, whose representatives were able to visit him in detention, he suffered 45 days of torture as a reprisal for this. He was then judged and sentenced by a military court to three years' imprisonment. Although he should have been released in May 2004 after completing his sentence, he remained in prison as of October 2009.⁵¹

c. Obtaining information on Third Parties

An observed trend is the arrest and torture of relatives of a wanted person in order to obtain information about him leading to his arrest. The practice often includes the arrest and detention of minors and women.

██████████ a young ███-year-old woman was arrested at her home in Alexandria by agents of the police of Al Amiria police station on 26 September 2009, while 5-months pregnant. Handcuffed and insulted, the agents interrogated her to find out where her husband was. When she told them she did not know, she was beaten, despite being pregnant, and was also threatened that she would be raped and killed.

d. Harassment and Dissuasion

The practice of torture is often designed to intimidate, harass or scare candidates or individuals engaged in the conduct of elections including the eve of electoral votes, as was the case before the parliamentary elections in 2000 and 2005 and 2008 municipal elections.

2.2.6 The Different Methods of Torture

The more "sophisticated" methods of torture are performed in the SSI centers under the supervision of doctors who examine victims regularly to keep them alive. The police, on the other hand, use more "primary" methods such as violent beatings, which leads to a higher number of deaths.

50 Alkarama, *Egypt: Incommunicado detention, torture and forced confessions for 22 prisoners accused of belonging to Hezbollah*, 16 November 2009, http://en.alkarama.org/index.php?option=com_content&view=article&id=353:egypt-incommunicado-detention-torture-and-forced-confessions-for-22-prisoners-accused-of-belonging-to-hezbollah&catid=22:communiqu&Itemid=102 (consulted 26 February 2012).

51 Alkarama, *Egypt: Hisham Diab finished sentence in May 2004, still detained*, 9 October 2009, http://en.alkarama.org/index.php?option=com_content&view=article&id=316:egypt-latest-hisham-diab-finished-sentence-in-may-2004-still-detained&catid=22:communiqu&Itemid=102, (consulted 26 February 2012).

The most common methods of torture are the following:

1. **Insults and humiliation** are used throughout interrogation. Obscene, foul, vulgar and blasphemous language is sometimes used to humiliate victims. The sessions of torture and humiliation are sometimes filmed or photographed.
2. **Nudity** is used to place the prisoner in an extreme state of psychological distress. Detainees are often forced to stand naked for hours or even days. Sometimes, pictures are taken.
3. **Stress positions** that force prisoners to stand, squat, sit against a wall, stand spread-eagle against a wall, among other positions are used for long periods, often resulting in exhaustion.
4. **Beatings** with fists and feet as well as sticks, electric cables, or assault rifle butts on all body parts.
5. The **hanging** of prisoners by the wrists (suspended alone or with the arms behind the back), or by the feet (upside down) for several hours.
6. **Electrocution** (Gégène) is widespread. Electric wires or electrodes are attached to the lips, nose, around the eyes, tongue, torso, fingers, genitals, or around the legs and an electric current is passed through them, either consistently or in spontaneous bursts. Prisoners are sometimes placed in water, completely or partially, then electrocuted to worsen the pain.
7. **Dismemberment** is practiced using various machines and tools to stretch, deform, and crush the appendages of the detainee. For example, a metal bed is used in which the wrists and feet are tied to stretch the victim while the torturers also beat them.
8. **"Waterboarding"** or "the method of the cloth" is used to simulate the drowning of the detainee, with the help of fabric which covers the face of the victim and is then soaked with running water.
9. **Rape and other forms of sexual torture** are used against both men and women. The threat of rape of other family members, especially girls and women prisoners, is widespread. **"Virginity tests,"** which have emerged in the recent years, are given with the aim to cause psychological shock and humiliation among women.

Furthermore, it should be noted that the practice of indefinite detention and incommunicado detention were recognized by the United Nations as constituting a form of torture. "The general conditions of detention, in particular the uncertainty about the length of detention and prolonged solitary confinement, are inhumane and violate the right to health as well as a violation of the right of detainees to be treated with humanity and respect for the inherent dignity of the human being devoted to in paragraph 1 of Article 10 of the Covenant."⁵² Solitary confinement is also considered a form of inhuman treatment.

3 Follow-up on UN Recommendations

In this section, we briefly recall the recommendations given by the UN mechanisms to Egypt since 1996.

3.1 Recommendations of the CAT under Article 20 [1996]

In 1996, the Committee against Torture gave several recommendations to the Egyptian authorities, who, sixteen years later, have yet to implement them.

52 Report on the Situation of detainees at Guantánamo Bay, 62th Session of the Human Rights Commission, 27 February 2006 (E/CN.4/2006/120), para. 87.

1. Reinforce its legal and judicial infrastructure to effectively combat the practice of torture

Egyptian authorities have not strengthened their legal and judicial infrastructure to combat torture, but rather to promote the impunity of a repressive system. The law on the state of emergency and the anti-terrorist law hinder the creation of genuine rule of law in Egypt, as noted by the Committee against Torture in 2002.⁵³

2. Provide a mechanism of independent investigation, which includes judges, lawyers, and doctors, who would be responsible for reviewing all allegations of torture and bring them quickly before the courts. Ensure that the provisions of Egyptian law guaranteeing that persons deprived of liberty shall not be subjected to torture are met:

- a. By going to places where there are reports of torture
- b. By immediately alerting the relevant authorities when such provisions are not fully respected
- c. By making proposals to the relevant authorities to ensure that these safeguards are respected in all places where persons are detained

As explained earlier, the Public Prosecutor is the only body empowered to inspect places of detention. However, this body is subject to executive control, and only has access to official places of detention. Therefore, the secret places of detention, such as the local SSI centers, cannot be visited. Furthermore, the fact that the Public Ministry is responsible for inspecting detention centers and to investigate allegations of torture, but also to obtain confessions and prosecute suspects creates a conflict of interest that harms the independence of the judiciary.

3. Conduct a thorough investigation into the behavior of the police to determine whether the numerous allegations of torture are accurate.

The Egyptian authorities have rarely ordered any investigation into allegations of torture. There are cases of conviction of police officers, but complaints against the SSI have never produced results.

4. Bring those responsible for torture to justice.

Torture victims can file complaints against their torturers in the context of civil proceedings. The Public Ministry, which is controlled by the executive, has discretion as to the progress of the investigation and prosecutorial decisions, and may decide to appeal the decision of the Court. The prosecution of perpetrators of torture is even more difficult because the trials are very slow and that the victims and their families are often subject to threats that cause them to refrain from filing complaints.

5. Establish and transmit to police clear instructions to prevent any future acts of torture.

The sense of impunity with which torture and other ill-treatment are committed cannot be eradicated unless clear instructions are sent to the security forces.

3.2 Other Important Recommendations

The various other UN mechanisms have made numerous recommendations with respect to Egypt to abolishing the practice of torture:

1. Review the issue of maintaining the state of emergency (CAT 2002; HRC 2002; SRCT 2009);
2. Adopt a definition of torture that is consistent with that established in paragraph 1 of Article I of the Convention (CAT 2002, 1993; HRC 1993, 2002);

53 Conclusions and recommendations of the Committee against Torture, Egypt, 29th session, CAT/C/CR/29/4, 23 December 2002, para. 5.

3. Ensure that all complaints relating to cases of torture or ill-treatment, including those relating to deaths in detention, are investigated promptly, impartially, and independently (CAT 2002, 1999, 1993; SRCT 2009; HRC 2002);
4. Ensure the effective and regular nature of the inspection of all places of detention by prosecutors, judges, or another independent body (CAT 2002; SRCT 2009; HRC 2002);
5. Ensure that all detainees can immediately see a doctor and a lawyer and be in contact with their families (CAT 2002; HRC 1993);
6. Eliminate all forms of administrative detention. In addition, areas that are under the control of the SSI should be subject to mandatory inspection and that allegations of torture and ill-treatment are given prompt and impartial investigations (CAT 2002, 1993; SRCT 2009);
7. Ensure that legislation gives effect to the rights recognized by the Convention and impose remedies to permit the exercise of these rights. In particular, ensure that it is undertaken within a reasonable time for complaints and that any court decision to release a detainee is actually applied (CAT 2002; HRC 1993, 2002);
8. Abolish secret detention (CAT 2002);
9. Ensure that any person sentenced by military tribunal for acts of terrorism has the right to appeal the decision (CAT 2002; SRCT 2009; HRC 2002);
10. Put an end to all practices involving the abuse of juveniles in detention and punish the perpetrators, as well as prohibit the detention of juveniles alongside adults (CAT 2002);
11. Adopt measures to prevent all degrading treatment during body searches (CAT 2002; HRC 2002);
12. Establish the jurisdiction of the state with respect to any alleged act of torture that is in the country and that detainees are not extradited to another state for trial in accordance with Articles 5-8 of the Convention (CAT 2002);
13. Ensure that non-governmental organizations active in the defense of human rights can operate unhindered, and in particular they are authorized to visit all places of detention, including prisons, to ensure better compliance with the prohibition of torture and ill-treatment (CAT 2002; HRC 2002);
14. Establish rules and specific standards to allow victims of torture and ill-treatment to obtain full reparation as well as ensuring that there are not unjustifiable disparities in the compensation that they are accorded (CAT 2002; HRC 2002);
15. Pursue a course of training for those responsible for enforcing the law, especially regarding the obligations under the Convention and the right of every detainee to medical and legal assistance as well as contact with family members (CAT 2002, 1993; HRC 1993);
16. Consider adopting the declarations under Article 21 and 22 of the Convention (CAT 2002, 1999);
17. Widely disseminate the findings and recommendations of the State party in all appropriate languages (CAT 2002; HRC 2002);
18. Establish and maintain an adequate record of detainees, held both by police and by the SSI, available to the public (CAT 1999);
19. Take effective measures to prevent women from being the subject of threats of sexual abuse by police and intelligence agents of State Security to obtain information from them (CAT 1999);
20. Consider ratifying the Optional Protocol to the Convention against Torture (SRCT 2009).

4 Conclusion

In this report we have attempted to establish through the many cases documented by our organization that the practice of torture remains, to date, systematic and widespread in Egypt and that this is an old phenomenon, rooted in a legal arsenal for the suppression of the protest movement critical of the government, or challenging the army's grip on the country today. The state of emergency and anti-terrorism laws prevent the establishment of genuine rule of law and perpetuate a repressive system that allows security forces, all bodies included, to act with impunity. Current legislation on torture does not provide for its victims to obtain justice or redress.

Since the departure of President Mubarak, clashes between demonstrators and security forces are frequent and often violent, which, for many political observers and human rights activists, demonstrates that the military authorities wish to maintain control over the power they currently hold. The deliberate use of torture is still a major tool of repression and only accountable civilian authorities and democratic elections would be able to eradicate the serious violations of human rights in Egypt.

The United Nations Committee against Torture is the ideal body to open an investigation conforming to the procedure established in Article 20 of the Convention. It should be used as a constructive tool to contribute effectively to end the systematic practice of torture and to monitor and promote human rights in Egypt.

5 Recommendations

In conclusion, Alkarama sends these recommendations to the Egyptian authorities:

1. Adopt a definition of torture conforming with the definition in paragraph 1 of Article 1 of the Convention against Torture and other cruel, inhuman, and degrading treatments;
2. Modify the provisions of the Penal Code relative to torture so that they conform with the legal standards of the Committee against Torture and international law;
3. Ratify the Optional Protocol to the Convention against Torture and other cruel, inhuman, and degrading treatments;
4. Ensure that all allegations of torture are investigated promptly, impartially, and independently, and that perpetrators are brought to justice;
5. Provide victims and their families with effective legal recourse;
6. Give victims the right to directly make a complaint against their torturer, to obtain civil reparations, and to appeal the decision;
7. Abolish prolonged administrative detention;
8. Establish a register of all places of detention in Egypt to make their access possible for inspection by the Public Prosecutor;
9. End the state of emergency for all categories of crimes and offenses without exception and abolish the anti-terrorism legislation;
10. End the practice of "extraordinary rendition" and practice extradition only in a legal framework consistent with international standards in this area.