

EGYPT

Time to implement the UN Committee against Torture's recommendations

One year ago today, the UN Committee against Torture¹ expressed its concern at the “persistence of the phenomenon of torture and ill-treatment of detainees by law enforcement officials” and “the widespread evidence of torture and ill-treatment...[by] the State Security Investigation Department” in Egypt².

On 20 November 2002 the Committee against Torture, which monitors implementation of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, issued 19 recommendations to Egypt, comprising specific measures to be undertaken by the government in order to stamp out torture.

While the Egyptian authorities have taken some positive steps in the field of human rights over the past year, these have been seriously limited. In failing to implement the majority of the Committee against Torture's recommendations, the authorities have failed to introduce urgently-needed remedies to an endemic problem.

For well over a decade, specialized UN expert bodies, including the Committee against Torture³, and international and national human rights organizations have been documenting cases of torture and ill-treatment, including deaths in custody⁴. The widespread and systematic practice of torture in Egypt has persisted despite its prohibition under domestic and international law.

Egypt acceded to the Convention against Torture on 25 June 1986. It is now high time that the Egyptian authorities took decisive action to end torture by adopting the necessary legal and practical measures to ensure effective implementation of the Convention against Torture and other international human rights treaties, which include provisions against torture.

¹ The UN Committee against Torture monitors the implementation of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

² Conclusions and recommendations of the Committee against Torture: Egypt. 23/12/2002. CAT/C/CR/29/4D (5.b,c)

³ Several UN expert bodies, including the Special Rapporteur on Torture and the UN Human Rights Committee, have also expressed concern over the phenomenon of torture and ill-treatment in Egypt.

⁴ Recent Amnesty International publications on the subject include: *Egypt: Torture Remains Rife as Cries for Justice Go Unheeded* (AI Index: MDE 12/001/2001, February 2001); *Egypt: Torture and imprisonment for actual or perceived sexual orientation* (AI Index: MDE 12/033/2001, December 2001); and *Egypt: No protection – systematic torture continues* (AI Index: MDE 12/031/2002, November 2002)

Recommendations by Committee against Torture repeatedly ignored

As early as November 1991, the Committee against Torture expressed grave concern at the systematic practice of torture in Egypt. Following submissions by Amnesty International and the Egyptian Organization for Human Rights in November 1991, the Committee against Torture began a confidential procedure under Article 20 of the Convention against Torture regarding “well-founded indications that torture is being systematically practised in the territory of a State Party”⁵. Since then, each time it examined Egypt’s periodic reports, the Committee against Torture has raised concerns about the phenomenon of torture in Egypt⁶.

In November 1993, the Committee expressed concern “about the fact that torture is apparently still widespread in Egypt”⁷. In May 1996, the Committee published its conclusions under the Article 20 procedure stating that “torture is systematically practised by the security forces in Egypt, in particular by the 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”⁸.

In its conclusions of 1996, the Committee made specific recommendations to the government, including the need to reinforce its legal and judicial infrastructure. It repeated its recommendations, made in 1994 to the Egyptian government, to set up an “independent investigation machinery, including in its composition judges, lawyers and medical doctors that should efficiently examine all the allegations of torture, in order to bring them expeditiously before the courts.”⁹ The Egyptian government responded in 1999, stating that “there is currently no need to establish new monitoring mechanisms”¹⁰, and referred to human rights units at the Public Prosecutor’s Office and the Foreign Ministry, both of which had been established some years earlier.

Egypt’s third periodic report to the Committee was examined in May 1999. In its conclusions the Committee noted some positive developments, including the release of large numbers of administrative detainees held under emergency legislation and a reduction in the number of complaints of maltreatment by people detained under the emergency legislation. However,

⁵ Article 20.1 states: “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.”

⁶ Egypt’s first periodic report was examined by the Committee against Torture in 1988. Subsequent periodic reports were examined in 1993, 1999 and 2002.

⁷ Concluding observations of the Committee against Torture: Egypt. 12/06/94. A/49/44, para. 86

⁸ Activities of the Committee against Torture pursuant to article 20 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment: Egypt. 03/05/96. A/51/44, para. 220

⁹ Activities of the Committee against Torture pursuant to article 20 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment: Egypt. 03/05/96. A/51/44, para. 221.

¹⁰ Supplementary reports of States parties due in 1996: Egypt. 28/01/99. CAT/C/34/Add.11, para. 183.

the Committee remained concerned about “the large number of allegations of torture and even of death relating to detainees made against both the police and the State Security Intelligence” and allegations of treatment of female detainees “which sometimes involves sexual abuse or threat of such abuse”.¹¹

In October and November 2002, Egypt’s torture record came under scrutiny by two UN bodies: the UN Human Rights Committee, which monitors the implementation of the International Covenant for Civil and Political Rights (ICCPR), and the UN Committee against Torture.

In its concluding observations in October 2002, the Human Rights Committee, like the Committee against Torture, expressed concern at “...the persistence of torture and cruel, inhuman or degrading treatment at the hands of law-enforcement personnel, in particular the security services whose recourse to such practices appears to display a systematic pattern”¹². It also expressed concern at the lack of investigations and trials of perpetrators and the absence of any independent body to investigate such complaints.

These findings and those made by other UN bodies in previous years were further corroborated by the concluding observations and recommendations of the Committee against Torture’s most recent examination of Egypt’s fourth periodic report in November 2002. Despite the reiteration of long-standing concerns and the issuance of specific and concrete recommendations by successive UN bodies, the Egyptian authorities have consistently failed to implement the recommendations of the Committee against Torture and as such to demonstrate a real commitment to fighting the practice of torture.

Positive developments

In recent months, certain measures have been initiated in the field of human rights, which may eventually contribute to the prevention of torture. However, at this early stage in their conception, it is not possible to determine the extent to which they will have an impact on the practice of torture. They include:

On 16 June 2003 a new law to establish a national council for human rights was passed. The body is expected to conduct three key areas of activity: publish an annual report on the human rights situation in the country; receive complaints from victims of human rights abuses; and advise the government on human rights related matters. The Shura Council, Egypt's Upper House, is due to announce the 27 members of the council by the end of 2003. Amnesty International welcomes this step and considers that in order to ensure that such a body is effective in helping to see a tangible improvement in the human rights situation in the country, it must be competent, independent, impartial and have sufficient power to implement its decisions.

¹¹ Concluding observations of the Committee against Torture: Egypt. 17/05/99. A/54/44, paras. 197-216.

¹² Concluding observations of the Human Rights Committee: Egypt. 28/11/2002. CCPR/CO/76/EGY (C. 13)

With a view to addressing the problem of the torture and ill-treatment of minors, as raised by the Committee against Torture¹³, a draft law, stipulating the separation of juveniles from adults in pre-trial detention, was proposed by the Association for Human Rights and Legal Aid in November 2002. This draft, which has not been opposed by the executive, has been examined by a series of parliamentary committees; it is yet to be adopted by Parliament and then ratified by the President. If a law is passed which guarantees the separation of juveniles from adults, it will provide an important safeguard to protect children in pre-trial detention, where no such provision for their safety had previously existed. This has been a call made by Amnesty International and local human rights organizations for several years to help act as a preventive measure against the torture or ill-treatment of juveniles.

While these measures are welcome, they fall far short of the necessary minimum safeguards which are needed to reduce the incidence of torture and to make a marked difference for those who suffer torture and ill-treatment.

The persistence of torture

An endemic problem

The number of reported cases of torture and ill-treatment, including death in custody, remains alarmingly high. Over the past year, Amnesty International has received information pertaining to the deaths of at least seven people, detained by the police and the State Security Intelligence (SSI), where it is alleged that torture caused or contributed to their death.

For years, Amnesty International has appealed to the Egyptian authorities, urging them to implement effective safeguards to prevent torture and ill-treatment in Egypt, and address cases where there is concern that torture was used. Reports by Egyptian and international human rights organizations based on interviews with victims and witnesses, medical examinations and judgments by Egyptian courts, clearly demonstrate the systematic practice of torture. However, appeals raised by these organizations have been largely ignored by the Egyptian authorities, and torture and other cruel, inhuman and degrading treatment or punishment continue to be practised systematically in detention centres.

Allegations of torture or ill-treatment have been made by people from all walks of life, including children, women, political activists, people arrested in connection with criminal investigations as well as those held in custody without being accused of or charged with any specific offence. Certain groups of people, including refugees and those detained because of their sexual orientation, are particularly vulnerable. In the case of non-political detainees, torture occurs primarily in police stations; while political activists are mainly at risk when held in the premises of the SSI. The vast majority of political detainees - both those accused

¹³ The Committee against Torture recommended that Egypt "Halt and punish all practices involving the abuse of minors in places of detention, and ban the holding of under-age detainees with adult detainees". (Conclusions and recommendations of the Committee against Torture: Egypt. 23/12/2002. CAT/C/CR/29/4D (6.j))

of affiliation to non-violent organizations and armed groups - who have been tortured report that this occurred while they were held in incommunicado detention at premises of the SSI.

The most common methods of torture include electric shocks, beatings, whipping and suspension by wrists or ankles in a contorted position from a horizontal bar. Testimonies of torture victims refer to a variety of torture equipment such as electric devices, whips and the falaka instrument which is used to tie the victim's feet prior to being beaten on the soles of the feet.

16-year-old Ahmad Fu'ad 'Abd al-Latif was detained at al-Haram Police Station in Giza on 2 November 2002. Police officers who accused him of drug possession reportedly subjected him to torture, including beating him with the butt of a pistol on his head and kicking his back. He also sustained injuries on his face from being burned with cigarettes. After four days of detention, the Public Prosecution Office ordered his release.

Incommunicado detention

The practice of incommunicado detention, where detainees are held without access to people outside the place of detention, remains in force despite recommendations by the Committee against Torture and the Special Rapporteur on Torture¹⁴ to abolish the practice. Torture mainly occurs during the first few days of detention. It is while held incommunicado that detainees are at greatest risk of torture or ill-treatment. Amnesty International has received many torture allegations by detainees who have been denied access to the outside world, including family members and lawyers, for weeks, by which time signs of torture have faded or disappeared. The risk of torture is particularly high for those held in incommunicado detention at departments of the State Security Intelligence (SSI). Amnesty International considers that it would be a major step forward in combating torture and ill-treatment in Egypt, if the right for "...all detained persons [to] have immediate access to a doctor and a lawyer, as well as contact with their families" could be guaranteed in law and in practice¹⁵.

¹⁴ The Committee against Torture recommended that Egypt: "Abolish incommunicado detention" (Conclusions and recommendations of the Committee against Torture: Egypt. 23/12/2002. CAT/C/CR/29/4D (6.h)). The Special Rapporteur on Torture stated: "Torture is most frequently practised during incommunicado detention. Incommunicado detention should be made illegal and persons held incommunicado should be released without delay..." (UN doc. E/CN.4/1995/434, para 926 (d)).

¹⁵ Conclusions and recommendations of the Committee against Torture: Egypt. 23/12/2002. CAT/C/CR/29/4D (6.e)

On 12 and 13 April 2003, six men¹⁶ were detained in connection with a demonstration, which took place on 12 April 2003 in front of the Egyptian Journalist Union in Cairo, protesting against the war in Iraq. They were reportedly held incommunicado for between two and ten days at the SSI headquarters in Lazoghly Square, Cairo, where torture is known to be widely practised.

Two of them, 'Amr Muhammad 'Abd al-Latif and Walid 'Abd al-Raziq, were released on 14 April 2003. Amr Muhammad 'Abd al-Latif subsequently reported that he was severely beaten and kicked in his testicles while in detention. On 15 April 2003, after examining him, doctors of the Nadim Centre for the Management and Rehabilitation of Victims of Violence reported that they found "testicular congestion and bruises in the back muscles and the muscles on the front of the left thigh". Following his release on 24 April 2003, Ibrahim al-Sahari reported that he had been severely beaten on the second day of his detention¹⁷. Ramiz Gihad was also reportedly beaten, slapped, kicked, suspended and subjected to electric shocks during the initial period of detention.

Mahmud Hassan Hassan, Wa'el Tawfiq and Ramiz Gihad were detained until 6 and 7 June 2003. They were initially held incommunicado at the SSI headquarters and later at Borg al-Arab Prison, near Alexandria, where they were held in solitary confinement. Throughout their detention, they were denied contact with relatives or lawyers, including receiving visits, letters or telephone calls. In the case of Ramiz Gihad, this rendered him unable to communicate his allegations of torture until over six weeks after the torture occurred.

Denial of justice for victims of torture and ill-treatment

The referral of several police officers to trial in connection with deaths in custody in recent years has been welcomed by Amnesty International as an important development, demonstrating that once the authorities have decided to take action against such incidents, they can implement the necessary measures for the investigation and prosecution of perpetrators.

Despite positive developments in selected cases, trials of alleged torturers are mainly restricted to the worst incidents – namely those where the victims have died, and only in criminal, not political, cases. Recently, however, the judicial authorities have announced the referral of police officers for trial following reports of torture made by a torture survivor.

On 15 September 2003 the Public Prosecutor announced the referral of seven police officers for trial in connection with the arrest, detention and torture of Muhammad Badr al-Din Gom'a Isma'il, a school bus driver from Alexandria; six other police officers accused in the same

¹⁶ The six men were: 'Amr Muhammad 'Abd al-Latif; Walid 'Abd al-Raziq; Ibrahim al-Sahari; Mahmud Hassan Hassan; Wa'el Tawfiq; and Ramiz Gihad.

¹⁷ Ibrahim al-Sahari was previously detained at the SSI headquarters in Cairo in February 2003, during which time he was reportedly ill-treated.

case were not included in the referral. In September 1996 Muhammad Badr al-Din Gom'a Isma'il was arrested and detained for seven months in al-Muntazah police station in Alexandria. There, he was beaten and subjected to electric shocks, including on sensitive parts of his body, among other things in order to make him confess to a crime that it was later shown that he did not commit.

For several years, Amnesty International, alongside local human rights organizations, has campaigned for truth and justice to be established in his case¹⁸. The case had been referred to the prosecution for investigation in October 1998. While the referral of police officers following allegations of torture is a positive step forward, the case took six years to come to court. The trial of the officers opened on 6 November 2003 before Alexandria Criminal Court and was ongoing at the time of writing this report.

In the vast majority of cases where allegations of torture are made, no one is brought to justice because the authorities fail to conduct prompt, impartial and thorough investigations, in violation of obligations under the Convention against Torture (Article 12) and recommendations by the Committee against Torture, which call for investigations to be opened into all allegations of torture and ill-treatment.

On 23 December 2002 Samir Ahmad Mustafa Mabruk, aged 40, was detained and taken to the Giza Police Headquarters where he was reportedly tortured and ill-treated. He reported having been beaten and kicked on his head and chest while handcuffed and strangled. He also alleged that he was forced to the ground and that a police officer sat on a chair which was put on his chest. Despite a complaint being filed with the Egyptian authorities on 28 January 2003, no investigations are known to having been conducted into the torture allegations.

Egyptian human rights organizations under threat

For years, Egyptian human rights organizations have campaigned forcefully to stamp out torture, a campaign which has intensified in recent years. Their tireless work in documenting patterns of torture in addition to individual cases and the difficult circumstances in which they work was recognized by the Committee against Torture, which specifically called on the authorities to “[e]nsure that non-governmental organizations engaged in upholding human rights can pursue their activities unhindered...”¹⁹.

Non-governmental organizations (NGOs) operate under the shadow of a restrictive law, passed in June 2002, which regulates their activities. The law imposes a wide range of

¹⁸ For further details on this case, please refer to *Egypt: Torture Remains Rife as Cries for Justice Go Unheeded* (AI Index: MDE 12/001/2001, February 2001)

¹⁹ Conclusions and recommendations of the Committee against Torture: Egypt. 23/12/2002. CAT/C/CR/29/4D (6.m)

restrictions on the management, operation and financing of NGOs and criminalizes acts which amount to no more than the exercise of freedom of association²⁰.

By June 2003, existing NGOs had to apply for registration with the Ministry of Social Affairs. From then on, a number of human rights organizations received responses to their applications. Some organizations were granted registration; but in other cases known to Amnesty International, NGOs' applications were rejected without adequate explanation. All those rejected are considered illegal and therefore any activities they conduct will render them liable to prosecution.

At the time of writing, the newly-established Egyptian Association against Torture, set up in June 2003, was threatened with rejection of its application unless it amended its objectives. On 24 September 2003 it received a letter from the Department for Civil Associations – Abdin, Cairo, stating that the organization must amend its objectives - which they firmly refuse to do – or their application for registration would be rejected. The letter focussed on two of the stated objectives of the organization, claiming that they breach both public order and the constitution. These were the group's lobbying activities relating to reform of domestic legislation to comply with international law; and its campaigning methodology, specifically noting their intention to establish regional and international alliances working against torture. At the time of writing, defence lawyers had begun legal proceedings to contest the decision.

Recommendations

Amnesty International urges the Egyptian authorities to take immediate and decisive steps to end torture by adopting the necessary legal and practical measures to ensure effective implementation of all the provisions of international human rights standards, in particular the Convention against Torture. Amnesty International reiterates its calls on the Egyptian government to fully implement the recommendations of the Committee against Torture, including to:

Guarantee that all complaints of torture or ill-treatment, including those relating to death in custody, are investigated promptly, impartially and independently;

Abolish incommunicado detention;

Ensure that mandatory inspection of all places of detention by prosecutors, judges or another independent body takes place, and does so at regular intervals;

Halt and punish all practices involving abuse of minors in places of detention, and ban the holding of under-age detainees with adult detainees;

Ensure that non-governmental organizations engaged in upholding human rights can pursue their activities unhindered, and in particular that they have access to all places of detention and prisons so as to guarantee greater compliance with the ban on torture and ill-treatment; and

²⁰ For further information, please refer to *Egypt: Stop criminalizing human rights activists* (AI Index: MDE 12/022/2002, 25 June 2002)

Establish precise rules and standards which enable the victims of torture and ill-treatment to obtain full redress, while avoiding any insufficiently justified disparities in the compensation which is granted.

Amnesty International makes further specific calls on the authorities to:

Ensure that the draft law, stipulating the separation of juveniles from adults in pre-trial detention, which is currently before Parliament, is effectively passed as legislation and implemented; and

Ensure that when finalizing the mandate and composition of the National Council for Human Rights, it ensures the establishment of an independent and impartial body with sufficient power to implement its decisions.