

# TABLE OF CONTENTS

INTRODUCTION .....	1
BACKGROUND .....	2
Safeguards .....	3
1) INTERNATIONAL AND NATIONAL STANDARDS .....	4
1.1) Egypt's international obligations .....	4
1.2) Egypt before the Committee against Torture .....	5
1.3) Egyptian legislation on torture and ill-treatment .....	6
2) IMPUNITY - OBSTACLES TO JUSTICE .....	8
2.1) Ineffective Investigations .....	8
2.2) Legal Obstacles .....	11
2.3) Harassment and intimidation of victims and their relatives .....	11
3) COURT RULINGS RELATING TO TORTURE .....	12
3.1) Prosecution of torturers .....	12
3.2) Civil courts acknowledge torture .....	13
3.3) Confessions extracted under torture .....	14
4) VICTIMS OF TORTURE .....	15
4.1) Children .....	16
4.1.1) The case of Ahmad Mahmud Mohammad Hamed .....	16
4.1.2) The death of Tamer Muhsin Mohammad 'Ali .....	17
4.1.3) Failure to protect detained juveniles .....	18
4.2) Women .....	19
4.2.1) The case of Salha Sayid Qasim .....	19
4.2.2) The case of Nadhira Zeinhum al-Nadi and her family .....	20
4.2.3) Failure to protect women in detention .....	23
4.3) The elderly .....	24
4.4) The incidents in the village of al-Kushh .....	25
4.5) Torture of political detainees .....	26
5) DEATHS IN CUSTODY .....	29
6) CONCLUDING OBSERVATIONS .....	32
7) RECOMMENDATIONS .....	33

# EGYPT

## Torture remains rife as cries for justice go unheeded

### INTRODUCTION

**Mohammad Badr al-Din Gom'a Isma'il**, a 39-year-old school bus driver from Alexandria, was detained in September 1996 and tortured into confessing to the killing of his missing daughter. The torture continued even after his daughter had reappeared. This is not an isolated case. Over the past two decades thousands of detainees have been subjected to torture and ill-treatment in Egypt.

This report demonstrates that widespread torture and ill-treatment continue because the government refuses to acknowledge that torture persists and to take the basic steps necessary to eradicate torture in police stations, prisons and other detention centres.

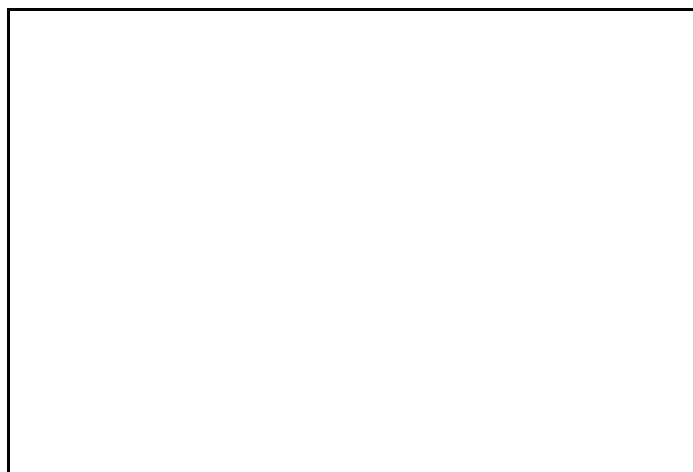
Egypt is failing to meet its obligations under international law and its own legislation and to protect people from being subjected to these human rights violations. Despite Egypt's obligations under national and international law, basic safeguards for the protection of detainees are lacking, few investigations take place and public officials alleged to have committed acts of torture are rarely prosecuted. Amnesty International is calling once again on the government of Egypt to improve its safeguards for detainees, and is making concrete recommendations to end impunity and the abuse of power by members of the security forces.

While detained in September 1996 at al-Muntaza Police Station, Alexandria, Mohammad Badr al-Din Gom'a Isma'il confessed under torture to having killed his nine-year-old daughter, whom he had reported missing in February 1996. When he was summoned to the police station on 1 September 1996, he had expected to be questioned about his missing daughter. However, the body of a young girl had been found, which the police claimed was his daughter, and he was accused of her murder. The following day, Intissar 'Abd al-Galil Gad, Mohammad Badr al-Din Gom'a Isma'il's ex-wife and mother of their daughter, was also detained and beaten with a stick on her legs. Mohammad Badr al-Din Gom'a Isma'il described to Amnesty International delegates how he was beaten while suspended from a door and subjected to electric shocks, including to sensitive parts of his body.

After Mohammad Badr al-Din Gom'a Isma'il confessed to killing his missing daughter, his ex-wife was released. However, on 12 November 1996 the family informed officers at al-Muntaza Police Station that the run-away daughter had reappeared. Apparently in an attempt to cover up the false accusations of killing his daughter, the police detained both mother and daughter for about 13 days. Despite the reappearance of his daughter, Mohammad Badr al-Din

Gom'a Isma'il continued to be held and on 11 December 1996, when his detention was extended for another 45 days, he was taken to al-Masani' Police Station, near Alexandria airport, where he remained for three weeks, and tortured in order to make him confess this time to the killing of the unidentified young girl whose body had been found. On this occasion Mohammad Badr al-Din Gom'a Isma'il refused to confess. On 18 February 1997, an order was issued for his release, but he remained held at al-Muntaza Police Station for over two months until his eventual release on 19 April 1997.

On 17 October 1998 Alexandria Criminal Court (case number 43806/1997) acquitted Mohammad Badr al-Din Gom'a Isma'il of charges of manslaughter. The court noted that the illegal detention of his daughter and ex-wife constituted "a crime aiming to pervert the course of justice". The court further found that documents disclosed that "force and torture were used against the defendant and his wife reaching a level of intensity which led to the defendant (...) confessing to a crime he did not commit". The court referred the investigation into the involvement of 13 police officers in torturing Mohammad Badr al-Din Gom'a Isma'il to the Public Prosecution, the state prosecution authority. By the end of 2000, more than two years later, there was no indication of any investigation having taken place.



## BACKGROUND

Mohammad Badr al-Din Gom'a Isma'il - © AI

Information gathered by Amnesty International over the past two decades as well as by other Egyptian and international human rights organizations through interviews with victims and their relatives, medical examinations and judgments by Egypt's own criminal and civil courts constitutes an irrefutable body of evidence of the entrenched nature of the pattern of torture in Egypt. Over the past decade Amnesty International has published numerous reports documenting torture in Egypt.<sup>1</sup> Egyptian and other international human rights organizations have similarly documented the

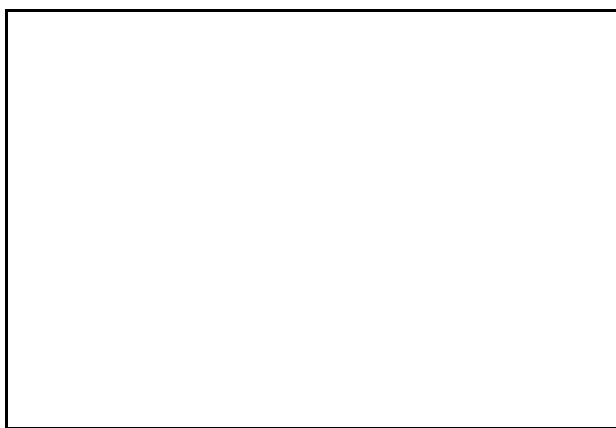
---

<sup>1</sup> *Egypt: Ten years of torture* (AI Index: MDE 12/18/91); *Egypt: Human rights defenders under threat* (AI Index: 12/15/94); *Egypt: Deaths in custody* (AI Index: MDE 12/18/95); *Egypt: Indefinite detention and systematic torture: the forgotten victims* (AI Index: MDE 12/13/96); *Egypt: Women targeted by association* (AI Index: MDE 12/11/97).

widespread practice of torture in Egypt. In May 1996 the Committee against Torture<sup>2</sup> concluded that torture was systematically practised in Egypt.

The most common methods which continue to be reported are electric shocks, beatings, whipping, suspension by the wrists or ankles, suspension in contorted positions from a horizontal pole and various forms of psychological torture, including death threats and threats of rape or sexual abuse of the detainees or their female relatives. Usually victims are blindfolded to prevent them from identifying their torturers.

The Egyptian government continues to refuse to acknowledge that torture and ill-treatment is endemic in many detention centres throughout Egypt, in particular in police stations and the departments of the State Security Intelligence (SSI), Egypt's internal intelligence agency. Despite the overwhelming evidence of widespread torture, Egyptian authorities admit only to "the occasional case of human rights abuses"<sup>3</sup>.



**Re-enactment of torture method used in Egypt - © AI**

### **Safeguards**

Widespread torture and ill-treatment over the past two decades has been facilitated by prolonged incommunicado detention, the state's failure to investigate torture allegations, and the almost total impunity of the security forces responsible for these crimes. The government continues to refuse to implement simple safeguards to prevent torture and ill-treatment, as recommended by national and international human rights organizations and UN human rights bodies. Such safeguards include: ensuring immediate access to detainees by lawyers, relatives and doctors; ensuring the presence of lawyers during interrogation; establishing an effective investigation mechanism into torture allegations; frequent, independent and unrestricted inspection of all places of detention; and bringing those responsible for torture to justice.

---

<sup>2</sup> The Committee against Torture is a body of independent experts charged with monitoring state parties' implementation of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

<sup>3</sup> Statement by a member of the Egyptian delegation during Egypt's examination before the Committee against Torture in May 1999 (UN doc. CAT/C/SR.385, para. 11).

Recently the Egyptian government has given greater emphasis to human rights training of state employees, and in 2000 announced a ban on flogging and caning as punishment in prisons. While these steps are to be welcomed, they are not enough to eradicate torture.

## 1) INTERNATIONAL AND NATIONAL STANDARDS

### 1.1) Egypt's international obligations

Egypt was one of the three states instrumental in bringing about UN General Assembly Resolution 32/64 of 8 December 1977, which called on all member states "to reinforce their support" for the UN Declaration against Torture of 1975 by making unilateral declarations of their intention to implement, through legislation and other means, the provisions of such declarations. Egypt became the first Arab state to accede to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereafter: Convention against Torture) on 25 June 1986.

In April 1982 Egypt acceded to the International Covenant on Civil and Political Rights (ICCPR) which states in Article 7: *'No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment'*. The African Charter on Human and Peoples' Rights (African Charter), which Egypt ratified on 20 March 1984, states in Article 5: *'All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.'*

In addition to prohibiting torture and ill-treatment under any circumstances,<sup>4</sup> Egypt's obligations under these treaties include taking "effective legislative, administrative, judicial or other measures to prevent acts of torture" (Article 2(1) of the Convention against Torture), investigating thoroughly and impartially all complaints of torture or ill-treatment (Article 12 of the Convention against Torture; Article 2 of the ICCPR), prosecuting suspected perpetrators in accordance with international standards for fair trial and punishing those found guilty; (Article 4 (2) of the Convention against Torture) and compensating victims of torture or ill-treatment (Article 14 of the Convention against Torture, Article 2 of the ICCPR).

Egypt ratified the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on 19 September 1981 and the Convention on the Rights of the Child (CRC) on 6 July 1990.

---

<sup>4</sup> See for instance Articles 7 and 4 of the ICCPR, and Article 2(2) of the Convention against Torture.

Under Article 151 of the Egyptian Constitution, international treaties become part of national legislation after they are signed by the President of the Republic, ratified by parliament, and published in the official law gazette.<sup>5</sup>

### **1.2) Egypt before the Committee against Torture**

In July 1988 the Egyptian government submitted its first periodic report on its implementation of the Convention against Torture. The report stated that over the previous five years about 450 complaints of torture had been filed with the Office of Public Prosecution.<sup>6</sup> The Committee requested the Egyptian government, amongst other issues, to “provide copies of judgments delivered in Egyptian courts in cases where torture had been proved”.<sup>7</sup> In November 1990 the Egyptian government submitted an addendum to its initial report to the Committee<sup>8</sup>, which contained background information on legal provisions, but provided no details on court decisions regarding torture complaints.

Following submissions by Amnesty International and the Egyptian Organization for Human Rights (EOHR), in November 1991 the Committee began a confidential procedure under Article 20 of the Convention regarding “well-founded indications that torture is being systematically practised in the territory of a State Party”. Following the examination of Egypt’s second periodic report in November 1993, the Committee expressed concern “about the fact that torture is apparently still widespread in Egypt”.<sup>9</sup>

In May 1996 the Committee published its conclusions under the Article 20 procedure. The Committee stated that it had received information on torture allegations mainly through reports of the UN Special Rapporteur on torture, Amnesty International, the EOHR and the World Organization against Torture. The Committee further noted that its requests to conduct a visit to Egypt had received no reply. The Committee concluded that “torture is systematically practised by the security forces in Egypt, in particular the State Security Intelligence, since in spite of the denials of the government, the allegations of torture submitted by reliable, non-

---

<sup>5</sup> The Convention against Torture was published in the official law gazette on 7 January 1988.

<sup>6</sup> UN doc. CAT/C/5/Add.5, para. 10

<sup>7</sup> UN doc. A/44/46, para. 144

<sup>8</sup> UN doc. CAT/C/5/Add.23

<sup>9</sup> UN doc. A/49/44, para. 86

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”.<sup>10</sup>

In its observations of 1996 the Committee made specific recommendations, including that the government 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”.<sup>11</sup> The Egyptian government responded in 1999 stating “that there is currently no need to establish new monitoring mechanism” 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.<sup>12</sup>

Egypt’s third periodic report to the Committee against Torture 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 persons detained under the emergency legislation. However, the Committee remained concerned about “the large number of allegations of torture and even death relating to detainees” and allegations of treatment of female detainees “which sometimes involves sexual abuse or threat of such abuse”.<sup>13</sup>

### **1.3) Egyptian legislation on torture and ill-treatment**

The Egyptian Constitution affirms that people in custody shall not be subjected to “physical or moral harm”. Article 42 of the Constitution states:

*“Any person arrested, detained or [has] his freedom restricted shall be treated in the manner concomitant with the preservation of his dignity. No physical or moral harm is to be inflicted upon him. He may not be detained or imprisoned except in places defined by laws organising prisons. If a confession is proved to have been made by a person under any of the aforementioned forms of duress or coercion, it shall be considered invalid and futile.”*<sup>14</sup>

---

<sup>10</sup> UN doc. A/ 51/44, para. 220

<sup>11</sup> UN doc. A/51/44, para. 221

<sup>12</sup> UN doc. CAT/C/34/Add.11, para. 183

<sup>13</sup> UN doc. A/54/44, paras.197-216

<sup>14</sup> Quotations from the Egyptian Constitution are taken from the official English translation. All extracts from other Egyptian legislation are translations from the Arabic original by Amnesty International.

Article 57 of the Constitution further provides that civil and criminal proceedings in connection with torture as defined under the Penal Code are not subject to any statute of limitation.

Egyptian law provides for penalties for torture and ill-treatment under a section of the Penal Code entitled: *Coercion and ill-treatment by civil servants against people* (Articles 126 to 132). The most severe penalties for perpetrators of torture are laid down under Article 126 of the Penal Code:

*“Any civil servant or public service employee who ordered or committed torture to force an accused to make a confession shall be imprisoned from three to ten years. In case of death of the victim, he will face the same sentence stated for intentional killing.”*

Article 126 of the Penal Code defines torture only in the context of forcing an accused person into making a confession. This narrow definition does not address the fact that a person may be tortured for other reasons and that the victim might not be accused of any offence. The Egyptian authorities have been notified on several occasions that this definition of torture is far more restrictive than the definition under the Convention against Torture, and the Committee against Torture recommended in June 1994 that Egypt “should provide in its penal legislation for all forms of torture”.<sup>15</sup> No such amendments have been made.

Torture, including death threats, can also be punished under other provisions, including Article 282 of the Penal Code: *“In all cases, anyone who arrests a person on no legal grounds, threatens him with death or tortures him physically shall be sentenced to imprisonment with hard labour.”*

The Criminal Procedure Code provides some safeguards for people held in detention. According to Article 36 a detainee must be brought within 24 hours before a prosecutor, in order to extend the detention period, or be released. Article 40 stipulates: *“It is not permitted to arrest any person or to detain him without an order by the authorities who are legally authorized to do so. The treatment of the person must respect human dignity and he may not be physically or psychologically harmed.”*

In practice these safeguards for detainees are insufficient, frequently breached, overridden by emergency law procedures, and in practice fail to protect detainees from serious human rights violations.

---

<sup>15</sup> UN doc. A/49/44, para. 90



## **2) IMPUNITY - OBSTACLES TO JUSTICE**

### **2.1) Ineffective Investigations**

Over the past two decades hundreds, if not thousands, of torture complaints have been lodged with the authorities by victims, relatives, lawyers and human rights organizations without ever having been investigated. Time and time again national and international human rights organizations, including Amnesty International, as well as UN bodies, have provided detailed and comprehensive recommendations and reports to the Egyptian authorities, which they have chosen to ignore.

Whenever a person is arrested, the arresting authorities assume full responsibility for his or her safety, health and well-being. In addition to its obligations under its own law, the government is obliged by international treaties to which Egypt is a state party, to prevent all cases of torture and ill-treatment, to investigate any such cases, and bring those responsible to justice.

Articles 12, 13 and 16 of the UN Convention against Torture require that each state party shall ensure that there is a prompt and impartial investigation whenever there is reasonable ground to believe that an act of torture or other, cruel, inhuman or degrading treatment has been committed. Article 12 makes it clear that this duty is not dependent on a formal complaint by a detainee.<sup>16</sup>

In Egypt *al-Niyaba al-'Amma* [hereafter: Public Prosecution], the state prosecution authority, is responsible for investigating any criminal case, including allegations of torture. The Public Prosecution conducts investigations into a criminal case in collaboration with the police and decides whether or not to refer a case to court.

The government stated in its third periodic report to the Committee against Torture in 1999 that "Egyptian law guarantees to the victim in torture cases that an investigation will be immediately conducted by an independent judicial authority that enjoys immunity, namely the Department of Public Prosecution".<sup>17</sup> The report further notes that investigators must establish apparent injuries, hear statements of victim and witnesses, examine the place where torture took place, and refer the victim for a forensic examination.<sup>18</sup>

---

<sup>16</sup> See also, for instance, Article 2 of the ICCPR.

<sup>17</sup> UN doc. CAT/C/34/Add.11, para. 108

<sup>18</sup> UN doc. CAT/C/34/Add.11, para. 107

In practice the authorities have failed to take action as described above in hundreds or thousands of reported cases of torture. After having filed a complaint, torture victims, their relatives and their legal representatives are unlikely to learn of any progress for weeks, months or, in many cases, years. It is not surprising that, as a result, many have lost confidence in the investigating authorities and therefore have not filed complaints, or no longer inquire about any developments.

Where investigations into torture allegations do take place, they may take years to carry out and rarely end with the perpetrators being brought to justice. Increasingly it appears that torture allegations only lead to the prosecution of alleged perpetrators in cases where torture is believed to have caused or contributed to the death of a detainee (see chapter 5: *Deaths in Custody*).

The Committee against Torture has produced detailed recommendations to improve investigations into torture allegations in Egypt, including to the establishment of an “independent investigation machinery” into allegations of torture (see section 1.2: *Egypt before the Committee against Torture*). The Committee further recommended that this “independent group should also monitor the safeguards against torture guaranteed to persons deprived of their liberty under Egyptian law, in particular by having access to all the places where allegations of torture have been reported, by alerting immediately the authorities concerned whenever those safeguards are not fully respected, and by making proposals to the authorities concerned to ensure that those safeguards are respected in all places where persons are detained.”<sup>19</sup> The Committee also urged the government to conduct a “thorough investigation into the conduct of the police forces in order to establish the truth or otherwise of the many allegations of acts of torture, bring the persons responsible for those acts before the courts and issue and transmit to the police specific and clear instructions designed to prohibit any act of torture in the future”.<sup>20</sup>

An official investigator presented with a reasonably detailed allegation of recent torture in police custody is in a position to promptly gather a considerable body of evidence to support or refute the charge. The official investigator (or investigating body) can immediately seize all relevant records at the police station to find out who was on duty at the time of the alleged offence, the nature and timing of any visits and any transfers of detainees (and if no records are available, officers should be disciplined for their administrative failure). Other detainees may be questioned about their experiences in custody. Interrogation rooms can be investigated for signs that torture has taken place. The official investigator can interview legal counsel and families and establish whether or not families were informed of their relatives’ detention.

---

<sup>19</sup> UN doc. A/51/44, para. 221

<sup>20</sup> UN doc. A/51/44, para. 222

Sophisticated medical techniques can often detect soft tissue or nerve trauma which might not be visible to the naked eye. A competent forensic medical examiner can detect even minor signs of injury if he or she has early access to the person who has been tortured or ill-treated. However, in practice a forensic examination of the victim is conducted long after torture has been inflicted and a complaint made, by which time signs of torture may have faded or disappeared. In many cases where torture is alleged forensic examinations have never been conducted or reports appear to be seriously flawed.

Not only have the authorities failed to carry out proper investigations, but in some cases have taken steps to ensure that the truth does not emerge. ‘**Abd al-Harith Madani**, a lawyer, was arrested at his office on 26 April 1994 and died in detention the following day, yet his family was informed only about a week later. In June 1994 the president of the Cairo branch of the Bar Association reportedly stated that the Public Prosecutor's office had shown a preliminary forensic report to the Bar Association's chairman, showing that the dead lawyer had 17 injuries on various parts of his body. The authorities denied that such a report existed. In December 1995 the government informed the UN Special Rapporteur on torture that it had requested a final autopsy report from the Department of Forensic Medicine and that the file was “awaiting a final decision by the Department of the Public Prosecution”.<sup>21</sup> No autopsy report has ever been made public. Over the past five years, the Egyptian authorities have remained silent despite the numerous appeals by Amnesty International and other human rights organizations requesting information about the results of the investigations into the death of ‘Abd al-Harith Madani.

## 2.2) Legal Obstacles

Victims of torture and their relatives seeking to press for the criminal prosecution of alleged perpetrators face legal constraints. According to the Criminal Procedure Code, a decision of the Public Prosecution not to prosecute can generally be challenged. However, this is not the case if the suspect is a state employee, including members of the security forces. Article 162 of the Criminal Procedure Code stipulates that *‘the plaintiff under civil law may appeal the investigating judge’s order that there is no basis for a lawsuit - unless the order was issued for charges against a civil servant, public service employee or law-enforcement officer for any offence that took place in performance of duty or was caused by it (..).’*

Individuals have no right to appeal criminal court rulings. According to Article 30 of Law 57 of 1959 (as amended by Law 106 of 1962) only the Public Prosecution and the defendant are entitled to challenge the criminal conviction or acquittal. Such an appeal needs to be filed before the Court of Cassation within 60 days of the pronouncement of the verdict. Torture victims or their relatives have no legal avenues to appeal against an unsatisfactory verdict of an alleged torturer.

---

<sup>21</sup> UN doc. E/CN4/1997/7/Add1, para. 129

For example, **Shahhata Sha‘ban Shahhata**’s relatives were distressed to learn in October 2000 that the police officer who was accused of killing him in a police station in Cairo in 1999 was sentenced by Cairo Criminal Court to a suspended sentence of one year’s imprisonment (see chapter 5: *Deaths in Custody*). The relatives and their legal representatives were not permitted to appeal the verdict, but could only petition the Public Prosecution to do so.

### **2.3) Harassment and intimidation of victims and their relatives**

Article 13 of the Convention against Torture specifically provides that:

*“Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.”*

No such protection is provided in Egypt and some victims fear that simply by filing a complaint or informing media or human rights organizations they will be at risk of further reprisals by members of the security forces. Such fears are justified. Victims and their relatives have testified to Amnesty International that they have been harassed and threatened by members of the security forces, because they filed a complaint against torturers.

**Amal Farouq Mohammad al-Maas** was interrogated and reportedly tortured by officers of the State Security Investigations Department (SSI) in Cairo on 26 April 1993. After her release, Amal Farouq Mohammad al-Maas filed a complaint with the Prosecution Office in al-Doqqi district, Cairo, alleging torture at the SSI branch in Gaber bin Hayan Street. A forensic medical report, issued on 8 May 1993, concluded that her injuries were consistent with the nature and timing of the description of torture. In January 1996, when questioned by the Public Prosecution, SSI officers denied that Amal Farouq Mohammad al-Maas had been held at the SSI branch in Gaber bin Hayan Street in April 1993.

In July 1996 SSI officers rearrested Amal Farouq Mohammad al-Maas and took her to an SSI branch in the al-Marsa district of Cairo to coerce her into withdrawing her complaint. She told Amnesty International that they slashed her arms, back and legs with a knife, blindfolded her, suspended her from the ceiling by one arm for around two hours, and subjected her to electric shocks. After 10 days of detention, the SSI officers dumped her, unconscious, in the street. Amal Farouq Mohammad al-Maas’ attempts to file subsequent complaints have either been ignored or rejected by the Public Prosecutor’s Office.

In October 1999 Amal Farouq Mohammad al-Maas was contacted by a foreign television company to interview her about her experiences in detention. The night before the

interview was due to take place, SSI officers telephoned her to ask why she wanted to give the interview. They came to her flat early the next morning, “bugged” the rooms with surveillance equipment and threatened her with arrest. When the television crew arrived Amal Farouq Mohammad al-Maas declined to continue with the interview.

**Ahmad Mahmud Mohammad Tamam**, a 19-year-old student, died, reportedly as a result of torture, in July 1999 in police custody in the ‘Omriya district of Cairo (see chapter 5: *Deaths in Custody*). His family filed a complaint, and in the summer of 2000 received threats by telephone. A member of his family was approached near the family home by an unidentified person attempting to force him to withdraw the complaint. By the end of 2000 the Public Prosecution had taken no decision as to whether to prosecute or not.

### **3) COURT RULINGS RELATING TO TORTURE**

#### **3.1) Prosecution of torturers**

In only very few cases have alleged perpetrators of torture been brought to trial. In the most prominent trial of members of security forces, accused of having tortured alleged members of Islamist groups, all 44 accused security police and prison officials were acquitted in 1989. The Cairo Criminal Court did not dispute that detainees had been tortured between 1981 and 1983, but, because the victims had been blindfolded throughout their torture, the judges ruled that the perpetrators had not been adequately identified.

Over the past few years there have been several trials of police officers charged with torturing and killing detainees. In all these trials the detainees were held in connection with criminal charges. Amnesty International knows of no case involving the torture or death of a political detainee in which a member of the SSI has been convicted.

In November 2000 Aswan Criminal Court sentenced two police officers charged with torture and unpremeditated murder to three and seven years’ imprisonment - the most severe sentence known to have been handed down to a police officer in such a case. However, this case is exceptional as in many other cases known to Amnesty International those responsible for the deaths of detainees have escaped punishment of any kind.

On 8 August 2000 Mansura Criminal Court acquitted police officers who had been charged with the torture and killing of **Wahid al-Sayid Ahmad ‘Abdallah** in custody in Belqas police station in April 1998. The verdict notes that there were no eye witnesses to the torture and the killing of the victim and that the forensic examination did not identify the defendants as those who had killed the victim.

More remarkably, the court noted that : “The fact that the victim was returned dead to his home by the police officers does not determine who is responsible, since they could have - if it were true that they tortured him to death - got rid of the body in a remote location, and efface the traces of their crime”.

### **3.2) Civil courts acknowledge torture**

Article 57 of the Egyptian Constitution states: “*Any assault on individual freedom or on the inviolability of private life of citizens and any other public rights and liberties guaranteed by the Constitution and the law shall be considered a crime, whose criminal and civil lawsuit is not liable to prescription. The State shall grant a fair compensation to the victim of such an assault.*”

Over the past decades hundreds of torture victims have been awarded compensation by civil courts. According to official figures, between January 1993 and September 1998, civil courts awarded compensation ranging from 500 to 50,000 Egyptian pounds (about \$150 to \$15,000) in 648 cases.<sup>22</sup>

A typical example is the case of **Ahmad ‘Assim Yusuf Isma‘il**. He was detained from 6 July until 23 November 1995, during which time he was reportedly stripped and beaten with a stick and whip and beaten on sensitive parts of his body by SSI officers. On 6 September 1997 the court awarded Ahmad ‘Assim Yusuf Isma‘il 5,000 Egyptian pounds (about \$1,500) after accepting eye witness testimony of his torture and acknowledging that members of the SSI were responsible for these serious violations. His torturers were never prosecuted.

Although compensation has been awarded to hundreds of torture victims, the vast majority of these cases have not led to prosecution of the perpetrators before criminal courts, even where detailed and specific evidence was brought before civil courts and accepted by them.

### **3.3) Confessions extracted under torture**

Amnesty International has welcomed decisions by Egyptian courts not to accept as evidence confessions extracted under duress. For example in 1995 alone, courts acquitted alleged members of *al-Gama‘a al-Islamiya* (Islamic Group) on such grounds in at least three separate trials.<sup>23</sup> However, in numerous other political trials defendants who alleged that their confessions were extracted under torture have been ignored.

---

<sup>22</sup> UN doc. CAT/C/34/Add.11, para. 159

<sup>23</sup> Amnesty International report: *Egypt: Indefinite detention and systematic torture: the forgotten victims* (AI Index: MDE 12/13/96).

On 14 October 1995 the Emergency Supreme State Security Court pronounced judgment in the case known as the “Tima Case” (Supreme State Security Case numbers 388 and 95 of 1993). Five alleged members of *al-Gama‘a al-Islamiya*, **Bakhit ‘Abd al-Rahman Salem, Mohammad Fawzi ‘Abd al-‘Adhim, Mahmud Mustafa Sulaiman, al-Sayid Maqbul Fahmi** and **‘Ali Ahmad ‘Ali Ahmad**, had been charged, among other things, with murdering a policeman, attempting to kill a soldier and illegal possession of weapons. The incidents took place just outside Tima, a small town in the Sohag Governorate, between 9 and 11 March 1993. The court acquitted all defendants of the charges brought against them on the basis that their confessions had been extracted under duress (in addition to other breaches of procedure). In its judgment the court explicitly referred to Article 42 of the Constitution and Article 302 of the Criminal Procedure Code which states that judges must not base their verdicts on “any statement which is proved to have been made by a defendant or witness under coercion or threat”. The court relied on forensic medical reports which found the injuries sustained by the defendants were consistent with the methods of torture alleged by the defendants.

However, despite their acquittal the five men remained in detention and in February 1997 the Prime Minister, in his capacity as Deputy Military Governor, ordered a retrial of the case. On 1 December 1997 a different chamber of the same court (i.e. Emergency Supreme State Security Court) sentenced two of the defendants to death and others to life imprisonment. On 11 June 1998 Mohammad Fawzi ‘Abd al-‘Adhim and Mahmud Mustafa Sulaiman were executed.<sup>24</sup>

#### 4) VICTIMS OF TORTURE

Many victims of torture and ill-treatment in Egypt are people held in police stations in connection with criminal cases. They come from all walks of life, including women, young people and the elderly. People at the margins of society - in particular the poor, the less educated and illiterate - are more likely to be subjected to torture and ill-treatment.

Many cases of torture and ill-treatment remain unreported. Vulnerable people may not be aware of their rights, or be able to afford a lawyer, or know of human rights organizations. They may also be reluctant to make a complaint for fear of reprisal or because they or their family are reluctant to draw attention to their alleged involvement in a criminal offence.

With the re-imposition of the state of emergency following the assassination of President Anwar Sadat in October 1981, torture of detainees of various political affiliations became

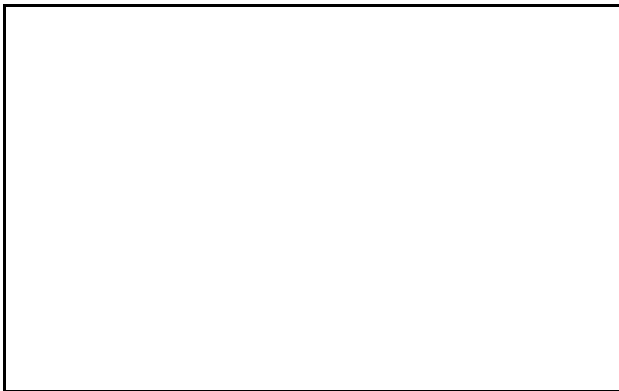
---

<sup>24</sup> There is no right of appeal against rulings of the Emergency Supreme State Security Court. According to emergency legislation sentences of the Emergency Supreme State Security Court are subject only to ratification by the President of the Republic.

systematic and widespread. Most political detainees subjected to torture and ill-treatment are alleged members or sympathizers of armed Islamist groups, or their relatives. Torture of political detainees mainly takes place during incommunicado detention in the premises of the State Security Intelligence (SSI), and sometimes in police stations. There has been a significant reduction in reports of torture of political detainees, mainly due to the decrease in arrests of alleged members of armed Islamist groups in recent years. However, Amnesty International continues to receive reports of torture and ill-treatment of political detainees, in particular when held in incommunicado detention.

#### 4.1) Children

##### 4.1.1) The case of Ahmad Mahmud Mohammad Hamed



Ahmad Mahmud Mohammad Hamed - © AI

**Ahmad Mahmud Mohammad Hamed**, a 14-year old pupil at the al-Wadi Secondary School in al-Zaqaziq, told Amnesty International: *“They accused us of stealing bicycles and said that we had formed a gang to steal bicycles. When we denied this and told them that we had not done those things, they tortured us and they did bad things to us. They beat me with a cane and gave me electric shocks.”*

On 26 March 2000 Ahmad Mahmud Mohammad Hamed and his 26-year-old brother Mustafa were arrested at approximately 9pm by police officers at their home in the Hassan Salih district of al-Zaqaziq. They were taken to the police station of al-Zaqaziq’s second precinct along with a teenage friend. Following a brief questioning, they said they were taken to a cold room, referred to as *al-Tallaga* (the fridge), where they were left for about half an hour. From there, the youths were taken for interrogation one by one, beginning with Ahmad.

Ahmad said he was blindfolded, his legs and arms were tied and he was suspended by his knees on a horizontal pole. In this position, he was whipped and subjected to electric shocks for about 30 minutes until he lost consciousness. Ahmad was coerced into signing a confession regarding several cases of theft. After signing the confession Ahmad was returned to the *Tallaga*. After all three young men had been tortured and coerced into signing a confession they were taken back to the custody cell.



Mustafa remained with Ahmad in detention in both the custody cell and the prison in al-Zaqaziq. Mustafa who had also “confessed” was tried before a Misdemeanours Court and finally acquitted. After his release in June, Mustafa did not file a complaint regarding the torture to which he had been subjected. The teenage friend was tried in the same cases as Ahmad before a juvenile court.

For the first four days Ahmad was detained in the custody cell and for approximately another 40 days in the detention centre attached to the police station. Thus, throughout his detention in the custody cell and in the detention centre he was held with adults.

On the morning of 27 March, Ahmad and the two others were brought for questioning before the Public Prosecution. The prosecutor did not ask any questions about the condition or treatment of the detainees. He was brought again before the Public Prosecution a few days later. There were still visible marks on his limbs resulting from his treatment and his lawyer demanded a medical examination.

On 3 April a medical examination of Ahmad, conducted by a local health office, found injuries on his limbs and referred Ahmad for further investigation by a forensic doctor. A forensic examination had not been conducted by the end of the year.

In two separate trials in April Ahmad was sentenced to a total of six months’ imprisonment for theft. In June he was transferred to Marga Juvenile Institution to serve his sentences and was released on 28 September 2000. On 21 September 2000 the Court of Cassation had accepted an appeal against the convictions by al-Zaqaziq Juvenile Court (case numbers 106/2000 and 107/2000) and referred the case back to a different chamber of the court. By the end of 2000 this court had not reached its verdict.

The EOHR filed a complaint regarding Ahmad’s torture with the Public Prosecution on 11 May 2000. However, by the end of 2000 no investigations had been conducted.

#### **4.1.2) The death of Tamer Muhsin Mohammad ‘Ali**

On 14 January 1997<sup>25</sup> 17-year-old **Tamer Muhsin Mohammad ‘Ali** was summoned to the police station of Mansura’s first precinct on suspicion of theft (case number 1059/1997 Misdemeanours) . He was allegedly held there for seven days until his death on 21 January 1997. His father reports that he saw Tamer Muhsin Mohammad ‘Ali the day before he died, when he told his father that he had been subjected to electric shocks, including to the genitals, and had been suspended by his feet from a door. Relatives noted that Tamer Muhsin

---

<sup>25</sup> The date has been corrected since the case was published in Amnesty International report: *Hidden scandal, secret shame. Torture and ill-treatment of children* (AI Index: ACT 40/38/00).

Mohammad ‘Ali’s body was covered with bruises, and he was found to have a head wound and traces of blood on his nose.

The EOHR filed a complaint with the Public Prosecutor on 27 January 1997, and received a letter of 24 February 1997 from the provincial police headquarters in al-Daqahlia claiming that during his interrogation, Tamer Muhsin Mohammad ‘Ali had complained of illness and was transferred to hospital. According to the police, he died on his way to the hospital and a medical examination found the cause of death to be a failure in his circulatory and respiratory system, and that there were no external injuries. The EOHR did not receive a copy of the medical examination. The cause, as described by the police, for Tamer’s death is totally inadequate since it fails to explain why his heart and breathing stopped, or to explain the physical marks witnessed by his relatives.

#### **4.1.3) Failure to protect detained juveniles**

The above cases demonstrate that safeguards to protect young people, including children, from human rights violations in police custody are either lacking or ineffective, even though Egyptian legislation, in particular the Child Law of 1996 (Law number 12/1996) and Juvenile Law of 1974 (Law number 31/ 1974), recognizes the need for special protection for children, including those in conflict with the law.

According to Article 119 of the Child Law: “*A child under 15 years may not be held in pre-trial detention. The prosecution may commit the child to a supervision centre for a period not exceeding one week (...) unless a court order extends it in compliance with the rules of pre-trial detention in the Criminal Procedure Code*”. No similar provision, however, exists for children between the ages of 15 and 18 who are held in pre-trial detention.<sup>26</sup>

Children under 15 years of age are reported to be detained together with adults in police stations, often for several days, in breach of Article 119 of the Child Law, before being either released or transferred to juvenile institutions.

The Convention on the Rights of the Child stipulates under Article 37 (c):  
“*Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child’s best interest not to do so (...)*”

---

<sup>26</sup> According to Article 95 of the Child Law juveniles are defined as those who have not reached 18 years of age at the time of committing an offence.

International standards give clear guidelines for proceedings in connection with juveniles in pre-trial detention. According to Article 15 of the UN Standard Minimum Rules for the Administration of Juvenile Justice:

*“(15.2.) The parents or the guardian shall be entitled to participate in the proceedings and may be required by the competent authority to attend them in the interest of the juvenile...”*

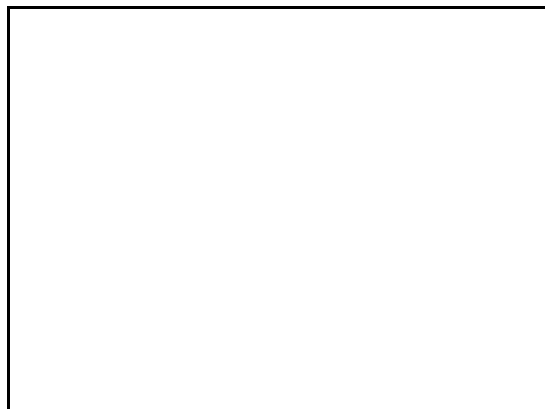
According to Article 13 of the UN Standard Minimum Rules for the Administration of Juvenile Justice the following applies to juveniles: *“(13.1.) Detention pending trial shall be used only as a measure of last resort and for the shortest possible period of time”*. This surely did not apply in the cases mentioned above.

## 4.2) Women

### 4.2.1) The case of Salha Sayid Qasim

On 3 March 2000 **Salha Sayid Qasim**, a 37-year old housemaid and mother of four, was taken from the house of one of her employers to Giza Police Headquarters by two plainclothes security officers on suspicion of burgling her employer's house. In November 2000 Salha, still traumatized, described her ordeal to Amnesty International delegates:

*“The officer...took off my headscarf, blindfolded me, tied my hands and told me to take off my sandals and go in. When I went in, I didn't know where I was or what was happening to me. I realized that people were beating me. ... They were beating me with a stick, slapping my face, whipping me, and swearing very badly at me. ... They took me outside and after less than five minutes brought me in again. The same swearing and verbal abuse continued. They made me lie down with my legs raised and started on me with the stick. An officer held me down and stood over my legs. Of course my thighs and body were showing. He beat me very hard. He then did the same with the whip ...All this happened while I was blindfolded. He took me outside and...told me to dab my feet in some water, which I did. Then, he made me go back inside and asked me to take off my clothes. He made me stand in, if you'll excuse me, my bra and pants. He then asked me to turn around in front of them. I said, 'Shame on you! Why are you doing this to me?' I bent down to kiss his feet*



Salha Sayid Qasim - © AI

---

*and he hit me and pushed me away with his shoe so that I fell over. I kept asking him to take mercy on me. He took the whip, hit me on the back and then told me to dress.”*

The officer then reportedly threatened Salha Sayid Qasim with further sexual abuse, including gang rape by police officers. Salha Sayid Qasim was told to remove her blindfold and leave the room only to be summoned again minutes later.

*“ ... They blindfolded me again, tied me up and made me lie down on the ground. They attached the electric shock machine to my little toe and lower leg. They made me lie on the ground and tortured and hit me with the stick and the whip. They made me turn on to my front and beat me on my back, legs and head. Later, an officer brought a chair and suspended me by my arms, which he had tied and raised behind my back... I was screaming, ‘Shame on you! Let me down! I didn’t steal anything. Shame on you! I go out to work for my children’s sake’. He told me to calm down, swore at me, and said that they wouldn’t let me down until I’d confessed.”*

After approximately three more hours of torture, Salha Sayid Qasim was sent to spend the night in a cell with a male prisoner. Her hands in handcuffs, she was given two blankets and summoned to see the officer in charge the next morning. He asked her once again to confess and when she maintained that she had not committed any offence, he took her back to the room where she had been tortured the previous day.

*“They took the electric shock machine, the whip and the stick and four officers came with me to the room upstairs... They tied me to a chair... tied my hands behind my back, tied my legs and blindfolded me. They attached an electrode to my finger, poured water on me and increased the current to my body. They hit me with the stick on my head, my body and my arms. I didn’t know how I was being beaten and he would say ‘Confess Salha’. I would answer ‘I didn’t take anything’. This torture lasted for one hour.”*

Salha Sayid Qasim was released on 4 March 2000 without charge. She received a medical examination and treatment at the Cairo-based El Nadim Center for the Management and Rehabilitation of Victims of Violence. Doctors there examined the bruising, predominantly on her legs and back, and found that they were consistent with the results of beating and whipping. On 13 March 2000 the EOHR filed a complaint with the Public Prosecution regarding Salha Sayid Qasim’s torture. By the end of 2000 Salha Sayid Qasim, who still had visible marks of torture on her body in November 2000, had not yet been referred for a forensic examination.

#### **4.2.2) The case of Nadhira Zeinhum al-Nadi and her family**

‘**Issam al-Sayid al-Bakri**, a baker, and his wife, **Nadhira Zeinhum al-Nadi**, his brother, **Qasim al-Sayid al-Bakri**, and his mother, ‘**Aliya Yusuf Sa’id** were reportedly tortured and ill-treated after being arrested at their home on 21 November 1999 at about 10 pm by plain

clothes police officers. They were taken to al-Zawiya al-Hamra' Police Station in Cairo on suspicion of theft.

Nadhira Zeinhum al-Nadi, aged 32, described to Amnesty International delegates how she and her husband had been tortured at the police station, including beatings with a whip and being suspended in a contorted position with her hands tied behind her back. Qasim al-Sayid al-Bakri and his mother, 'Aliya Yusuf Sa'id, were beaten during arrest and in detention. Nadhira Zeinhum told Amnesty International:

*"First the police officers separated my husband from us. After about two hours they took me down to the room where my husband was held with his hands tied. The chief officer who had arrested us was present in the office. He made insulting remarks, pulled my headscarf off and threw me to the ground. Then he ordered another officer to tie my arms. The officer tied my arms behind my back with my headscarf. The chief officer pulled me up by my hair and forced me to kneel. Then he told my husband to watch what they were doing to me. He pulled my head about by my hair. It was very painful and I was shouting and crying. This lasted for about 10 minutes... They took my husband out of the room and questioned me. They wanted me to confirm our address and my husband's place of work. Then they took me back to the room upstairs."*

'Issam al-Sayid al-Bakri said he was taken to another room upstairs where he was handcuffed to the iron bars of the window whilst blindfolded. He was left in the room until noon the following day when he and his wife were taken home to be present while police searched for stolen goods. After returning to the police station Nadhira Zeinhum al-Nadi and her husband were separated again and 'Issam al-Sayid al-Bakri was tortured. That evening, his wife was brought into the same room. She told Amnesty International delegates:

*"I saw my husband lying on the floor with an officer holding him down. Seven or eight officers were standing around...They placed a chair near the door and forced me to stand on it. An officer to my right and another to my left raised my arms and pulled them over the door. I was screaming with pain. It felt as if my arms were being pulled off. Then they kicked the chair away and left me suspended from the door. I was screaming louder and louder. I could not stand the pain. It felt as if my body was being pulled apart. One officer felt pity for me and asked the chief officer to let me down. At first the chief officer refused, but after a while he ordered them to let me down."*

*"Then, they forced me to lie on the ground and one of them pulled my dress up. They brought a stick and tied my legs to it. When I went to the medical examination, the doctor told me that marks from the stick were still visible. They tied my legs very tight. Two police officers held the stick on each side. The officer holding the whip was huge... They lifted my legs. I was screaming, so they closed the door and the windows. Then the officer*

---

*whipped me severely. I was screaming with pain and my husband was also screaming because of what they were doing to me; so they beat him. After a while, they released me and forced me to walk on the wet floor in order to reduce the swelling of my feet from the beating.*

*“Then they brought my husband beside me. The chief officer gave an order that I should be suspended. I thought he wanted to threaten us. This was incredible after what I had just been through. At that moment the chief officer was called on the phone and the other officers waited in the room not knowing what to do. When the chief officer returned, he asked what they were waiting for and ordered them to suspend me again. My husband, wanting to save me, shouted and kissed the officer’s feet but he could not stop them. They lifted my dress and pulled it over my head while my hands were tied behind my back. I was standing in my underwear and the chief officer ordered them to undress me further. I did not know how to protect myself with my hands tied behind my back and feared that they would suspend me again. I did not believe what I was going through was real. I could not speak or even cry. After a while they pulled my clothes down and stopped.*

Nadhira described her feeling of helplessness when watching her husband being tortured:

*“ Then I witnessed what they did to my husband, including beating and electric shocks. I was watching, unable to say anything. After what they had done to me I had given up...”*

Nadhira Zeinhum al-Nadi and her mother-in-law, ‘Aliya Yusuf Sa‘id, were released on 23 November 1999 at approximately 1 am. The following day, assisted by the EOHR, she filed a complaint with the Public Prosecution. It appears that the inquiries made by the prosecution at the police station led to ‘Issam al-Sayid al-Bakri being moved to different locations, apparently a deliberate move to conceal his whereabouts and avoid any investigation into the matter. He reported that he was first taken to the storeroom of a nearby shop and later that night transferred to al-Shubra police station. After his transfer the torture stopped and he received medical treatment in a nearby private clinic. Before his release on 28 November 1999 he was warned not to talk to anyone about his ordeal.

Doctors at the El Nadim Center for the Management and Rehabilitation of Victims of Violence examined Nadhira Zeinhum al-Nadi and ‘Issam al-Sayid al-Bakri and issued medical reports on 20 December 1999. The examination of Nadhira Zeinhum al-Nadi found traces of injuries on her lower legs, which had begun to heal, and scars on her arms. Marks from beatings to her legs and upper back were also found. The examination of ‘Issam al-Sayid al-Bakri found “10 injuries on the right leg, each about 5 cm long and 2 cm wide (...); traces of a long infected abrasion which could have been caused by beatings with a whip or a similar instrument; a long

injury in the process of healing on his right wrist; one about 3cm long and a 0.5 cm wide injury on the joint of his left wrist”.

On 30 November 1999 the EOHR wrote to the Public Prosecutor’s Office in al-Zawiya al-Hamra’ about the allegations of torture and ill-treatment of Nadhira Zeinhum al-Nadi, ‘Issam al-Sayid al-Bakri, Qasim al-Sayid al-Bakri and ‘Aliya Yusuf Sa’id. On 1 December 1999 the EOHR sent a further report to the Public Prosecution Office in Cairo. By the end of 2000 neither the EOHR nor the victims had been informed of any investigation.

#### **4.2.3) Failure to protect women in detention**

In 1999 the Committee against Torture expressed concern regarding the “*treatment of female detainees which sometimes involves sexual abuse or threat of such abuse*” following its examination of Egypt’s third periodic report. The Committee recommended “*that effective steps be taken to protect women from threats of sexual abuse by police and officers of the State Security Intelligence as a means of obtaining information from them*”.<sup>27</sup>

The accounts of Salha Sayid Qasim and Nadhira Zeinhum al-Nadi are but two recent examples among many others. Women are particularly at risk of human rights violations when held in detention centres where all the staff are male - contrary to recommendations by international human rights bodies. The Egyptian authorities should introduce safeguards to ensure that female staff supervise the detention of women in all cases.<sup>28</sup>

---

<sup>27</sup> UN doc. A/54/44, para. 209- 212

<sup>28</sup> The Committee for the Prevention of Torture (CPT), within the Council of Europe, recommended mixed gender staffing in places of detention (9<sup>th</sup> General Report of the Committee for the Prevention of Torture of 30 August 1999 - CPT/Inf (99) 12 [EN], para. 26). The Committee found that:

*“Mixed gender staffing is another safeguard against ill-treatment in places of detention, in particular where juveniles are concerned. The presence of both male and female staff can have a beneficial effect in terms of both the custodial ethos and in fostering a degree of normality in a place of detention.*

*Mixed gender staffing also allows for appropriate staff deployment when carrying out gender sensitive tasks, such as searches. In this respect, the CPT wishes to stress that, regardless of their age, persons deprived of their liberty should only be searched by staff of the same gender and that any search which requires an inmate to undress should be conducted out of the sight of custodial staff of the opposite gender; these principles apply a fortiori in respect of juveniles.”*

According to Rule 53 of the UN Standard Minimum Rules for the Treatment of Prisoners, the presence of women officers is required in detention centres where women are held:

*“(53.1.) In an institution for both men and women, the part of the institution set aside for women shall be under the authority of a responsible woman officer who shall have the custody of the keys of all part of the institution.*

*(53.2.) No male member of the staff shall enter the part of the institution set aside for women unless accompanied by a woman officer.”*

The above standards have been established under the section of “rules of general application” and should therefore apply equally to female prisoners as well as to women held in police custody.

In line with UN Standard Minimum Rule 53, female security personnel should be present during the interrogation of women detainees and should be solely responsible for conducting body searches of women detainees. Amnesty International notes that although women constitute only a small proportion within the police forces in Egypt, women police officers are recruited into special units, such as juvenile units, and the authorities employ women warders in women’s prisons. The Egyptian government should ensure that female staff are responsible for the supervision of female detainees under all circumstances. Such a measure would be an important step towards improving the safety of women detained in police stations.

#### **4.3) The elderly**

On 15 November 1999 70-year-old **Mustafa Hassan** went to Ramla Police Station, Alexandria, to take food for his detained son, but was refused entry. When he insisted on delivering the food to his son, he was pushed to the ground by a police officer, who then ordered the old man to be taken to an upstairs office in the police station. Mustafa Hassan reported that once in the office his legs were tied to a stick and the soles of his feet were whipped. Afterwards, an officer poured cold water over his legs to reduce the swelling. Mustafa Hassan was held overnight. When he was released on the afternoon of the following day, an officer warned him not to report the incident. He was told to return to the police station the following day. However, that evening he returned to the police station in order to notify the police that he was planning to go to hospital for treatment. The police officer responsible for torturing him ordered the old man to be taken to a private clinic for treatment.

After being discharged from hospital, Mustafa Hassan filed a torture complaint with the Public Prosecution. By the end of 2000 no investigation had been conducted.





**Mustafa Hassan, holding a photograph of himself after being tortured in Ramla Police Station - © AI**

#### **4.4) The incidents in the village of al-Kushh**

This case demonstrates how the authorities went to extreme lengths to avoid a thorough investigation into torture allegations in an apparent attempt to prevent unwelcome questions regarding relations between religious communities. The authorities actively tried to obstruct others, in particular human rights organizations in Egypt, from undertaking their own investigations into the torture allegations.

Following the killing of two Coptic Christian men in the predominantly Coptic village of al-Kushh on 14 August 1998, the local police arrested and interrogated scores of villagers. Many were held for a number of days in police custody and several were held for up to one month. In mid-September 1998 the first reports emerged that dozens of the people detained had been tortured. Some had allegedly been suspended and subjected to electric shocks. A torture complaint was filed with the Public Prosecutor's Office in Dar al-Salam on behalf of 14 villagers, who were referred for a forensic examination conducted on 20 September 1998. Initial investigations into their complaint were closed in December 1998.

Egyptian human rights groups, particularly the EOHR and the Center for Human Rights and Legal Aid (CHRLA), investigated the incident in al-Kushh and made their findings public

at the end of September 1998. Testimonies with additional names of torture victims, including women and children, who had not filed complaints were published by these organizations and widely publicized by the local and national media. The authorities responded to the publication of the EOHR report<sup>29</sup> by accusing the organization of spreading unfounded accusations claiming that the EOHR had been commissioned by foreign donors to conduct this report. These accusations eventually led to the detention of Hafez Abu Sa'ada, General Secretary of the EOHR, in December 1998 and a failed attempt in 2000 to try him. However, no investigations were conducted by the authorities into these additional cases. According to Amnesty International's information all those who alleged torture or ill-treatment in connection with this incident were members of the Coptic Christian community.

In August 1999 the Public Prosecution Office announced that investigations into allegations of torture in al-Kushh would be reopened, after the authorities received a list containing the names of hundreds of villagers alleging that they had been tortured or ill-treated by police officers. Amnesty International delegates who met with torture victims and the investigating authorities in November 1999 learned that in early August 1999 about 130 villagers had reiterated their allegations of torture or ill-treatment when interviewed at the Public Prosecution Office in Sohag. However, between August 1999 and the end of 1999 only four villagers had been called by the Public Prosecution Office for more detailed questioning. Following an outbreak of sectarian violence in al-Kushh in January 2000 in which 20 Coptic Christians and one Muslim were killed, the authorities announced that investigations into the torture allegations would be suspended.

#### **4.5) Torture of political detainees**

In the 1980s and 1990s thousands of political detainees were tortured or ill-treated while held in incommunicado detention at the premises of the State Security Intelligence (SSI) and sometimes in police stations. The systematic practice of torture of political detainees was confirmed by the Committee against Torture in 1996 (see section 1.2: *Egypt before the Committee against Torture*).

Thousands of alleged members or members of armed Islamist groups have been detained, often for years without charge or trial, or following acquittal, under provisions of the emergency legislation. It is estimated that today, several thousand political detainees, including possible prisoners of conscience, remain in administrative detention under Article 3 of the emergency legislation despite having been issued release orders by the courts. Administrative detention is ordered by the executive branch of a government without a judicial warrant, without the filing of any criminal charges, and without the intention of bringing the detainee to trial.

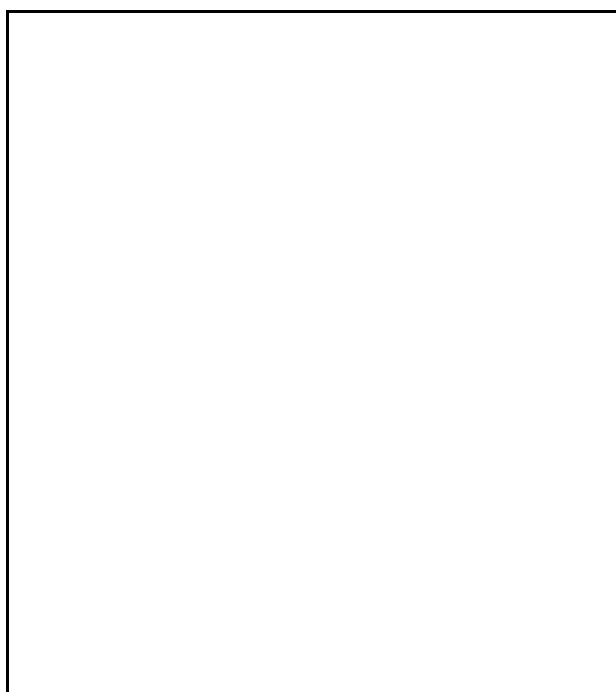
---

<sup>29</sup> EOHR: *Collective punishment in Al-Kosheh village*, 28 September 1998

Amnesty International opposes this procedure, as it contravenes international standards prohibiting arbitrary arrests.<sup>30</sup>

With the decrease of incidents of armed clashes between armed opposition groups and security forces, there have been significantly fewer cases of new arrests of alleged members of armed groups. However, there continue to be reports of political detainees being tortured while held in incommunicado detention. These cases demonstrate that the decrease in torture cases of political detainees in recent years is not as a result of improved safeguards.

**Khaled ‘Abd al-Latif**, a high-school student, was arrested only a couple of days after his 17<sup>th</sup> birthday at the end of November 1998 in Kum al-Ahmar, near Cairo. He was arrested along with 28 others, including Samir ‘Abd al-Nabi ‘Abd al-Magid and ‘Abd al-‘Aziz Sa‘ad, two other teenagers. All were detained at the State Security Investigation (SSI) department in Giza, where several of them were reportedly beaten, suspended by the limbs for prolonged periods and given electric shocks on sensitive parts of the body. They were kept in incommunicado detention for some weeks before being transferred to prison. In March 1999 the State Security Prosecution opened an investigation on charges of membership of *al-Gama‘a al-Islamiya*, but, unable to substantiate



**Khaled ‘Abd al-Latif** - © AI

the charges, the Prosecution closed the investigation in August 1999 and ordered the release of all 29. However, the Interior Ministry immediately issued administrative detention orders for the group. Khaled ‘Abd al-Latif continues to be detained in Damanhour prison, in the Delta region, a prison where detention conditions amount to cruel, inhuman and degrading treatment.

---

<sup>30</sup> For details about procedure of administrative detention under the Emergency Law, please refer to *Egypt: Indefinite detention and systematic torture: the forgotten victims* (AI Index: MDE 12/13/96).

Egyptian nationals abroad who are suspected or accused of affiliation with armed Islamist groups, if forcibly returned to Egypt, are at serious risk of torture. Over the past few years several alleged members of armed Islamist groups reported that they were tortured while held for weeks or even months in incommunicado detention at the premises of the State Security Intelligence (SSI). Under international law, it is prohibited to return a person to a country where he or she is at risk of torture.<sup>31</sup>

More than a dozen defendants in the so-called "Returnees from Albania trial" -- in which verdicts were given on 18 April 1999 by the Supreme Military Court -- claimed that they were tortured while held in pre-trial detention at State Security Intelligence (SSI) branches. The records of the investigating prosecution have noted torture allegations by several defendants: **Shawqi Sallama Mustafa** and **Mahmud al-Sayid 'Ali al-'Aqabawi** informed the prosecution that they were tortured, including receiving electric shocks to their genitals. The following defendants also informed the state prosecution authorities that they were tortured, including being subjected to electric shocks: **Sabri Ibrahim al-Ahmar al-'Attar**, **Hani Ibrahim al-Gundi**, **'Abdallah 'Allam Hashim**, **'Issam 'Abd al-Tawab 'Abd al-'Alim**, **Mohammad Hassan Mahmud Hassan Teta**, **Mohammad Hussein Mohammad 'Abd al-Dayim**, **Ibrahim 'Abd al-Badi' Hassan Imam**, **Sa'id al-Sayid Sallama Khalid**, and **Sharaf 'Ali Isma'il 'Ali al-Basil**. **Ahmad Isma'il 'Othman** and **Ahmad Ibrahim al-Sayid al-Naggar** stated in court that they were tortured while held in incommunicado detention, including being subjected to electric shocks, and asked to be referred to a forensic doctor.

Amnesty International called for prompt, independent and impartial investigations to be undertaken into the torture allegations, but no response was received. In February 2000 Ahmad Isma'il 'Othman and Ahmad Ibrahim al-Sayid al-Naggar, who had been convicted in 1999 and sentenced to 15 years' and life imprisonment respectively, were executed, having been sentenced to death *in absentia* by military courts in previous trials.

---

<sup>31</sup> See for instance Article 3 of the Convention against Torture.

## 5) DEATHS IN CUSTODY

The number of reported cases of deaths in custody remains alarmingly high. In numerous cases torture has reportedly caused or contributed to these deaths. In 1999 alone at least eight detainees reportedly died in custody in such circumstances, but by the end of 2000 in only three cases had police officers been prosecuted.

In recent years several police officers have been tried in connection with the deaths of detainees in circumstances suggesting that torture has caused or contributed to the deaths. In the majority of reported cases of deaths in custody, however, no one is brought to justice. Suspected perpetrators are rarely prosecuted and, in the few cases in which they are brought to trial, are often given lenient sentences or acquitted, contributing to an atmosphere of impunity which in turn facilitates further fatal torture.

In 2000 at least four verdicts of police officers charged with the killing of detainees were reported in the national media. In all four cases strong evidence of torture, including forensic autopsy reports, was brought before the court. In August 2000 police officers charged with torture and unpremeditated murder<sup>32</sup> were acquitted by Mansura Criminal Court; in October 2000 Cairo Criminal Court sentenced a police officer to a suspended sentence of one year's imprisonment for manslaughter<sup>33</sup>; in November 2000 Aswan Criminal Court sentenced two police officers charged with torture and unpremeditated murder to three and seven years' imprisonment; and in December 2000 Cairo Criminal Court sentenced a police officer charged with manslaughter to three years' imprisonment.

**Shahhata Sha'ban Shahhata**, a 30-year-old mechanic married with two daughters, died in October 1999 at Qasr al-Nil Police Station in Cairo. His relatives learned that Cairo Criminal Court had sentenced the police officer accused of having beaten Shahhata Sha'ban Shahhata to death to a suspended sentence of one year's imprisonment. One of his brothers told Amnesty International: *"This verdict is like an acquittal. I just want the police officer to receive a just sentence."*

Shahhata Sha'ban Shahhata was arrested on the night of 28 October 1999 in his workshop in central Cairo. He was brought before the prosecutor the next day and remanded in custody. That evening a fight broke out between detainees in the custody cell in which Shahhata Sha'ban Shahhata was involved. According to fellow detainees Shahhata Sha'ban Shahhata was removed from the custody cell by a police officer and taken upstairs, where he was reportedly held for half an hour. He died soon after he was returned to the cell.

---

<sup>32</sup> Article 234 of the Penal Code refers to killing intentionally but without premeditation.

<sup>33</sup> Article 236 of the Penal Code refers to assault occasioning death.

The forensic autopsy report issued on 16 January 2000 documents several injuries on the body, including “ribbon-shaped bruises in pairs with lengths varying between 10cm and 15 cm on the middle part of the left arm, the left middle part of the abdomen, the upper and middle front of the left thigh and the middle inner part of the right thigh”, and concludes that these injuries were caused by a cane. The report further finds a bruise, 3cm by 4 cm, on the left scrotum caused by a hard object and concludes that the death was due to the trauma applied to the victim’s left testicle which resulted in circulatory and respiratory failure.

The morning after his death, Shahhata Sha‘ban Shahhata’s relatives heard rumours that he was in a bad state. Two of his brothers went to the Qasr al-Nil Police Station where they were informed that their brother had died. They demanded to see their brother but instead were taken to an office in the police station where police officers reportedly beat them and struck them over their heads with shoes.

Although the forensic autopsy report of Shahhata Sha‘ban Shahhata supports allegations of torture, the convicted police officer had not been charged with torture, but with manslaughter which carries between three and seven years’ imprisonment.



Shawqi Ahmad ‘Abd al-‘Al with a photograph of his son, Farid Shawqi ‘Abd al-‘Al - © AI

would be taken in to help lead them to a suspect and would be back shortly. The following day, his father was taken by police officers to al-Muntaza police station,, and was informed that his son had died. The police told him that Farid had committed suicide by hitting his head against a

In connection with the death in custody of **Farid Shawqi ‘Abd al-‘Al**, police officers were reportedly charged in November 2000, under Article 282 of the Penal Code, with arrest without legal grounds and torture, as well as with forgery of official documents.

On 23 September 1999 Farid Shawqi ‘Abd al-‘Al, a 24-year-old embroiderer, was taken from his home to al-Ramla police station in Alexandria at 6.30 am. His father, Shawqi Ahmad ‘Abd al-‘Al, was told by the police that his son

wall. The authorities ordered that Farid Shawqi ‘Abd al-‘Al be buried the next day and his father was taken to the morgue to see his son. When he asked that his son’s body be delivered to the house for the ritual washing of the body prior to burial, he was threatened that his son would be buried without any family members present if he did not consent to the funeral taking place the next day. Shawqi Ahmad ‘Abd al-‘Al was made to sign a document testifying that he had received the body and the funeral was held the next day.

On 27 September Shawqi Ahmad ‘Abd al-‘Al filed a complaint with the Public Prosecutor’s Office about the death of his son in police custody (case number 28384/1999) and demanded the exhumation of his body in order to conduct an autopsy. On 28 September an autopsy was carried out which concluded that the cause of death was asphyxia caused by strangling. It also noted signs of injuries consistent with punching, beating with a stick, including on the soles of the feet (*falaka*). On 7 January 2001 the trial began before Alexandria Criminal Court of four police officers in connection with the death in custody of Farid Shawqi ‘Abd al-‘Al. Since the trial opened relatives of Farid have received anonymous telephone threats.

The majority of cases of deaths in custody in which torture may have caused or contributed to death do not lead to the prosecution of the alleged perpetrators. In 1999 the Committee against Torture expressed concern regarding cases of deaths in custody following its examination of Egypt’s third periodic report and requested the government of Egypt to “provide the Committee with information in writing concerning the number and circumstances of deaths in custody over the past five years.”(UN doc. A/54/44,para. 215)

On the afternoon of 21 April 1999 **Hani Kamal Shawqi**, 22 years old, was detained on charges of theft together with fellow student ‘Amr Mohammad Ahmad ‘Amr at Azbekiya Police Station. ‘Amr Mohammad Ahmad ‘Amr reported that he himself was subjected to severe torture, including being beaten and subjected to electric shocks while forced to the ground by police officers standing on his legs. He reported that Hani Kamal Shawqi was subsequently taken into same the room where he had been tortured. From an adjoining room he could hear Hani screaming for about 15 minutes, followed by silence. Hani Kamal Shawqi died at Azbekiya Police Station on the evening of 21 April. The following day the Public Prosecution Office in Azbekiya took the testimony of ‘Amr Mohammad Ahmad ‘Amr concerning the death of Hani Kamal Shawqi and opened an investigation into his death (case number 6452/1999). According to Amnesty International’s information, by the end of 2000 no further progress had been made.

On 19 July 1999 **Ahmad Mahmud Mohammad Tamam**, 19 years old, was detained at al-‘Omrianiya Police Station. He told a visiting relative that police officers were beating him. On 21 July he died in a police vehicle where police officers had reportedly beaten him, including hitting his head against the metal frame of the vehicle. The relatives filed a complaint with the Public Prosecution Office in al-‘Omrianiya (case number 10920/1999). A relative reported to Amnesty International that he noted injuries of the body which included swelling on the forehead

and red marks on the upper chest. In December 1999 the family received a forensic autopsy report which found bruises on Ahmad Mahmud Mohammad Tamam's body and marks consistent with electric shocks. By the end of 2000 no progress in the investigation was known to have been made.

## **6) CONCLUDING OBSERVATIONS**

- Torture continues to be widespread in Egypt. Currently the majority of victims of torture and ill-treatment are held in police stations in connection with investigations into criminal cases. The decrease in arrests of alleged members of armed Islamist groups has led to a significant reduction in reports of torture of political suspects, but the government has yet to implement effective measures to eradicate the practice of torture.
- Recently the Egyptian government has given greater emphasis to human rights training of state employees, and in 2000 announced a ban on flogging and caning as punishment in prisons. While these steps are to be welcomed, they are not enough to stamp out torture.
- Investigations into torture allegations are inadequate and fail to comply with international standards as well as provisions of Egyptian law.
- The most common methods reported are beatings, whipping, suspension by the wrists or ankles, electric shocks and various forms of psychological torture, including death threats and threats of rape or sexual abuse of the detainee or a female relative.
- Basic safeguards for people held in detention, in particular the lack of safeguards for women and children are lacking. Political detainees continue to be at risk of ill-treatment and torture, particular when held in incommunicado detention.
- The Egyptian government continues to violate its international obligations, as well as Egypt's own laws, which require it to take necessary steps protect people from human rights violations.
- In a few selected cases of deaths in custody, in which torture was believed to have caused or contributed to the death, members of the police forces have been prosecuted. Even fewer have been convicted and sentenced to relatively short prison sentences.
- However, since the vast majority of cases of torture are not investigated those responsible evade punishment.



## **7) RECOMMENDATIONS**

Amnesty International has repeatedly urged the Egyptian government to act decisively to end torture by adopting the necessary legal and practical measures to ensure effective implementation of all the provisions contained in international human rights treaties, especially those ratified by Egypt, but no significant steps have been introduced. Amnesty International is once again calling on the Egyptian authorities to:

- condemn torture and ill-treatment in all their forms whenever they occur. The authorities must make clear to all law enforcement officials, public officials, members of the judiciary and members of civil society that torture will never be tolerated and will be punished;
- ensure that detainees are treated humanely in accordance with international standards and in particular have immediate access to their lawyers and families;
- improve safeguards for children, and guarantee that no juvenile is interrogated without the presence of a parent, a guardian or legal counsel;
- improve safeguards also for women in detention, by ensuring that women staff supervise the detention of women in all detention centres;
- abolish incommunicado detention;
- conduct frequent, independent and unrestricted inspections of all places of detention, and to prosecute officers responsible for unlawful detention of detainees, including failure to keep proper records of detainees;
- set up prompt, thorough and impartial investigations into all reports of torture, which could be facilitated through the appointment of special investigators into torture allegations;
- make the methods and findings of these investigations public within a reasonable period of time;
- provide compensation and rehabilitation for victims of torture;
- ensure that no person making a torture complaint and no witness to torture is intimidated or harassed in any way, and take firm action against those responsible for such intimidation or harassment;

- ensure that any members of the security or other forces implicated in torture and ill-treatment of detainees and prisoners are brought to justice;
- keep under systematic review interrogation rules, instructions, methods and practices with a view to preventing any cases of torture or ill-treatment, in line with the provisions of the Convention against Torture;
- review all laws which prevent or seriously inhibit prosecution of those responsible for torture and thereby facilitate its continued use, and abolish any provisions which do so;
- ensure that legislation and practice are both in full conformity with Egypt's international obligations;
- modify the definition of the crime of torture in Egyptian law so as to comply fully with the definition in Article 1(1) of the UN Convention against Torture. All forms of cruel, inhuman and degrading treatment or punishment should be explicitly prohibited. It should be made clear that the prohibition must be applicable to all situations where torture might take place and must not be suspended under any circumstances, including during a state of war or other public emergency.