

# Egypt

## No protection – systematic torture continues

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# Egypt

## No protection – systematic torture continues

### Introduction

In Egypt everyone taken into detention is at risk of torture. Political detainees face a heightened risk. Those most at risk are alleged members of Islamist organizations, particularly during the initial period of incommunicado detention, cut off from the outside world, at premises of the State Security Intelligence (SSI). However, victims of torture in Egypt come from all walks of life.

Amnesty International continues to receive well-documented allegations of torture and ill-treatment from vulnerable people: from women and young people; from poor people; and from those detained for their sexual orientation. Some are taken to police stations in connection with minor offences and subjected to torture or ill-treatment in order to force them to confess; others are detained without being accused of any crime or offence. The treatment of a family from Helwan is just one recent example of countless cases of torture and ill-treatment:

**17-year-old ‘Amr Muhammad ‘Adel with marks of lashes on his back, May 2001, © private**

17-year-old **‘Amr Muhammad ‘Adel** (see picture) told Amnesty International how he and his elder brother **Walid Muhammad ‘Adel** were tortured on 25 May 2001 soon after they had been brought to Helwan Police Station: “The police officers took us to a room which is called *al-Tallaga* (the fridge) where they torture people. There they tied us with our hands to the window. Then they beat my brother and me on the back with a whip. After they had beaten us they made us lie down on the floor. Later, our uncle was brought in. He was in a terrible state. They tied him to the window. All this torture lasted from about 4 o’clock in the afternoon until 11 o’clock at night.”

Their uncle **‘Atif Mahmud ‘Agami**, a driver, told Amnesty International: “They stripped me naked and took me into a police car. They beat me in the police car.

In the courtyard of the police station they took me out of the car and dragged me to an office upstairs. There they tied my feet into a thing called a *falaka*, which is a thick stick with a string attached to it. Two officers lifted my legs and they beat me with full force on my feet and my body. Later they took me to a room called *al-Tallaga*. There they suspended me from the window. They tied my hands to the window with a cable. For about 20 minutes they left me like this until an officer came. He untied me and I fell to the ground and vomited.”

**Lamya Muhammad ‘Abbas**, the 24-year-old wife of ‘Atif Mahmud ‘Agami, reported that at the police station officers insulted her and other female members of the family. Later the women had to line up and an officer brought a whip which he used to beat the women over the head. The women were ordered to take their clothes off, but refused. They were then threatened that they would be hung up. Instead, one of the women - who does not wish to be named - was forced to lie on the floor and beaten with a whip on her feet.

Not one member of the family was accused of any criminal offence. Instead, police officers told 37-year-old **Maha Mahmud ‘Agami**, ‘Atif Mahmud ‘Agami’s sister, who was held separately and had to listen to her relatives being tortured, that she could end their suffering simply by withdrawing a lawsuit she had filed in connection with a land ownership dispute.

The women were released at about 11pm on 25 May 2001. ‘Atif Mahmud ‘Agami, who was released with his nephews the following evening, filed a complaint with the Prosecution Office in Helwan. On 28 May he went to the Cairo Police Headquarters and reported the incident. During the following few days he received follow-up calls from the authorities. However, since then he has received no information about any investigations into the torture complaint.

## Time for change

Torture is a long-standing concern in Egypt, documented by Amnesty International for more than two decades.<sup>1</sup> Reports by Egyptian and international human rights

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<sup>1</sup> This report is a follow-up to: *Amnesty International: Egypt: Torture is rife as cries for justice go unheeded (AI Index: MDE 12/001/2001)* which includes detailed background information about Egypt’s international obligations and national legislation regarding torture, and describes the failure of

organizations based on interviews with victims and witnesses, medical examinations and judgments by Egyptian courts clearly demonstrate the systematic practice of torture. Working for the abolition of torture has become a priority for several Egyptian human rights organizations who monitor and document incidents of torture, and provide legal and medical assistance for victims and their relatives as well as conducting public awareness campaigns.

That torture is widespread and systematic in Egypt has long been testified by specialized UN bodies, although domestic and international law forbid the torture of detainees. In 2001 the UN Special Rapporteur on torture concluded that “torture is systematically practiced by the security forces in Egypt, in particular by the State Security Intelligence”.<sup>2</sup> In 1996 the Committee against Torture 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-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>3</sup>

Despite the overwhelming evidence that torture is widespread and practiced systematically, the Egyptian authorities admit only to the “occasional cases of human rights abuses”<sup>4</sup>. Muhammad Sha’rawi, Under-Secretary at the Ministry of the Interior, claimed earlier this year that “excesses (by police officers) concerning the use of cruelty”<sup>5</sup> are confined to a limited number of disparate individual cases. There were no more than five incidents in 2000 and it went down to three cases in each of the following two years.<sup>6</sup>

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the authorities to investigate torture allegations and bring those responsible to justice. Other reports by Amnesty International concerning torture and ill-treatment in Egypt include: *Egypt: Torture and imprisonment for actual or perceived sexual orientation* (AI Index: 12/033/2001); *Egypt: Women targeted by association* (AI Index: MDE 12/11/97); *Egypt: Indefinite detention and systematic torture: the forgotten victims* (AI Index: MDE 12/13/96); *Egypt: Deaths in custody* (AI Index: MDE 12/18/95); *Egypt: Human rights defenders under threat* (AI Index: 12/15/94); *Egypt: Ten years of torture* (AI Index: MDE 12/18/91).

<sup>2</sup> UN doc. E/CN.4/2001/66, para 476.

<sup>3</sup> UN doc. A/51/44, para 220.

<sup>4</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, para11).

<sup>5</sup> The term “use of cruelty” is referred to in Article 129 of the Egyptian Penal Code.

<sup>6</sup> Interview published in al-Ahram newspaper on 24 May 2002.

The representative of the Ministry of the Interior admits only to those few incidents where police officers have been referred to trial in connection with the deaths of detainees. He has chosen to ignore the plight of the many torture survivors who have reported their ordeal to the authorities and where no proper and thorough investigations have ever been conducted and no one has been held accountable. This statement similarly fails to take into account those who do not lodge an official complaint for reasons of fear or lack of confidence in the system. Furthermore, the figures he quotes do not take into account that in several other cases where torture is believed to have caused or contributed to the deaths of detainees, no one has been brought to justice.<sup>7</sup>

However, there is no doubt that the referral of several police officers to trial in connection with the deaths of detainees in recent years is an important development. It demonstrates 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. Nevertheless, 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. In the vast majority of cases no one is brought to justice, because the authorities fail to conduct prompt, impartial and thorough investigations, as required by the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torute).

## **Absence of basic safeguards**

Torture occurs mainly during the first days of incommunicado detention. It would be a major step forward in combating torture and ill-treatment in Egypt if immediate access to detainees by lawyers, relatives and doctors could be ensured in all places of detention throughout the country.

It seems very likely that the ordeal of **Saif al-Islam Muhammad Rashwan** (see picture) a bank employee, could had been prevented had he had immediate access to the outside world following his arrest. He reported that he was detained in the early hours of 6 May 2001 and taken to the department of the SSI in Giza, where he was beaten, subjected to electric shocks and suspended from a horizontal pole. He gave the following account:

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<sup>7</sup> Several police officers have been tried in connection with three deaths in custody which occurred in 2001. However, according to Amnesty International's information, in addition to those three cases, in the same year there were at least five other cases in which torture is believed to have caused or contributed to the death of a detainee.

“On 6 May 2001 at 2 o’clock in the morning I heard knocking at the door. I opened it and found SSI officers. I knew one of the officers and I was polite to them... .They took me with them claiming I would not be away for long, but in fact I was taken for several days. They blindfolded me. I later learned that I was taken to the SSI department in Gaber Ibn Hayyan Street. There an officer insulted me. I had to take my clothes off - except my shorts... .They forced me to the ground and tied my hands and my legs together. Then they put a iron rod or maybe a wooden stick under my knees and lifted me so I was hanging like a chicken... Then I was subjected to electric shocks and beatings...About a week later, injuries of the torture were still visible on my legs.”

**Saif al-Islam Muhammad Rashwan after his release from detention, May 2001 © private**

Saif al-Islam Muhammad Rashwan had been detained in the past in connection with his alleged affiliation with the banned Muslim Brothers organization. During the parliamentary elections in October and November 2000 he was held for 44 days. During his detention in May 2001 he was reportedly questioned about the activities of the Muslim Brothers relating to the elections for the Shura Council, Egypt’s Upper House, which took place in May 2001. During the run-up to the elections, scores of alleged members of the Muslim Brothers were detained.

On the day of his release, on 13 May 2001, Saif al-Islam Muhammad Rashwan’s lawyer filed a complaint with the Public Prosecution’s Office and he was referred on 16 May 2001 for a forensic examination. According to the lawyer, who was allowed to read, but not to copy, the forensic report, its findings are consistent with the nature and timing of the torture allegations. The picture on the front cover of this report shows Saif al-Islam Muhammad Rashwan after his release with visible marks on his legs caused by torture or ill-treatment. By mid-October 2002, when this report was written, no one had been brought to justice and indeed no prompt, thorough and impartial investigation had been conducted into his case.

According to Article 2 of the Convention against Torture, a state party “shall take effective legislative, administrative, judicial or other measures to prevent acts of torture”. However, the Egyptian government continues to refuse to implement basic safeguards to prevent torture and ill-treatment, as repeatedly recommended by national and international human rights organizations and UN human rights bodies. Such preventive safeguards include ensuring immediate access to detainees by

lawyers, relatives and doctors as well as the implementation of special safety measures for vulnerable people.

The UN Special Rapporteur on torture has emphasized that detainees should have immediate access to the outside world and called for a total ban on incommunicado detention. He stated: “Torture is most frequently practiced during incommunicado detention. Incommunicado detention should be made illegal and persons held in incommunicado detention should be released without delay. Legal provisions should ensure that detainees be given access to legal counsel within 24 hours.”<sup>8</sup>

The Criminal Procedure Code provides that a detainee must be brought before a prosecutor within 24 hours, in order to extend the detention period or order his or her release (Article 36). Article 125 of the Criminal Procedure Code permits the presence of legal counsel during investigations in principle, but Article 124 stipulates that in cases of "flagrante delicto" and in urgent cases when there is a fear of losing evidence, the presence of a lawyer is not compulsory.

Amnesty International is concerned that existing safeguards for detainees are insufficient, frequently breached, over-ridden by emergency law procedures and Law 97 of 1992 for Combating Terrorism, and in practice fail to protect detainees from serious human rights violations. The organization recommends that all detainees must be given access to legal counsel within 24 hours, and that there should be legal provisions to ensure this, in line with the recommendations of the UN Special Rapporteur on torture.

In Egypt, as the case of Saif al-Islam Muhammad Rashwan demonstrates, the risk of torture is particularly high for those held in incommunicado detention by the SSI. However, the Egyptian authorities have also failed to protect vulnerable people in detention, in particular women and children, from human rights violations. Amnesty International has made concrete recommendations to the Egyptian authorities for the implementation of safeguards. This includes ensuring that no child is interrogated without the presence of a parent, a guardian or legal counsel and ensuring that women detainees are supervised by female staff.<sup>9</sup>

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<sup>8</sup> UN doc. E/CN.4/1995/434, para 926 (d).

<sup>9</sup> For more background about women and children in detention see *Amnesty International: Egypt: Torture remains rife as cries for justice go unheeded* (AI Index: MDE 12/001/2001), pages 16-24.

In 2001 the UN Committee on the Elimination of Discrimination Against Women examined Egypt's report on the implementation of CEDAW<sup>10</sup> and expressed "concern that, although efforts have been made, there is no holistic approach to the prevention and elimination of violence against women, including... violence against women in detention centers ... or the punishment of perpetrators".<sup>11</sup>

## Empty promises

**"What happened to me was something I could never have imagined", Umm Hashim Abu al-'Izz (see picture), a young actress, told Amnesty International. On 8 February 2002 she was detained because her cab driver was stopped by the police and failed to produce all the required documents. She was taken together with the driver and another passenger to the Agouza Police Station in Cairo. When she protested at insults by a police officer she was severely beaten with a belt on her face and other parts of her body. Just days after the incident, she reported: "He took off his belt and began to beat me.... on the side of my face. So I lost my balance and fell to the ground unconscious. Instead of leaving me he brought dirty water and poured it over me to revive me. He told me to stand so I did and then I found he was beating me with the belt again. Of course, he didn't stop until my mouth was bleeding and my eyes were messed up and my whole body was in a terrible state and I wasn't even able to get up off the ground. Then he kicked and punched me. He pointed his gun at me as if to kill me and he threatened to do so. He put the gun into my side and pulled the trigger but it turned out to be empty..."**

**Umm Hashim Abu al-'Izz after being beaten in a police station, February 2002 ©AHRLA**

She continued: "Because of the torture, because of all the metal bits in the belt, my whole head was swollen in a horrible way, my eyes and eyebrows as well, my teeth were affected, my chest was constricted so that I find it hard to breathe, I can't lie on my back in bed, all my body is affected... I can't do my job, my whole life's come to a halt."

Umm Hashim Abu al-'Izz received support from the Association for Human Rights and Legal Aid (AHRLA), a local human rights organization, to file a formal

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<sup>10</sup> Convention on the Elimination of Discrimination Against Women.

<sup>11</sup> UN doc. A/56/38, para 344.



complaint. However, her own experience shows that claims by the Egyptian authorities that investigations into allegations of torture will be carried out immediately and thoroughly are merely an empty promise.

The Egyptian authorities stated in their most recent report to the UN Committee against Torture submitted in 2001 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>12</sup> The report further notes that investigators must record visible injuries, hear statements of the victim and witnesses, examine the place where torture took place, and refer the victim for a forensic examination.<sup>13</sup>

Umm Hashim Abu al-‘Izz learned that the reality was different. The first time she was interviewed by a member of the Public Prosecution Office in Agouza was about three weeks after the incident had occurred, when bruises on her body had begun to fade but were still visible. However, she was never referred for a forensic medical examination. After her release she went to Agouza Public Hospital where she was examined. Despite requests by her lawyer, the prosecutor did not seek to obtain a copy of the medical report from the hospital. Her lawyer further requested that the prosecution facilitate the identification of the officers responsible, but this request was ignored. Instead, on 10 August 2002, her lawyers learned that the torture complaint file had been closed without thorough investigations having been conducted. Umm Hashim Abu al-‘Izz has appealed against the decision to close the investigations.

The experience of Umm Hashim Abu al-‘Izz is not an exceptional case. Over the past decade, the Egyptian authorities have failed to take necessary action 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

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<sup>12</sup> This report was submitted by the Egyptian government in February 2001 (UN doc. CAT/C/55/Add.6, para. 87) as its fourth periodic report to the Committee against Torture. The report is due to be examined by the Committee in mid-November 2002.

<sup>13</sup> UN doc. CAT/C/55/Add.6, para. 86.

perpetrators in a limited number of cases, where torture is believed to have caused or contributed to the death of a detainee.

## Ineffective monitoring of detention centres

People detained in Egypt continue to be at risk of torture because the authorities have failed to ensure effective and independent monitoring of all places of detention in the country. Article 11 of the Convention against Torture stipulates that a state party “shall keep under systematic review... arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment”. In its report to the Committee against Torture in 2001 the Egyptian government refers to judicial inspections of detention centres by members of the Public Prosecution Office on the basis of Circular Letter No. 11 of 1999<sup>14</sup> regulating the procedures for *ad hoc* inspections.<sup>15</sup> However, the Egyptian government’s report admits that the judicial inspection of detention centres as conducted by the Public Prosecution Office excludes premises of the SSI: “As for the issues raised in connection with the premises of the State Security Investigation (sic) Department, these are administrative premises and not legal places of custody.”<sup>16</sup> This has been repeatedly stated by the Egyptian government over many years. However, there is overwhelming evidence - based on testimonies of detainees and reports of lawyers and relatives who were denied access to detainees during the initial period of detention – attesting to the fact that premises of the SSI are routinely used for detention. It is therefore the responsibility of the Egyptian government to look into the illegal practice of detention at SSI premises.

The most common methods of torture which continue to be reported include electric shocks, beatings, whipping and suspension by wrists or ankle or in a contorted position from a horizontal pole. 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 together prior to being beaten on the soles of the feet. Such equipment continues to be used in different detention centres including police stations. No information about the confiscation of torture equipment during the inspection of police stations has been made available in the most recent report of the

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<sup>14</sup> UN doc. CAT/C/55/Add.6, Annex 1. The Circular refers to regulations for the inspection of prisons and police stations, but does not envisage the inspection of premises of the State Security Intelligence (SSI).

<sup>15</sup> UN doc. CAT/C/55/Add.6, para. 74.

<sup>16</sup> UN doc. CAT/C/55/Add.6, para. 120.

Egyptian government to the Committee against Torture. Amnesty International is not aware of measures taken in that regard.

In recent trials of police officers, forensic evidence has been presented to the courts noting that marks found on the bodies of detainees who had died in police custody were consistent with traces left by electric shocks and other forms of torture.<sup>17</sup>

## Recent allegations of torture and ill-treatment

Torture victims include political activists, people detained in connection with criminal investigations and people who have been held in custody without being accused of any offence. In this report, Amnesty International has documented allegations of torture or ill-treatment from people from all walks of life, including children, students, computer experts, drivers and housewives. Some torture victims are particularly vulnerable, including refugees and those detained because of their sexual orientation.

### *Torture allegations of political detainees at SSI premises*

Over the past two decades thousands of political detainees have been tortured or ill-treated while held in incommunicado detention at the premises of the SSI and sometimes in police stations. Since *al-Gama'a al-Islamiya*, one of the main armed Islamist groups in Egypt, suspended violent attacks at the end of 1997, there have been significantly fewer cases of new arrests of alleged members of armed groups and therefore fewer reports of torture from this particular group of political detainees. However, Amnesty International continues to receive numerous reports of torture from people accused of being affiliated to political organizations, including both non-violent organizations and armed groups. The vast majority of political detainees who have been tortured report that this occurred while they were held in incommunicado detention at premises of the SSI.

On 1 April 2002 four British citizens, **Maajid Nawaz**, **Ian Malcolm Nisbett**, **Reza Pankhurst** and **Hassan Rizfi**, were detained on suspicion of affiliations with

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<sup>17</sup> On 8 August 2002 Cairo Criminal Court sentenced two police officers to three years' imprisonment each in connection with the death of Sayid Khalifa 'Isa. Reportedly, the forensic report found marks on the body which were consistent with traces left by electric shocks and other forms of torture. On 8 October 2002 two police officers, accused of torturing Midhat Gaber Tadros, who died in custody, with electric shocks, were sentenced by the Giza Criminal Court to three years' imprisonment each. On 12 October 2002 the trial was opened against a police officer in connection with the death of Ahmad Mahmud Muhammad Tamam before Giza Criminal Court. An autopsy report of 13 December 1999 noted burns on the scrotum which were found to be consistent with marks left by electric shocks.

the *Hizb al-Tahrir al-Islami* (Islamic Liberation Party), which is banned in Egypt. The four detainees were reportedly tortured while held in incommunicado detention, but no investigations are known to have been conducted. For five days, their whereabouts remained unknown until one detainee was allowed to make a phone call to his wife. The first time the four men had contact with the outside world was on 11 April 2002, when representatives of the British Embassy in Cairo were allowed to visit them at Mazraat Tora Prison. The detainees reported that they had been subjected to torture and ill-treatment and that one of them had been subjected to electric shocks. British officials have raised the allegations of torture and ill-treatment with the Egyptian authorities. The detainees were referred for forensic medical examination only in mid-July, two-and-a-half months after they were taken into detention. By mid-October their request for an independent medical examination had still not been granted.

In April and May 2002, scores of Egyptians were also detained for their alleged affiliation with the banned *Hizb al-Tahrir al-Islami* (Islamic Liberation Party). Many of them were held for weeks in incommunicado detention and Amnesty International received information that several of them were subjected to electric shocks and other forms of torture or ill-treatment. Amnesty International wrote to the Public Prosecutor calling for a prompt and impartial investigation into all torture allegations concerning detainees in this case, but no response has been received. On 4 August 2002, 26 men, including three of the four British citizens mentioned above, were referred to an (Emergency) Supreme State Security Court for trial.

On 22 January 2002 several activists of the Egyptian People's Committee for Solidarity with the Palestinian Intifada were arrested during the Cairo International Book Fair. One of them, **Wa'el Tawfiq**, was held for two days, and reported to Amnesty International delegates after his release that he had been subjected to electric shocks and other forms of torture at the SSI headquarters at Lazoghly Square.

On one occasion, he was blindfolded, stripped to his underwear and surrounded by four officers who punched and kicked him. After this beating, he was tortured with electric shocks to his right wrist. On the following day, he was stripped to his underwear, a dirty sock was placed in his mouth and bottles of freezing cold water were poured over his head and body, severely restricting his breathing.

A medical examination by the Cairo-based non-governmental organization, the Nadim Center for the Management and Rehabilitation of Victims of Violence found signs on his body which, according to experts, were consistent with his torture allegations. A report issued on 28 January 2002 noted "marks on the surface of the

back of his right wrist”. Wa’el Tawfiq can identify at least one of the officers involved in torturing him. Since his release, he has met the officer on several occasions, and on one occasion the officer greeted him, calling him by his first name. Wa’el Tawfiq filed a complaint with the authorities, but no thorough and impartial investigations, which could lead to the prosecution of those responsible, have been conducted.

In May 2001 scores of alleged members of an armed Islamist group were detained. Dozens of the detainees reported that they were tortured while in incommunicado detention at premises of the SSI. On 3 December 2001, the trial of 94 men opened before the Supreme Military Court (case number 24/2001) on charges of membership of an armed group which has been referred to as *Tanzim al-Wa’d* (Organization of Promise). Amnesty International wrote to the Public Prosecutor calling for prompt and impartial investigations into the defendants’ torture allegations.

Dozens of detainees accused of affiliation with *Tanzim al-Wa’d* testified before the Public Prosecutor that they were tortured during their detention at premises of the SSI. According to reports by the Egyptian Organization for Human Rights (EOHR), no investigations are known to have been conducted into the allegations of the following 24 men, who all reported that they had been subjected to torture, including electric shocks: **Magdi Hassan Idris Muhammad; Nasha’at Ahmad Muhammad; Muhammad Salih Mahmud Muhammad; Khalid Mahmoud Ahmad Fathi; Ahmad Mustafa ‘Abd al-Magid; Hazim Muhammad ‘Ali Ibrahim; Walid Saif ‘Abd al-Rahman Muhammad; Hisham al-Sayid Muhammad Mitwali; Ahmad Hussein ‘Abd al-‘Aal; Wa’el Fikri Yusif Qinawi; Sabri Muhammad Mustafa Darwish; Aiman Sayid Ibrahim al-Mansi; Abu Siri Samir Ibrahim Muhammad; Ahmad al-Sayid Goma’ ‘Aliwa; Muhi al-Sayid Shahhata; Hassan Mahmud ‘Ali al-Sayid; ‘Abd al-Basit Zaki Ibrahim Muhammad; Mustafa ‘Abd al-Khaliq Ahmad al-‘Atar; ‘Abd al-‘Aziz ‘Arabi ‘Abd al-‘Aziz Ahmad; ‘Abd al-Rahman Muhammad Hamdan; Muhammad Hisham Saif al-Din; ‘Omar ‘Abd al-‘Aziz Khalifa and ‘Omar Hagayif Mahdi.**

Amnesty International continues to receive reports of relatives of political prisoners or detainees who have been targeted because of their family relationship. In several recent cases, relatives of political prisoners have been held for weeks in incommunicado detention at premises of the SSI, where they were at risk of human rights violations, including torture or ill-treatment.

For example, on 29 June 2002 16-year-old **‘Amar Nabil al-Maghrebi** and his older brother **Muhammad Nabil al-Maghrebi** were detained as they attempted to

visit their father Nabil ‘Abd al-Majid al-Maghrebi, a political prisoner at the High Security Prison in Tora, Cairo. His two sons were held for about six weeks in incommunicado detention by the SSI. They were reportedly accused of illegally attempting to provide their father with a mobile telephone. On 14 August, the Juvenile Court of North Cairo ordered the release of ‘Amar Nabil al-Maghrebi, and on 1 September the Misdemeanours Court of the al-Ma‘adi district of Cairo acquitted Muhammad Nabil al-Maghrebi. However, as of mid-October 2002 both remained in administrative detention at Istiqbal Tora Prison under emergency legislation.

‘**Aziza ‘Abbas Muhammad**, the wife of Nabil ‘Abd al-Majid al-Maghrebi, was detained for the third time in one month on 8 July 2002. Her whereabouts remained unknown for more than two months until 7 September, when her lawyer was allowed for the first time to visit her in detention. However, the visit was conducted in the presence of security officers and she was not able to speak about her treatment by the SSI. She had previously been detained and interrogated on 1 July by the SSI. She was released the following day, but rearrested on 3 July, before once again being released on 4 July. On 16 July 2002, Amnesty International issued appeals to the Egyptian authorities, expressing concern that she and her sons may be at risk of human rights violations, including torture or ill-treatment.<sup>18</sup> Aziza ‘Abbas Muhammad was reportedly tortured or ill-treated while detained for several weeks in 1995.<sup>19</sup>

***Allegations of torture or ill-treatment by people forcibly returned to Egypt***

Since the attacks in the USA on 11 September 2001, several alleged members of armed Islamist groups have reportedly been tortured after having been forcibly returned from various countries, including Bosnia-Herzegovina and Sweden.

At the opening of the trial of **Ussama Ahmad Farag Allah** before the Emergency Supreme State Security Court on 16 March 2002, he reported that he was tortured while held in incommunicado detention following his deportation from

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<sup>18</sup> AI Index: MDE 12/024/2002, 16 July 2002 and follow-up AI Index: MDE 12/030/2002, 11 September 2002.

<sup>19</sup> In another case, law student Sayida Muhammad Gad al-Rab, the wife of a political detainee, was arrested at her home in Cairo by members of the SSI on 14 July 2002. For over seven weeks, she was held in incommunicado detention at an unknown location, where she was feared to be at risk of torture or ill-treatment. She was subsequently transferred to Qanatir Women’s Prison, where she continued to be held in administrative detention under emergency legislation. In 1992 she was detained together with other women accused of illegal political activities. She was held for one month at the SSI headquarters in Lazoghly Square in Cairo where she was reportedly tortured or ill-treated (AI Index: MDE 12/025/2002, 23 July 2002 and follow up AI Index: MDE 12/029/2002, 10 September 2002).

Bosnia-Herzegovina in October 2001.<sup>20</sup> He demanded a forensic medical examination, but no such examination had been conducted when he was next brought before the court, on 20 April 2002. He was charged with membership of an armed Islamist group and involvement in arson attacks and sentenced to 10 years' imprisonment on 18 May.

Two Egyptian asylum-seekers, **Muhammad Muhammad Suleiman Ibrahim El-Zari** and **Ahmad Hussein Mustafa Kamil 'Agiza**, were forcibly returned from Sweden to Egypt on 18 December 2001, following an unfair procedure. Both men were held for more than a month in incommunicado detention in Egypt without contact with their lawyers or relatives. Amnesty International repeatedly appealed to both the Egyptian and Swedish authorities to seek assurances that the men would not be subjected to human rights violations.<sup>21</sup> On 23 January 2002, officials of the Swedish embassy in Egypt visited the two men for the first time since their deportation. On the same day, the relatives of one of the detainees were granted a prison visit. On 1 February 2002 Amnesty International appealed to both the Swedish and Egyptian authorities to ensure that prompt, thorough and impartial investigations were carried out into the torture allegations made by Ahmad Hussein Mustafa Kamil 'Agiza's family. According to the organization's information, no such investigations have taken place. When Amnesty International delegates visited the country in February and in September/October 2002 they requested to meet with the detainees but were not granted access.

***Allegations of torture or ill-treatment in connection with criminal investigations***

Many victims of torture or ill-treatment are vulnerable people held in police stations in connection with criminal cases. A 22-year-old refugee, recognized by the UNHCR<sup>22</sup>, from Liberia who wishes not to be identified (referred to here as **M.M.K.**) told Amnesty International that he was detained on 11 September 2002 at around 6pm by about five plainclothes police officers outside his apartment in the Cairo district of Ghamara. He understood that his detention was in the context of criminal investigations against a flatmate, also a refugee from Liberia, who had been detained two days earlier. M.M.K. was first taken to Zawahiri Police Station where he was reportedly beaten and kicked.

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<sup>20</sup> See Urgent Action (AI Index: MDE 12/028/2001, 12 October 2001) and follow-up (AI Index: MDE 12/015/2002, 23 April 2002).

<sup>21</sup> See Urgent Action (AI Index: MDE 12/035/2001, 19 December 2001) and follow ups (AI Index: MDE 12/001/2002, 10 January 2002; MDE 12/003/2002, 22 January 2002 and MDE 12/006/2002, 1 February 2002).

<sup>22</sup> UN High Commissioner for Refugees.

The same night M.M.K. was transferred to Bassatin Police Station. He was held there for four days, blindfolded with his hands tied behind his back. During those four days, he received little water and no food. He was not allowed to use the bathroom and therefore had to urinate in his clothes. After four days he was moved to the main detention cell of the police station. There he was able to receive food which friends of fellow detainees had brought to the station. The following day his flatmate was brought to Bassatin Police Station. He told him that he had been held for several days by the SSI and was subjected to electric shocks and other forms of torture. On 19 September 2002 M.M.K. was brought before the prosecutor who ordered his release but he was not released from police custody until two weeks later.

**Mustafa Hilmi ‘Abd al-Samiya, March 2002 © Cairo Times**

On 26 January 2002 **Mustafa Hilmi ‘Abd al-Samiya** (see picture), a mechanic, was detained together with a friend, **Sayid Khalifa ‘Isa**. They were taken to the police station of the second precinct of Madinat Nasr. Both men were accused of car theft and reportedly subjected for many days to torture and ill-treatment. According to a report in the semi-official newspaper *al-Ahram*, police officers removed the two men from the police station when their condition deteriorated.<sup>23</sup>

On 6 March 2002 Mustafa Hilmi ‘Abd al-Samiya was left on a street corner, where he was found and taken to Agouza General Hospital in Cairo. A forensic report found traces of whipping and caning on his body. His friend, Sayid Khalifa ‘Isa, was also left in the street and taken to a hospital in the Bassatin district of Cairo where he died. On 8 August 2002 a Cairo Criminal Court sentenced two police officers each to three years’ imprisonment for having tortured the two men. According to the semi-official newspaper *al-Gumhuriya*, a forensic report found signs of torture on the body of Sayid Khalifa ‘Isa including “marks ... on his penis due to electric shocks”.<sup>24</sup>

**Rania Fathi ‘Abd al-Rahman**, aged 15, was detained in April 2001 for one day, together with members of her family in a neighbourhood in the north of Cairo in connection with a criminal investigation. While held at the police station of Shubra al-Khaima's first precinct she was reportedly subjected to torture, including electric

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<sup>23</sup> *Al-Ahram*, 11 March 2002.

<sup>24</sup> *Al-Gumhuriya*, 29 September 2002.



shocks. The Association for Human Rights and Legal Aid (AHRLA) reported that a family member was intimidated and harassed after filing a torture complaint, and that the complaint was subsequently withdrawn.

On 26 April 2001 at around 4pm, **Naser Muhammad Mahmud ‘Ali** was detained at al-Munira al-Gharbiya Police Station in Giza on suspicion of burglary. In detention he was reportedly beaten with sticks, suspended from a window and subjected to other forms of torture. He was released on 27 April at around 11.30pm. The Human Rights Center for the Assistance of Prisoners (HRCAP), a local human rights organization, lodged a complaint on his behalf with the Giza Police Headquarters on 2 May 2001. No prompt and thorough investigations are known to have been conducted.

***Harassment and intimidation of victims or their relatives***

Some victims of human rights violations fear that by filing a complaint or informing media or human rights organizations they will be at risk of reprisals by members of the security forces. Such fears are justified. Victims and their relatives have told Amnesty International that they have been threatened and harassed because they filed a complaint against torturers.

The human rights violations **Sammah Hamid ‘Ali al-Faris** and her family have faced over the last years are just one example. On 15 August 1994 Sammah Hamid ‘Ali al-Faris’ husband died in Helwan police station, south of Cairo, in circumstances suggesting that torture had caused or contributed to his death. Following her husband’s death, Sammah Hamid ‘Ali al-Faris has submitted several complaints to the authorities and has faced harassment ever since. In 1997 a police officer was sentenced to a suspended sentence of one year’s imprisonment and the case is currently before the Court of Cassation. Sammah Hamid ‘Ali al-Faris has been subjected to ill-treatment, apparently in order to force her to withdraw the torture complaints regarding her husband’s death. For example, on 3 May 2001 she was taken by force from her home and taken to Helwan police station, where she was beaten and detained for several days.

***Torture and ill-treatment in connection with perceived or actual sexual orientation***

On and around 11 May 2001 about 60 men were detained around Cairo, the majority taken from a night club located on a boat moored on the banks of the River Nile. Fifty-two of them were later prosecuted - all but one under charges of “habitual

debauchery”<sup>25</sup>. Detainees reported that they were tortured and ill-treated in the initial stages of detention, when held at different locations - including ‘Abedin Police Station, Azbekiya Police Station and the SSI department in the Misr al-Gadida district of Cairo. During that period, they were reportedly verbally abused by police officers and beaten on the soles of the feet with a stick.

Most detainees were examined by forensic doctors more than two weeks after their detention, by which time the marks caused by torture and ill-treatment would have faded. Furthermore, the reason for the forensic examination was to determine whether the accused had practiced anal sex rather than to identify traces of torture.

One of the accused, who was later acquitted, told Amnesty International that he and others were punched, slapped and kicked, and beaten with a cane and a thick stick. On 12 May 2001, when appearing before the State Security Prosecution, he informed the prosecutor of the beatings he had received and showed him the marks on his body. The prosecutor noted “red vertical lines on the middle of the back...which the accused alleged were the result of beating with a thin stick...”. More than two weeks passed until the accused was examined by forensic experts, who noted scratches on his arms. However, the marks on his back had apparently faded.

Detainees were reportedly also beaten by prison staff. On at least one occasion, the men were reportedly beaten by other detainees in prison with sticks and canes, which could only have taken place with the acquiescence of or in collusion with the prison administration.

#### **A courtroom scene during the trial of the 52 alleged gay man in 2001 ©Norbert Schiller**

The accused were forced to undergo medical examinations to determine whether they had engaged in anal sex. One of the accused described the humiliating manner in which the anal examination was conducted; he was forced to remove all his clothing and then kneel down on all fours in front of three men and one woman. The examination lasted approximately 45 minutes and on completion the doctor in charge questioned the results and ordered that the examination be immediately re-conducted.

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<sup>25</sup> Although there is no explicit reference to homosexuality in Egyptian legislation, the term “debauchery” is applied to same sex relations in the context of prostitution as well as consensual sexual relations between men.

Prior to both examinations, the accused was threatened by officials with beatings when he expressed reluctance to be examined in this way. This practice, which amounted to cruel, inhuman and degrading treatment, appears to have been used in at least one other case known to Amnesty International, of people charged with “habitual debauchery” on the grounds of their actual or perceived sexual orientation.

On 7 September 2001, a 21-year-old man (referred to here as **H.A.M.S.**) was arrested, along with six others, just minutes after his arrival at a private party. The men were taken to the Vice Squad Department in Giza. H.A.M.S. told Amnesty International that on arrival he was beaten with a whip and other objects until he agreed to sign a “confession”, which had been prepared for him. He raised the allegations of torture with the public prosecution and requested a medical examination but was never referred for a forensic medical examination. He was transferred to al-Haram Police Station, where the beatings, with objects including a whip, reportedly continued every night for the 22 days of his detention there. On 26 December 2001 he was sentenced to six months' imprisonment for "habitual debauchery".

In January 2002 eight men were detained in the northern province of Buhaira in connection with their actual or perceived sexual orientation. Five of them were sentenced to three years' imprisonment by Damanhour Criminal Court but acquitted on appeal in April 2002. Amnesty International received reports that the men were subjected to electric shocks and other forms of torture while in pre-trial detention.<sup>26</sup>

In another case, on 3 February 2002, an Amnesty International delegate attended the concluding session of the trial against four men, charged with “habitual debauchery”, before the Criminal Court of the Bulaq district of Cairo. She was able to speak with some of the accused, who told her that while they were in police custody they were suspended by the wrists, beaten with a thick stick and subjected to other forms of torture.

## **Torture causing or contributing to death in custody**

The number of reported cases of death in custody remains alarmingly high. Over the past decade, torture and other ill-treatment have reportedly caused or contributed to the deaths of scores of detainees. In January 2001 the UN Special Rapporteur on torture commented on communications received from the Egyptian authorities

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<sup>26</sup> For further details see Urgent Action (AI Index: MDE 12/004/2002, 24 January 2002) and follow-ups (AI Index: MDE 12/011/2002, 27 March 2002 and MDE 12/011/2002, 27 March 2002) on the case.

regarding cases of deaths in custody in previous years. He expressed concern about the persistence of the explanation of the cause of death in many of the cases submitted “as being a ‘sharp drop in blood pressure’, sometimes also of respiration”. He noted that such symptoms rarely happen spontaneously, but are generally provoked by prior factors such as trauma or malnourishment and concluded that the information provided by the Egyptian government was “far from alleviating the Special Rapporteur’s concerns”.<sup>27</sup>

During the first quarter of 2002 two cases of death in custody were reported in connection with torture. In February 2002 **Ahmad Taha Muhammad Yusif** died after he was reportedly tortured at Waley Police Station in Cairo, reportedly in order to force him to disclose the whereabouts of his brother. On 14 July 2002 Cairo Criminal Court sentenced three police officers to five years’ imprisonment each in connection with the death. In March 2002 **Sayid Khalifa ‘Isa** died after he was reportedly tortured at the police station of the second precinct of Madinat Nasr, a suburb of Cairo. On 8 August 2002 Cairo Criminal Court sentenced two police officers each to three years’ imprisonment in connection with the death.

Over the past few years a number of police and security officers have been sentenced to several years’ imprisonment in connection with deaths of detainees.<sup>28</sup> However, in many cases of death in custody no one is brought to justice.

For example, **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. In October 2000 Cairo Criminal Court sentenced a police officer accused of having beaten Shahhata Sha‘ban Shahhata to death to a suspended sentence of one year’s imprisonment. Although the autopsy report of Shahhata Sha‘ban Shahhata is consistent with allegations of torture, the convicted police officer had not been charged with torture, but with manslaughter, which carries between three and seven years’ imprisonment.

According to Amnesty International’s information, no one has been prosecuted in connection with the deaths in 2001 of the following people in circumstances suggesting that torture may have caused or contributed to the deaths<sup>29</sup>:

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<sup>27</sup> UN doc. E/CN.4/2001/66, para 474.

<sup>28</sup> See *Amnesty International: Egypt: Torture remains rife as cries for justice go unheeded (AI Index: MDE 12/001/2001)* pages 29-31.

<sup>29</sup> On 2 August 2002 Amnesty International sent a communication to the Egyptian authorities referring to the torture allegations in the following five cases of death in custody. The organization requested

**Muhammad Samir Abu al-Wafa**, who died on 13 January 2001 while detained at Hada'iq al-Qubba Police Station; **Khalid Muhammad Ahmad**, who died on 20 March 2001 while detained at 'Ain Shams Police Station in Cairo; **Ashraf Ibrahim Sharqawi**, who died on 29 March 2001 while detained at Badawi Police Station; **Ahmad Taha Hussein Khalifa**, who died on 29 October 2001 while detained at Qawaisna Police Station; and **Hisham Ahmad 'Abd al-Ghani**, who died on 7 December 2001 while detained at Shubrakhit Police Station.

## 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, such as the International Covenant on Civil and Political Rights and the Convention against Torture, 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;
- abolish incommunicado detention and ensure that detainees 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 for women in detention, by ensuring that women staff supervise the detention of women in all detention centres;
- conduct frequent, independent and unrestricted inspections of all places of detention, including premises of the SSI, and to prosecute officers responsible for unlawful detention of detainees, or failure to keep proper records of detainees;

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information regarding the investigations into these cases. However, by mid-October no response had been received.

- 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 human rights obligations.