



CONFIDENTIAL

Egypt:
Torture: A Systematic Practice

Sixth Follow-up Report

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

1 April 2015

Table of contents

I.	INTRODUCTION	3
II.	OBLIGATIONS UNDER THE CONVENTION STILL UNFULFILLED	4
III.	DEVELOPMENTS IN EGYPT	6
IV.	SYSTEMATIC NATURE OF TORTURE IN EGYPT REMAINS	8
4.1	INSUFFICIENT LEGAL FRAMEWORK	8
4.1.1	<i>The continuous application of the protest law and indefinite detention</i>	<i>8</i>
4.1.2	<i>The 2014 Constitution</i>	<i>9</i>
4.1.3	<i>Egyptian criminal law and the prohibition of torture.....</i>	<i>9</i>
V.	FORCES IMPLICATED, PLACES WHERE TORTURE IS PRACTICED AND GROUPS TARGETED	10
5.1	TORTURE AND ILL-TREATMENT IN THE CONTEXT OF VIOLENT REPRESSION OF ANY DISSENT, PARTICULARLY DURING DEMONSTRATIONS.....	11
5.2	TORTURE DUE TO POLITICAL OPINION AND TO SPREAD FEAR.....	12
5.3	TORTURE TO EXTRACT CONFESSIONS.....	14
5.4	WIDESPREAD TORTURE OF MINORS	16
5.5	INHUMAN OR DEGRADING TREATMENT CAUSED BY DENIAL OF MEDICAL TREATMENT AND/OR SEVERE CONDITIONS OF DETENTION	17
5.6	THE ISSUE OF SEXUAL VIOLENCE	19
5.7	PERPETRATORS' IMPUNITY.....	19
VI.	CONCLUSION	20

I. Introduction

In its sixth follow-up report, the Alkarama Foundation ("Alkarama") wishes to provide recent information in order for the Committee against Torture ("Committee") to assess the level of compliance of the Egyptian authorities with the provisions of the Convention against Torture and to keep the Committee informed of the recent developments regarding the practice of torture in Egypt. This report follows our original communication dated March 2012; the first follow-up report dated September 2012 ("First Follow-up Report"), the second follow-up report dated April 2013 ("Second Follow-up Report"), the third follow-up report dated October 2013 ("Third Follow-up Report"), the fourth follow-up report dated April 2014 ("Fourth Follow-up Report") and the fifth follow-up report dated October 2014 ("Fifth Follow-up Report").

Since Alkarama's Fifth Follow-up Report, our organisation has received and documented numerous cases of torture and ill-treatment that have occurred in every Egyptian Directorate along with systematic violations of the rights of citizens and in particular right to a fair trial; right to freedom of expression; right to freedom of peaceful assembly and even right to life. As described in previous follow-up reports and commented by several international organisations, including Alkarama¹ and United Nations bodies,² these violations have been perpetrated with full impunity by the Egyptian security apparatus.

These exactions contrast with the authorities renewed commitments for the protection and promotion of human rights during Egypt's second review at the Universal Periodic Review (UPR), during which they rejected criticism addressed by some delegations, declaring that the review itself had shown to the world the government's "*positive attitude*" towards civil and political liberties.³ Several renowned local NGOs had however boycotted the review in protest for the massive abuses committed by the Egyptian authorities since July 2013, showing the discrepancies between official declarations and the internal situation.⁴ Amongst the main concerns raised by these organisations and by Alkarama, is the persistent practice of torture and other cruel, inhuman and degrading treatment or punishment against a variety of victims, including women and children.

The massive infringements to Egypt's international obligations have been justified by the State's "*duty*" to "*crush terrorism*"⁵ in the Arab world.⁶ Indeed, in facing this threat, the authorities have progressively adapted their discourse, first declaring that they had not taken any exceptional measures regarding fundamental freedoms and that they were working "*to ensure the highest possible guarantees for the respect for human rights.*"⁷

However, it was later officially recognised that because of the "*exceptional*" circumstances that the country and the region were facing, the authorities had no choice but to violate fundamental liberties, including rights internationally agreed as being non-derogable, such as torture and the right to life.⁸ The Egyptian President had at the time implicitly stated that the authorities would continue violating civil liberties⁹ despite repetitive calls from the United Nations and NGOs, including Alkarama, to put an end to these exactions.

Eventually, what emerges from the authorities' discourse since Alkarama's Fifth Follow-up Report is the declared aim to carry out their policies against terrorism by all means and if needed without taking into account international human rights law and without giving the possibility for citizens to challenge such policies and to be guaranteed the free enjoyment of their most fundamental freedoms, including

¹ Alkarama, [Egypt: Deaths in Detention and Denial of Medical Treatment: the Authorities' Responsibility](#), 23 February 2015.

² Spokesperson of the UN High Commissioner for Human Rights, [Press briefing note on Egypt](#), 2 December 2014.

³ Ahram Online, [Egypt proved its human rights record positive during UN review: Minister](#), 9 November 2014.

⁴ Daily News Egypt, [7 rights groups decided against participation in UPR](#), 4 November 2014.

⁵ Al Arabiya News, [Egypt PM vows to crush terrorism in Arab world](#), 11 February 2015.

⁶ Indeed, the Government recently decided to launch airstrikes on the Libyan territory in retaliation for the beheading of 20 Egyptian Christian Copts in February 2015. See more at Alkarama, [Egypt: Investigate Arbitrary Executions of Civilians in Libya Airstrikes](#), 9 March 2015.

⁷ See Human Rights Council, Universal Periodic Review Second Cycle, Egypt, [Report of the Working group](#), A/HRC/28/16, 24 December 2014.

⁸ The National, [Egypt's El Sisi acknowledges rights abuses but defends police](#), 20 January 2015.

⁹ *Ibid.*

the right to be free from torture and ill-treatment. As a consequence, we strongly believe that the intervention of the Committee by means of a confidential inquiry is more than ever essential as the authorities need to realise the necessity to put an end to the practice of torture that continues to be perpetrated on a daily basis, and this, despite the fact that a confidential procedure was already undertaken by the Committee between 1991 and 1994.

As a reminder, the Egyptian authorities, at the time, expressed their discontent as to the publication of the Committee's publication of its results, giving the pretext that it would "*give a wrong indication to the terrorists groups and their supporters*" and "*encourage the latter to proceed with their terrorist schemes and to defend their criminal members who engage in acts of terrorism by resorting to false accusations of torture.*"¹⁰

The Committee noted that it was aware that allegations of torture received were made in a particular context *i.e.* a renewal of the state of emergency in the country until April 1997, with mass arrests and severe penalties for those found guilty of terrorism.¹¹ As described above, the same context is prevailing nowadays and the authorities have used the same language to justify the continued violations of human rights in the country.

The authorities have continued their repressive campaign against the Muslim Brotherhood, a political group that was designated a terrorist organisation in 2013, following the military coup that ousted Morsi from the presidency. Arbitrary arrests and enforced disappearances of alleged supporters of this group have persisted while the authorities recently broke the *de facto* moratorium on the death penalty by carrying out a death sentence against an alleged Muslim Brotherhood supporter in early March 2015 (see below).¹²

As a matter of fact, the repression against this group has broadened to secular groups as well and ill-treatment as been used as a tool to stifle any forms of dissidence. As a consequence, since the last Committee's inquiry, the practice of torture has worsened and continues to be widespread and systematic. Furthermore, the recommendations made by the Committee in 1995 to Egypt, namely to reinforce its legal and judicial infrastructure to combat torture; set up an independent investigation machinery; and undertake an investigation into the conduct of police forces, were clearly not implemented.¹³ Egypt therefore failed to "*inform the Committee within a reasonable delay of the action it takes with regard to the Committee's findings and in response to the Committee's comments or suggestions*", according to Rule 89(2) of the Rules of Procedure.

As we feel that the lack of a follow-up procedure to article 20 confidential inquiries impedes the Committee from reviewing the implementation of its recommendations, we call upon the Committee to initiate a new confidential inquiry with the Egyptian authorities urgently. Indeed, the persistent practice of torture since 1995 and the seriousness of this practice as well as the non-fulfilment of Egypt's obligations under the Convention justify that the systematic character of torture in Egypt be inquired again.

II. Obligations under the Convention still unfulfilled

Egypt ratified the Convention against torture on 25 June 1986 without reservations, but has not ratified its Optional Protocol (OP-CAT) to date. Egypt declared during its review at the UPR¹⁴ in November 2014 that the public prosecutor's office was conducting investigations into all reports of torture made by victims and even made surprise visits in detention centres,¹⁵ indirectly recalling its

¹⁰ General Assembly, 51st session, Report of the Committee against torture, A/51/44, para. 199.

¹¹ General Assembly, 51st session, Report of the Committee against torture, A/51/44, para. 202.

¹² Alkarama, [Egypt: Military Regime Carries Out 1st Execution Since Morsi's Ouster on the Sole Basis of Confessions Extracted Under Torture](#), 13 March 2015.

¹³ General Assembly, 51st session, Report of the Committee against torture, A/51/44, paras. 221-222.

¹⁴ Alkarama has decided to make several references to the latest UPR of Egypt as we believe that it is the most accurate and recent position expressed by the authorities regarding the promotion and protection of human rights and that several relevant mentions of the practice of torture and ill-treatment have been made at this occasion.

¹⁵ Human Rights Council, Report of the Working Group on the Universal Periodic Review – Egypt, 24 December 2014, A/HRC/28/16, para. 21

position regarding the ratification of the OP-CAT and the “*complex legal issues*” deriving from it, namely the fact that the Sub-Committee on the Prevention of Torture is entitled to visit such places of detention.¹⁶

At the adoption of the outcome of its UPR on 20 March 2015, Egypt declared having accepted totally and/or partially all recommendations related to the prohibition of torture, including regarding the establishment of an independent prison monitoring system that Egypt’s National Council for Human Rights (NCHR) proposed to carry out.¹⁷ In this connection, the NCHR made an inspection inside Abu Zaabal prison on 30 March 2015 after having received several reports of torture from detainees.

The members of the institution however regretted that the visit was only possible after an authorisation for the executive branch which removes the element of surprise and undermines its usefulness.¹⁸ They however issued a report that highlighted several wrongdoings from the authorities against prisoners.¹⁹ If this is a positive step, it has to be followed by concrete legislative and practical measures. It shall also be noted that the authorities again refused all recommendations regarding the ratification of OP-CAT.

Egypt has not made a declaration under article 21 of the Convention for interstate complaints nor accepted the individual complaints procedure under article 22. Egypt was at first scheduled to submit its fifth State report on 25 June 2004 to the Committee against Torture but has still not submitted it and has not indicated if it was accepting the new procedure i.e. the List of Issues Prior to Reporting. Its report is therefore nearly eleven years overdue. We urge the Committee to send a reminder to the Egyptian authorities to ask them to submit their fifth periodic report.

With regards to the International Covenant on Civil and Political Rights, ratified by Egypt on 14 January 1982, it has still not ratified either Optional Protocols relating to the use of the death penalty and the submission of individual complaints. It has refused recommendations regarding the ratification of ICCPR-OP2 at its last UPR review. Its fourth State report was due on 1 November 2004, but has still not been submitted. Its report is consequently also nearly eleven years overdue.

Furthermore, Alkarama deplores Egypt’s lack of cooperation with the Special Procedures of the Human Rights Council. Despite having sent invitations to four different Special Rapporteurs in March 2014, none of these invitations have been followed by an official visit to date. It had justified not having sent invitations previously because of the political unrest in the country following the revolution. The authorities have also sent a draft agreement for the establishment of a Regional Office for North Africa of the High Commissioner for Human Rights in Cairo in November 2014.

Ultimately, the Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment sent in 2014 nine joint urgent appeals to the Egyptian authorities and the latter failed to respond to two of them, including regarding the alleged torture, mistreatment and torture of 52 youths transmitted by Alkarama.²⁰

The Special Rapporteur also underlined that for the majority of the joint urgent appeals, the authorities did not “*sufficiently address the concerns, legal obligations, and questions raised in the initial communication, which prompts [the Special Rapporteur] to infer that the Government [of the Arab Republic of Egypt] fails to fully and expeditiously cooperate with the mandate issued by the Human Rights Council in its resolution 25/13, as well as to comply with its obligation, under international customary law, to investigate, prosecute and punish all acts of torture and other cruel,*

¹⁶ Human Rights Council, Report of the Working Group on the Universal Periodic Review – Egypt, Addendum, 7 June 2010, A/HRC/14/17/Add.1, para. 5.

¹⁷ Human Rights Council, [Intervention of the National Council for Human Rights of Egypt](#), UPR Report Consideration - 42nd Meeting, 28th Regular Session Human Rights Council, 20 March 2015.

¹⁸ Daily News Egypt, [NCHR inspects Abu Zaabal prison](#), 30 March 2015.

¹⁹ Daily News Egypt, [Beating, threatening and inhuman treatment: NCHR report on prisoners](#), 30 March 2015.

²⁰ Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, Addendum, Observations on communications transmitted to Governments and replies receives, 6 March 2015, A/HRC/28/68/Add.1, paras. 139-170.

inhuman or degrading treatment or punishment, as codified, inter alia, in the Convention against Torture (CAT).²¹

III. Developments in Egypt

Since October 2014 and Alkarama's Fifth Follow-up Report, Egypt has been the scene of continuous and aggravating human rights violations and while Alkarama had underlined the seriousness of the situation in previous reports, the current state of affairs in the country is unprecedented. While Egypt is still regularly hit by attacks carried out by armed groups, particularly in the Sinai region, it has widened its repression and adopted restrictive legislations without introducing the necessary safeguards to protect people's fundamental rights.

Arbitrary arrests occur on a daily basis and people are continuously deprived of their right to challenge the lawfulness of their detentions. They are often deprived of their rights to see their families, lawyers and are regularly refused the authorisation to see a doctor. Alkarama has documented numerous cases of individuals who have been indicted under fabricated charges and therefore remain detained by the Security Forces even in situations where courts have acquitted them.

It has been reported by Alkarama's sources in Egypt that at least 20 000 Egyptians have been arrested and imprisoned for political reasons in 2014. Mass trials, a practice that had been extremely criticised internationally and locally, have continued in 2015 and 183 alleged Muslim Brotherhood supporters were sentenced to death on 2 February 2015, a sentence that sparked criticism from UN Special Procedures.²²

Main figures of this movement remain imprisoned and Mohamed Badie, the fraternity spiritual leader, was sentenced to death along with 13 other defendants in the "*control room*" trial, a sentence that will be enforceable from 11 April 2015, after the decision will have been reviewed by the Grand Mufti. Their lawyers criticised the unfair and politicised character of the trial, declaring that they had not even finished their closing arguments when the verdict was rendered.²³

As highlighted in this report, the horrendous conditions of detention in prisons and unofficial detention centres often fall under the definition of cruel and degrading treatment while the practice of torture continues to be widespread and systematic. Enforced disappearances have also escalated and in total, approximately a thousand citizens have been abducted during 2014 when taking into account the ones that have reappeared or for whom their deaths in secret detention were eventually acknowledged by the authorities. We furthermore recall that *incommunicado* is an arbitrary form of detention *per se*²⁴ and can amount to inhuman and degrading treatment when prolonged indefinitely.²⁵

Despite new calls from the international community during its UPR review, the Egyptian authorities have not repealed law n°107 of 2013 "*on the Right to Public Meetings, Processions and Peaceful Demonstrations*" of November 2013 and rejected all recommendations made in this sense in the Human Rights Council 28th session of March 2015.²⁶ This law is still one of the authorities' main tools to stifle political and peaceful opposition. Furthermore, the authorities have adopted a new law to their repressive legislative arsenal, Decree n°136 of 27 October 2014 for the "*Securing and Protection of Public and Vital Facilities*", which broadened the jurisdiction of military courts to try civilians; a competence already provided under article 204 of the Constitution under specific circumstances.

²¹ *Ibid.*

²² OHCHR, [Mass death sentences in Egypt a profound disgrace, UN human rights experts say](#), 9 February 2015.

²³ Jurist, [Egypt court sentences Muslim Brotherhood leader to death](#), 17 March 2015.

²⁴ See for example: WGAD Opinion 14/2009 (the Gambia), UN Doc. A/HRC/13/30/Add.1 (2010) pp187-191 §§19-22; Salem Saad Ali Bashasha v The Libyan Arab Jamahiriya, HRC, UN Doc. CCPR/C/100/D/1776/2008 (2010) §7.6; European Court: El-Masri v The Former Yugoslav Republic of Macedonia, (39630/09) Grand Chamber (2012) §§230-241.

²⁵ Inter-American Court: Cantoral-Benavides v Peru (2000) §83; Chaparro Álvarez and Lapo Íñiguez v Ecuador (2007) §§166-172.

²⁶ Human Rights Council, [Informe del Grupo de Trabajo sobre el Examen Periódico Universal – Egipto, Adición, Observaciones sobre las conclusiones y/o recomendaciones, compromisos voluntarios y respuestas del Estado examinado](#), A/HRC/28/16/Add.1, 2 March 2015 (Spanish version).

As a consequence of this decree, the latter are for two years competent to try all civilians accused of having “*attacked*” a public facility. The law is however particularly vague, which could mean that all individuals arrested during peaceful demonstrations in front of public facilities could be referred to military courts, which are under the direct orders of the Ministry of Defence and not the Ministry of Justice.

This law confirms the shift towards a greatest militarisation of the state of affairs in Egypt and the authorities’ will to have a justice at the orders of the executive branch, as illustrated by the decision to forcibly retire 41 judges who were alleged supporters of the Muslim Brotherhood,²⁷ a decision that goes directly against the principle of separation of powers and calling into question the independence of the judiciary.

Furthermore, the Emergency Law was put into force again in the Sinai region, following several attacks by armed groups against military facilities and personnel in October 2014. This exceptional measure and the curfew declared at the same time were supposed to be in force for three months but the authorities have decided to renew it. Besides the extraordinary powers given to the military with this exceptional measure, the authorities have also decided to create a buffer-zone along the Gaza strip. This has led to the forced and discretionary displacement of hundreds of inhabitants of the region and the arbitrary demolition of houses, a practice that can amount to ill-treatment.²⁸ Moreover, the authorities have carried out extrajudicial executions against individuals under the pretext that they were militants.²⁹

In this context, the authorities have approved a new counter-terrorism law n°8 of 2015 on “*the organisation of terrorist entities*” that was widely criticised as lacking safeguards and having a broad wording.³⁰ With the wide definition of a terrorist entity, all organisations, even human rights one can be designated as a one if these entities and its members prosecuted as terrorist. The first implementation of this law saw the listing of several Muslim Brotherhood figures, including Mohamed Badie.³¹

Contrasting with Egypt’s declarations made during the UPR regarding freedom of speech and of opinion in the country, harassments against journalists and media have persisted. For instance, if one of the three Al Jazeera journalists arrested in 2014 was released and sent back to Australia, his two colleagues are awaiting retrial while he will be tried in absentia.³² In total, it has been reported by the Journalist Against Torture Observatory that 674 violations have been committed against journalists in 2014, ranging from preventing journalistic coverage to arrests and detentions.³³ As a result, Reporters Without Borders ranked Egypt 159 out of 180 regarding freedom of the press in 2014.³⁴

In addition to the crackdown on media, the authorities have continued their campaign against the civil society. As highlighted in our Fifth Follow-up Report, local organisations were compelled to register before the Ministry of Solidarity in November 2015, few days after Egypt’s second UPR, and it was reported that many organisations had seen their registrations refused while numerous decided not to register at all, or under other legal forms.

²⁷ Reuters, [Egypt sacks 41 judges for supporting Brotherhood - sources](#), 14 March 2015.

²⁸ Comité des droits de l’homme, Farid Faraoun c. Algérie, Communication n°1884/2009, 18 October 2013, CCPR/C/109/D/1884/2009, p.13.

²⁹ Alkarama, [Egypt: Arbitrary Executions of Civilians in North Sinai](#), 27 February 2015.

³⁰ For instance, under this law, is considered a terrorist entity all « *association, organisation, group, gang, cell or other grouping which – de jure or de facto, through any means, inside or outside the country – seeks to call for the harming of individuals, the spread of terror or the endangering of the lives, freedoms, rights or security of the people*”. This law also prohibits the harming of the environment, natural materials, antiquities, communications, land, air or sea transportation, as well as the harming or seizure of public or private funds, building of properties. It also forbids the obstruction of public authorities, judicial agencies or bodies, government interests, local units, places of worship, hospitals, institutions, science institutes and other public facilities.

³¹ Ahram Online, [Egypt puts top Brotherhood members on 'terrorist list'](#), 29 March 2015.

³² SkyNews, [Egypt court adjourns Al Jazeera retrial](#), 21 March 2015.

³³ Ahram Online, [674 violations against Egyptian journalists in 2014: Watchdog group](#), 24 March 2015.

³⁴ Reporters Without Borders, [World Press Freedom Index 2014](#).

As exposed before, several NGOs had decided to boycott the UPR review in protest against this discretionary measure and in fear of reprisal.³⁵ Another telling example of the difficulties NGOs have to operate freely in Egypt was the decision of the Carter Centre to close its Cairo office³⁶ while the Cairo Institute for Human Rights Studies decided to move its regional and international offices to Tunisia.³⁷ Furthermore, it has been reported that the authorities have arbitrarily dissolved hundreds of local NGOs that were allegedly related to the Muslim Brotherhood.³⁸

Finally, the parliamentary elections that were scheduled for 21-22 March and 6-7 May 2015 have finally been postponed following the Supreme Constitutional Court (SSC) decision of unconstitutionality of the Electoral Districts law, on 1 March 2015. The SSC declared another law organising the parliamentary elections to be unconstitutional on 7 March and no timeline has been approved yet as to when the elections will be held.

IV. Systematic nature of torture in Egypt remains

4.1 Insufficient legal framework

4.1.1 The jurisdiction of military courts and pre-trial detention

As highlighted above, the Egyptian Constitution of February 2014 at its article 204 provides that "*No civilian shall face trial before the Military Court, except for crimes that constitute a direct assault against military facilities or camps of the Armed Forces, or their equivalents, against military zones or border zones determined as military zones, against the Armed Forces' equipment, vehicles, weapons, ammunition, documents, military secrets, or its public funds, or against military factories; crimes pertaining to military service; or crimes that constitute a direct assault against the officers or personnel of the Armed Forces by reason of performing their duties.*"

Consequently, military courts are still competent to try civilians in certain circumstances, despite the standing position of several bodies regarding the prohibition of this practice. With regards to Egypt, it has been underlined on numerous occasions by the Working Group on Arbitrary Detention that any decision of a military court against a civilian, including those relating to preventive detention, constituted a violation of Article 14 of the International Covenant on Civil and Political Rights as the necessary requirements of independence and impartiality of these courts could not be met.³⁹ For instance, it is not exceptional for lawyers not to be informed of the ongoing procedure against their clients before the court and for confessions obtained under duress to be admitted by military judges.⁴⁰

As described above, the extension of the jurisdiction of these courts to try all civilians who are accused of attacking a public facility is a worrying development as it means that all peaceful demonstrators arrested could therefore be referred to courts who *per se*, are not meeting the necessary requirements of a fair and public trial. Furthermore, the Egyptian authorities have rejected all recommendations made by other States underlining the need to end military trials of civilians.⁴¹

As a matter of fact, hundreds of civilians have been referred to military courts in two days in March 2015⁴² confirming the escalation in the use of this decree to stifle peaceful opposition in the country. It has particularly been used against students who are still regularly protesting against the authorities on campuses,⁴³ as a presidential decree issued in October 2014 has allowed the army to assist the

³⁵ Joint Press Release, [As a Result of a Direct Threat to their Work: Egyptian Human Rights Organizations Have Decided Not to Participate in Egypt's UPR before the UN](#), 5 November 2014.

³⁶ Financial Times, [Carter Center withdraws from Egypt amid rights crackdown](#), 16 October 2014.

³⁷ CIHRS, [After 20 years: CIHRS moves its regional and international programs outside Egypt](#), 9 December 2014.

³⁸ Daily News Egypt, [More Muslim Brotherhood-affiliated NGOs dissolved in Egypt](#), 1 March 2015

³⁹ Alkarama, [Egypt: UN Calls on Egyptian Authorities to Release Khaled Hamza and Four Other Civilians and to Respect its International Obligations](#), 17 December 2014.

⁴⁰ Amnesty International, [Egypt: Dozens of disappeared civilians face ongoing torture at military prison](#), 22 May 2014.

⁴¹ Norway, Austria and Lithuania made recommendations in this sense. See Human Rights Council, Report of the Working Group on the Universal Periodic Review – Egypt, A/HRC/68/28/16, 24 December 2014, p.23.

⁴² Daily News Egypt, [Over 300 civilians referred to military judiciary in 2 days](#), 22 March 2015.

⁴³ Daily News Egypt, [Military court sentences student up to 10 years prison-time](#), 20 March 2015

police during their operations on university campuses. Moreover, and in breach of the Egyptian Constitution, the law has been used retroactively against individuals who had been arrested before the decree was enacted. In total, it was reported that more than 3 000 individuals have been referred to military courts over the past five months.⁴⁴

As described in our Third and Fourth Follow-up Report, the amendments to article 143 of the Criminal Procedure Code have opened the possibility for the courts to renew preventive detention indefinitely. Despite several recommendations pushing for its withdrawal, Egypt has rejected all of them⁴⁵ and hundreds of political opponents, students, syndicated workers, professors, human rights defenders remain detained without charges, often in over-crowded police station jails and without the possibility of consulting with a lawyer and sometimes without being authorised to receive visits from their families.

4.1.2 The 2014 Constitution

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

Article 52

"All forms of torture are a crime with no statute of limitations."

Article 55

"All those who are apprehended, detained or have their freedom restricted shall be treated in a way that preserves their dignity. They may not be tortured, terrorized, or coerced. They may not be physically or mentally harmed, or arrested and confined in designated locations that are appropriate according to humanitarian and health standards. The state shall provide means of access for those with disabilities. Any violation of the above is a crime and the perpetrator shall be punished under the law. The accused possesses the right to remain silent. Any statement that is proven to have been given by the detainee under pressure of any of that which is stated above, or the threat of such, shall be considered null and void."

Alkarama welcomes these provisions as they forbid and criminalise the use of torture and reject confessions obtained under duress. However, if the Egyptians authorities do not bring their legislation – and criminal law in particular – in line with international standards and the CAT, these constitutional provisions cannot be put into practice, as it was recognised by the Egyptian authorities in their national report submitted for the second UPR review.⁴⁶

The Egyptian authorities have subsequently accepted recommendations aiming at adopting a definition of torture in line with the one set out at article 1 of the Convention against Torture and to better criminalise the practice of torture.⁴⁷

4.1.3 Egyptian criminal law and the prohibition of torture

An appropriate legal framework is needed in order for the above-mentioned Constitutional provisions to be effective. Yet, no changes have been introduced to Egyptian criminal law since our last follow-up

⁴⁴ Mada Masr, [3000 civilians tried in military courts in 5 months: No to Military Trials campaign](#), 24 March 2015.

⁴⁵ Human Rights Council, Report of the Working Group on the Universal Periodic Review – Egypt, A/HRC/68/28/16, 24 December 2014.

⁴⁶ General Assembly, National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, Egypt, A/HRC/WG.6/20/EGY/1, p.16

⁴⁷ Human Rights Council, [Informe del Grupo de Trabajo sobre el Examen Periódico Universal – Egipto, Adición, Observaciones sobre las conclusiones y/o recomendaciones, compromisos voluntarios y respuestas del Estado examinado](#), A/HRC/28/16/Add.1, 2 March 2015 (Spanish version).

report. None of the amendments to articles 126 and 129 of the Criminal Code that were discussed in autumn 2013 (see our Third Follow-up Report) were approved, the Egyptian authorities stating that the unfolding of the revolution impeded the adoption of appropriate laws.⁴⁸

Despite the authorities' declaration according to which all reports of torture are investigated by the public prosecution, this possibility is not enforceable in practice.⁴⁹ Thus, Egyptian criminal law still falls short of the country's obligations under international law and the Convention against torture. The authorities having recently shown willingness to amend the Egyptian criminal law regarding torture, Alkarama hopes that practical changes will be swiftly made.

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

In the course of 2014, the practice of torture has continued to be practiced on a daily basis in official and unofficial detention centres as well as in custody. It has targeted not only political opponents, be they related to the Muslim Brotherhood or not, but all kind of people who have criticised publicly the authorities' policies and laws, human rights defenders and ordinary citizens, men, women or children. The practice of torture comes along with daily arbitrary arrests and an alarming escalation of enforced disappearances.

The cases that have been used to illustrate this follow-up report show that the practice of torture and ill-treatment is generalised and systematic and occurs in every Egyptian directorate. All kind of security forces – police, intelligence services, military and prison guards – have recourse to this practice with impunity. Similarly, places where torture is practiced are diverse: military bases, State Security forces facilities, police stations and prisons. The case of Mohamed Saïd Rizq is illustrative of the practice of torture by all sorts of security forces and in different places of detention.

1. Mr ██████████ محمد Rizq ██████████ is aged ██████████ (born in ██████████). He used to work in the food industry and to live in the ██████████, Damietta Governorate. He is married and holds National ID card n° ██████████.

On 27 August 2014, Mr ██████████ took part to a peaceful demonstration against the government near Al Assil Mosque in Raabia neighbourhood, Damietta. At the end of the march, Mr ██████████ left to go back to work. As he was getting close to his workplace, he was intercepted by several police officers in uniforms who violently arrested him and brought him to Damietta second police station where he was interrogated while being secretly detained for a couple of days.

He was violently beaten on the face and his feet with sticks⁵¹ by the police officers during his interrogations, in reprisal for having taken part to a demonstration against the authorities. He was subsequently charged with "*unauthorised demonstration*" under the restrictive law on protests n°107 of 2013. This law has been extensively used against all kind of peaceful political opponents in Egypt and particularly against supporters of the Muslim Brotherhood.

After two days of torture, Mr ██████████ was moved to Kafr Saad Police Department where he was detained for a week and ill-treated again. Suffering from serious injuries caused by repeated beatings, he was eventually brought to a doctor. The latter, after acknowledging that he had been tortured, prescribed him a medical treatment. However and in spite of his health condition, the police officers refused to let the medication enter the Kafr Saad police station upon his return and continued to detain the victim in inhuman conditions.

⁴⁸ General Assembly, National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, Egypt, A/HRC/WG.6/20/EGY/1, p.16

⁴⁹ *Ibid.*

⁵⁰ All cases marked with « * » have also been sent to the United Nations Special Rapporteur on Torture by Alkarama and sometimes to other procedures as well.

⁵¹ A practice named *falaka* (foot-whipping) which is a common form of beating the soles of a person's feet as a form of corporal punishment.

3. Mr [REDACTED] is aged [REDACTED] (born on 2 June [REDACTED]). He lives in [REDACTED] Suez Governorate. He is a [REDACTED] student in secondary school. He is single and holds National ID card n° [REDACTED]. He is the brother of [REDACTED] whose case is documented below.

Mr [REDACTED] was arrested on 10 May 2014 by police officers following a demonstration in Suez. He reported having been beaten inside the police car and that he was directly brought to the State Security Facility in Suez where he remained detained *incommunicado* for two days. He testified having been tortured by means of electrocution and beatings at this occasion. After two days of secret detention, he was brought before the public prosecutor who charged him with "possession of fireworks" and "making the Rabia sign".⁵⁶

His family filed complaints with the Attorney General regarding his conditions of detention and the torture he was subjected to, to no avail. He is still detained to date and no date for his trial has been decided yet.

5.2 Torture due to political opinion, alleged terrorist activities and to spread fear

The practice of subjecting individuals to torture as an act of reprisals or retaliation has become commonplace in the last couple of years; particularly against sympathisers of the Muslim Brotherhood. They are targeted whenever evidence of their political opinion comes to the attention of the police or during demonstrations when they are arrested and tortured in order to be intimidated into not going anymore to demonstrations, as illustrated by the cases documented below. Even when they are not politically affiliated with the Muslim Brotherhood, the authorities charged them with this accusation, as the legislation is now more severe for this group.

With the new legislations on terrorism and the designation of the Muslim Brotherhood as a terrorist organisation, the authorities have begun arresting and prosecuting people under charges of terrorism without any proof and often torture people in this regard.

4. Mr [REDACTED] is aged [REDACTED] (born on 10 December [REDACTED]). He is a graduate from Cairo's university engineering department and used to live in the [REDACTED], Giza Governorate. He is also a volunteer at [REDACTED] charity organisation. He is single and holds national ID card n° [REDACTED].

Mr [REDACTED] was arrested on 22 September 2014 by the Homeland Security forces while he was at home. Forcibly brought to an undisclosed location, he remained detained *incommunicado* until 19 January 2015. During his *incommunicado* detention, he remained inside Al Azouli military prison, a notorious detention centre for the practice of torture, where he reported having been severely tortured. Military officers repeatedly electrocuted and burned him while he was hanged by the hands. The torture was so violent that both his arms broke and the authorities had to urgently make him undergo surgery.

It is only after international newspapers wrote about him that his family was finally allowed to visit him on 19 January 2015 for ten minutes only, in Tora prison. They learned that he had been charged with "affiliation to a terrorist group" and were able to see the marks of torture on his arms. His detention has been since renewed every 15 days and no date for his trial has been decided. He is still detained inside Tora prison and his family is only allowed to see him sporadically. It was also reported that all his personal belongings in the prison were confiscated and that he was still ill-treated by officers.

5. Mr [REDACTED] is aged 43. He is a worker and usually lives with his family in [REDACTED] a neighbourhood located in northern Giza. He is married and has six children.

⁵⁶ This sign has been intensively used during peaceful protests in Egypt by people opposing the military coup of July 2013.

On the eve of 22 July 2014, Imbaba's police broke into Mr ██████ house, without showing a judicial warrant. After searching the house, the Police arrested him and forcibly brought him to Imbaba's police station, where he reported having been subjected to torture. He testified having been handcuffed in the back by the police officers who then repeatedly beaten him on all parts of his body with sticks, fists and feet.

He was then transferred to the Security Forces camp, situated near Alexandria's road, where he was detained *incommunicado* for one week and subjected to torture again. Later, Mr ██████ was brought before the prosecutor who interrogated him for four hours. It is only at this stage that Mr ██████ learned that he was accused of being "*affiliated with the Muslim Brotherhood*".

The Prosecutor always refused to appoint a doctor, despite the evident signs of torture on Mr ██████'s body and his bad state of health. Instead, he ordered his return to detention, turning a blind eye on the acts of torture perpetrated by the police forces. He is still detained in the Security Forces camp, a non-official detention centre.

6. Mr ██████ (born on 15 February ██████) is aged ██████ (born on 15 February ██████). He is working for ██████ newspaper and used to live in ██████, Giza Governorate. He is married and has three children. He holds national ID n° ██████

On 12 December 2014, several police officers came to Mr Hassan's house and asked for him. Without showing an arrest warrant, they forcibly took Mr ██████ his wife and one of his children as well as several personal items of Mr Hassan's with them. They were all brought to Agouza police station where he was beaten and insulted. The officers also threatened his wife and his two-year-old daughter before releasing them after few hours in custody.

He was charged without the presence of his lawyer with "*publishing false news*", "*incitement to violence*", "*aiming at overthrowing the government*" and to have "*received funding from abroad*" by the public prosecutor who prolonged his detention for four days to give time to the Homeland Security to finalise their investigations. His family later learned that he had been arrested because he was suspected by the intelligence services of having sent leaks of the Egyptian government, and particularly of Al Sisi, to a TV Channel named ██████. He has constantly rejected these accusations, declaring that he was only working for ██████ newspaper, a media outlet usually described as being pro-governmental.

He reported having been tortured again and on 23 December, he was brought before the public prosecutor, who renewed his detention for 15 days. He was subsequently transferred to a cell with convicted criminals in Wadi Natrum prison and his detention has been since renewed every 15 days, pending trial. In protest against his arbitrary and unjust detention, he started an open-ended hunger strike at the end of March.

7. Mr ██████ (born on 2 June ██████) is aged ██████ (born on 2 June ██████). He lives in ██████, Suez Governorate. He is a third year student in secondary school. He is single and holds National ID card n° ██████. He is the brother of ██████ listed below.

Mr ██████ was arrested on 10 May 2014 after a demonstration in Suez by police officers. He reported having been beaten inside the police car and that he was directly brought to the State Security Facility in Suez where he remained detained *incommunicado* for two days. He testified having been tortured by means of electrocution and beatings. After these two days of secret detention, he was brought before the public prosecutor who charged him with "*possession of fireworks*" and "*making the Rabia sign*".

His family filed complaints before the Attorney General regarding his conditions of detention and the torture he was subjected to, but to no avail. He is still detained to date and no date for his trial has been decided yet.

8. Mr [REDACTED] (born 29 July [REDACTED]) is aged [REDACTED] (born 29 July [REDACTED]). He is a fourth year student at the [REDACTED] of Cairo University and lives in [REDACTED], Cairo. He holds National ID n° [REDACTED] and is single.

Mr [REDACTED] was arrested along with four friends on 30 December 2014 in one of Cairo's train station while he was coming back from university. The five men were held in custody for the night and his friends were all released in the morning. Mr [REDACTED] was brought to his apartment by Special Forces officers who searched his house and took several of his personal items. He was then transferred to the 6th of October City State Security facility where he remained detained *incommunicado* for 13 days and was reportedly violently beaten everyday by Security Forces officers. His family sent a telegram to the Attorney General regarding his disappearance but they never received an answer.

Following his secret detention, he was brought before the public prosecutor who charged him with "*complicity of murder*", "*fabrication of bombs*", "*affiliation with a banned group*", charges that Mr [REDACTED] firmly rejected. The prosecutor subsequently renewed his detention for 15 days despite Mr [REDACTED] complaints and prolonged it again for 15 days a couple of weeks later. The third time, Mr [REDACTED] refused to attend the hearing before the prosecutor to compel the Security Forces to authorise for his examination by a doctor; to document that he had been tortured. His request was however rejected and his detention prolonged *in absentia*. He is still detained to date.

5.3 Torture to extract confessions

Extracting "confessions" remains a key objective since the authorities can use them to justify the arrest and produce evidence for a conviction in court. Of all the cases we have documented, we never received information according to which judges requested investigations into the allegations of torture made by detainees. Security forces in Egypt still resort to violence to obtain confessions which will be used in court judicial proceedings, in contravention of its international obligations. It is generally during the first days of detention, often secret, that victims are tortured before they are even charged by the public prosecution.

Egyptian authorities must be aware that the use of confessions and information through torture in court room proceedings renders the trial unfair. Alkarama has continued to report abuse of Egyptian authorities in this regard.

9. Mr Mahmoud Hassan Ramadan **Abdel Naby Negm*** (حسن رمضان عبد النبي نجم محمود) is aged 34 (born on 27 November 1982 in Alexandria). He was an accountant at Petrojet (Oil Company) and used to live in Saif Street, near the Security Forces camp in Alexandria. He was married and held national ID card n° 28211270200059.

He was arrested on 8 July 2013 at his father's home in Alexandria by Homeland Security officers who did not show an arrest warrant and violently beat him up upon arrest and terrorised his relatives. He was immediately brought to Alexandria Security Directorate where he was charged, as well as 57 other people, with "*unlawful demonstration*", "*destruction of property*" and "*murder*", without being assisted by a lawyer.

He was then detained *incommunicado* for one month inside the Security Directorate facility, in appalling conditions and during which he reported having been tortured to confess the crimes he was accused of and particularly of the murder of a young boy on 5 July 2013 during a demonstration. Psychologically affected and continuously ill-treated and harassed by the security officers, he eventually admitted the crimes under duress, confessions that were recorded and broadcasted later on television.

His lawyer tried to repeal the confessions during his trial as they had been obtained under torture but his demand was not met by the judge, to the contrary. Indeed, the confessions

were used during his trial and justified his sentence to death on 19 May 2014 by Alexandria Criminal Court.

His sentence was reviewed and approved by the Grand Mufti of Egypt and the Court of Cassation rejected his appeal on 5 February 2015. Ultimately, his family's request for a presidential grace was not answered and the authorities carried out his execution on 7 March 2015 despite an urgent appeal from the African Commission asking to postpone the sentence in light of the numerous irregularities of his trial.

10. Mr [REDACTED] is aged [REDACTED] (born on 10 February [REDACTED]). He is a second-year student at the [REDACTED] University of Mansoura and lives in [REDACTED], Dakahlia Governorate. He is single.

He was arrested on 9 October 2014 by the police while he was at home and forcibly brought to a State Security facility in Mansoura where he stayed for 20 days and reported having been continuously tortured by means of beatings and electrocution as well as humiliations and threats on his family to force him to confess crimes, which he eventually did by recognising that he was the member of a "banned group" and that he had committed murder.

After confessing these crimes, he was charged by the public prosecutor on 30 October 2014 and was allowed to see his family for the first time. The latter had sent complaints to the Attorney General regarding his disappearance, to no avail. His lawyer also raised the issue of the confessions obtained under duress to the public prosecutor but he refused to take Mr [REDACTED] reports in consideration. He is still detained pending trial.

11. Mr [REDACTED] (ب.د. [REDACTED]), is aged [REDACTED] (born on 8 February [REDACTED]). He has a bachelor degree in sciences and owns an [REDACTED] company. He lives in [REDACTED], Dakahlia Governorate. He holds national ID n° [REDACTED].

On 28 December 2014, Mr [REDACTED] was arrested in Alexandria's streets after having been chased by Mansoura Security Forces officers who then forcibly brought him to Mansoura Security Forces Department where he was detained *incommunicado* for eight consecutive days. He reported having been tortured by the head of the investigations department of Mansoura by means of electrocution and beaten with sticks on the hands and kicked to force him to recognise that he was funding a terrorist cell and that he had murdered the son of a member of the Court of Appeal of Cairo in September 2014.

After his *incommunicado* detention, he was brought at night and without his lawyer before the public prosecutor who asked him to recognise the charges held against him, which he refused. The prosecutor then ordered his return to detention where he reported having been tortured again but he did not confess. He was then put into solitary confinement in an extremely cold cell without access to water and little sunlight.

After some days in detention, he was brought in a location undisclosed by officers who filmed him meeting people that he did not know and to whom he was forced to give money, to prove that he was financing them, as he was accused of financing a terrorist cell. He was then brought back before the prosecutor who then renewed his detention for 15 days.

Despite having sent several telegrams to the Attorney General of Cairo and of Mansoura, his family was refused the right to visit him or to bring him food until 7 January 2015 and on the 9th he was put in a normal cell. On 10 January, he was brought again before the prosecutor who renewed his detention for alleged reasons of "investigation". He is still detained to date without having been brought before a judge.

12. Mr [REDACTED] is aged [REDACTED] (born on 9 February [REDACTED]). He is an engineer student and used to live in [REDACTED] Menoufa Governorate. He is single.

Mr [REDACTED] was arrested on 24 September 2014 while he was coming out of a mosque located inside Misr University, 6th of October City, by police officers wearing civilian uniforms. They severely beat him up on site before bringing him to the State Security facility in Sheikh Zayed City. There, he reported having been subjected to torture and particularly of having been electrocuted, beaten all over his body while he was hanged from the hands, blindfolded. His ordeal lasted 20 days and the officers eventually forced him to read confessions before a camera. The charges he was asked to read were related to "bombings" and "possession of weapons".

He was then brought to the State Security Prosecution office in Tajamo Al Khamis, without his lawyer. He complained to the prosecutor about the torture he had been subjected to and asked the authorisation to see a doctor, which the latter refused. To the contrary, Mr [REDACTED] was beaten in front of the prosecutor to force him to confess, which he did not. His detention was subsequently renewed for 15 days and he was transferred to Scorpio Prison. No date for his trial has been decided yet and he remains at very high risk of being tortured again.

5.4 Widespread torture of minors

Unfortunately, Alkarama is still receiving more and more cases of minors being subjected to torture in Egypt, for whom ill-treatment reaches the severity threshold of torture more easily than for adults, considering the vulnerability of the victims due to their age. These are the most recent cases of torture of juveniles received by Alkarama, accompanied by a violation of the freedom from arbitrary detention and sometimes, of freedom of expression and freedom of peaceful assembly. We recall that the age of majority in Egypt is 21.

13. Mr [REDACTED] (born on 16 March [REDACTED]) is aged [REDACTED] He is a third grade middle school student and he is living in [REDACTED], Alexandria Governorate. He holds National ID card n° [REDACTED]

Mr Mohammed was arrested after the Special Forces raided his home on 10 February 2015. Without providing reason for his arrest, they brought him to Alexandria Security Directorate where he remained detained *incommunicado* for 15 days and reported having been subjected to various forms of torture, including electrocution. Despite having filed a complaint during his disappearance, his family was only allowed to see him when he was brought before the public prosecutor on 25 February 2015.

Without having been examined by a doctor even though he was still suffering from the aftermaths of the torture he had been subjected to, he was transferred to Dekheila Security Department where he reported having been mistreated again by officers. He was eventually released at the beginning of March.

14. Mr [REDACTED] is aged 18 (born in [REDACTED]) He is a student in Engineering Studies and used to live in [REDACTED], Damietta Governorate, Egypt.

Mr [REDACTED] was arrested on 10 November 2014 during a raid on his house conducted by the police forces around 2 a.m. Without showing an arrest warrant, they forcibly brought him to Faraskour Security Department where he remained detained *incommunicado* for two days and reported having been tortured.

He declared that the officers stripped him naked and electrocuted him repeatedly to force him to confess that he had committed "arson on the Union Council building" and that he was a member of an "outlawed group". Because of the severity of the torture he was subjected to, he eventually admitted having perpetrated such crimes and he was subsequently charged by the public prosecutor under these accusations. The latter, aware of the acts of torture Mr [REDACTED] had been subjected to refused his demand to see a doctor and renewed his detention

for 15 days on several occasions. He was referred to military court for hearings in January 2015 and is still awaiting his sentence.

15. Mr [REDACTED] [REDACTED] is aged [REDACTED] (born on 18 January [REDACTED]). He is a student in secondary school and lives in the [REDACTED], Suez Governorate. He holds National ID card n° [REDACTED] and is single. He is the brother of [REDACTED] whose case is documented above.

Mr [REDACTED] was arrested on 9 September 2014 during a raid on his family's home by the police. The officers broke the door, assaulted and insulted Mr [REDACTED] mother, asking for him. He was then forcibly brought outside of the apartment and brought to Suez State Security facility where he reported having been continuously tortured for 24 hours by means of electrocution on his genitals and cuts with knives. The following day, still suffering, he was put into an ill-ventilated police van and stayed there for one day and a half without food or water. After this ordeal, he was transferred to Ataka prison.

His parents filed a complaint before the Attorney General and the State Attorney of Suez regarding his disappearance to no avail and after his two days of secret detention, he was charged with "*demonstrating and showing pictures of Morsl*" and of "*making the Rabia sign*". He was however acquitted for both charges in November 2014 but the Security Forces charged him again with having "*joined a banned group*".

His family was prevented from visiting him on several occasions as well as bringing him food and books. The Security Forces even confiscated his clothes and threatened his mother of reprisals if she continued complaining about his conditions of detention. He is still detained to date pending trial.

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

Severe conditions of detention – a general trend in Egypt⁵⁷ – can amount to cruel, inhuman and degrading treatment or punishment as they sometimes lack evidence of the intentional purposive element. However, the intentional withholding of medical treatment from persons either injured by state officials or detained amounts to torture, as this had been underlined in the report of the Special Rapporteur on torture on "*Applying the torture and ill-treatment protection framework in health-care settings*".⁵⁸ Alkarama received credible information from various source indicating a trend of denial of pain treatment towards detainees, particularly those detained for political reasons, from the authorities.

The denial of pain treatment and/or torture the victims have been subjected to has also led to the deaths of individuals⁵⁹ and it has been reported to Alkarama that at least one hundred individuals have died in detention during 2014.

16. Mr Abubakar Ahmed **Hanafi*** (ابوبكر احمد حنفى) is aged 46 (born in 1969). He was an accountant in a sugar-plant company and used to live in Qus, Qena Governorate. He was married and had no children.

Mr Hanafi was arrested on 1 January 2014 at his work by police officers and was forcibly brought to Qus' police station where he was charged in the "*Qena Square*" case n° 9230. Without being authorised to call his family or a lawyer, he was brought to Qena General Security Directorate where he remained detained for four days in horrendous conditions. He was moved for three days to Qena prison and remained there for nine months and was

⁵⁷ EIPR, "[Health in Egyptian Prisons: a field study on the determinants of health behind bars](#)", 17 June 2014 (accessed on 15 October 2014).

⁵⁸ Human Rights Council, [Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, A/HRC/22/53](#), 1 February 2013 (accessed on 15 October 2014).

⁵⁹ Daily News Egypt, [3rd detainee dies in Matariya police station](#), 28 February 2015.

regularly brought before Qena's Criminal Court for hearings. During the seventh month of his detention in Qena prison he developed several pathologies and asked to see a doctor on several occasions but the authorities refused to comply with his demand for two consecutive months.

It is only because of the aggravation of his health that the wardens eventually authorised his urgent hospitalisation. He was consequently transferred to Assiut prison hospital where he stayed for 40 days without any medical supervision or treatment, despite his condition. He was successively transferred to different hospitals and prisons before the prosecutor requested his transfer to Assiut hospital on 29 September 2014 but the prison personnel refused to implement the decision, despite the fact that Mr Hanafi had developed a malignant tumour of the pancreas.

It is only on 12 November 2014 and after several impediments from the prison administration that he was moved to Assiut prison hospital. His family was denied the possibility to visit him and was informed on 14 November 2014 that he had died. The authorities brought Mr Hanafi's body to the hospital and asked the personnel to write in the death certificate that he had died in the hospital and not in prison. As a consequence, the hospital refused to stamp the certificate, fearing his death could have been suspect.

- 17.** Mr Zaki Abu Hanafi **Majd*** (زكى ابو المجد الحنفى) is aged 54 (born in 1961). He was an agronomist and used to live in Al Maadi, Cairo Governorate. He was married and had six children.

Mr Majd was arrested at home on 7 January 2014 during a police raid targeting his son, Ashraf. Arrested with violence, they were both taken to El Basatin Police station, in Cairo. Wounded to the foot during the arrest Mr Majd developed an infection and because of the pain, he fainted on two occasions but never received any medical treatment. He was transferred to Abu Zaabal prison and then to Liman maximum security prison – a branch of Tora prison – in March. His condition aggravated and his infection spread to his knee but when the prison personnel brought him to a doctor, the latter refused to examine him without reason. He was eventually brought to Tora hospital in October but did not receive any medical treatment for his infection.

He ultimately underwent an urgent surgery to treat his infection on 3 November 2014 in El Manial University Hospital in Cairo and was transferred two days after to Tora prison hospital. His condition however worsened because the surgery was unsuccessful. He eventually passed away on 16 November 2014 in Tora prison without having seen his family one last time. The authorities did not alert his family of his death and it is only when his relatives came to visit him that they were informed of his death.

- 18.** Mr Mahmoud Abdelrazek Shafie **Rouby*** (محمود عبد الرازق الشافعى الروبى) is aged 27 (born in 1988). He was a farmer and used to live in Kerdasa, Giza Governorate. He was married with children.

Mr Rouby was arrested on 19 August 2013 after his house was raided by members of the Security Forces. He was forcibly and without explanations brought to the Security Forces Department of Kerdasa and charged with diverse crimes linked to the Kerdasa police station events of 14 August 2013. He was subsequently transferred on 20 August to the Central Security Camp 10 kilometres west of Cairo where he remained detained for three months in inhuman conditions.

He was then transferred to Wadi El Natrum prison, a complex notorious for the practice of ill-treatment and torture by its personnel, especially at the time when Mr Rouby was detained there.⁶⁰ Despite having heart problems and a liver infection, he did not receive medical treatment. His trial was set for 2 February 2015 but he died on 16 October 2014, officially from a heart attack but his family believes that it is because of the absence of medical treatment.

⁶⁰ Daily News Egypt, [NGOs call for investigation into alleged violations in Wadi El-Natrun Prison](#), 9 June 2014 (accessed on 9 February 2015).

5.6 The issue of sexual violence

Alkarama has documented cases of sexual violence that reach the threshold of cruel, inhuman or degrading treatment or punishment. They are only examples of a widespread practice, perpetrated by law enforcement officials as well as military and intelligence services.⁶¹ These cases, in addition to the ones concerning torture indicate the extent to which mental and physical violence is engrained in the practice of Egyptian security authorities. The case ██████████ is a telling example of this practice.

19. Mr ██████████) is aged █ (born on 17 May ██████ in Alexandria). He is a second-grade student at ██████████ School (██████████) in Alexandria and used to live on ██████████, Alexandria.

On 26 November 2014, Mr ██████████ was walking back home from school and noticed that he was followed by a police officer riding a motorcycle. The officer joined him on the street and immediately arrested him, without showing an arrest warrant or explaining Mr Khamis the reasons behind his arrest.

He was forcibly brought to Sidi Gaber Police Department and charged with "*illegal demonstration*", "*damaging a power station*" and "*destruction of public facility*" because of his participation to a peaceful demonstration for which he had already been arrested and subsequently released in February 2014. The police officers violently beat him up, asking him to acknowledge his participation to the events but also to give names of other demonstrators. It is only after Mr ██████████ told them names of individuals who had taken part into demonstrations that they eventually stopped beating him up.

After a hearing before the public prosecutor on 22 December 2014, he was brought to Sidi Gaber Police Department where he reported having been sexually abused by a police officer. The assault was reported by his lawyer to the public prosecutor, but no steps were taken against the officer. Mentally affected by this event and by the absence of reaction from the authorities, Mr ██████████ attempted suicide by cutting his veins.

Despite his poor health, the authorities refused to bring him to a hospital, judging that he was not in need for medical attention. However, according to his parents, in addition to his depression, he also suffers from chest and feet pain as a result of the acts of torture he has been subjected to. As his detention is constantly renewed, he is still detained to date.

5.7 Perpetrators' impunity

Unfortunately, lack of accountability is a structural problem in Egypt that extends to most human rights violations. Egyptians authorities have failed since the revolution to put an end to human rights violations by bringing to justice state officials especially in the security sector for violations of the right to life and the prohibition of torture.

When allegations of torture are for example brought to the attention of the prosecutor, they are simply ignored. Such omission constitutes a violation of Egypt's internal and international obligation to effectively investigate acts and complaints of torture and bring those responsible.

20. Mr ██████████) is aged █ (born on 28 September ██████) He is preparing a technical diploma and used to live in the ██████████, Giza Governorate. He is single.

He was arrested on 14 November 2014 while he was getting out of the mosque on Lebanon Square, Giza, by police officers who forcibly brought him to the State Security Department of Agouza where he reported having been tortured by means of electrocution on his genital

⁶¹ Daily News Egypt, [Torture, abuse, death daily occurrences in Egypt's detention centres](#), 16 March 2015.

parts, beaten with sticks and repeatedly dragged on the floor to force him to confess the charges held against him – *"unlawful demonstration"*; *"incitement to violence"* and *"affiliation with an outlawed group"*.

He remained inside the State Security Department for one week in particularly harsh conditions before being brought before the public prosecutor who ignored the marks of torture on his body as well as Mr ██████ demands to see a doctor. Instead of opening an investigation into the acts reported by Mr ██████ the prosecutor officially charged him and renewed his detention for 15 days, ordering his transfer to Tora prison.

It is only one month after the torture occurred that he was authorised to see a doctor but the marks on his body has disappeared, impeding him from filing a complaint against the authorities. He was therefore denied the right to challenge the lawfulness of his detention and to report the torture he was subjected to, leaving his executioners go with impunity. He is still detained to date.

VI. Conclusion

Since the last follow-up, Alkarama has not witnessed a decrease in the practice of torture and ill-treatment in Egypt. Consequently, Alkarama's first report, and its subsequent follow-up reports, this present one included, are even more relevant and call for action as it becomes hard not to recognise that the practice of torture is omnipresent in Egypt, as it has reached unprecedented levels and begins to be trivialised amongst the population.

We believe that intensive measures need to be undertaken to reverse the entrenched nature of the problem. We consider that the proceedings under article 20 of the CAT can and should be viewed and used as a constructive mechanism in order to monitor and promote human rights in Egypt rather than it being considered a 'punitive' or 'discouraging' exercise.

We therefore urge the members of the Committee to establish that reliable information has been received which contains well-founded information indicating that torture is being systematically practiced in Egypt, and that a confidential inquiry be initiated in the shortest delays.