



CONFIDENTIAL

Egypt:
Torture: A Systematic Practice

Eighth Follow-up Report

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

17 October 2016

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1. Introduction

In its eighth follow-up report, the Alkarama Foundation ("Alkarama") wishes to provide updated information in order for the Committee against Torture ("Committee") to continue assessing 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"), the fifth follow-up report dated October 2014 ("Fifth Follow-up Report"), sixth follow-up report dated April 2015 ("Sixth Follow-up Report") and the seventh follow-up report dated October 2015 ("Seventh Follow-up Report").

Between our Seventh Follow-up report and the present one, Alkarama has continued to receive cases of torture and ill-treatment perpetrated by the Egyptian authorities, together with persisting violations of Egypt's international obligations amongst which the right to a fair trial, the right to freedom of expression and the right to peaceful assembly. Our organisation equally documented a growing number of violations of the right to life across the country and an increasing phenomenon of torture in link with enforced disappearances. These continuous violations, already highlighted in our previous follow-up reports, have been favoured by the impunity of perpetrators, coupled with the absence of effective remedies for victims of violations and the extension of Law n°136 of 2014 for another five years that allows military trials of civilians¹. In fact, new legislations enacted over the past months, or the lack thereof, have further exacerbated this climate of impunity in the country.

The authorities have nevertheless continued to state that the country was moving forward a greater protection of human rights. For instance, the Egyptian President recently declared that "*Egypt is much more willing to preserve human rights than those who preach about it in foreign countries*";² that "*there aren't any detainees in Egypt*"³ – although he acknowledged that certain individuals were imprisoned in relation to some blatant charges, such as terrorism – and that he had "*absolutely no problem with freedom of expression*".⁴ In fact, the authorities have further deepened the restrictions on freedom of expression in multiple ways through, for instance, cracking down on peaceful demonstrators during the recent waves of resentment expressed in the aftermath of Egypt's decision to hand Sanafir and Tiran islands over to Saudi Arabia⁵. The Egyptian authorities have continued to breach their international obligations, using the pretext of the fight against terrorism and the security of the State, especially for the past three years. Thus, torture has remained widely and systematically used against all individuals suspected of alleged terrorism crimes, as well as allegedly undermining the security of the State, but also against peaceful dissidents, women and children alike. In this light, Muslim Brotherhood's members – or alleged ones – continue to be the main target of the authorities' repression. Thousands of them are still detained and standing trial, hundreds are disappeared, while others have been arbitrarily executed.

Prior to the Egyptian parliamentary elections that were held between 17 October and 2 December 2015, the Egyptian authorities had constantly stated that because there was not a Parliament functioning since the military coup of July 2013, it had been impossible to amend their legislation on torture.⁶ Following the parliamentary elections of December 2015, however, no credible attempts have

¹ Article 204 of Law n°136 of 2014, extended for other five years through Presidential Decree n°65 of 2016 issued in August 2016, allows for the military trial of civilians in case of alleged assault against military facilities or any other place under authority and protection of the military.

² Daily News Egypt, [There are no detainees in Egypt: Al-Sisi](#), 24 August 2016.

³ *Ibidem*.

⁴ *Ibidem*.

⁵ Mada Masr, [Front states over 1,000 detained in recent demonstrations in Egypt](#), 29 April 2016.

⁶ See for example : Human Rights Council, Working Group on the Universal Periodic Review, National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21** Egypt, 22 July 2014, A/HRC/WG.6/20/EGY/1*, para. 68.

been made to eradicate torture from the country, to halt impunity for perpetrators of torture or other ill-treatment and to enact or amend legislations in these regards. On the contrary, a legal framework that favours the practice of torture remain in place. First, all 2015-enacted laws on terrorism remain in place and thousands of individuals are convicted under these laws, with President Al Sisi claiming that *"terrorism is a tool used to harm the Egyptian state by weakening it"*⁷ and that *"terrorism was an urgent threat"*.⁸ Secondly, the Northern Sinai region remains under a state of emergency since October 2014, and several cases of torture, ill-treatment and summary executions have been reported, despite media outlets being banned from reporting in the area.⁹ Finally, Presidential Decree No. 65 of 2016, issued on 18 September 2016, extends for five more years Law No. 136 of the year 2014, entitled *"Securing and Protection of Public and Vital Facilities"*. This law allows military trials of civilians in case of a civilian's attack on so-called *"protected vital facilities"*,¹⁰ therefore propitiating custody, and possibly ill-treatment and torture of civilians, at the hands of the military and police forces in the country.

As a result, the human rights situation has continued to aggravate and a state of impunity prevails for perpetrators of abuses. Thus, we strongly believe that the intervention of the Committee by means of a confidential inquiry is more than ever necessary so that the authorities acknowledge the need to take effective and swift measures to ensure that the practice of torture is effectively abolished. Despite the fact that a confidential procedure was already undertaken by the Committee between 1991 and 1994, nothing has changed in the past two decades and torture remains widespread in Egypt.

At the time, the Egyptian authorities expressed their discontent *vis-à-vis* the publication of the Committee's publication of its results, giving the pretext that it would *"give a wrong indication to the terrorist 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"*¹¹. The same rhetoric and discourses prevail in Egypt today. Thus, rather than implementing the Committee's recommendations, it appears that the authorities continue to use the pretext of the fight against terrorism for cracking down on peaceful protesters, political opponents and other dissidents, without hesitating to resort to the use of torture.

Indeed, the recommendations made by the Committee in 1995 to Egypt, namely: (1) to reinforce its legal and judicial infrastructure to combat torture, (2) to set up an independent investigation machinery, (3) and to undertake an investigation into the conduct of police forces, have yet to be implemented¹². 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.

Since 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 still find relevant for the Committee to urgently initiate a new confidential inquiry with the Egyptian authorities. Indeed, the persistent practice of torture since 1995, along with the seriousness of this practice, and the non-fulfilment of Egypt's obligations under the Convention, justify that the systematic character of torture in Egypt be subjected to inquiry again.

2. Obligations under the Convention still unfulfilled and lack of cooperation with the UN Human Rights mechanisms

Egypt ratified the Convention against Torture on 25 June 1986 without accepting the individual complaints procedure under article 22, but has not ratified its Optional Protocol (OP-CAT) to date. Nothing indicates that the authorities will ratify it, while they continue to assert that the Sub-

⁷ Mada Masr, *Sisi: 2011 revolution negatively affected Egypt's economy*, 13 August 2016.

⁸ [General Statement](#) at the 71st Session of the United Nations General Assembly, 20 September 2016.

⁹ Al Monitor, *Egypt's media blackout on Sinai*, 7 April 2014.

¹⁰ Daily News Egypt, *Al-Sisi issued decree to extend army protection of vital facilities for 5 years*, 18 August 2016.

¹¹ General Assembly, 51st session, Report of the Committee against torture, A/51/44, para. 199.

¹² General Assembly, 51st session, Report of the Committee against torture, A/51/44, paras. 221-222.

Committee on the Prevention of Torture's competence to visit detention centres could be incompatible and create "complex legal issues" with the public prosecution's mandate to inspect these centres.¹³ If the Office of the Prosecutor has this competence, the practice has however shown that visits undertaken by this body are rare and do not lead to effective measures when it is made aware of violations.

The Egyptian authorities committed, during Egypt's Universal Periodic Review in March 2015, to establish an independent prison monitoring system that should delegate the task to the National Council for Human Rights (NCHR). In line with this, on 20 October 2015, Egypt adopted Law No. 106 of 2015, amending some aspects of Law No. 396 of 1956 on Prisons' Regulations, namely its article 73 which would in principle allow the NCHR to monitor prisons in specific circumstances. These visits are however not conducted in an independent manner.

For instance, the NCHR visited Al-Aqrab prison in late August 2015 and issued a report depicting conditions of detention in a favourable way, which sparked criticism from local organisations and, eventually, from members of the NCHR themselves who deplored the way the visit had been organised.¹⁴ In fact, the NCHR declared that the visit had only been possible after an authorisation from the Ministry of Interior; second, that not all NCHR members were informed of the visit; and third, that the prison administration was made aware of their visit prior to their arrival and that officers from the Ministry were present during the visit and filmed discussions between prisoners and members of the Council.¹⁵

The same happened in 2016, when the NCHR has been repeatedly criticised for not denouncing torture and ill-treatment, as well as poor detention conditions, during visits of Al-Aqrab¹⁶ and Al-Minya¹⁷ prisons. Similarly in these cases, "the statement (...) omitted prisoners' allegations of torture and sexual assault"¹⁸; some members of the Council were prevented from meeting certain detainees to check their medical conditions and some other members were not allowed entrance in the prisons altogether; allegations of poor detention conditions were dismissed and prisons' authorities were conversely praised for their efforts.

With regards to the Prisons' Regulations amendments issued on 20 October 2015 through Law No. 106 of 2015, its article 73 stipulates that the NCHR is in principle allowed to visit detention facilities, however exclusively after approval of the General Prosecutor. This, in turn, does not allow the NCHR to freely access places of detention and monitor them in an independent way, but rather subordinates the Council to the authorities' control and approval.

These elements call into question the NCHR's independence *vis-à-vis* the executive branch and consequently cast several doubts on the effectiveness and usefulness of its visits in places of detention and related conclusions.

In addition, the Egyptian authorities have not submitted their fifth periodic report to the Committee, overdue since June 2004. Following the adoption of the List of Issues Prior to Reporting in 2010, the Committee set a new deadline to 25 June 2016; however, Egypt still has not submitted its overdue report. We thus reiterate our call to the Committee to send a reminder to the Egyptian authorities.

Similarly, although the International Covenant on Civil and Political Rights was ratified by Egypt on 14 January 1982, the authorities have not yet ratified the Optional Protocol on individual complaints and in 2015 reiterated their rejection regarding the possibility of ratifying the one related to the use of the death penalty.¹⁹ The authorities have also not submitted their fourth periodic report, overdue since 1 November 2004, i.e. for 12 years.

¹³ 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.

¹⁴ Daily News Egypt, [NCHR members criticise latest Aqrab prison visit](#), 2 September 2015.

¹⁵ Al Arabiya News, [Egypt prisons report: Did human rights council curry favour with govt?](#), 24 September 2015.

¹⁶ Mada Masr, [Rights workers, detainee families criticize NCHR statement on prison conditions](#), 7 January 2016.

¹⁷ Daily News Egypt, [NCHR visits Al-Minya prison, no report of poor conditions](#), 1 March 2016.

¹⁸ Mada Masr, [Rights workers, detainee families criticize NCHR statement on prison conditions](#), 7 January 2016.

¹⁹ Ahram Online, [Egypt objects to proposal at Human Rights Council for abolishing death sentence](#), 3 October 2015.

Regarding country visits and requests sent by Special Procedures of the Human Rights Council, Egypt has only agreed to the visit of two mandates, the Special Rapporteur on the human rights to safe drinking water and sanitation and the Special Rapporteur on violence against women, but has been unresponsive to 11 other requests, specifically from the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (requested since 1996, with a last reminder in October 2015), the Working Group on Arbitrary Detention (last request in 2011), the Special Rapporteur on the independence of judges and lawyers (last request on 27 March 2014), the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (last reminder in 2014) and the Working Group on Enforced or Involuntary Disappearances (last reminder on 18 September 2013).

3. Developments in Egypt

Following our Seventh Follow-up report, submitted in October 2015, violations have routinely continued in Egypt without a comprehensible reaction from the authorities to address them.

Egyptian parliamentary elections to the House of Representatives took place in two phases between October and December 2015, leading to the formation of the unicameral Parliament of Egypt. The Parliament started its activities as of January 2016, with the main task of reviewing the laws that were passed by the executive power in the past two years and a half, when the parliament was not in session. All relevant laws were quickly approved by the newly elected Parliament, without being extensively and thoroughly debated, therefore sparking considerable criticism in Egypt.²⁰

Amongst the various laws that were approved by the Egyptian Parliament in the wake of its election, were two anti-terrorism laws adopted by the executive power in 2015, given that the country was regularly shaken by such attacks, and later approved by the Parliament in January 2016 (see below for further details on the laws). In North Sinai, for instance, the Egyptian military and law enforcement agents have been carrying out major military operations against real or alleged "terrorist entities", therefore engaging in violent confrontations and prosecuting individuals under both laws No. 8 and No. 94 of 2015 on anti-terrorism. Similar prosecutions, under the same laws, occurred in link with recent flights-related incidents, which, in turn, have also contributed to support the Egyptian authorities' claims of the need to fight terrorism. On 31 October 2015, for instance, a flight from Sharm el Sheikh to St Petersburg crashed in North Sinai; on 29 March 2016, a flight from Alexandria to Cairo was hijacked and diverted to Larnaca, Cyprus; on 19 May 2016, EgyptAir Flight MS804 from Paris to Cairo disappeared over the Mediterranean.

Because of these attacks or incidents, the authorities have reiterated their will to tackle terrorism²¹ "by all means" and even asserted that justice should be rendered "more quickly" against alleged terrorists, thus raising concerns over the application of fair trial rights for these individuals. As a result, on 16 August 2015, the authorities adopted a new restrictive anti-terrorism law – namely Law No. 94 of 2015, also called 'Law on Combating Terrorism' – despite calls from the civil society not to enact it.²² This law, along with Law No. 8 of 2015 enacted in February of the same year – entitled 'Terrorist Entities Law' – gives a broad definition of a terrorist act; while also providing immunity for the security apparatus when they use force excessively against alleged terrorists and providing the President with extensive powers in emergency circumstances. These anti-terrorism laws have been approved by the Parliament, without thorough discussion and debate, during its first voting session in January 2016, and therefore remain in place.²³

In addition, despite President Al-Sisi's statement that he had "*absolutely no problem with freedom of expression*",²⁴ the 2015 Anti-Terrorism law actually specifies that every journalist who would report on

²⁰ Ahramonline, [Egypt: Will parliament end up approving all laws before it?](#), 23 January 2016. Also: Mada Masr, [Parliament approves all but two laws in first voting session](#), 18 January 2016.

²¹ [General Statement](#) at the 71st Session of the United Nations General Assembly, 20 September 2016.

²² Alkarama, Egypt, [Alkarama Denounces Adoption of Restrictive Anti-Terrorism Law](#), 19 August 2015.

²³ Mada Masr, [Parliament approves all but two laws in first voting session](#), 18 January 2016.

²⁴ *Ibidem*.

terrorist attacks contradicting official statements could possibly be prosecuted for sharing “*false information*” and fined in addition to being banned from exercising his work. This is in blatant violation of the freedom of the press.²⁵ Thus, it is extremely difficult for journalists to report independently on terrorist attacks, for instance in the Northern Sinai region where local news are reported by an informal network of citizens engaged in media activities²⁶ given the absence of journalists in the area.²⁷ In the framework of the anti-terrorism law, journalists could also be accused of “*spying for foreign entities*” or “*spreading false news*” and can therefore face terrorism-related charges.²⁸

We wish to highlight that the North Sinai region remains under the state of emergency since October 2014 – a move that has often been declared as unconstitutional²⁹ – therefore allowing the Egyptian authorities to curtail several fundamental rights and freedoms, such as the right to freedom of expression, and the right to peaceful assembly and association.

Furthermore, since our last Follow-Up Report, authorities’ crackdown on political opponents, specifically targeting Muslim Brotherhood members – or alleged ones – has continued. In this light, hundreds of individuals have either been enforcedly disappeared³⁰ or have been arrested because of their political affiliations³¹ or activism.³² Summary executions under unclear circumstances have also been occurring and are mainly targeting members of the Muslim Brotherhood.³³

As highlighted above, the practice of enforced disappearances continues to take place and has reached unprecedented figures.³⁴ Alkarama has estimated that at least 3,000 individuals were disappeared between July 2013 and the end of 2015. The phenomenon prompted the Working Group on Enforced or Involuntary Disappearances (WGEID), to which Alkarama sent numerous cases of disappearances, to assert in 2015 that there was a “*recent pattern of short-term disappearances*” in Egypt.³⁵ However data recently provided by the WGEID, in the framework of its last annual report (covering the period from May 2015 to May 2016), revealed a dramatic and worrisome increase in disappearances: cases sent to the Working Group doubled in the last year.³⁶

Individuals who are enforcedly disappeared, as well as the ones who are officially imprisoned, are furthermore detained in particularly harsh conditions, as extensively reported.³⁷ Poor detention conditions have a direct impact on their health state, especially since detainees are often denied medical care.³⁸ Accordingly, numerous detainees have died in detention because of a lack of medical care and/or conditions of detention.³⁹

Other restrictive legislative measures, which were enacted by the executive since late 2013 have not been amended, and have led to a further crackdown on dissent.

In this light, individuals have continued to be arrested and charged under law No. 107 of 2013 “*on the Right to Public Meetings, Processions and Peaceful Demonstrations*”, especially in link with demonstrations that followed Egypt’s decision to hand Sanafir and Tiran islands over to Saudi Arabia.⁴⁰

²⁵ The Telegraph, [Egypt approves anti-terror law to fine journalists for “false” reporting on attacks](#), 17 August 2015.

²⁶ Mada Masr, [Sinai tells its own story](#), 18 July 2016.

²⁷ Al Monitor, [Egypt’s media blackout on Sinai](#), 7 April 2014.

²⁸ Alkarama, [Egypt: Incommunicado Detention of journalist and head of Mada Foundation](#), 3 December 2015.

²⁹ Al Monitor, [Is Egypt’s State of Emergency Unconstitutional?](#), 17 May 2016.

³⁰ Alkarama, [Egypt: Practice of enforced disappearances continues unabated in disturbing international silence](#), 23 February 2016.

³¹ Alkarama, [Egypt: hundreds of peaceful demonstrators arrested and detained in renewed wave of repression](#), 28 April 2016.

³² Alkarama, [Egypt: Alkarama alerts the UN of the disappearance of a lawyer](#), 5 September 2016.

³³ Aljazeera, [Senior Muslim Brotherhood leader killed in Egypt](#), 4 October 2016.

³⁴ Alkarama, [Egypt: Alkarama once again alerts the UN on the institutionalised practice of enforced disappearances](#), 9 May 2016.

³⁵ Human Rights Council, Report of the Working Group on Enforced or Involuntary Disappearances, A/HRC/30/38, 10 August 2015, para. 67.

³⁶ Human Rights Council, Report of the Working Group on Enforced or Involuntary Disappearances, A/HRC/33/51, 28 July 2016.

³⁷ Daily News Egypt, [Egypt: Prisoners remain in peril of poor conditions amid lack of accountability mechanisms: EIPR](#), 31 March 2016.

³⁸ Alkarama, [Egypt: Man’s life at risk following violent arrest and denial of medical care in detention](#), 11 July 2016.

³⁹ Alkarama, [Egypt: New report shows cases of death in detention more than trebled in past two years](#), 4 November 2015.

⁴⁰ Alkarama, [Egypt: Hundreds of peaceful demonstrators arrested and detained in renewed wave of repression](#), 28 April 2016.

Similarly, Law No. 136 of 2014 entitled "*Securing and Protection of Public and Vital Facilities*" – that was analysed in our previous follow-up reports – has been extended for five years as per Law No. 65 of 2016, thereby still allowing the trial of civilians before military courts.

Lastly, the Egyptian civil society continues to face difficulties in the exercise of its activities in an independent manner and many activists remain detained or are facing charges.⁴¹ Hundreds of NGOs allegedly "affiliated to the Muslim Brotherhood", or otherwise being accused of receiving foreign funds for implementing programmes that "threaten Egyptian integrity" and have "hidden agendas", have also been closed since July 2013.⁴²

4. Legal shortcomings and the practice of torture

4.1 Persistent legal flaws

Some problematic legislations are still in place in Egypt; these have been extensively analysed in previous reports and, in turn, might directly or indirectly lead to the practice of torture.

4.1.1. The 2014 Constitution

The Egyptian Constitution adopted in February 2014, through referendum, remains enforced to date. According to article 93 of this Constitution, international treaties ratified by Egypt constitute a binding part of its legislation, therefore including the UNCAT, amongst others.

While some provisions, such as its articles 52 and 55, are positive in the sense that they forbid and criminalise the use of torture and reject confessions obtained under duress, they however do not constitute a sufficient guarantee to correctly prevent and address the issue of torture in Egypt.

4.1.2 Egyptian criminal law and the prohibition of torture

It would only be through adopting clear and comprehensive laws, that legal provisions addressing the issue of torture and ill-treatment in the Constitution can be effectively implemented. Such legislation has however not been adopted yet, while articles 126 and 129 of the Egyptian Criminal Code that address the issue of torture still fall short of international standards, despite talks regarding their possible amendments occurring in 2013 (for further information, please refer to our Third Follow-up Report). We therefore urge the Committee to call on to the Egyptian authorities to invite them to adopt a new legislation on torture and ill-treatment, even more so given that the new Parliament was finally elected and started functioning as of 2016.

4.1.3 Article 143 of the Criminal Procedure Code

Under this article amended in 2013, an individual who faces the death penalty or life in prison – which are sentences commonly handed against political opponents in Egypt⁴³ – can see his pre-trial detention renewed every 45 days indefinitely. In other cases, individuals charged with misdemeanours can be remanded in pre-trial detention for six months while those charged with felonies can be detained for eight months. These particularly long periods of pre-trial detention, without appropriate judicial supervision, can lead to abuses that might include torture.

4.1.4 Law n°107 of 2013 on peaceful protests

As previously highlighted, the authorities have adopted a draconian law n°107 of 2013 "*Regulating the Right to Public Gatherings, Processions and Peaceful Protests*". This legislation greatly restricts the right to peaceful assembly while authorising the police and security forces to resort to the use of force "*by means proportional to the extent of the danger posed to lives, capital or property*" which have led

⁴¹ Alkarama: [Egypt: United Nations Working Group on Arbitrary Detention calls for the release of three prominent activists](#), 10 March 2016.

⁴² Alkarama: [Egypt: Alkarama condemns closure procedure against Nadeem Center for the rehabilitation of victims of violence and torture](#), 22 February 2016.

⁴³ OHCHR, [Mass death sentences in Egypt a profound disgrace, UN human rights experts says](#), 9 February 2015.

to several abuses, including ill-treatment of peaceful demonstrators but also violations of the right to life, in impunity.⁴⁴ We thus call on the Egyptian authorities to repeal this law.

4.2 New legal developments

Some new legislations have been enacted in recent months; these, in turn, may create a breeding ground for the practice of torture in the country.

4.2.1 Amendments to Prisons' Regulations: a missed opportunity?

On 20 October 2015, President Al-Sisi promulgated law No. 106 of 2015, which amended several articles of Law No. 396 of 1956 on Prisons' Regulations. The amendments to this law could have been an important occasion to tackle the increasing allegations of torture in Egypt's detention facilities.⁴⁵ In this light, some elements of the new law bring about positive changes, such as article 92, paragraph 4, sanctioning any individual giving or taking advantage from a detainee or his family while committing abuse of his power to obtain benefits, and further doubles the sanction if individuals committing such infraction are employees of detention facilities.

Article 8 *bis* of the new law, however, mandates the following:

"Prison's security forces may resort to the use of violence against a detainee in cases of self-defence, in cases of jailbreak attempts, or physical resistance, or the refusal to carry out an order that is prescribed by law; preconditions for the use of force in these cases are to dose and measure this use to the necessary extent and according to the internal regulations in place."

This article allows detention security forces to use force in specific cases that go beyond self-defense, namely whenever a "*refusal to carry out an order*" occurs or in unclear cases of "*physical resistance*". The article further mentions the limit of force "*according to the internal regulations*", which are also unclear and unspecified.

In conclusion, not only these amendments to the previous Prisons' Regulations fail to mention, and therefore to sanction, the use of torture in places of detention; they furthermore mandate for the use of force in specific cases that could effectively go beyond the self-defense of prison personnel, and leave doors opened to interpretations that could amount to ill-treatment and torture.

4.2.2 Other restrictive legislations favouring the practice of torture and ill-treatment

In addition to the specific articles addressing the issue of torture and ill-treatment in the 2014 Constitution and in the Egyptian Criminal Code, the Egyptian authorities have adopted, in the past three years, several laws that can create a breeding ground for abuses by the security apparatus, including torture and ill-treatment.

New laws on anti-terrorism

Additionally, the authorities have adopted two new legislations regarding the fight against terrorism that use definitions of terrorism that are particularly vague and that could consequently be used to stifle any kind of dissent, especially since the Muslim Brotherhood was designated a terrorist organisation in 2013. The last anti-terrorism law – Law No. 94 of 2015 – enacted in August 2015, which is highlighted above, also gives extraordinary powers to the security forces⁴⁶ that could lead, in turn, to further abuses while restricting freedom of the press.⁴⁷

⁴⁴ Alkarama, [Egypt: Karim Shama, One Summary Execution Too Many](#), 21 August 2014.

⁴⁵ Daily News Egypt, [Interior Ministry continues to deny torture inside prisons, enforced disappearances](#), 16 March 2016.

⁴⁶ Article 8, Law No. 94 of 2015 on '[Combating Terrorism](#)'.

⁴⁷ Alkarama, [Egypt: Alkarama Denounces Adoption of Restrictive Anti-Terrorism Law](#), 19 August 2015. See also: Article 35, Law No. 94 of 2015 on '[Combating Terrorism](#)'.

Law No. 65 of 2016 extending 2014 Law on "Securing and Protection of Public and Vital Facilities"

The authorities have also widened the jurisdiction of military trials to try civilian for two years in 2014, even though these tribunals are not independent and impartial. Thus, individuals prosecuted before military courts are at greater risk of being tortured or ill-treated because these courts accept confessions obtained under duress as evidence. Law No. 136 of 2014, mandating for the above-mentioned, has been renewed in 2016 through Law No. 65. Alkarama received several reports of individuals who had been tortured and whose confessions, extracted under duress, were used in military trials, as much as in civil ones

Emergency Law in North Sinai

The Emergency Law (Law No. 161 of 1958) has been continuously extended in Egypt since 1981. During a state of emergency, constitutional rights are suspended, police powers are extended, and detention can virtually be protracted endlessly without a suspect standing trial. The state of emergency was in place until 31 May 2012, when the law expired. After that date, the law has been intermittently applied, mostly in link with important events such as the Rabaa Al Adawiya sit-in dispersal by security forces on 14 August 2013. Accordingly, Egyptian authorities declared the state of emergency on the same date.⁴⁸ As for the region of North Sinai specifically, the state of emergency was reinstated on 24 October 2014, following an attack on a military check-point in the region.⁴⁹ According to the 2014 Constitution, article 154, the state of emergency can be declared for up to three months and cannot be renewed indefinitely, conversely it may be extended only once and again for only three months. As a result, Egyptian authorities have intermittently reinstated the state of emergency in North Sinai,⁵⁰ with claims that such reinstatements be unconstitutional.⁵¹

The emergency law in Egypt allows, *inter alia*, the authorities to impose restrictions on the freedoms of assembly, movement or residence; it further mandates, by virtue of its article 4, for the police and military to implement those mandates and to allow them to arrest and detain suspects or those deemed dangerous; it mandates for searching individuals and places without the need to abide by the provisions of the Criminal Procedure Code, as per article 3. Such provisions may set the basis for further abuses, including the practice of ill-treatment and torture, specifically in link with the detention of individuals for an indefinite time.

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

Torture and ill-treatment have persisted in Egypt since the end of 2015 and all throughout 2016. Used by members of the law enforcement apparel, the judiciary remains silent to this practice⁵² and the executive has never opposed it. All kinds of citizens can potentially be victims of torture or ill-treatment in Egypt – political opponents, common law criminals, women, children, human rights defenders, lawyers, students, journalists –, as the authorities have failed to take effective measures to put an end to such acts.

The cases highlighted below show that the practice of torture and ill-treatment is widespread and perpetrated by all security forces – police, intelligence services, military and prison guards – alike. Similarly, places where torture is practiced are diverse: military bases, State Security and Homeland Security facilities, police stations, prisons but also sometimes courts or prosecution offices.

This phenomenon is generalized to all areas in Egypt: Alkarama regularly receives cases of torture from all cities and areas of the country.

⁴⁸ Aljazeera, [Egypt declares state of emergency](#), 14 August 2013.

⁴⁹ Mada Masr, [Curfew and state of emergency in North Sinai follows deadly attacks](#), 25 October 2014.

⁵⁰ Asharq Al-Awsat, [Egypt declares 'new' state of emergency in North Sinai](#), 26 April 2015.

⁵¹ Al Monitor, [Is Egypt's state of emergency in Sinai unconstitutional?](#), 17 May 2016.

⁵² With regards to this topic, please refer to the International Commission of Jurists (ICJ) report, [Egypt's Judiciary: A Tool of Repression – Lack of Effective Guarantees of Independence and Accountability](#), 12 October 2016.

The cases mentioned below, treated by Alkarama in the past year, are illustrative of the practice of torture.

5.1 Torture due to alleged political opinion or terrorist activities

The practice of subjecting individuals to torture as an act of reprisals or retaliation has become commonplace in recent years; particularly against real and alleged sympathisers of the Muslim Brotherhood, but also towards other political opponents. While thousands of individuals have been tortured after being arrested during peaceful demonstrations following the military takeover of July 2013, the authorities also target specific individuals and arrest them at home, most often with an excessive use of violence, including against their relatives. After the arrest, these individuals are detained in police stations or prisons, where they are subjected to various forms of torture and often charged with acts of terrorism in addition to being designated as a supporter of the banned Muslim Brotherhood. In these cases, torture is often practiced in order to obtain confessions.

1. Ms Sara Mohamed Ramadan Abdelrazek **Ibrahim** (سارة محمد رمضان عبد الرازق ابراهيم) is 23 years old (born on 8 May 1993). She is a student at the Faculty of Education Sciences of Damietta University and used to live in building 9/62, Al Thani neighbourhood, Damietta.
2. Ms Habiba Shata Salah Ahmed **Aldeeb** (حبيبه شتا صله احمد الديب) is 30 years old (born on 11 June 1986). She holds a bachelor and used to live near the mosque in Izbah Al Inaniyyah, Damietta.
3. Ms Esraa Abdo Farhat Aziza Ibrahim **Khalil** (اسراء عبده على فرحات عزيزه ابراهيم خليل) is 19 years old (born on 13 February 1997). She is a high-school student and used to live in Izbah Al Inaniyyah, Damietta.
4. Ms Aya Hossam Al Shehata **Omar** (آية حسام علي شحاتة عمر) is 20 years old (born on 20 January 1996). She is a student at the Faculty of Commerce of Damietta University and used to live next to the upper bridge in Al Sinaniyyah neighbourhood of Damietta.
5. Ms Fatima Mohammed Mohammed **Ayad** (فاطمة محمد محمد عياد) is 22 years old (born on 4 March 1994). She is a student in Islamic Studies at Al Azhar University and used to live in Izbah Al Inaniyyah, Damietta.
6. Ms Mariam Imad Deen **Tork** (مريم عماد الدين ترك) is 24 years old (born on 30 September 1992). She holds a bachelor in education and used to live El Basarta neighbourhood, Damietta. She is married and is the sister of Fatima Tork.
7. Ms Fatima Imad Deen **Tork** (فاطمة عماد الدين ترك), is 21 years old (born on 15 May 1995). She is a student in Education sciences and used to live next to Zayat Bridge in El Basarta, Damietta. She is the sister of Mariam Tork.
8. Ms Rawda Samir Saad Mustafa **Khater** (الروضة سمير سعد مصطفى خاطر) is 19 years old (born on 8 May 1997). She is a high-school student and used to live on Talaat Street, Al Assar, Damietta.
9. Ms Sara Hamdi Anwar Said **Mohammed** (سارة حمدي انور السيد محمد) is 22 years old (born on 13 April 1994). She is a student at the Faculty of Pharmacy of Al Azhar University and used to live 5 Khaled Khatib Street, Belbes, Ash Sharqia Governorate.
10. Ms Kholod Al Said Mahmoud **El Fallaghy** (خلود السيد محمود الفلاحي) is 19 years old (born on 23 July 1997). She is a student at a decorative arts school and used to live in 16/103 Street, New Damietta district, Damietta.

On 5 May 2015, a group of women was peacefully demonstrating in Damietta streets, against the poor economic conditions but also against the detention of political opponents, amongst whom some of their relatives.⁵³ As they were going down on Sharabassi Street (شارع الشرباصي), several individuals in civilian clothes assaulted them and violently beat them up. Then, they took 13 women – including the aforementioned students – and brought them to policemen wearing uniforms. The latter then brought them to Damietta Second Police Station. On the same day however, the 13 women were transferred to the Security Forces Camp of Damietta where they remained detained *incommunicado* for several days.

There, they were forced to stand the face in front of a wall with their hands up for several consecutive hours. Each time they would move, officers would beat them up or would pour gallons of cold water on their head. Additionally, they were put in cells with men and were deprived of sleep, food and water for three consecutive days while they were repeatedly verbally abused. Officers also reportedly threatened to rape them and to put snakes and rats in their cell. In the meantime, their relatives, still unaware of their whereabouts and particularly worried over the women's fates, sent telegrams to the General Attorney of Damietta and to the one of Cairo, but to no avail.

Following their torture that lasted a couple of days, the women were interrogated without the assistance of a lawyer by the Public Prosecutor. The latter eventually indicted them with "*participation to an illegal demonstration*", "*blocking road traffic*", "*incitement to violence*", "*affiliation to the terrorist organisation of the Muslim Brotherhood*" and of "*possession of leaflets against the State*." Then, under threat of further torture, an officer made them sign a document that they were not allowed to read beforehand. They believe that this document contained false confessions.

On 9 May 2015, the young women were all moved to Port-Said prison. Prior to their transfer and as per the Egyptian procedure, they were brought to Port-Said hospital where a doctor performed virginity tests on them, against their will. These tests are allegedly aimed at facilitating the collection of evidence in case a woman would be sexually assaulted in detention but if ever the test shows that an unmarried woman is not a virgin, she is also at risk of reprisals from other prisoners or prison guards.

On 12 May 2015, their respective families were eventually allowed to visit them but were refused the right to bring them medication. After learning that they had been tortured during their detention in the Security Forces camp, their families filed a complaint with the General Prosecutor of Cairo under case n°20061 as well as before the Rights and Freedom Commission of the Lawyers' Union and before the National Human Rights Council and requested that the women's reports of torture be investigated, but to no avail.

When still detained in Port-Said prison, they were not offered the possibility to challenge the lawfulness of their detention and in fact, their detentions were constantly renewed *in absentia* by the Public Prosecutor. Even their lawyers could not attend the prosecution's hearings. After three months of detention, only the three minor women were released, whereas the 10 remaining ones were kept in detention. Because of the poor conditions of detention in Port-Said prison, Ms Ayad's heart condition deteriorated and she eventually had a heart attack to which she fortunately survived. Despite her need for medical attention, she was not sent to the hospital.

On 26 December 2015, their first trial hearing was held before the Damietta Criminal Court in misdemeanour case n°4337.⁵⁴ Even though the girls were not present during the hearing – only their lawyers could attend it – the judge stated that all the individuals indicted in this case had recognised their involvement in the 5 May 2015 events and that they were all members of the Muslim Brotherhood, a group that was designated a "terrorist organisation" in 2013. Another hearing was held on 24 January 2016, again in the absence of the defendants. Another hearing took place on 24 April 2016 and, on 28 June 2016, eight out of ten women – namely Sara Mohamed Ramadan, Habiba Shata, Aya Hossam Al Shehata, Fatima Ayad, Mariam Tork, Fatima Tork, Sara Hamdi Anwar and Kholod El Fallaghy – were finally released from Port-Said detention facility after being acquitted by the

⁵³ For example, Ms Al Fallaghy is the niece of former Parliamentarian Mohamed Al Fallaghy, who died in detention because of lack of medical attention. See Alkarama, [Egypt: Former Freedom and Justice Party MP Dies in Detention After Being Denied Medical Care](#), 28 May 2015.

⁵⁴ Several men are also indicted in this case, under other charges.

Damietta Criminal Court. Two others, Esraa Abdo Farhat and Rawda Khater, remain detained to date, while their trial was again postponed to 24 December 2016.

Hence, the 10 aforementioned women have been detained for more than a year with convicted criminals and suffered acts of torture only for having peacefully demonstrated, while asking for the release of political opponents. Additionally, while eight of them have been released, the two remaining ones, who are still detained, are now facing trial and they could be sentenced to prison on the basis of the document they have signed while being threatened with torture. In addition, they fear that their right to defence will be undermined since two of the defence lawyers were reportedly arrested and are under investigation since.

Today, their relatives believe that they are still at risk of being abused while in detention, either by other inmates or by officers, while they remain in a particularly precarious situation. According to their families, they are detained in small cells along with dozens of other prisoners, have no access to drinkable water every day and are forced to sleep on the ground. They have been denied the right to see a doctor since their transfer in the prison, in spite of their vulnerable state.

11. Mr [REDACTED], is a [REDACTED]-year-old agronomist (born on 1 September [REDACTED]). He lives in [REDACTED], El Beheira Governorate and is single.

On 5 February 2016, Mr [REDACTED] was driving on Al Beheira-Alexandria road when he was stopped by policemen at a checkpoint. The officers checked his identity card and then asked him to step out of his car before arresting him and forcing him into a police car that left for an unknown destination. On 10 February, still without news from Mr [REDACTED], his relatives filed a complaint at Ad Dilengat police station, but to no avail.

Eventually, his relatives learnt in late February that Mr [REDACTED] had been accused in a case after they saw him appear on television and in newspapers, together with five other individuals. These men were described as being part of a terrorist group that killed a police officer and that was planning other attacks.⁵⁵ In fact, the authorities reported that they were members of the 'Hamas' and, in violation of the principle of presumption of innocence, published photos of them wearing hoods, in front of a table allegedly showing weapons seized by the authorities during the individuals' arrests.

Mr [REDACTED] relatives were still unable to visit him, even if they were informed that he was detained in Istiqbal prison – a section of Tora prison. Eventually, they were allowed to visit him on 14 March 2016, when he told them that he had been subjected to torture for several consecutive days during his time of secret detention in a police station – while not knowing which one. He claimed that he had been electrocuted on various part of his body and beaten up by officers until he eventually signed confessions that he was not allowed to read beforehand.

12. Mr Mohamed Hamdan Mohamed **Ali** (محمد حمدان محمد علي), was aged 32 years old at the time of his death (born in 1984). He was an agronomist and used to work in the Agricultural Directorate of Beni Suef. He lived in Bani Soliman Sharkeya, Senour, Beni Suef, Beni Suef Governorate. He was married and had two children.

On 10 January 2016, at around 10 am, Homeland Security officers came to Mr Ali's workplace to arrest him, without showing any warrant. Mr Ali's colleagues told his family that officers in civilian clothes and wearing hoods arrested him in his office before forcing him in one of the two armored vehicle parked in front of the Agricultural Directorate that then left for an undisclosed location. Immediately after having been told that Mr Ali had been arrested, his family went to different police stations of Beni Suef to try to locate him but the policemen denied his presence in their facilities.

Still unaware of his place of detention, his relatives sent several telegrams to the Ministry of Interior and to the General Prosecutor of Beni Suef and they eventually obtained a police department records

⁵⁵ Youm7, [نشر صور سقوط خلية إرهابية ترتدى زي حماس بحوزتهم أسلحة بالحيرة](#), 27 February 2016.

n°29/363 that acknowledged the different actions they took, on 18 January 2016. However, their different steps did not lead to any action from the authorities and Mr Ali's whereabouts remained unknown to his relatives. On 24 January 2016, his family found an online statement from the Ministry of Interior claiming that an individual named Mr Mohamed Hamdan Mohamed Ali had been executed after an exchange of fire with the police during an arrest attempt made in a farm in Beni Suef.⁵⁶ The statement further claimed that Mr Ali was an alleged terrorist who was armed during the clashes and they published a photo of his dead body but with a different age (24 years old).

The following day, his relatives received a summons from the Homeland Security addressed to Mr Ali's uncle. The latter went to their department in Beni Suef and the Homeland Security officers told him that Ali had been executed, as alleged by the Ministry of Interior in its statement. They also told him that investigations into his execution were ongoing and that an autopsy had been carried out but he was not allowed to read it. He was nevertheless authorised to see Mr Ali's body at the morgue of Beni Suef hospital. He later reported to his relatives that Ali's body bore many signs of torture, particularly on the chest and on the feet – his toenails had been torn off – together with several bullet wounds, including in the back.

Given the fact that Mr Ali had been disappeared for several days before they heard about his death, his relatives believed that he died under torture while he was secretly detained and not during fire exchanges with the police as claimed by the Ministry of Interior.⁵⁷ Fearing reprisal or being unable to give Mr Ali's a decent funeral, his relatives did not file a complaint. Finally, while they had been told that investigations into his death were ongoing, they have not heard anything from the public prosecution to this date.

5.2 Torture to extract confessions

Torture is mostly practiced with the aim to extract "confessions" since the authorities can use them to justify the arrest and produce evidence for a conviction in court. Of all the cases that Alkarama has documented, we never received information according to which judges requested investigations into the allegations of torture made by the defendants. Security forces in Egypt, hence, often resort to torture to obtain confessions which, in turn, will be used as evidence in judicial proceedings, in contravention of its international obligations and of Egypt's Constitution. It is generally during the investigative stage, often while detained *incommunicado* or in secret places of detention, that victims are tortured before being charged by the Public Prosecutor. In some cases, individuals have been sentenced to death as a result of confessions obtained under torture. As an example, we recall the case of Mr Mahmoud Hassan Ramadan **Abdel Naby Negm**, who was sentenced to death on 19 May 2014 in Alexandria as a result of the confessions extracted under duress (see sixth follow-report for further details). Alkarama therefore fears that such situations might occur again and that individuals are continuously sentenced to death as a result of such confessions. Individuals have also been accused and later executed for crimes that allegedly happened when they were already in secret detention, which was highlighted in our sixth follow-up report.⁵⁸ The issues of impunity of perpetrators and the link between torture and secret detention will be further analysed in this report.

The Egyptian authorities must be reminded that the use of forced confessions in judicial proceedings renders the trial unfair and constitutes a violation of article 15 of the Convention. Since our last Follow-Up Report, Alkarama has continued to report abuses of the Egyptian authorities in these regards.

13. Mr [REDACTED], is a [REDACTED]-year-old (born in [REDACTED] second-year student at the [REDACTED] of Cairo University and he used to live on [REDACTED], Cairo Governorate. He is single.

⁵⁶ Al Badaiah, [مفاجأة.. أسيرة قتل بني سويف: بلغنا بالقبض عليه قبل إعلان الأمن قتله 14 يوما.. وأثار تعذيب شديدة على جسده](#), 27 January 2016.

⁵⁷ Their claim is further asserted by the fact that dozens of individuals have died in the hands of the Homeland Security and the police during secret detentions in the past couple of years. See Alkarama, [Egypt: Death Behind Bars - Torture and Denial of Medical Care in Detention in Egypt 2015](#), 5 November 2015.

⁵⁸ Alkarama, [Egypt: Authorities Execute 6 Men for Crimes that Occurred After their Arrests](#), 19 May 2015.

On 30 June 2015, ██████████ was helping his father at his housewares shop, located in the eighth district of Nasr City, when two minibuses parked in front of it carrying several masked members of the Homeland Security. They entered the shop and immediately arrested Mr ██████████. Then, they destroyed many objects in the shop and left for an unknown destination.

Two days later, fearing that Mr ██████████ could have been killed after his arrest, his relatives sent telegrams to the General Prosecutor of Egypt and to the Public Prosecutor of Cairo but to no avail. In fact, Mr ██████████ had been brought to the Homeland Security facility in Lazoghli, where he remained secretly detained for three months. There, he reported having been repeatedly tortured to force him to confess to crimes, which he did not. He was regularly electrocuted and beaten on different parts of his body while being hanged by the hands.

On 1 September 2015, he was eventually brought to the State Security Prosecution where he was finally able to meet his lawyer and he was subsequently charged with "*affiliation to an outlawed group*" because of his alleged political affiliations to the Muslim Brotherhood. Then, he was transferred to Al Aqrab prison – the High Security section of Tora Prison – where he remains detained to date, awaiting trial. His family reported, still in December 2015, that he had been tortured again and they feared that he could be again ill-treated while his health state continued to aggravate.

In early December 2015, the prison personnel launched a crackdown against several prisoners, including Mr ██████████ detained in section H4, so as to force them to end their hunger strikes. The latter had started one to complain about the systematic confiscation of medicines by the guards. According to what was reported, the prison personnel had first decided to cut the lights in the section, but they quickly had recourse to more violent methods and they raided some of the cells while severely beating the inmates.

As a result, several prisoners were reported to be urgently hospitalised, particularly another inmate who was suffering from severe internal bleedings while others reported having their pelvis and jaws broken. As for Mr ██████████ he reported that his right foot had been broken but he had not been admitted to hospital and was denied the right to see a doctor. Thus, his family fears for his life while his health state continued to aggravate.

14. Mr ██████████), is a █████-year-old imam (born on 19 February █████). He lives in ██████████, Kafr El Sheikh and is married.

On 5 February 2016, Mr ██████████ was travelling in a taxi along with other clients when the vehicle was stopped near Baltim police station, in the outskirts of this city. The vehicle was then searched by individuals who presented themselves as members of the General Investigation Department and of the Homeland Security, although they were not wearing uniforms. The latter examined Mr ██████████'s phone and other belongings. Then, according to the testimonies provided by other clients who witnessed the arrest, they forced Ibrahim to step out of the taxi and without further explanations left with him for an unknown location.

Worried over his fate and unaware of his whereabouts, his relatives sent a telegram to different official bodies and they were eventually told by the Ministry of Interior that investigations had been opened against him, without giving further details about his whereabouts. They did not hear from him until they saw his picture published in a newspaper. They were eventually able to visit him in Tora prison after 25 days of *incommunicado* detention; he reported having been tortured for several days inside Damanhur Central Security Forces Camp. Repeatedly electrocuted, he eventually confessed to crimes and signed the records prepared by the officers.

5.3 Widespread torture of minors

We find extremely worrisome that Alkarama continues to receive numerous cases of minors being subjected to torture in Egypt, for whom the threshold of pain resulting ill-treatment is lower than adults, considering the vulnerability of the victims. The following case is the most recent one of torture of juveniles Alkarama received, and sheds light on this issue.

15. Mr ██████████ (██████████), is a ██████████ year-old student in secondary school (born on ██████████ 2001). He lives on ██████████ Giza. He is single.

On 12 January 2016, around 2am, several police officers in civilian clothes broke into Mr ██████████'s home while he was sleeping. They were accompanied by members of the security forces and neither explained the reasons of the arrest nor showed an arrest warrant. They immediately went to his bedroom and brutally took him out of his bed.

When his relatives asked the police officers the reason for their presence, the latter declared that they only wanted to interrogate Mr ██████████ and that he would be released shortly after, without giving any further information. The police officers asked him for his national ID card, to which he answered that he had no ID because he was a minor, but they reiterated the question and started to search the room thoroughly for the card, in vain. Eventually, they handcuffed him, confiscated his mobile phone and his handball license before taking him to an unknown destination.

Worried over his fate and unaware of his place of detention, his family sent telegrams to the General Prosecutor of Egypt on 12 January 2016 but to no avail. Afterwards, the family looked for him at various police stations of the city, but various officers denied his detention. It was only seven days later, on 19 February 2016, that they learnt that Mr ██████████ had reappeared in the Central Security Forces Camp located on kilometer 10.5 of Alexandria Road, which is not an official detention facility.

His relatives were however only allowed to visit him on 23 February 2016 and he reported to them having been tortured while he was being secretly detained in a Homeland Security facility located in Sheikh Zayed area, 6th of October City, Giza Governorate. He testified having been stripped of his clothes, repeatedly electrocuted on various parts of his body, beaten up and that some officers had also sexually assaulted him. This was carried out in order to force him to confess his alleged involvement in an attack that took place at the Three Pyramids hotel in Cairo, on 7 January 2016, against a bus transporting Israeli tourists.⁵⁹ He denied having participated to this attack, claiming that he did not know where this hotel was located and about an attack against a bus there. He also denied being affiliated to the Muslim Brotherhood, contrary to what the officers had insinuated. He also reported that he had been brought without the assistance of a lawyer before the State Security Prosecutor of New Cairo on 9 February 2016 for interrogations. Mr ██████████ could face criminal charges for acts he did not participate to, while his reports of torture have not been investigated to date. Furthermore, he remained detained in an unofficial detention centre – the Security Forces camp – along with convicted adults, even though he is only 15 years old. Hence, his family fears that he could be subjected to further abuses or even to torture to force him to confess to the crimes listed above.

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

Severe conditions of detention 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*".⁶⁰

⁵⁹ Independent, [Cairo attack: Egyptian government says 'tourists not targeted' by gang that shot at hotel near pyramids](#), 7 January 2016.

⁶⁰ 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.

Alkarama receives increasing and worrisome accounts, from various credible sources, indicating a recurrent practice of denial of medical treatment towards detainees from the authorities. The denial of medical care, and/or treatment after torture injuries, has sometimes led to the deaths of detainees.⁶¹

16. Mr [REDACTED], is [REDACTED] years old (born on 10 March [REDACTED]). He is a sales representative and used to live on [REDACTED] [REDACTED] Cairo Governorate. He holds national ID n° [REDACTED]. He is married.

On 13 October 2013, at night, members of the Homeland Security, together with officers from the Central Security Forces, raided Mr [REDACTED]'s house. After breaking down the garden gate, they broke down the entrance door without warning and started to search the different rooms. Particularly violent towards Mr [REDACTED] and his family, they confiscated some of his personal belongings while asking him to show his identification card. After they had his identity confirmed, they handcuffed him and dragged him out of the house to force him away.

Brought to Al Aqrab prison – the high-security section of Tora prison – he was tortured for several days. Beaten up by officers and deprived of sleep and water, he was eventually charged under terrorism accusations and of collusion with other terrorist entities abroad and in Egypt. Despite his demands for investigations into his reports of torture, the Public Prosecutor did not take action and he was never examined by a doctor. While the investigations into his case – he is being prosecuted along with 213 other defendants – were continuing, the authorities renewed his detention in Al Aqrab prison. Detained with convicted criminals and in very poor conditions, his health quickly aggravated. Furthermore, his family has been refused the right to visit him since November 2015, as for all the other families of prisoners detained in this section, which prevented them from bringing him food, clothes and medicines. Accordingly, their only means to obtain news on him were through court's hearings and his lawyer.

His health state worsened again in mid-March 2016 and the prison personnel eventually allowed for his urgent hospitalisation in [REDACTED], in Cairo, on 20 March 2016. As a result, he received surgery on 3 April 2016, but doctors recommended that his hospitalisation be extended. He was however immediately transferred back to Liman prison – the medical section of Tora prison – where his state deteriorated again. The prison medical personnel has been so far unable to treat him because they do not have the proper medical tools and medications. As a result, he is still detained in Liman prison but is not given any proper medical attention. His family, who cannot visit him, fears that he could decease if he is not urgently hospitalised. It has been the case, thus far, that the prison personnel refuses to hospitalise him, an assertion reinforced by the fact that dozens of prisoners died in detention in the past years because of denial of medical care.⁶²

17. Mr [REDACTED], is [REDACTED] years old. He is a freelance journalist and member of the Press Syndicate and used to live in [REDACTED] [REDACTED] Cairo. He is married and has five children.

On 16 August 2013, two days after the violent dispersal on Raba'a Al Adawiya Square,⁶³ Mr [REDACTED] went to the Egyptian Media Production City in 6th of October City, Giza Governorate. At around 10 pm, as he had just stepped out of the building, a police man wearing civilian clothes stopped him and asked him to follow to Tagamo Al Khames police station for a routine control. At the police station however, [REDACTED] was arrested and taken to custody, for no apparent reasons. Refused the right to a lawyer, he was transferred in the morning of 17 August 2013 to the 1st Settlement police department. At that time, the police told his relatives that he would stay in detention until the Homeland Security would interrogate him, even though he had still not been officially charged.

⁶¹ Daily News Egypt, [52 reported incidents of abuse in September, amid denial of Interior Ministry](#), 3 October 2016.

⁶² Alkarama, [Egypt: Former Freedom and Justice Party MP Dies in Detention After Being Denied Medical Care](#), 28 May 2015.

⁶³ Alkarama, [Egypt: Ensure accountability for crimes against humanity](#), 16 August 2013.

Two days later, he was eventually charged by the Public Prosecutor with “*affiliation to an illegal group*”, “*entering Gaza illegally*”, “*spreading false information*” and of “*conspiracy with Hamas*” and his detention was renewed for 15 days, as per Egyptian law. He was then transferred to Al Mazra’a section of Tora prison, where he was detained with convicted criminals. It is at that time that he first reported having been tortured. Confined to a cell without sunlight, he was beaten up by officers with sticks and deprived of food and water for several consecutive days. He was then refused medical care and no investigations were opened into his allegations of torture, despite his repeated demands.

He was detained in this section for several months, with sporadic family visits allowed and while his trial was ongoing. On 16 June 2015, the Cairo Criminal Court – which had been holding its hearings in the Police Academy and not in a real court of law – sentenced him to life in prison (25 years under Egyptian law), together with dozens of other defendants, including former president Mohamed Morsi, who was himself also sentenced to death.⁶⁴ Mr ██████’s lawyer criticised the verdict against his client, claiming that there was no evidence against him, that he could not access all his criminal files, that some hearings were not public and that he could not speak with his client on a regular basis. Hence, he decided to appeal the decision, as for the dozens of other defendants in the case.

In the meantime, Mr ██████ was brought back to Al Mazra’a section before being transferred to Al Aqrab prison – the high-security section of Tora prison – a section notorious for its particularly poor conditions and for the torture of inmates.⁶⁵ After his arrival there, Mr ██████ was refused family visits and adequate clothing for winter. On 29 February 2016, he was transferred back to Mazra’a section where he reported having been tortured again. Repeatedly kicked in the face, he had some teeth broken. Shortly moved to Liman prison – Tora prison medical facility – he was denied medical care. Furthermore, even though his lawyer asked for investigations, no actions were taken to date into his allegations of torture.

Today, he is still detained in this section and awaits his appeal trial to start. No dates for the hearings have been scheduled however. His family fears that because of the high-profile individuals prosecuted with ██████ the judiciary could continuously postpone the appeal trial. They also fear that he could be subjected to torture again, since it is practiced with complete impunity in Tora prison, and that he might continue suffering from denial of medical care and inadequate detention conditions.

18. Mr ██████ ██████ ██████ ██████ is ██████ years old (born on 27 January ██████). He is a real estate agent and used to live at ██████ ██████ ██████, Cairo. He is married.

In the evening of 29 July 2015, Homeland Security’s officers belonging to Cairo’s Al Nozha police station broke into Mr ██████’s house with an excessive use of force, without any arrest warrant and without identifying themselves. He was handcuffed and then thrown by agents from the balcony, which is located on the 3rd floor of the building, his hands and feet always shackled, while his wife was also heavily verbally assaulted and threatened. Mr ██████ was immediately brought to the Al Nozha police station in the neighbourhood of Heliopolis, Cairo, where he was held for a night; the following day, 30 July 2015, he was urgently transferred to Heliopolis hospital since his life was in danger.

As a result of the excessive use of violence upon arrest, Mr ██████ suffered from serious and multiple fractures, which also led him to fall into coma for one week, and other severe injuries. When he woke up from the coma, it became apparent that his left leg became paralysed. Therefore, he had to remain in Heliopolis hospital for about six months, until 23 January 2016. All throughout his stay in the hospital, and until his transfer to Tora prison in Cairo, his family had to bear the burden of providing for all medical costs. The Egyptian public medical care system is not covering these medical costs and the detaining authorities equally refuse to pay for them.

After his transfer to Tora prison on 23 January 2016, Mr ██████ has been held at the infirmary level, yet denied by authorities to have access to basic health services. Mr ██████ is confined to laying

⁶⁴ Alkarama, [Egypt: Cairo Criminal Court Confirms Death Sentence Against Morsi](#), 18 June 2015.

⁶⁵ See for example: Alkarama, [Egypt: Journalist Hassan El Kabany Repeatedly Tortured in Tora Prison](#), 1 October 2015.

5.6 Perpetrators' impunity

Lack of accountability is a structural problem in Egypt that extends to all human rights violations, first and foremost because of a lack of appropriate legislation to hold authors of abuses accountable. The Egyptian authorities have so far failed to put an end to human rights violations by bringing State officials to justice, especially when it comes to the security forces involved in violations of the right to life and the prohibition of torture. Hence, Egyptian authorities have enacted laws that actually provide for the immunity of members of the security services, such as in article 8, Law No. 94 of 2015 on 'Combating Terrorism':

Article 8

Enforcers of the provisions of this Law shall not be held criminally accountable if they use force to perform their duties or protect themselves from imminent danger to lives or properties, when the use of this right is necessary and adequate to avert the risk.

When allegations of torture are brought to the attention of the Public Prosecutor, they are systematically dismissed. Such omission constitutes a violation of Egypt's internal and international obligation to effectively investigate acts and complaints of torture and bring those responsible to justice.

In most cases cited above, either the victim herself or himself, or the family, or her or his lawyer, have been reporting allegations of torture to the competent authorities. While in some cases, allegations of torture were raised to the Public Prosecution, in other cases, the medical personnel was involved, be it medical staff affiliated to the prison or external forensics.

Blatant disregards of such allegations fail to comply with international human rights law principles and with other international instruments such as the General Assembly Resolution 70/175 of 2015, also commonly known "the Nelson Mandela Rules". With regards to the medical personnel, for instance, the Resolution stipulates the following:

Rule 34

If, in the course of examining a prisoner upon admission or providing medical care to the prisoner thereafter, health-care professionals become aware of any signs of torture or other cruel, inhuman or degrading treatment or punishment, they shall document and report such cases to the competent medical, administrative or judicial authority. Proper procedural safeguards shall be followed in order not to expose the prisoner or associated persons to foreseeable risk of harm.

Similarly, **Rule 57 (3)** states the following:

Allegations of torture or other cruel, inhuman or degrading treatment or punishment of prisoners shall be dealt with immediately and shall result in a prompt and impartial investigation conducted by an independent national authority in accordance with paragraphs 1 and 2 of rule 71.

Accordingly, **Rule 71** of the Resolution mentions the following, in relation to investigations:

1. Notwithstanding the initiation of an internal investigation, the prison director shall report, without delay, any custodial death, disappearance or serious injury to a judicial or other competent authority that is independent of the prison administration and mandated to conduct prompt, impartial and effective investigations into the circumstances and causes of such cases. The prison administration shall fully cooperate with that authority and ensure that all evidence is preserved.

2. The obligation in paragraph 1 of this rule shall equally apply whenever there are reasonable grounds to believe that an act of torture or other cruel, inhuman or degrading treatment or

punishment has been committed in prison, irrespective of whether a formal complaint has been received.

3. Whenever there are reasonable grounds to believe that an act referred to in paragraph 2 of this rule has been committed, steps shall be taken immediately to ensure that all potentially implicated persons have no involvement in the investigation and no contact with the witnesses, the victim or the victim's family.

However, the 19 cases mentioned above indicate that no tangible measures are being taken to investigate in the allegations of torture, in violation of international human rights standards.

The following cases demonstrate the lack of measures and the unwillingness to open through and independent investigations in cases in which torture is reported:

20. Mr ██████████ (██████████) is ██████████ years old (born on 24 May ██████████ in Cairo). He ██████████ used to live at ██████████ ██████████ Cairo Governorate. He is married.

21. Mr ██████████ is ██████████ years old (born on 24 January ██████████). He is an entrepreneur and used to live at ██████████ ██████████, Cairo Governorate. He is single.

On 17 September 2015, while the ██████████ family was at home, several members of the General Investigation Department, together with Homeland Security officers wearing civilian clothes, raided their apartment. Without showing an arrest nor search warrant, they started searching the rooms, while preventing Mr ██████████ from moving. They checked his identity card and confiscated his phone before dragging him out of the apartment, along with his son Mr ██████████.

On 19 September 2015, still without news and unaware of their whereabouts, their family sent telegrams to the General Prosecutor of Egypt, the Ministry of Justice and the Prime Minister but they did not receive any answer. They were informed few days later by their lawyer that the two men would be brought to the Public Prosecution of Nasr City on 24 September 2015. This interrogation was thus scheduled after the two men had spent five days of *incommunicado* detention in Nasr City police station.

Additionally, during their interrogation before the Public Prosecutor, the two family members testified having been subjected to heavy beatings during their five days of secret detention in what seems to be a systematic practice when new arrestees arrive to detention facilities. In fact, Egyptians refer to such repetitive beatings from officers as the "welcome torture" ("حفلة تعذيب"). These acts are perpetrated with the intent of punishing and "breaking" the detainee to obtain self-incriminating statements, using violence and causing severe pain while the individuals are secretly detained. Furthermore, in both cases, the Public Prosecutor did not ask for their medical examination nor opened investigations into their allegations despite having been informed of this practice.

Accordingly charged with "affiliation to a banned group", i.e. the Muslim Brotherhood, the two men were brought back to Nasr City police station where they continued to be detained with convicted criminals and in particularly harsh and inhumane conditions of detention until their release, which took place in December 2015 after 70 days of detention.

5.7 Torture and secret detention

The practice of enforced disappearances in Egypt is increasing and has reached unprecedented figures.⁶⁶ Accordingly, Alkarama estimates that at least 3,000 individuals were disappeared between

⁶⁶ Alkarama, [Egypt: Alkarama once again alerts the UN on the institutionalised practice of enforced disappearances](#), 9 May 2016.

July 2013 and the end of 2015, while other non-governmental organisations further claim that such disappearances amount to three-to-four individuals being enforcedly disappeared every day.⁶⁷

Similarly, the Working Group on Enforced or Involuntary Disappearances (WGEID), to which Alkarama sent numerous cases of disappearances, asserted in its 2016 annual report that there was an “*increasing pattern of disappearances, notably short-term disappearances*” in Egypt⁶⁸ and that it was “*extremely concerned given that, during the reporting period, it transmitted 131 new cases under its urgent action procedure to the Government*”.⁶⁹ Data provided by the WGEID in the framework of its last annual report (covering cases sent to the Egyptian government between May 2015 and May 2016), hence, reveal a dramatic increase in the number of disappearances, with 152 cases transmitted to Egypt in the mentioned time period, in addition to the 124 cases there were unresolved as of May 2015.⁷⁰ This amount of cases is only the tip of the iceberg and is illustrative of a recurrent practice of enforced disappearances at the hands of State officials that has been dramatically increasing.

Short-term disappearances – in the Egyptian context – often entails that a victim be abducted by State security forces, held in an undisclosed location, while her or his whereabouts remain secret and are not shared with the families or with the lawyers, despite the latter’s efforts to try to locate them. Such disappearances can constitute *incommunicado* or secret detention, which is a *prima facie* form of arbitrary detention and might constitutes *per se* at least cruel, inhumane and degrading treatment.⁷¹

The WGEID referred to this practice as follows:

*The right to liberty and security of person is the principal human right denied by the practice of enforced or involuntary disappearance. Related rights, such as the right to freedom from arbitrary arrest, the right to a fair trial in criminal matters and the right to recognition as a person before the law, are all involved. The very fact of being detained as a disappeared person, isolated from ones family for a long period is certainly a violation of the right to humane conditions and has been represented to the Group as torture.*⁷²

Accordingly, then, the very fact of being secretly detained amounts to torture. In such conditions, and because the authorities refuse to acknowledge the detention of the individual, the latter falls outside the protection of the law and is therefore particularly vulnerable and at risk of being ill-treated and tortured.

We maintain that such practices constitute a pattern in the current Egyptian context, since 20 out of the 22 individuals reported in the present contribution have been subjected to periods of enforced disappearances and/or *incommunicado* detention. Accounts of torture and severe ill-treatment, then, are to be analysed as following the same specific pattern, which has been extensively documented through our case work. Victims are systematically arrested by officers dressed in official or civilian clothes who do not present any warrant nor explain the reasons for the arrest. The victim is then taken to an unknown location where he is held in *incommunicado* or secret detention for a certain period of time that the WGEID has qualified as “*short-term disappearances*”.⁷³ During this time, which often corresponds to the investigation stage, the victim is subjected to torture and other forms of ill-treatment for the purposes of interrogation and the extraction of confessions. This type of detention, in turn, facilitates torture and, according to the above-mentioned WGEID’s statement,⁷⁴ can itself amount to torture or other cruel, inhuman or degrading treatment.

⁶⁷ Amnesty International, [Egypt: hundreds disappeared and tortured amid wave of brutal repression](#), 13 July 2016.

⁶⁸ Human Rights Council, Report of the Working Group on Enforced or Involuntary Disappearances, A/HRC/33/51, 28 July 2016, para. 89.

⁶⁹ *Ibidem*.

⁷⁰ *Ibidem*.

⁷¹ Committee Against Torture, Concluding Observations on Colombia, 4 February 2004, A/59/44 32, para. 67

⁷² Report of the Working Group on Enforced or Involuntary Disappearances, 21 January 1983, UN Doc. E/CN.4/1983/14, para. 131.

⁷³ Human Rights Council, Report of the Working Group on Enforced or Involuntary Disappearances, A/HRC/33/51, 28 July 2016, para. 89.

⁷⁴ Report of the Working Group on Enforced or Involuntary Disappearances, 21 January 1983, UN Doc. E/CN.4/1983/14, para. 131.

The following case sheds light on this recurrent practice:

22. Mr ██████████ ██████████ ██████████ ██████████, aged ██████ (born on 22 July ██████) is a student.

On 1 October 2015, members of the Kuwaiti State Security arrested Mr ██████████ in Kuwait City without presenting an arrest warrant, nor providing any reason for the arrest. They confiscated Mr ██████████'s belongings before taking him to an unknown location. Two days after, his mother obtained information from unofficial sources that an extradition request had been issued by the Egyptian authorities against her son, based on unclear charges of "*joining a banned group that commits internet crimes*".

On 2 November 2015, Mr ██████████'s father enquired about his son's whereabouts at the Airport of Kuwait City and was informed that his son had been extradited to Egypt, in violation of article 3 (on the principle of *non-refoulement*) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; however, no one in his family had been previously notified of the extradition. Since then, and until April 2016, Mr ██████████'s fate and whereabouts remained unknown. Alkarama consequently sent his case to the WGEID, which transmitted to the State of Kuwait on 19 November 2015. On 9 March 2016, the Kuwaiti government informed the WGEID that Mr ██████████ had been deported to Egypt on 29 October 2015 as he had been "*charged by the Egyptian judicial authorities with membership of a terrorist organization [...] and with involvement in extremist terrorist activities.*"

Fears over Mr ██████████'s fate if extradited to Egypt had been previously expressed by Alkarama⁷⁵ and were confirmed as he was held *incommunicado* for more than five months, from the date of his extradition to Egypt on 29 October 2015 until 11 April 2016, when he was presented to the State Security Prosecutor of Cairo. He was first detained at the Homeland Security facility of Lazoghly Square, in Cairo, until 15 December 2015, before being transferred to the 6th of October police station in Cairo, where he remained until 10 April 2016. During this time, Mr ██████████ was denied contact with the outside world. In November 2015, his family filed complaints at Cairo's General Prosecution and East-Cairo Prosecution to enquire about his fate and whereabouts, without receiving any answer. In addition, when he was detained at the 6th of October police station, his mother was threatened and intimidated by police officers, not to further enquire about her son's disappearance.

When ██████████ was first allowed to contact his relatives on 20 April 2016, he reported that he had been severely tortured while detained *incommunicado*, namely through beatings, being forced to stand in stressful position, deprived of sleep, the use of sharp metal instruments to inflict him pain, electrocutions and psychological torture. This was perpetrated against him to extract confessions, in link with "*the constitution of an unlawful group*", which, in turn, confirmed Alkarama's fears that had been expressed over his unlawful extradition to Egypt.

As a result of the confessions extorted under torture, Mr ██████████ was officially charged on 1 April 2016 (case No. 672 of 2015), but was not officially informed of the nature of the charges brought against him. As his extradition order was based on unclear charges of "*joining a banned group that commits internet crimes*", he believed that his indictment was possibly linked to his political opinions manifested through peaceful means, for instance through his Facebook activities, and his participation in demonstrations against the current Egyptian government.

On 10 April 2016, Mr ██████████ was transferred to Amen El Markazy detention facility in Giza, Cairo, where he is currently detained. The following day, he was brought before the State Security Prosecutor in Amen El Markazy prison, when he saw his lawyer for the first time but was not allowed to talk to him; Mr ██████████ was also prevented from speaking during the hearing. He was then asked to sign papers he was not allowed to read. To date, neither he nor his lawyer are able to access his judicial file and no date has been set for another hearing.

⁷⁵ Alkarama sent an [urgent appeal](#), on 20 October 2015, to the UN Special Rapporteur on Torture.

Considering the fact that the confessions extracted under torture were used to charge Mr ██████████ Alkarama fears that they will also be used against him as the sole evidence to convict him to a heavy sentence. Having been held in *incommunicado* detention for more than six months during which he was tortured, without access to a lawyer to prepare for his defence, and without being able to access his judicial file, constitutes a violation of his right to a fair trial enshrined in articles 9 and 14 of the International Covenant on Civil and Political Rights.

6. Conclusion

In each of Alkarama's follow-up reports since our initial submission in March 2012, our organisation has underlined the systematic and widespread practice of torture and ill-treatment in Egypt, in spite of the changing regimes and their respective commitments regarding the abolition of torture. This Eighth Follow-up report has shown that the issue of torture remains extremely concerning in Egypt and continues to worsen.

Thus, we submit that an action from your Committee remains now more than ever necessary, for nothing indicates that the authorities will take effective measures to abolish this practice if the UN human rights mechanisms remain silent to the widespread violations of their international obligations, including in relation to the Convention against Torture.

We believe that human rights violation, namely the widespread use of torture and ill-treatment, play a great role in the surge of violence in the country. This practice is particularly rooted in the Egyptian security apparatus's behavior and we argue that clear, effective and rigorous measures need to be urgently taken to reverse the entrenched nature of this practice. We consider that the procedure under article 20 of the CAT is a constructive mechanism that can allow monitoring and promoting human rights in Egypt.

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