



Egypt

Torture: A Systematic Practice

First Follow-up Report

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

1 October 2012

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1 Introduction

This is our first follow-up report for the Committee against Torture (the Committee) to be considered alongside our Original Communication entitled "Egypt – Torture: A Systematic Practice" dated March 2012.

In this report, we provide further examples of cases of torture reported to us since the submission of our Original Communication. This concerns nine cases relating to more than 13 individuals, covering the period of February 2011 to the present day. These cases serve to highlight some of our concerns relating to torture in the country, and the long-term consequences these acts have – extrajudicial executions due to torture, unfair trials based on confessions made under torture leading to arbitrary detention, and of course, the issue of widespread impunity, which have not been sufficiently addressed despite the political changes taking place in the country, as well as the torture of minors.

In addition, we provide as annexes reports prepared by other reliable organisations on the question of torture in Egypt, in support of the information presented in this report.

Alkarama strongly urges the Committee to find that reliable information has been received which contains well-founded information indicating that torture is being systematically practiced in all places of detention in Egypt and that it should decide, as set out by article 20 (2), that a confidential enquiry be initiated. We also urge you to remind Egypt of its obligations under the convention, which it ratified in 1986.

2 Developments in Egypt since March 2012

The political situation in Egypt over the past 6 months has been more stable than that immediately following the revolution. However it is not completely stabilised, with the adoption of the new draft constitution due shortly, which will be followed by new parliamentary elections. On the streets, there continues to be ongoing protests and strikes demanding improvements in diverse rights and freedoms.

On 19 March 2012, a referendum on constitutional amendments took place. The Egyptian people approved the referendum, voting in favour of nine amendments to the constitution. This referendum came after results of the elections to the People's Assembly (Egypt's lower house of parliament) were made public on 22 January 2012, with the Muslim Brotherhood winning over two-thirds of the vote, 216 seats out of a total of 498. Ten members of parliament were chosen directly by the head of the Supreme Council of the Armed Forces (SCAF) including three women and five Copts, in lieu of the President.

In May, winners of the first round of the presidential elections were announced, with Mohamed Morsi and Ahmed Shafik, the last prime minister appointed under Mubarak, winning.

In June 2012, days before the final results of the presidential elections were announced, the SCAF issued a constitutional declaration effectively granting itself a number of legislative powers, control over the budget and over who would write the permanent constitution. The Military Council also dissolved the parliament, claiming that one third of its membership had been elected illegally. It also moved to limit the authority of the presidency. This was labelled a coup by opposition figures, and was widely condemned by human rights organisations and international observers.

On 24 June, President Mohamed Morsi, a member of the Muslim Brotherhood, the primary opposition to Mubarak's military dictatorship, was officially announced as the winner of the presidential elections. On 8 July President Morsi reconvened the parliament; however on 9 July the Military Council and the Supreme Constitutional Court reaffirmed the dissolution of the parliament.

In late July, President Morsi appointed Prime Minister Mr Hesham Kandil, who himself appointed 35 ministers including two women and one Copt to the government.

On 4 August 2012, the new composition of the National Council for Human Rights was approved by the Shura Council (Egypt's upper house, responsible for the work of the Council). However, the appointment of the 27 new members was widely criticised for being of a political nature, as it included politicians and public figures instead of human rights experts. The new membership was considered by many to be the weakest since the establishment of the Council during the Mubarak era.

On 5 August, 16 Egyptian soldiers were killed by masked gunmen at an Egyptian Army checkpoint in Northern Sinai, on the border with Israel. Three days later, on 8 August 2012, Egypt deployed attack helicopters to strike at gunmen in the first airstrike in decades in the history of Egypt.

On 12 August 2012, President Mohamed Morsi, announced the retirement of Defence Minister Field Marshal Mohamed Tantawi, and Army Chief of Staff Sami Anan along with several other senior generals. That same day, General Abdel Fattah El-Sisi was appointed as Commander-In-Chief of the Egyptian Armed Forces, Minister of Defense and Military Production, and Chairman of the SCAF by President Morsi.

On 19 August, President Morsi issued a presidential pardon leading to the release of more than 6300 civilians tried in military courts as well as other political detainees.

On 23 August 2012, President Morsi issued his first presidential decree prohibiting the arrest of journalists for crimes related to the publication of information by the press, after a journalist was arrested for publishing false news aiming to insult him.

In September, protests took place in front of the American Embassy over an anti-Islamic film made in the United States. This led to tensions in the relationship between Egypt and the United States, as President Obama warned that relations would be jeopardized if anti-American attacks were not controlled and if American diplomats were not protected.

Currently, a Constituent Assembly, composed of a hundred members elected by the Parliament, are drafting the new constitution which is due to be finalised and announced shortly, although the final publication date has not yet been announced.

Despite these changes, Alkarama submits that the rates of torture in Egypt since our March 2012 report has not decreased, and continues, encouraged by the ongoing impunity described on page 10 of our Original Communication.

In this regard, there are concerns about the possibility of a new state of emergency being declared, which would reinforce the sentiment of impunity that continues to date. The state of emergency, in force since 1958 (with a brief pause in 1980-1981), expired on 31 May 2012 and was not renewed. This was widely heralded as a positive step for Egypt. However, in early September, the Interior Ministry raised the question of whether the state of emergency should be re-introduced, and introduced a draft bill entitled 'protecting society from dangerous people', which is viewed by civil society as replicating the worst features of the former emergency law. This was condemned by other parts of the government, and while President Morsi has yet to adopt the bill, Alkarama fears that such a move would grant extended powers to security forces and lead to increased human rights abuses.

In an effort to reverse the trend of the systematic use of torture in Egypt, Alkarama submitted detailed suggestions on the amendments of some articles relating to the definition of torture in the Penal Code and Code of Criminal Procedures to the Parliament. We sought to bring the definition of torture in line with the Convention. We were pleased by the approval given by the parliament's Suggestions and Complaint Committee to the amendments we submitted on 11 June 2012, but unfortunately the Parliament was dissolved before the Committee's decision could be adopted. While new laws regarding torture have not yet been introduced, Alkarama will continue working to ensure the convention is taken into consideration during the amendment of these laws.

3 Obligations Under Convention Still Unfulfilled

Egypt ratified the Convention against Torture (Convention) on 25 June 1986 but has not ratified its Optional Protocol (OPCAT) to date. Furthermore, Egypt has not yet made a declaration under article 21 of the convention, or accepted the individual complaints procedure under article 22.

In terms of its reporting obligations, Egypt was scheduled to submit its fifth periodic report on 25 June 2004 to the Committee, which it has not yet done. Its report is therefore 8 years overdue.

4 Additional Cases of Torture in Egypt

In its Original Communication in March 2012, Alkarama provided the Committee with first-hand information regarding the practice of torture in Egypt. We also provided information on torture published by other credible organizations as supporting evidence of the systematic nature of torture in the country. In our Original Communication, we also reported on a number of cases which took place in Egypt before and at the time of writing.

Cases of torture in Egypt have continued to be reported since the submission of the Original Communication in March 2012, as set out below. Some date back to the period just after the revolution in February 2011, but others are much more recent, taking place in July 2012. We consider that this underlines the importance of the Committee initiating an enquiry into the systematic practice of torture in Egypt, given the ongoing nature of the problem.

The cases provided below have been ordered according to thematic concerns: the question of extrajudicial executions due to torture, the use of confessions made under torture as evidence in trials, the lack of response to complaints of torture and the torture of minors.

A number of these cases have already been submitted to the Special Rapporteur on Torture (Special Rapporteur), while others are also intended to be submitted. Information about submission to the Special Rapporteur is provided in the description of the case if this has already been done.

4.1 Extrajudicial Executions Due to Torture

4.1.1 Extrajudicial Execution of Mr Magdy Hassan

Alkarama submitted a communication regarding the death under torture of Mr Hassan to the Special Rapporteur on extra-judicial executions on 28 September 2012. Mr Magdy Hassan died on 16 March 2012 in Al-Demerdash Hospital in Cairo, following more than three months in a coma caused by police abuse.

Mr Magdy Ahmed Abdulrahim **Hassan** (مجدي أحمد عبدالرحيم حسن), aged 30 at the time of his death (born on 4 April 1980 in Egypt), was of Egyptian nationality. He was not employed and was single. Mr Hassan lived with his family in [REDACTED] Cairo, Egypt. Mr Hassan suffered from a psychological condition rendering him very sensitive to provocation and making it difficult for him to control his mood.

In the early hours of 5 December 2011 Mr Hassan was arrested after breaking the windows of cars in his street. Mr Hassan had reacted violently to verbal abuse from passersby who had disturbed his sleep. Following a complaint by the car owners, Mr Hassan was arrested in complaint No. 6871 of 2011 and taken to Al-Sharabeya Police Station in Cairo.

That same day, Mr Hassan was presented to the Prosecution which ordered his detention until investigations in the case were concluded. He was then returned to Al-Sharabeya Police Station.

On 6 December 2012, Mr Hassan's medical condition worsened, as he had not taken his daily medication. As a result, he became aggressive and started shouting at those detaining him. Fellow detainees Mr [REDACTED] and Mr [REDACTED] reported to Mr Hassan's family that in reaction to this, Police Officer Ahmed Samir and his assistant Magdy Ali began hitting Mr Hassan's head against the wall, as well as hitting him with a baton on his head and on different parts of his body. As a result of this treatment, Mr Hassan became unconscious.

Concerned about Mr Hassan's state, the above-named police officer called an ambulance which refused to take Mr Hassan without a report of his situation at the time – as he seemed to be dying – being written up by the police. Officer Ahmed Samir refused to do so, so the ambulance left without Mr Hassan. Later on during the day, an unidentified person dressed in civilian clothes came with a car, picked Mr Hassan up and left for an unknown destination.

On the evening of 6 December 2012, Mr Hassan's family went to the police station to visit Mr Hassan and deliver his medicine and food. However, officers at the police station informed his family that someone had already come and bailed him out. The next day, on 7 December, Mr Hassan's family was contacted by people unknown to them, who informed them that Mr Hassan had been found unconscious under Al-Sahel Bridge and taken to Al-Demerdash Hospital.

Given what had happened, on 9 December 2011 Mr Hassan's family submitted complaint No. 887 of 2011 to the General Prosecutor requesting an investigation into the abusive treatment of Mr Hassan. However, no response to this complaint has been received to date.

On 16 March 2012 Mr Hassan was pronounced dead by Al-Demerdash Hospital in Cairo following more than three months in a coma. Medical reports showed that he had died due to bleeding in the brain.

4.1.2 Extrajudicial Execution of Mr Ahmed Amar

On 8 May 2012, Alkarama sent a communication to the Special Rapporteur on extra-judicial executions concerning the death of Mr Ahmed Amar, who died as a result of torture at the hands of the police at the New Valley Prison in Cairo on 8 February 2012, one year after his arrest and conviction.

Mr Ahmed Ramzy Ali **Amar** (أحمد رمزي علي عمار), aged 28 at the time of his death (born on 13 February 1984 in Egypt), was of Egyptian nationality. He worked as a day laborer. Mr Amar was single and lived with his family in [REDACTED], Cairo, Egypt.

On 9 February 2011, Mr Amar was arrested from his home by military forces dressed in uniform. He was not shown an arrest warrant, but was told he was being arrested under the emergency law.

On 10 February 2011, Mr Amar was presented to the Military Court in Cairo which charged him with stealing, mugging and possession of white arms. The court sentenced him to 7 years' imprisonment in a manifestly unfair trial: although a civilian, he was tried by a military court and he was deprived of his right to legal counsel. On 13 February 2011 Mr Amar was sent to the New Valley prison, where he remained for approximately a year until his death.

According to his cellmates, a dispute occurred between him and one of the prison guards who came to search Mr Amar's cell on 7 February 2012. Mr Amar was subsequently beaten by prison guards. He was then taken to a solitary confinement cell as further punishment, where he remained until his death.

On Tuesday 9 February 2012, Mr Amar was pronounced dead by prison security, who claimed that he had killed himself, while his cellmates confirm that they saw marks of severe torture on his body.

On 12 February 2012, Mr Adel Ramadan, a lawyer at the Egyptian Initiative for Personal Rights (EIPR), submitted a complaint to the General Prosecutor requesting an investigation into the circumstances surrounding Mr Amar's death. No response to this complaint has been received to date.

4.1.3 Extrajudicial Execution of Mrs ██████ Her Son Mr ██████ Arrested and Tortured

Mrs Shaat was died as a result of injuries caused by security forces while trying to prevent her son being arrested, fearing what would happened to him should he find himself in detention. Her son, Mr ██████ was arrested and subsequently subjected to torture. We refer to:

Mrs ██████), aged █ years at the time of her death (born on 14 August ██████ in Damanhour, Egypt). Mrs Shaat was of Egyptian nationality and was married with children. Mrs Shaat was a housewife and lived with her family in ██████, Damanhour City, Egypt.

Mr ██████ aged █ years, (born in ██████ in Damanhour, Egypt). Mr ██████ is of Egyptian nationality, single and works as a salesman. Mr Al-Fityany lives with his family in ██████, Damanhour City, Egypt.

In the early hours of 21 August 2012 uniform-wearing police and military forces from Damanhour Police Station, led by Police Officer Ahmed Al-Zafarany entered Mr ██████'s house by force, breaking down the main door of the house, because they believed he was being sought for arrest for having fled a verdict issued against him. The arrest was carried out in a brutal fashion, with Mr ██████ being subjected to beatings with batons by the forces arresting him. The arresting forces also confiscated some of his personal belongings and some 15,000 Egyptian Pounds (approximately 2,500 USD).

Mrs Shaat came home at dawn on 21 August 2012 to find the police beating her son. She begged Police Officer Ahmed Al-Zafarany not to arrest her son. In an attempt to prevent the agents leaving with him, she stood in front of the police vehicle that was carrying Mr ██████. Officer Ahmed Al-Zafarany did not respond to her pleadings and ordered the soldier driving the police vehicle to drive forward in order to get Mrs ██████ to move. The soldier did so, severely injuring Mrs ██████ She was subsequently taken to a hospital by residents of the neighbourhood, but died an hour later at 5am on 21 July 2012.

The reasons for Mrs ██████'s death were established by autopsy to have been a severe drop in blood pressure, fractures in the rib cage and left thigh, and multiple abrasions in different areas of her body.

In addition to being beaten during his arrest, Mr ██████ was severely beaten and attacked inside the police vehicle as well as upon his arrival at Damanhour police station. This included blows inflicted with the back of Officer Al-Zafarany's gun, after he accused Officer Al-Zafarany of killing his mother. Mr ██████ was finally released 2 days later on 23 August 2012 after the police acknowledged that he was no longer being sought for arrest as he had won an appeal against his guilty verdict.

On 23 July 2012 Mr ██████ filed a complaint with the head of the Damanhour Prosecution in which he accused Police Officer Al-Zafarany of having killed his mother and tortured him. No response to the complaint has been received to date.

4.2 Coerced Confessions Used in Unfair Trials

4.2.1 Torture of Mr [REDACTED] currently detained in Tora Prison

On 22 March 2012 Alkarama submitted a communication to the Special Rapporteur concerning the arrest and torture of Mr [REDACTED] who is currently on trial.

Mr [REDACTED], aged [REDACTED] years (born on 15 August [REDACTED] is of Egyptian nationality. He is a university student in Cairo and is single. Mr Farag lives with his family in [REDACTED], Cairo, Egypt.

Mr [REDACTED] was arrested twice in Egypt under the emergency law, both before and after the revolution.

Mr [REDACTED] aged 18 years old at the time, was arrested a first time at midnight on 10 April 2010. State Security Forces raided his house, searched it and confiscated his computer, books and some personal belongings relating to his religious views.

Four days later, on 14 April 2010, Mr [REDACTED] was transferred to the State Security headquarters in Naser City, Cairo. He remained there for four months until 12 August 2010, during which he was detained incommunicado and was severely tortured.

Mr [REDACTED] was tortured by police officers who sought to extract forced confessions of Mr [REDACTED]'s alleged adoption of Jihadist ideology. Police officers tortured him by urinating on his face, forcing compressed air into his anus, tying his hands and leaving him hanging in the air for three days and depriving him from food or drink. He was also forced to hold an electrified wire while blindfolded and was electrocuted on different parts of his body including sensitive parts. In addition, he was forced to put his hands on the bodies of other prisoners who were being tortured after which he opened his eyes and found them covered in their blood. He was also forced to remain in a barrel of water for three days.

Mr [REDACTED] was transferred to Abu Zaabal Prison on 13 August 2010. He remained there until he was released by protesters during the revolution on 29 January 2011.

Mr [REDACTED] was arrested a second time on 7 February 2012 while standing in a street near Saad Zaghloul's grave, next to the Ministry of Interior in a separate case, on suspicion of planning an attack against the Interior Ministry. The arrest was carried out by Central Security Forces dressed in uniform, who initially took him to the Interior Ministry, where he was first tortured.

Mr [REDACTED] was tortured for a total of two weeks by the investigative police of Sayeda Zainab Police station. His torture initially took place at the Interior Ministry in order to force him to confess to the allegations held against him of weapons possession and attempting to bomb the Interior Ministry (no such attack took place). On 8 February 2012, he was transferred to Tora prison where he was further tortured for 13 days, during which the investigative police of Sayeda Zainab Police station stripped Mr [REDACTED] of his clothes and threw a prison uniform at him on the floor. Each time Mr [REDACTED] would try to get the uniform they would beat him. In addition to the physical torture, he was subjected to mental torture and ill-treatment, as he was imprisoned in solitary confinement and only allowed one meal a day. Finally, Mr [REDACTED]'s conditions of detention were deplorable – he complained about the coldness of his cell and his inability to obtain more clothes to keep warm. He did not have a toilet, nor was he allowed to leave his cell.

At present, Mr [REDACTED] continues to be detained at Tora Prison, although his prison conditions have now improved. His next court hearing is scheduled for 24 November 2012.

Mr [REDACTED] made forced confessions under torture which he later retracted before the Supreme State Security Prosecution. He was not able to read the confessions he signed, which have already been used as evidence against him, and will in all likelihood be used to convict him.

4.2.2 Taba Bombing Cases

Finally, in this section we would like to highlight a high-profile case which we have not submitted to the Special Rapporteur ourselves, but which was the subject of a recent press release by Mr Mendez. In this press release, dated 12 September 2012, Mr Mendez expresses concerns that a group of three individuals accused of the 7 October 2004 attacks on the Hilton Taba hotel were being tried based on confessions extracted under duress.

A February 2011 African Commission decision condemned the trial, conviction and death sentences imposed on the three men by the Supreme State Security Emergency Court as having violated the prohibition of torture, cruel, inhuman and degrading treatment of the African Charter, and failing to ensure that evidence obtained through torture was not admitted in judicial proceedings. Despite this, the three men are once again on trial before a security court. The Special Rapporteur urged the Government to "take all necessary measures to discontinue the trial of the three individuals before the security court due to their inability to exclude evidence alleged to have been obtained by torture".¹

4.3 The Issue of Impunity

4.3.1 Torture of Mr ██████████

Mr Abdel Atty was severely tortured while in administrative detention at New Valley Prison.

Mr ██████████ is aged █ (born on 4 March █ in Assiut, Egypt). Mr ██████████ is of Egyptian nationality and is married with children. Mr ██████████ is the manager of the factory he owns. He lives with his family in ██████████ Assiut, Egypt.

Mr ██████████ was arrested from home by members of the General Investigation Forces dressed in civilian clothes on 11 April 2011, for having called for the release of detainees arrested during the revolution who have not yet been presented to the prosecution. He was arrested under the emergency law, without being shown an arrest warrant and was subsequently subjected to administrative detention along with 96 other individuals who were arrested in the same manner and sent directly to prison without being questioned.

On the day of his arrest, Mr ██████████ was taken directly to the New Valley Prison, where he remained until ██████████ 2012, nearly one year later. He was then transferred to the Cairo Prison of Appeal where he was detained for three days until he was transferred to Al-Natron Valley Prison on █ 2012.

Mr ██████████ was subject to severe torture in the New Valley Prison starting from ██████████ 2012. He was beaten all over his body with a baton and electrocuted on different parts of his body. He did not receive medical treatment for the injuries caused by the torture, although he did undergo a medical exam to document the bruises of torture apparent on his body.

Subsequently, Mr ██████████ lawyer submitted a complaint on ██████████ 2012 against the police at the New Valley Prison. This complaint was rejected by the prosecution a few days later.

Mr ██████████ was finally released on ██████████ 2012, along with many other detainees arrested according to the emergency law, following its abolition on ██████████ 2012. Rapidly following his release, Mr ██████████ appealed the rejection of his complaint, and his appeal is currently being examined, but he has not received any information on the outcome of his appeal to date.

¹ Juan Mendez, Special Rapporteur on Torture, *Egypt: "Evidence obtained through torture, inadmissible in any court and in all circumstances" – UN expert*, 12 October 2012, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12505&LangID=E> (accessed 2 October 2012)

Following his release on 29 July 2012, Mr ██████ went to the National Center for Clinical and Environmental Toxicology where he was examined. Tests indicated that he had been drugged with Tramadol.

On 31 July 2012, Al-Nadeem Center for the Treatment and Rehabilitation of Victims of Violence filed a complaint on Mr ██████'s behalf to the General Prosecutor; however, no response to this complaint has been received to date.

4.3.4 Torture of Mr ██████

Mr ██████ was severely beaten and threatened by police officers in July 2012. The complaint he laid against this treatment has not been followed up by the relevant authorities.

Mr ██████ aged █ (born 24 March █ is of Egyptian nationality and works as an air conditioning technician with the ██████ ██████ Ismailia. He lives in ██████, Ismailia, Egypt.

On 26 █ 2012, Mr ██████ was assaulted by a group of five police officers from the Third Police Department of Ismailia. The assault took place after the father of one of the police officers, a retired General Lieutenant named Majdi Abdullah Mohammadi was dissatisfied with the service provided by Mr Ahmed's company, to which he had made a down payment of 1500 Egypt pounds for maintenance charges. After being insulted and hit by Mr Mohammadi, Mr Mohammadi's son, Mr Mohammed Mohammadi then came to the company headquarters, with a group of four other agents wearing white police uniforms, and severely beat Mr ██████ They dragged him along the ground and into their police van, and drove to the police station of the First Police Department of Ismailia, as it was the closest station to the company office. The beating was so severe that Mr Ahmed lost all sense of time and space.

Once the group arrived at the station, Mr ██████ was ordered to kneel on the ground. When he refused and asked why he had been arrested, the police agents threatened to present him to the prosecution for fraud, and that he risked being detained for two weeks. As Mr ██████ was very frightened and at loss as to what to do, he paid out the money Mr Mohammadi had demanded be returned to his father. The police officers then set him free.

Mr ██████ was shocked and shaken at what had happened, but upon returning to the office, he realized he had left personal and professional items, namely his mobile phone and an important book of client receipts. He was forced to return immediately to the police station to claim his belongings. Upon his return there, the police officers greeted him rudely, and told him that he was to keep his mouth shut about what had happened to him, otherwise he would 'disappear'. Mr ██████ left as quickly as possible. The trauma of what had happened to him was such that he was unable to speak and remained bed-bound for two days.

On 28 July, Mr ██████ laid a complaint, with the help of his lawyer, provided by the Egyptian Initiative for Personal Rights (EIPR) with the prosecution of the First Police Department of Ismailia. The complaint was recorded as No. 23 of 2012. However, no investigation has been undertaken, and Mr ██████ remains without any news of the outcome of his complaint to date.

4.4 Torture of Minors

4.4.1 Torture of four individuals including two minors while in prison

Mr ██████, aged █ years (born on 16 January █ is of Egyptian nationality and works as a day laborer. He is married with children. Mr ██████ lives with his family in ██████, Al-Arish, Egypt.

Mr [REDACTED], son of Mr [REDACTED] [REDACTED] Mr [REDACTED] [REDACTED] is aged [REDACTED] years (born on 16 January [REDACTED] is of Egyptian nationality and works as a day labor. He is married. Mr [REDACTED] Sabih lives with his family in [REDACTED] [REDACTED] [REDACTED] [REDACTED] area, Al-Arish, Egypt.

Mr [REDACTED] [REDACTED] aged 17 years (born in [REDACTED] is a student of Egyptian nationality and is single. Mr [REDACTED] lives with his family in [REDACTED] area, Al-Arish, Egypt.

Mr [REDACTED] [REDACTED] aged 17 years (born on [REDACTED] is a student of Egyptian nationality and is single. Mr [REDACTED] lives with his family in [REDACTED], Al-Arish, Egypt.

On 24 August 2012, Alkarama submitted a communication to the Special Rapporteur on Torture concerning four individuals, including two minors, who were accused of attacking Al-Arish II Police station in a high-profile attack on 29 July 2011. The attack resulted in the killing of police officers and injuries of soldiers and civilians.

Given the accusations against them, the four men were arrested at different times under the emergency law, without an arrest warrant being shown. They were all tortured while detained on remand, and denied access to legal counsel during their detention. They were finally released on different dates after the Prosecution determined they were not guilty.

Mr [REDACTED] [REDACTED] was arrested along with his son [REDACTED] from their family home in the evening of 14 August 2011. They were arrested by masked members of the police's National Security Forces and military police, who surrounded the house with a number of military vehicles. Their house was raided and searched after the arresting forces broke down the main door, frightening the family. Mr [REDACTED] and his son were beaten during their arrest. They were not shown an arrest warrant, but were charged by the Military Prosecution for possession of white arms the day of their arrest.

Both men remained at Al-Galaa Military Prison for 40 days from 15 August 2011 to 24 September 2011, and were kept in incommunicado detention for the entire period of their detention. They both suffered mistreatment during this time: their hands and legs were tied at all times, and were denied visits and were prevented from receiving food and clothes from their families. It appears that the reason for their torture was to pressure Mr [REDACTED] [REDACTED] [REDACTED] Mr [REDACTED] [REDACTED]'s son, who was at the time detained on remand in the same case, to make false confessions. Neither men had access to legal counsel at any time during their detention, even during their interrogations.

Messrs [REDACTED] and [REDACTED] [REDACTED] were finally released on 24 September 2011 after the Prosecution determined they were not guilty of possessing white arms, while Mr [REDACTED] [REDACTED] remained in detention.

The two minors referred to above, Mr [REDACTED] and Mr [REDACTED] were both arrested by the military police at a check point in Al-Arish on 29 July 2011 for not carrying identity cards, despite being minors at the time of their arrest.

They were both referred to the Military Prosecution which charged them with participating in the attacks on the Al-Arish II police station on 29 July 2011. On the same day, both were transferred to Al-Galaa Military Prison in Al-Arish where they remained for 15 days. During these 15 days they were severely tortured: beaten and kicked all over, including with the butt of a machine gun. They were also burnt with cigarettes on different parts of their bodies and near their eyes. The torture was carried out by military forces, with the aim of extracting false confessions about their alleged participation in the attacks on the Al-Arish II police station.

Mr [REDACTED] and Mr [REDACTED] were released on 13 August 2011 after the Military Prosecution concluded they were not guilty. They had spent a total of 16 days in detention at the military prison, without access to legal counsel or contact with the outside world.

This group of four individuals is part of a much larger, high-profile case in Egypt, in which a total of 25 individuals were finally tried. While we do not have details of the torture the 25 were exposed to, they have confirmed making forced confessions under torture, for which some were condemned. One of the individuals, Mr ██████████ (aka ██████████), died while in detention. Of the 24 remaining, 14 were found guilty and sentenced to death on 14 August 2012. Six of the 14 sentenced to death were in custody, while the other eight were sentenced *in absentia*. The remaining ten had their last hearing on 24 September. Four of the ten were sentenced to life imprisonment, while the other six were acquitted. There are fears that the death sentence against the six individuals may be implemented, although according to the law, this decision must first be ratified by President Morsi.

4.5 Other Reports about Torture in Egypt

As in our Original Communication, we also provide additional information supporting our assessment that an article 20 inquiry is required, given the systematic practise of torture in Egypt. The following three reports have been prepared by credible organisations working on the issue of torture in Egypt. Full versions of their reports are provided as annexes to this report.

4.5.1 “Diaries of a Revolution Under Military Rule” by the Al Nadeem Center

The Al Nadeem Center for the Treatment and Rehabilitation of Victims of Violence and Torture is an independent Egyptian NGO established in August 1993 as a civil non-profit company. It provides psychological assistance and rehabilitation to victims of torture. Together with other NGOs and individuals, it also provides certain forms of social support and refers victims to organisations providing legal aid. It also focuses on making the issue of torture in Egypt public: i.e. by publishing, campaigning and mobilization of different civil society actors against the practice of torture. Other thematic focuses are violence against women and issues related to democracy and freedom of association.

The Al Nadeem Center published its report “Diaries of a Revolution Under Military Rule” on Monday 2 July 2012. It chronicles the violations which Egyptian people were subjected to by the authorities (Police forces, State Security forces, Armed Forces, Military Police, ... etc) from 1 January 2011 to the end of 2011. The document features testimonies of abuse arranged in a chronological order.

Of note in the report is its first conclusion that “[T]he testimonies included in the report reveal beyond a shadow of doubt that systematic torture and murder continue to be committed by the authorities including the military institution and forces associated to it, thereby refuting all allegations of protecting the revolution, endorsing its goals or the intention to facilitate a peaceful transition of power”.²

4.5.2 “Martyrs Behind Bars: Killing and Torture of Prisoners During the Egyptian Revolution” by EIPR

The Egyptian Initiative for Personal Rights (EIPR) is an independent human rights organization. Since 2002 it has worked on strengthening and protecting basic rights and freedoms in Egypt, through research, advocacy, and litigation in the fields of civil liberties, economic and social justice, democracy and political rights, and criminal justice.

Their August 2011 report, “Martyrs Behind Bars: Killing and Torture of Prisoners during the Egyptian Revolution”, aims to make public information on the killings and inhumane treatment to which prisoners were subjected to in prisons during the January revolution. The report details acts of extra-judicial executions and ill-treatment, including denial of water, food and electricity in five different

² The full text of the report is available from the Al Nadeem Center’s website: <https://alnadeem.org/en/node/418> (accessed 2 October 2012), and is also provided in annexe 1.

prisons throughout Egypt in the period during and after the reversal of former President Mubarak starting in January 2011.³

4.5.3 "The Road Ahead: A Human Rights Agenda for Egypt's New Parliament", by HRW

Human Rights Watch (HRW)'s most recent report on Egypt "The Road Ahead: A Human Rights Agenda for Egypt's New Parliament" of January 2012, focuses, *inter alia*, on the need to "[A]mend the definition of torture in line with international law and strengthen criminal penalties for police abuse" as one of HRW's nine priorities for the country. It highlights failings within the Egyptian legal system on the definition, and prohibition of torture, as well as the risk current legislation poses to combating impunity, and makes a number of recommendations to the government, which the Committee is ideally placed to comment and make suggestions on how best to implement.⁴

4.5.4 Amnesty International Annual Report 2012: Egypt

Finally, Amnesty International's 2012 annual report (covering 2011) stated that "[D]espite the dissolution of the SSI, whose officials had committed torture with impunity, there were continuing allegations of torture and other ill-treatment by the police and armed forces, and a number of detainees died in custody in suspicious circumstances. In June, the Public Prosecutor set up a committee of three judges to examine torture complaints. While some of the torture allegations against the police were investigated, none of those against the armed forces was adequately investigated or led to prosecution."⁵

5 Conclusion

It is our view that torture continues to be systematically practiced in Egypt and that intensive measures need to be undertaken to reverse the entrenched nature of the problem. We believe that the Committee is best placed to provide comments and suggestions to Egypt through the undertaking of an inquiry in accordance with article 20(3) of the Convention due to its expertise and independence. It is our strong belief that for the systematic practice of torture to be discontinued in Egypt, a meaningful reform process needs to be engaged upon with rigorous monitoring, such as can be provided by the Committee.

We consider that article 20 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.

As stated in our introduction, we urge the members of the Committee to recommend to the Committee that reliable information has been received which contains well-founded information indicating that torture is being systematically practiced in Egypt, and the Committee should decide, according to Article 20 (2) that a confidential inquiry be initiated.

³ The full text of the report is available from EIPR's website: http://eipr.org/sites/default/files/reports/pdf/martyrs_behind_bars_2011_en.pdf (accessed 2 October 2012), and is also provided in annexe 2.

⁴ The full text of the report is available from HRW's website: <http://www.hrw.org/sites/default/files/reports/egypt0112webwcover.pdf> (accessed 2 October 2012) and is also provided in annexe 3.

⁵ The full text of the report is available from Amnesty International's website: <http://www.amnesty.org/en/region/egypt/report-2012> (accessed 2 October 2012), and is also provided in annexe 4. See in particular the section on torture.

Diaries of a Revolution under Military Rule

Excerpts from 2011 Report



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A Dedication

To the martyrs of the January 25th revolution, who paid in blood the price of bread, of freedom, of social justice and human dignity. And to the martyrs who lost their lives before the revolution that arose to overthrow the system that had killed them through torture.

An apology to the martyrs who died after the revolution, and to their families and their loved ones, because we have not yet triumphed in a revolution against torture.

A tribute to the rebels, young and old, men and women, whose bravery, sacrifice and resilience have deterred the counter-revolutionary forces- headed by the Supreme Council of Armed Forces- from defeating the ongoing revolution.

And last but not least, an acknowledgment of those who have documented the revolution under a line of fire to narrate a history which some would like to erase from the people's memory.

Al-Nadim Center

Preface

This report chronicles the violations which Egyptian people were subjected to by the authorities (Police forces, State Security forces, Armed Forces, Military Police, ... etc) from January 1st 2011 to the end of 2011: the year of the Revolution.

We took special attention to document the testimonies on a daily basis and arrange them in a chronological order, thus allowing the reader to gain a sense of the events in the sequence in which they occurred. Accounts were listed mostly at the time of their occurrence, even if the testimonies were received at a later date.

Many of the included accounts were recorded directly by the physicians of Al-Nadeem Center as part of the documentation process and the rehabilitation of some survivors. Some testimonies have previously been published in various media outlets (newspapers, internet, statements by Human Rights NGOs...etc) and some were mailed to the center as messages of appeal. Others were components of files put together for legal cases or were included in the reports of other NGOs with which we communicate closely.

The credibility of these testimonies stems from the fact that they are firsthand accounts given by the survivors of torture themselves, and frequently, documentation of the injuries incurred through the torture is appended. The reader will also notice the recurrence of similar stories by different witnesses whose testimonies were taken separately in different settings and times, illustrating the events from several perspectives, and eventually presenting a comprehensive picture of the terrifying reality of torture and state violence in Egypt.

In this regard several points are highlighted in this year's report.

The testimonies included in the report reveal beyond a shadow of doubt that systematic torture and murder continue to be committed by the authorities including the military institution and forces associated to it, thereby refuting all allegations of protecting the revolution, endorsing its goals or the intention to facilitate a peaceful transition of power. Testimonies have arose successively and on a daily basis since the beginning of the revolution: not a single month has passed without a major clash leading to dozens of deaths, and hundreds of injuries.

In **January** and **February 2011** official estimates indicate the falling of 864 martyrs and over 6500 injured over the course of the events of January 25th, Friday of Anger (January 28th), and the Battle of the Camel (February 2nd).

Testimonies from **March 2011** describe the violent dismantling of a peaceful sit-in in Tahrir Square (March 9th) and the torture of protesters inside the premises of the Egyptian museum, which included the enactment of forced virginity tests upon female protesters. These events are followed in **April 2011**, by a massacre that claimed the lives of of Ali Maher (aged 17) and 2 military officers. The number of injured is estimated to be 71. Large numbers of civilians were arrested, in addition to a group of officers who were on strike, who are now known as the April 8th Officers.

The first events at the Israeli embassy occurred in **May 2011**. The victims include Atef Yehia, who fell into a coma for several months before finally passing away in November 2011. Dozens were injured. **June 2011** is marked by the attacks of Al-Balloon Theatre: a raid against the martyrs' families who were congregated at the Balloon Theatre was organized by the security forces. When activists and youth congregated in Tahrir square in solidarity with the families of the martyrs who were assaulted security forces retaliated with more violence, in a distinctly vindictive manner, and the tactics employed were reminiscent of those witnessed during the events of the revolution. It was apparent that State Security forces sought revenge against the revolutionaries, and their attacks were accompanied by verbal insults as well as obscene gestures. In these hostilities, 6 revolutionaries died, around 100 were injured and hundreds were detained.

Although we did not record any deaths in **August 2011/ Ramadan**, this does not imply that the period was peaceful or uneventful. In fact, yet another peaceful sit-in in Tahrir square was attacked. The nearby Omar Makram Mosque was stormed into: demonstrators were brutally beaten, chased and trapped in surrounding streets where many were beaten further, and some were eventually arrested.

In **September**, 3 deaths and 116 injuries were recorded in the wake of the second protest at the Israeli embassy. These were followed in **October** by the appalling massacre at the headquarters of Egyptian

State Television and Radio, the infamous Maspéro building. In this disgraceful assault against a peaceful march by Egyptian Copts, no less than 52 protestors were martyred, many of whom were stampeded by armored vehicles, or shot by snipers. The tragedy did not end there but was further and inexcusably amplified by the actions of the state's most deranged media structure: public television. State television live broadcast publically demonizing and criminalizing Christian citizens, and evoked a scandalous call for a civil war resulting in the injury of 312 individuals who were victims in the shocking assaults triggered by the reprehensible state media.

The following massacre occurred in **November 2011**; the events of Mohamed Mahmoud Street led to the deaths of 43 peaceful protesters. The estimates of those who were injured surpass a thousand, with a particular focus on those who lost their vision, having been the target of sniper's aiming at their heads.

The year closes with the events of The Egyptian Cabinet in December in which 19 were killed, all shot dead by sniper bullets. Among the martyrs at The Egyptian Cabinet are Alaa Abel Hady, a medical student; Sheikh Emad Effat an Islamic scholar in El Azhar; Ahmed Mansour, a mass communication student; the youthful Ramy Al-Sharqawy; Mohannad Samir, an engineer, and finally a student in physical education, Hussien Kareyoke.

Wael Kandeel, a journalist, described the attacks on December 31st:

“They are targeting the young faces of (Tahrir) square with great precision that shows that they are purposefully eliminating the icons of the revolution and are in the process of erasing it from existence; Emad Effat was the Sheikh (religious figure) of the revolution, Alaa Abdel Hadi was its physician (he frequented the square to provide medical attention to the injured), Ahmed Mansour's camera was the revolutions' lens. Hussien Kareyoke had travelled all the way from the governorate of Sharqiya on January 25th to join the ranks of the revolution there, Hussein Abdel-Ghany had not concluded his treatment yet, and finally there is Ahmed Faroun. They were all revolutionaries on the front-line who protected protesters with their own bodies and defended Tahrir square with the utmost bravery.”

The Senior forensic physician also remarked:

“Generally speaking, wounds caused by gunshots are injuries that were intended to kill. The bullets found in the casualties' bodies were located either in the head or the chest which means they were all fatal injuries, intended to kill. The range from which the shots were made was only half a meter, which is considered close range shots, according to international standards”.

What the revolutionaries have endured has been the stark opposite of the dream which sparked the revolution on the National Police Holiday, when they had courageously voiced their rejection of the methodological torture practiced by El Adly's ministry and Mubarak's regime for years. However, this year markedly revealed that the military, at all its levels- from military police to Special Forces Units, parachutists and special services- has taken the side of the torturers, repeatedly endorsing contemptible tactics of systematic torture and murder. The forces, trained in violent and fatal tactics aimed at bringing down national enemies, have not identified an enemy to direct their tear gas, bullets and rifles upon except the people they are supposed to protect.

Torture: Systematic by Definition.

Torture darkens the streets and sites of sit-ins and demonstrations, such as the Egyptian Museum which the military police has desecrated by converting into a torture hall, scarring people's image of what should be a distinguished symbol of national history, with unspeakable memories of violence instead.

Incidents of torture occurred even inside the premises of the “venerable” Egyptian Cabinet, the Egyptian Parliament and the Shura Council, as if these institutions are no more than appendices to the state's repressive organs, which can be utilized as torture chambers as necessary. These, of course, are in addition to the grounds of the Ministry of Interior itself and the nearby residential flats which were converted into torture chambers during the events of Mohamed Mahmoud street.

In these cases torture was the ultimate level of corporal and psychological violence, practiced with the same level of mechanical brutality as is/was formerly practiced in police stations and the the

premises of State Security Intelligence. At present, though, the scope of torture has expanded to touch revolutionaries and even citizens who are simply passing through the areas where the events are taking place. While torturers are fully aware their victims are only coincidentally passing through, not participants in the event being bombarded, they are assaulted with equal cruelty and mercilessly. In this instances, the purpose of violence is not to intimidate and terrorize to convey a particular message (“stop protesting, stay in your homes, all those who protest are liable to get injured or killed”), but has developed as a means to seek vengeance against a population that has shaken the throne of dictatorship and its repressive arms. It has become a technique through which the police and military believe, mistakenly, that they are regaining their esteem.

We have also noted that the infliction of excessive force now befalls women and girls, and is not limited to men. In fact, techniques that specifically target women are well established and routinely deployed. Sexual assaults by groups of men in civilian clothes who are protected by the regime's forces, or assaults by the forces themselves have habitually targeted women. These waves of molestation and aggression are typically complemented by a methodological form of moral defamation against these women, primarily through the media that repeatedly disseminating the same message: “Stay at home..What were these women doing out at a protest?”

An assortment of torture methodologies is adopted by the authorities, from beatings with sticks and whips to electric batons and tear gas; all of which will be defended by the Supreme Council of Armed Forces, behind a contemptible claim; that all are “internationally accepted practices to break up riots”. The despicable nature of these practices notwithstanding, a clear analysis of the events exposes that these are methods intended much more as a means to torture and inflict direct injuries, rather than a strategy to disperse demonstrations.

This is the unmistakable nature of practices like shooting from close range, aiming at the face and eyes, and attacks that routinely occur against the backdrop of tirades of vulgar sexual insults to the person, sexual harassment, or - if the location allows, complete sexual

assault. The military police have also developed a unique habit of stomping on the chests and backs of victims while wearing their combat boots.

Because these forces have apt military training, they respond quickly to signals directing them towards their victims, which they typically receive from hired thugs or officers of National Security (formerly the State Security Intelligence). We have observed a clear division of responsibilities between those who determine and point out the victims, and those who attack them. Once a 'target' has been isolated, the violence, too may follow a particular scheme. It starts by beating the heads and bodies of the victim with electric batons until he/she is rendered completely immobile (sometimes they are beaten brutally on their legs until they trip and fall). The victim is then immediately surrounded by 5 or 6 soldiers who will barbarically attack with batons and the butts of their rifles. Victims' faces and heads are not exempt from these cruel attacks, and may in fact be the particular focus of soldiers' contempt. The victim is then viciously dragged across the site of the attack, and tossed into an armored vehicle, carelessly flung over onto the moaning, bleeding, aching bodies of other victims. Victims have described the interior of these vehicles as "stifling, filthy and suffocating", exasperated by the "smell of the bodies and blood" and occasionally urine.

With this, the trajectory of torture has only begun. Some will be taken to the military intelligence headquarters and all will eventually find themselves in military prison. Both are locations where further systemic violence and collective torture are inexhaustible.

The experience of detention and the torment of torture that is its prime constituent starts with a painful reception that prisoners have come to call the "ceremony". The revolutionaries are stripped of their clothes, and their naked bodies are beaten and brutalized using batons, whips, or kicked by soldiers wearing combat boots, or sometimes just using their bare hands. When the detainees eventually reach their cells they are coerced to lie face-down on the ground. Those who dare raise their heads from the floor will be punished with further kicks and beatings. The bare backs of the detainees are beaten and whipped and collectively, and their naked

bodies are trampled by soldiers who jump and stomp repeatedly across the body-laden floor.

The routinization of “the ceremony” also highlights the disturbing effect this process incurs on the psyche of the soldiers, who enter into a state of violent hysteria totally devoid of any moral or humane consciousness. The perpetrators occasionally enter a state of ecstasy, wherein they shout almost gleefully “let’s take another round!”, or make light jokes such as “stay away, you are too weak-hearted...leave him to me”. The soldiers are bereft of even a remote realization that the figures underneath their combat boots are humans; they refer to them as creatures who oppose the army and “the nation”, they have been “paid off” or they are “infidels”.

Similar forms of moral disorder and a total absence of any understanding of their roles as an official arm of the state were startlingly manifest in the events of Maspero; the shameful night when the revolutionaries were trampled, not with combat boots, but with army tanks. It was shocking to discover that carrying out a military order to trample protestors was not the only alarming fact behind this incident. Investigations into the mad details of the event revealed that calls from military leadership and state media to find “infidel Christians” who are “attacking the army” instigated sectarian violence of the most obscene nature provoked lower level soldiers were provoked into chasing down protestors in nearby streets, trapping Egyptian Copts who were seeking refuge in neighboring buildings and barbarically searching their wrists for tattooed Crosses. Once trapped, and their “culpability” of being Christian was confirmed, the victim would be handed over to hired thugs to be brutally beaten and injured with light weapons.

The ultimate agent shielding the policy of systematic torture and murder, however, is the judiciary and particular, the intolerable reliance on military trials. Through the testimonies these trials are reincarnated as acts in a theatre of farce/tragedy, complete with their own absurd “protagonists”. These trials realte figures like a public attorney who “asks the question and answers it simultaneously” as well as a host of appalling scenes. In one instance the defendants, after being subjected to torture, were made to appear as hired thugs and photographed next to weapons and illegal drugs which were

considered “evidence” against them. In another case, it was discovered that two detainees who were accused of burning the Museum of Science had actually been arrested before the fire took place. All the cases referred to above represent a small selection of the testimonies that make up this book.

We salute, in closing, every citizen who was fueled by the revolution to join its ranks and take part in protests, driven by a desire to achieve freedom of expression; and every citizen who found themselves in the heart of the events by mere coincidence, and stayed on to observe then came forth to testify the crimes they had witnessed.

A tribute to the innocent and kind individuals who imagined that in fact, “the army and the people are one hand”, and whom, in a blink of an eye, found themselves the targets of unbridled violence. Those are the individuals whose moans of anguish come not from the pain of torture alone, but from the the destruction of a beautiful illusion. Those are the ones who asked: “Is this the military of the October war? Is this the military we believed would protect us?” and were answered with a startling blow: “Yes! This is the regime's military! Because the regime is still in charge.”

Notes:

- The identities of individuals who provided these testimonies will remain confidential, except for the cases who otherwise published their accounts through media or social communication platforms. El Nadeem Center will not make public their identities until conditions are prevalent that would allow for and guarantee impartial and fair trials against the perpetrators of the crimes described in the statements. At present, and in light of the current pattern of convening trials that aim at exonerating murderers and suspects, El Nadeem Center will not reveal the identities of these brave individuals who would soon become targeted and intimidated by agents who consistently violate the law, and do not uphold it.
- The absence of a source at the end of any testimony indicates that the person had approached El Nadeem Center seeking psychological rehabilitation, requesting legal aid, or had a desire to document the crimes that had occurred.

January



- **The dawn of the first of January 2011 Egypt awoke to the disaster of the Saints church bombing in Alexandria resulting in the death and injury of 35 citizens. Injuries ranged between neck fractures, face and chest burns, and penetrating wounds in different parts of the body (according to a statement released by Alexandria East Hospital). The ages of the injured ranged between 14 and 59 years (according to El Badil electronic journal) (<http://bit.ly/kH2scL>). As usual the MOI had to hurry in identifying the aggressors in view of the anger that spread nationwide. And as usual it resorted to its routine of random arrest and torture. The following day a wide campaign of arbitrary arrests followed in addition to 26 people who received an order to appear in front of Alexandria state security**

intelligence (SSI). Several of them responded to the order only to be arrested by the old security directorate before being taken to section D of Tora prison, without any of them being questioned by the prosecution.

- **5 January: El Sayed Belal**, 32 years, arrested on ground of the Alexandria bombing.

- **6 January: Sayed Belal** dies under torture. Arrested on Wednesday without a warrant, tortured, then transferred to a private hospital 24 hours later, where he died. The body was buried at night against the wish of his family. Belal is married and has a 3 years old son.



- **A mother of a second detainee, also arrested for the same events**, said she visited her son in Tora prison and found his body covered with injuries. Her son told her he was subjected to torture.

- **7 January: Mostafa Idris Abdel Moez, 27 years, computer technician**, from Menyam, married and has a two and half little son, disappears. His family identified his body on the 20th. His brother: He disappeared on the 2nd of January and appeared again on the 5th. When I asked where he has been, he said he was in Hurghada. His face was bruised and he claimed it was because of a fall. On the 6th he said he was summoned by SSI. When he disappeared again on the 8th we filed a complaint that he was missing. At the police station I was questioned by an SSI officer: is Mostafa using the internet, was he sympathetic towards Osama Ben Laden, what did he comment to the Alexandria bombing, the world trade center. He then told me we have been watching Mostafa since 2004 and I should tell them anything I know about him. On the 20th of January the intelligence officer at the police station called me and told me there was an unidentified body at the hospital and that I should go and check it out. When I went they told me the body had been buried 4 days ago. I called the officer and he told me go upstairs and you'll find pictures of the body. When I saw the pictures, I identified my brother. Terrible pictures. He was wearing his clothes, with blood coming out of his mouth and nose, his tongue was protruding, the

head was swollen, his face black. They refused to tell us where he was buried, when we said we wanted the body. They claimed he had drowned. When I filed a torture complaint in February the prosecutor told me you have no idea whom you are up against, these are SSI, it will be a matter of life or death. You don't play with those people. After the 18th of February we began to receive threatening phone calls: Something like: you found the first one in one piece, the second will be chopped in three pieces. Forensic report: circulatory failure, released on the 6th of April.

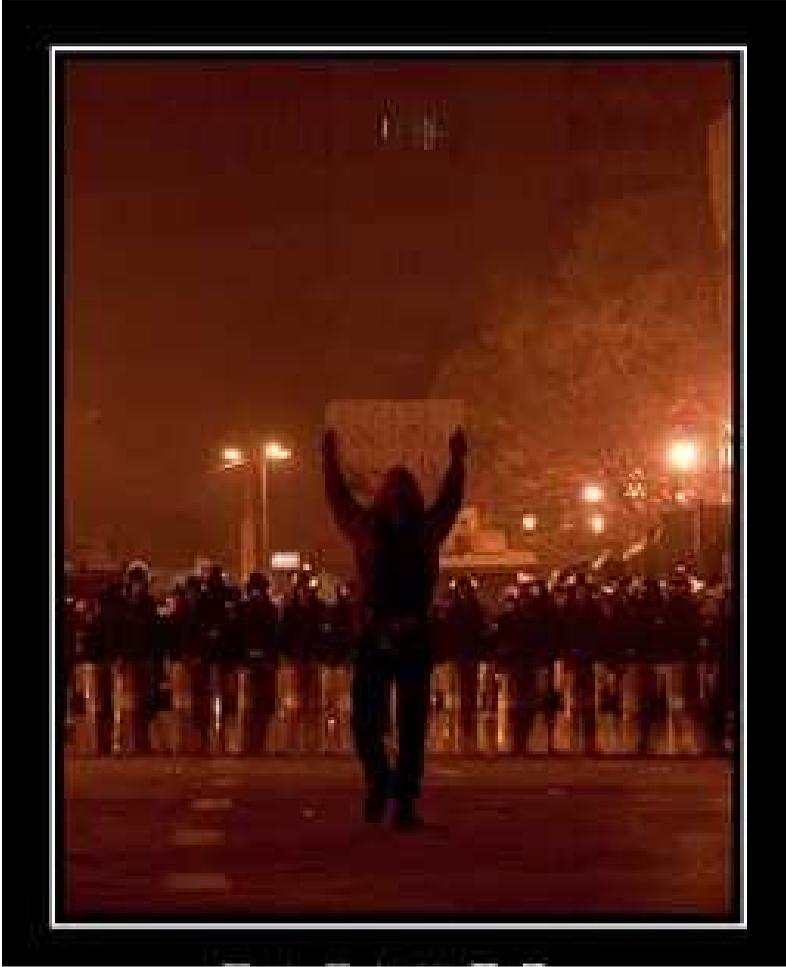
- **8 January: M.D.: house raided by SSI, taken to headquarters, beaten, slapped, stripped. No charges.**

- **13 January: Demonstrations against police officer Ayati Said,** head of traffic police unit, for chasing minibus with driver and four passengers, including baby, into a canal resulting in severe injuries. (El Shorouk)

- **21 January: Dozens of youth demonstrate in front of Osim** city council protesting the torture of a young man in SSI headquarters in Osim. (El Masry El Youm)

- **22 January: Family of A.M.K file a complaint with the public** prosecutor accusing an intelligence officer at Tanta police station of killing their son claiming he was dealing in drugs. The officer had broken into the victim's house and randomly shot at him, resulting in two bullets which settle in his chest. The victim dies before reaching the hospital (El Dostour)

The Revolution



25 January: A.A.D., 15 years: I was in the clashes in Kasr El Aini street surrounded by about 15 CSF soldiers, all beating me. They hit me with a club on the head. They hit me on the face and were trying to hit me on the neck. There were five of them focusing on my head. I fell and they continued beating, then they kicked me in the stomach and I think I lost consciousness for a few seconds. They took my mobile and accused me of being a heretic. Then they dragged me into the basement of the Shura council. They dragged me from my trousers. I was screaming and they threatened to strip and rape me if I did not shut up. Then they took me into the prison trucks. There was a 12 years old boy with us. They took us to the Salam central security camp and questioned me about Bothaina Kamel and the 6th April movement.

- **Woman: I was in Ataba square behind the Opera.** There were a number of thugs and security men. About 100. They began to shoot and the protesters answered back with stones. The soldiers were running after the protesters with guns. I ran into a bakery. I saw a soldiers shooting a young man in the leg and the face.

- **28 January (Anger Friday): Ain Shams University Student (28 January - 16 Feb).** On the 28th of January, I and another person (who could not come with me today) were in a car along the cornice. We were stopped by a popular committee and they checked the licenses. We drove a little and they attacked us. We could not foresee this. They destroyed the car. We were taken by army officers in a small truck and handcuffed us behind our backs. We arrived at Qobri El Qobba (investigations). They said you'll stay only for half an hour and then we will let you go. I said I was a student. Behind me stood a man who stabbed me with a knife in my leg and then I was hit hard on the back of my head. My head bled and they sent me to have it stitched: 20 stitches. Hardly the doctor finished his work I was blindfolded and handcuffed and taken to another place. Beating, electric shocks, stripping. Then they took us to the military prison for 17 days. Beatings and humiliation. They beat with hoses, shows, belts and with their hands. They even used a tree branch and then there was this electric baton. The food was very little, barely to keep us alive. No water. The cell was very small. The day they do not beat us they humiliate us. We would have to squat and if one moves one

gets beaten. Saturday the 12th of February they took us to the New Valley prison (El Wadi El Gadid), first by train to Assiut and then in a prison truck. We arrived Sunday morning. Beatings at the entrance but to a lesser extent. Then the treatment got better. My mother looked for in the morgue and all prisons. She traveled a lot and was badly treated. In the train station we were beaten by central and state security, as we were the ones who ruined the country. Then we went to the prosecution accused of forced theft (we didn't have anything on us), destruction of public property and breaking the curfew. There were volunteer lawyers we did not know. Breaking the curfew was established and we learned that they sentenced us to 6 months. That is why they took us to the New Valley. They released us on the 16th of February in the afternoon. They released us 15 each without money, without anything. We helped each other. The took our IDs and did not return them. We don't know what is the legal situation right now. Nobody told us anything and we did not see any papers.

- **Graduate working with his father in trade, Alexandria, 24 years:** It was the Anger Friday. He was among those who challenged security tanks in Ramla station and was injured in his hand. At 8 pm on Saturday the 29th of January he went to his father's working place in a Skoda. He was accompanied by his neighbor to deliver a check at the public hospital for a blood transfusion for his mother suffering third degree cancer. As soon as left his car he was arrested by the army although he showed them the check for the blood bag. They took all his belongings, the check, his ID and driving license and 280 pounds which he had on him. "We were 104 people in one room. We were piled on top of each other. They threw water on us all the time. They beat us with sticks that had protrusions like long nails. The next day they took us out to a huge yard. (He was filmed on TV as a thug). He was tortured for 5 days by the army using electric shocks, whips and his back and legs were badly injured. They transported them in a container car.

- **A man, 40 years old, who was accompanying the previous person:** In the container there were soldiers carrying machine guns. They were whipping us during out transfer, especially those who were not blindfolded. We had a 60 years old man with us who was suffering a renal colic. The officer came and told him, you are acting and he ordered the soldiers to beat him. They kept electrocuting him

until he died. Then the officer said (literally): take this dog away from here. Then they took us to El Hadra prison. I was in the same ward with 97 people. At least 7 of them died. Our hands and feet were tied and we were all tortured. Soaking us with water, cigarette burns in our naked bodies, beating with sticks and whipping. A man from Libya was tied with us and he died. He was handcuffed to my hand and his body remained for hours, dead next to me. The most brutal was an officer by the name of Hassan. He was swearing at us all the time and was kicking even the dead. Tuesday they brought us ointments and food and told us we were ruled innocent but will not be discharged now or allowed to meet anybody. Thursday night we were all naked. They told us: leave before we beat you again. I grabbed a piece of clothes, shorts, put them on and ran outside. We did not know what was happening during those 13 days.

- **Architect, 41 years old, married and has three children, from Suez:** I was in Tahrir square on Wednesday afternoon. I left the square to go to Nozha street to return to Suez. I took a taxi and as soon as the driver knew I was from Suez he looked upset and drove very fast and handed me over to the army check point nearby. They were in black uniform. He told them, this man is from Suez and he has come to destroy the country. The officer was armed. He pushed me in a police car which had people dressed in black inside. They beat me so brutally that I lost consciousness. When I regained consciousness found myself without my clothes (they stole them). I was very tired and they kept transferring me from one place to another while the beating continued with electrified batons all over my body. Again I fainted. People with me in the car told me they thought I was dead because I started snoring and foam was coming out of my mouth and said hide him so that nobody sees him. I woke up in the military intelligence center in front of Tiba Mall in Madinet Nasr. Somebody from the medical center of the air forces said we are in center 75 of the military intelligence. Another detainee carried me and I looked through the window and saw the back wall of the ministry of defense. We were interrogated twice and during the two times I was blindfolded and my hands were tied behind my back.. He asked me, is this the first time you are interrogated by SSI. I asked, are we in SSI? He said yes. He said you look like a member of the Brotherhood. I told him I am an artist and I paint and I cannot be a member of the Brotherhood. He interrogated me for more than an

hour and then he said, you have wasted my time and got on my nerves. We shall take you to the detention center. Anybody who knew I was from Suez beat me brutally. They threatened to hand me over to central security who hate people from Suez. They told me, you have absolutely no record here. You are in a no return zone. After each interrogation he would remove my blindfolded a little and make me sign on a paper which I did not read. Saturday they took us to the military prison in the Heikstep. They put us in a freezer car, completely closed, with no air. Our eyes were blindfolded and our hands tied and we were thrown on top of each other. We were 52 people. I know because they called our names. Among us were thugs. In the military prison we saw brutal torture. They received us with something called the "twister". They made us take off our clothes, except for the slip and told us to sleep face down. They walked over our backs and beat us with whips, electric batons and another type of sticks. They were dressed like Special Forces and the badge said Sa'aeqa. Somebody would whistle and they start the torture, and then whistle again and they would stop for a few minutes.

- **A.A. On the 28th of January I was in a demo from Waily to Ramsis street.** The police kept hitting at us until sunset. We prayed in El Fateh mosque. CSF had withdrawn from this area. When we walked further after the prayer they threw gas bombs at us. Suddenly we saw the diplomatic care leaving the cabinet street, flashing its lights, driving very fast. Although the protesters made enough space of two cars to pass, it seemed to target people. The first one hit was Farghalli, and then the car drove over the pavement and hit another. That is when we began to throw stones at the car. Its window broke. I held on to the car window behind the driver to stop him. He moved fast towards the pavement and I fell. It kept driving around like mad and killed 16 people. CSF withdrew into the street. Then we saw the armored cars of the army closing the street and the shooting began. Live ammunition. It was around 8 pm. People were dying. People trying to help were shot by snipers. For two and a half hours we kept our heads down sleeping on the street. Then the motorcycles appeared to transfer the injured to hospitals. I was taken to Kasr el Aini hospital and stayed there for 3 days. They removed a bullet (9mm) and birdshots from my body. I rested at home for 3 days and then returned to Tahrir. I spoke to a lawyer and

insisted to file a case against this diplomatic car. I spoke in the microphone in Tahrir asking anybody who has information to speak out. Two days later my son was out buying something, when he was kidnapped for a few hours and I received a phone call threatening to kill my children in case I did not withdraw the complaint. They left me a note through the door repeating the threat and then a few days later offering money to withdraw the complaint.

- **M.H. spending a 5 years prison sentence in Fayoum prison.**

Armed masked people broke into the prison and forced everyone out. I tried to give myself up to the military police. There were two other inmates with me. I was put with other inmates in a closed military police truck in the Dahshour area. It drove to the 4.5 km checkpoint. When they opened the truck several of the inmates had died for lack of ventilation. About 65 people died. The police refused to document the case.

- **Technical school graduate, 36 years old, lather, married with three children, 2, 12 and 13 yrs old:** A relative of mine was shot in Zawya El Hamra on the 28th of January. We had the funeral on the 29th of January and I was on my way home at 11 pm. I was walking through Ahmed Said street. A man stopped me and asked for my ID? Another held me from one side and another from the other side. One of them had a track in his hand and they were talking violently. Then they started beating me and said we shall give you over to the army. They took me to the army close to the aviation hospital. In the front yard of the hospital they pushed me to the ground and hit me on the head, both the men together with an officer in uniform. They handcuffed me behind my back and beat me with sticks and rifle butts. They carried us like animals and threw us in an army jeep and took us to the investigations, possibly Manshiet el Bakry. We had with us soldiers and sergeants dressed in plain clothes. All of them were beaten and insulted just like we were. As if we were in Israel. They threw us, about 120, in a cell. They threw dirty water on us and stood by the windows with electric tasers. I remained there until next day at noon time. They kept us squatting and videoed us. Then they took us in a car, about 30 of us, our hands tied behind our backs and took us to the military prison. There was this freezer car with 65 bodies which they disposed of in the desert. It was a freezer and the ferion leaked and they froze. In the military prison they received us with beatings. They beat with their hands, and belts and tasers and

hoses and rifle butts and tree branches. We would take off our clothes and walk barefoot until we entered the prison compound. A huge yard. They ordered us to sit and continued to beat us. Anybody who would raise his head would be beaten. They searched us and took our money. We remained 4 days in the military prison. We were 400. we lost our money. We lost our health, but I cannot lose my children. Everyday nightmares and torture. Anybody touching me I startle. Injuries: broken ribs on the right side, scars on the head not attended medically.

- **M.A., 24 years, graduate working with his father in Alexandria.** The evening of the 29th of January he was on his way to a hospital to purchase a bag of blood for his mother, ill with a blood disease. As soon as he left the car, he was arrested by army soldiers, who searched him and took all he had, including his money, mobile and the receipt of the blood. He was taken to the local army camp where he, and dozens more, were subjected to continuous torture. "We were about 104 people in one room, one on top of the other. They soaked us in water all the time and beat us with clubs that had nails in the. The next day they took us to a wide ground where the state TV filmed us, while handcuffed. He was tortured by the army for five days, including electric shocks, whips and he was badly injured in his legs and back. Two of the detainees tried to pull a soldier inside the cell, to demand our release. At this point an officer entered the room and shot two of the detainees in their head. He was accompanied by 6 soldiers. They kicked and walked over the two bodies. The dawn of the 4th of February they transferred us in a container; again we were thrown on top of each other. Several of us were unconscious, injured and burned by the cigarettes they pressed in our bodies. There were soldiers with machine guns in the container with us and they continued beating those who were conscious among us. On the same day we were transferred to the military prison where we faced the same torture. There was an old man, about 60 years old, who had a kidney crisis. The officer accused him of faking illness and ordered the soldiers to beat him. They electrocuted him until he died. Then the officer said (word for word) take this dog and throw him away from here. They then transferred the detainees to the Hadra prison. We were 97 people in one ward. At least 7 of them died. All of them were tied by iron chains by their hands and feet. All of them were beaten, all of them

were tortured by water, burning cigarettes, clubs and whips. A Libyan man was tied with the same group. This man was tied to me by the same chain and his dead body remained chained to me for hours. In the military prison they called us one by one, by name. They asked for the youngest of us. His name was Gasser. The officer asked him to beat a soldier. "Kill him. He works with SSI". The most vicious was an officer named Hassan. He swore at us all the time. He beat us even those who died among us. He would come into the cell and say: line up! And then would step on our wounds. He would pick up 10 people from each ward and beat them brutally as an example for the rest. There was this young woman who came everyday to ask for her husband. He would shout at her: stop bothering us, he is probably dead.

- **Sudanese refugee, 22 years: I was imprisoned and they beat me on Sunday in Gesr El Suez.** I was beaten with a belt by the army. They used me as a carpet on the floor. They released me two weeks later. They beat me once after entering the military prison. They burnt my hand with a lighter. Then a doctor saw me and treated my injury. I didn't do anything. They said I was a thief but I didn't do anything. I was going to take the metro to go home. They tied my hands behind my back. Then they put me in a car and took me to the big car. There were Egyptians and Sudanese with me. 6 people were arrested with me. There we found many other Egyptians, adults and children. They were beating elderly men and little children and then they would untie them. When do we leave? They say tomorrow. They took me in a car. There were people whom they whipped with a Sudanese whip and belt and feed them jam. At night there is nothing but beans. They held us in a room that has no light and the window is small and high. Brother: It was curfew. He does not have an ID (Victim is mentally disabled). The army arrested him and beat him with a belt and tied his hands and blindfolded him and his body has many signs of burning. He was not eating while in prison. When he was released he was devastated. He came alone at 3 am.

- **T.A. 25 years (injured), from Beni Soueif: He was shot by a live bullet in his pelvis.** I went to the village hospital they sent me to the central hospital in Beni Soueif. There were no doctors on that day. We called the doctors and they refused to come. There was only one doctor and so many injured. We were about 30 inured,

other than those who died. Everybody was transferred to the central hospital. We hadn't even begun our demonstration. We were about 300 meters away from the police station. We were chanting for our rights. We hardly finished the first chant when we found three dead people. They were not even in the demo. They were just passersby. Then the shooting began. Intensive. If we were enemies they would not have treated us like this. Anyone trying to help out was shot. Even when people dropped dead there was this officer who stepped on the men and hit them with his boots. They could have scared us away by shooting in the air, but they were shooting to kill. It was a peaceful demo. We were not armed. I went to help my cousin but could not reach him. I was shot before I could reach him. Then the governor appeared on TV and said there was no shooting, no demos and that the whole thing was a fight between two families.

- **Heavy shooting (in prisons) started on the 29th and 30th of January**, followed by a period of regular shooting which lasted for at least 10 days. More than one hundred prisoners died inside the five prisons and hundreds were injured. In all five prisons, during this time, no prisoner escaped. According to testimonies from prisoners, on Saturday 29th January, General al-Batran went to talk to the prisoners inside the blocks to assess the situation. He was accompanied by the head of al-Qatta prison's intelligence unit, S.G., and officer E.B.. According to several prisoner accounts, while General al-Batran was talking to the prisoners, E.B. made a sign to one of the watchtower guards, officer G.H., who shot him. The General was shot in the chest and the back, and died shortly after, while S.G. was shot in the leg. Several prisoners were killed and others injured. After this, the guards in the watchtowers opened random fire on all the prisoners in the cellblocks, killing dozens and injuring many more. (EIPR, Martyrs behind bars, <http://eipr.org/en/report/2011/08/24/1300>)

- **According to the above report EIPR accessed an official list** that includes the names of 33 inmates, who died between the 25th of January and the first of March 2011. 31 inmates were said to have been killed by gunfire, in 14 cases of whom the injury was in the head, face or neck. In 14 cases the injury was in the chest, stomach or back. i.e. in 28 out of 31 cases the shooting targeted the upper half of the body, indicating that the shooting was targeting to kill

rather than prevent inmates from escape, violating both national and international prison laws (EIPR report).

- **According to the information gathered by EIPR, in Liman Tora and Tora Tahqiq prisons, prison officers shot at prisoners in their cellblock on 29 January, killing an unknown number of prisoners and injuring dozens. In some blocks, the guards went and shot prisoners inside their rooms, while in other blocks, they threw teargas canisters inside the blocks. Once the prisoners managed to break out of the rooms to escape from the smoke, they were shot at in the block's courtyard. (EIPR report).**

- **In Shebin el Kom prison and Damanhour prison, similar accounts were reported to the EIPR. In Shebin el kom, the EIPR collected from detainees a list of 17 prisoners they say have been shot dead in the last days of January and until 20 February in block A alone. In Damanhour, an investigation has been opened into the death of 12 detainees inside the prison on 29 January. (EIPR report)**

- **30 January: In the Appeals prison, at least 14 prisoners died on 30 and 31 January, some of which were taken by the officers, tied and beaten before being shot at point blank. Other prisoners were shot at while they were in the cell-block. The EIPR saw a list of 14 prisoners from the Appeals prison who were registered in the Zeinhom morgue registry on 7 February. (EIPR report).**

- **31 January: Testimony of a detainee in the Appeals prison to EIPR: "On 31 January in the morning, the police investigators came up with weapons, under orders from the prison director M.T. They were shooting live fire and metal pellets at anyone in front of the blocks and also those inside the cells. They were holding rifles with live ammunition and metal pellets. They were shooting live fire at anyone on the stairs and metal pellets inside the cells. I was inside the cell and I got three metal pellets in my left arm. Many got pellets in their eyes."**

February



Battle of the Camel

- **Journalist:** On the 1st of February I was arrested in Alexandria at 9 p.m. I was documenting events in el Horeyya street and the burned police stations. They were arresting people and taking young people between 15 and 30 years of age putting them in the Alexandria directorate. I was taking pictures when suddenly more than one person, dressed in plainclothes. The area was dark and quiet. We were close to the graveyards. They took me to a place that looked like a school yard. They were joined by other people who pulled me from my shirt and were obscene in their language then started to slap me. I told them you have no right to do that and they said, you still haven't seen anything. I have never seen so much terror as I have seen there. Brutal beating, people with their hands tied behind their backs and beaten. People were screaming. Torture is a mild description of what was happening there. Until then they had not done it to me but I felt terrified seeing the weapons and the batons in their hands. First they point them at their faces and then they would hit them with the rifle butts in their chests and stomachs. Then an officer came for me. I told him I am a journalist. I don't belong to any group and I told him you have my papers. He left and spoke to his senior, an officer by the name of Esam. I was still watching the torture and then they came for me. They pulled me from the back of my shirt and said when you write tell people to chant for the army and the people. He hit me in my stomach with the butt of his weapon, they tied me from the back, forced me on my knees and beat me and then forced me on the floor and walked over me. The beating was endless. Then they ordered us to stand up without help, but we were tied, so we stumbled. I tried to stand up but fell and bled from my mouth. Then they took me to state security and from there I was released. On the way to state security I discovered that they knew all the popular committees along the way. At SSI they untied my hand and tied them in front of me using my belt. They untied my legs. When they released me I could not walk. I was limping. People on the street took me to Nariman hospital. I submitted a complaint to the press office.

- **Male, 19 years old, was living abroad and returned a month ago.** Wednesday, 2nd February, about noon time after the German foreign minister left, I found stones being thrown at us in the tents. I looked for a friend of mine to ask him to take pictures. Didn't find him. So I took the camera and took some shots and then returned to

tent. I found my friend and then they attacked us, the army attacked us. I ran towards the entrance of Talaat Harb street. I was arrested by 4 people in plain clothes who took me to the museum. I remained there for 4 hours, until 8.30. They threw us on top of each other while we were handcuffed and blindfolded. Anybody making a sound would be beaten> they were stepping over our bodies. I was beaten on my head, neck and back. Behind the museum there was military police and army, soldiers and officers as well as the 777 brigade, the special forces dressed in dark green. An officer who knows me let me go.

- **Eyewitnesses: 53 killed and 150 injured in the Damanhour prison events.** A number of inmates at the general Damanhour prison told Reuters the details of the events taking place in Wednesday resulting in many deaths and injuries upon security forces shooting at inmates. On Wednesday morning, according to one of the inmates, security men opened the cells at an unusual hours, allowing the inmates to freely move around. He and his colleagues noticed an unusual lenience on part of the guards, as if inviting the inmates to attempt an escape. A large number of inmates moved towards the prison gate in an attempt to escape, only to be met with a huge number of security men behind the walls. They opened fire extensively resulting in the death of 53 and the injury of more than 150. He denied the news that the incident resulted in only one dead and 7 injured. He also denied that the shooting began after chaos broke out in the rods, insisting that it was a trap by police forces. He expressed his lack of understanding for the motivation behind it... (Reuters)

- **9 February: In al Qatta prison, a complaint was filed to the Public Prosecutor on 9 February on behalf of 11 families, asking for an investigation to be opened into the killing and wounding of prisoners, as well as the deprivation of food, water and electricity and the absence of medical care (complaint 2682/2011).** Other complaints were filed at the same time, including complaint 1100/2011, filed on 16 February by Dr. Manal al-Batran, the general's sister. In her complaint, she accuses ex-Minister of Interior Habib al-Adly of ordering the assassination of her brother on 29 January inside al-Qatta prison (EIPR report).

- **10 February: Student, 18 years:** I was arrested on Thursday the 3rd of February with many others. They held us in the museum and beat us after blindfolding us. They put us in minibuses and took us to an unknown place. Then they said it was the national security headquarters in Madinet Nasr. There they stripped us, beat and flogged us. I was kept hanging from my feet for two days. They were asking me if I was a Baradei supporter, a Muslim Brotherhood supporter, a Mortada Mansour supporter etc. Then they took us, still blindfolded to the military prison. They stripped us again and made us lie face down and beat and whipped us. There was a lawyers, his name was Osama, whom they beat to death. (El Nadim later learned that the lawyers's name was Osama, a a member of the MB whose body was given back to his family on the 17th of February). There was this officer, Ashraf, who told us that Osama will rot here and that no one will know what happened to him. There was also this blind man who was brutally beaten. This officer, Ashraf, brought an electric wire and told me I had to hold it or else he would put it to my tongue and genitalia. I held it and was thrown back by the shock and fell to the ground. I was released yesterday (10th February).



- **University student: We were in a search committee at 5 p.m.** searching those joining the protest. A group came and tried to incite a fight. They said leave or else we'll harm you. The soldiers and the army shot gunfire at about 7 p.m. in the air. I ran. An army officer came and hit me with the rifle but in my chest. They gathered around me and took me to the army. They took me to the SSI building and beat and slapped and kicked me. A young officer came and said, what is happening. I told him I was beaten by the army. He hit me with an electric baton and gave me over to a soldier. I entered through a gate guarded by people in uniform. They asked: why are you here? Then he let us through. They blindfolded me and kicked

me in the back of my knee so that I fell. They continued beating me. I felt something heavy hit against my leg. I think it was his rifle again. He kicked me and walked over my back and hit me several times with his boots. I was not talking and was not screaming. They handcuffed me behind my back. I told them I have hemophilia (bleeding blood disease) They brought the electric teaser and electrocuted me in my swollen hands. We were sleeping face down with our legs apart. I felt something burn on my buttocks. Obscenities and terrible verbal abuse. A man came and said, stop beating and they would laugh and continue. This lasted for about two hours. My hands were hurting terribly. A soldier cut the wire that was binding my hands and told me move your hands. The officer saw him and said who untied him? They made me squat and would hit me on my heels and when I fell they hit me on the back. We stood facing the wall.... They put us in the army tank. 27 people thrown on top of each other. I felt my hands were falling off. We arrived at the military police. They asked, what has happened? We said the army has beaten us? They called for a soldier who came with a pocket knife and said it is impossible they were the army. He helped me sit up and they treated us very decently. They distributed us over two rooms. The military prosecutor was very aggressive and insulting. He would say, happy with the revolution? Well that is what the revolution has brought you.

- **Student, 15 years old from Helwan (10 Feb - 28 Feb)** Interviewed 1st of March. I was coming from Sharkeyya on the 10th of Feb at 4 a.m. with my dad. We were in front of the Fateh mosque in Ramsis. We were on our way home after we failed to visit my sister because of the curfew. It was 4 a.m. My father went to get some food. There was nobody around us, only two more people. Four tall people came, wearing sunglasses, dressed in black, the glass of their car was grey. They carried weapons and beat us with the back of the gun, the three of us. They blindfolded us and kept beating us. We all fainted. They put us in a car. WE drove for a long time. They took us to a place called ward 1, a group of cells. Adults were put 2 in each cell and the young 3 in each cell. They made us rum while they whipped us, they beat us with their hands as well. There were two rows of soldiers who would extend their legs so that we trip and fall. Then they would beat us again. Then two tall people came again with sun glasses, they would put electric wires onto us

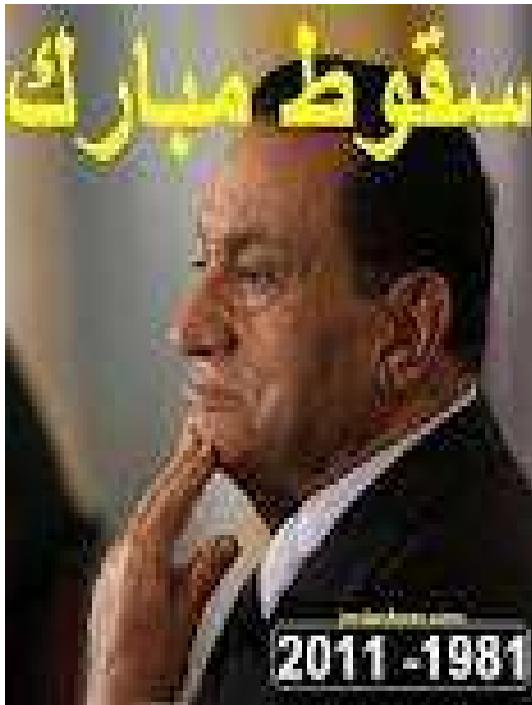
for half a minute and then rest of a few minutes and then repeat. The first three days they only used obscenities. No food, no water, no toilets. Then we got a piece of cheese and half a loaf of baladi bread in the late afternoon. That was the food. How would they wake us up? They would shoot in the air from the beginning of the ward. WE woke up to the sound of shooting bullets every day. The second week they would throw gas canisters and shoot at the ceiling of the ward. They beat us with sticks. They removed the blindfolded after 3 days. The walls were black and a small window 20 x 20 cm. the cell was small not enough for three people to sleep next to each other. A new person joined us in the cell nearby. Don't remember what time. He told us we are in Abdeen palace. Third week they kept telling us you have put the country on fire. We were 100 or less. I was the youngest. I had no ID. I gave them my school ID. I was released yesterday (28 Feb) after midnight. The father has not returned yet.

- **Five citizens from Mansoura (3 Feb - 10 Feb) Interviewed on** 20th of February with amnesty. Five victims of torture in military custody from the province of Dohaqliya. All 5 men (except for number 2) filed a complaint and do not object to their names being published in connection with the torture allegations. Accountant, 47; Owner of small construction factory, 32; primary school teacher, 46; pharmacist, 32; and secondary school teacher, 43. The five were part of a group 17 men from the same village in Dohaqliya who came to join the protests on 3 February. They were confronted by more than 100 armed pro-Mubarak activists - who apparently included security forces in plain clothes - in the area of Saptiya (near Maspiero). The group from Dohaqliya asked to be handed over to the army. Two of the group managed to escape. The remaining 15 people were handed over at a nearby army checkpoint to Special Forces (Quwat Khassa) in plain clothes. There was no military police visible. The group was blindfolded and handcuffed. Later they were taken into a vehicle. They were threatened to be shot and that they will never see their families again. They thought they will be executed. The group was pushed but not beaten or otherwise ill-treated until this moment. All 15 were taken to the Mukhabarat Askariya (military intelligence) in Nasser City. They remained at the Mukhabarat Askeriya from Thursday (3 February) until Saturday (5 February).

- **Their testimonies: We were blindfolded when taken to and** during interrogations. Interrogators asked about our political affiliation and links with the protests. I denied that I was taking part in the protests. I was threatened to be raped or killed. However, I was not beaten. We were kept in an outside area and as it rained we got wet. I was interrogated together with 4 or 5 other detainees. Although I was blindfolded I knew there were several of us. The interrogator asked: what were you doing in Cairo? When I responded that I was on my way to the demonstration I was slapped in the face. The interrogator said: You belong to the Muslim Brothers. When I denied this I was slapped in the face again. The interrogator said: You should not lie. We talked to your brothers who admitted to belong to the Muslim Brothers. The interrogator asked: who pays you money to go to the demonstration. I said that it was my own decision to join the protests. When I was interrogated a second time I had to sign a testimony which I was not allowed to read. (NOTE: The blindfold was lifted just enough to make him see where to sign. The day before we were transferred, 22 detainees were called - including 6 from our group of 15 and were later released. We remaining 9 were called to collect our belongings (money and phones etc) and had to sign a receipt. Then our belongings were taken from us again. We were blindfolded and handcuffed. They put us in a group with others into a civilian vehicle - inside it looked like a freezer for transporting food. It had no windows and only a small van. We were driven to an unknown location which we later learned to be the military prison in Heikstep. The drive took about 1 hour. When we arrived soldiers took off our blindfold and handcuffs. We were ordered to take our clothes off - except for our shorts and to lie on the ground. There were about 30 soldiers - including from the Sa'iqqa brigade - who were beating us while we were lying face down on the ground. They beat us with whips, belts, plastic cables and used tasers to give us electric shocks. The commander blew the whistle to make the soldiers start and stop the beating. The beating session lasted for about 45 minutes. We were told to line up to enter the prison block. While we were walking into the prison block we were beaten and tasers were used as well. After entering our prison block we had to stand in the courtyard where we were beaten by about 3 soldiers wearing uniforms. Some of us were in a terrible state. After about 1 hour we were told to dress and taken into our

cells. The cells were overcrowded. Those with injuries were allowed to see the prison doctor for treatment. On 7 February we were taken to the military prosecutor for interrogation. On 9 February we were brought before the military court who told us we would be sentenced for breaking the curfew and that the verdict would be pronounced on 12 February - however, we were released before that date. On 10 February at about 15.30 we were released. There were about 500 detainees released the same afternoon. we were driven in army vehicles outside the premises of the military camp in Heikstep and left on the road Cairo - Suez.

11 February



Fallen, but the regime remains

- **20 February:** EIPR received information from inside El Qatta prison indicating that the prison warden and administration used tear gas and live ammunition against inmates claiming attempts at collective escape. Inmates deny the escape allegations adding that the prison administration shot at them while they were inside their wards. EIPR added that it received a list of at least 17 inmates who were killed until now in unit (A) and that the list includes inmates Kamal Said Mahmud who was killed while inside the ward Sunday, 20th February (EIPR report)

- **25 February:** The Tahrir protest was peaceful from the 25th of January until the 13th of February. After the fall of Mubarak I rested at home for a few days. I returned to Tahrir on the 25th of February, The Friday of Victory. Of course none of our demands had been met and we did not want Ahmed Shafik. At 2 am the army attacked us. About 300 men carrying sticks, batons and electric tasers beat us for absolutely no reason. They attacked those who were sleeping and called them incredibly obscene names. They pushed us around and ran after us from Talaat Harb until 4 in the morning. We were about 350 protesters. Everyone was beaten, including women. We ran from the army and hid in a building. They caught us, and continued using those electric tasers, although several of us were injured. They let us go at 4.30 am. We spent the night on the street. Next morning we returned to the square and remained there until last Tuesday, when we were attacked again, this time by thugs, carrying Molotov and iron bars and batons. We ran after them and forced them out of the square but we felt that something will happen. In the afternoon, around 4 the attack was more organized. About 300 or 400 men all dressed in black trousers and white shirts. They attacked us brutally. I saw someone fall, a 16 year old boy and went to help him. I was carrying him on my shoulder. They caught up with us, tore the boy away and beat me on the face and back and kicked me and then took me to the museum. All the time the beating continued. Until I reached the museum it was only beating. In the museum they took all my belongings including my camera. Inside the museum there was this huge man in army uniform. He ordered me, obscenely, to lie face down. They handcuffed me behind my back, all the time swearing at us and shouting that Mubarak is and continues to be the president. The metal wire was cutting into my wrists and when I complained they beat me even more. This

commando officer stepped on my back with his boots, kicked my head and for seconds stood on my neck and I felt I will die. He shouted: you want Mubarak to leave. He will remain despite all of you Then they took us to another place. Again we had to lie face down. There were many soldiers who walked over our bodies. I saw an elderly man die in front of my eyes. His tongue was protruding from his mouth. He was pleading: said this is haram, unfair. I have heart problems. I have disc problems, why are you doing this to me? The more he pleaded the more they kicked him. Somebody said: the man died, so the officer shouted: OK, take him out. The beating continued from 2 pm until 6 pm. they beat me and electrocuted me in my genitals and whipped me with a wire. Everybody was screaming. Then they asked us to stand and we were allowed to remove the blindfold and none of those beating us were there, only military police. We looked totally disheveled. They made us stand in two lines and took pictures of us. We knew later that they showed our pictures on TV claiming we were thugs. Then they took us to C 28 (military prosecution). We were about 150 people with 18 women. We wanted to use the toilet but were not allowed. After long pleading somebody released my hands cutting through the wire with his teeth. For two days we had nothing to eat or drink. Next morning they took us to the military prison where we found the picture of Mubarak hanging on the walls everywhere. They made us squat with our hands behind our heads and beat our backs with wooden bars. They stripped us and took us to a clinic where the injuries were examined and made us sign documents the content of which we do not know. Then they took us to the cells where we remained for 3 - 4 hours. Then the interrogations began. Charges were all the same: carrying Molotov and white weapons without permission, blocking the traffic, terrorizing people and aggression against public military officers and breaking curfew. The prosecutor asked the questions and answered them himself. Friday morning they gave us ointments for the injuries. Saturday we declared a hunger strike and were released Saturday evening. We returned to the sit in in Maspero.

- **What happened** before the attack on the sit in? that night we were less than 150 people. Around 11.30 pm on the evening of 25 February we got cordoned by army personnel, without violence at first. They broke the cordon a little after midnight. I think they were checking our size and number. The next day, after midnight, the army began to beat us with electric sticks. We ran. An officer caught me and took me to the garage of



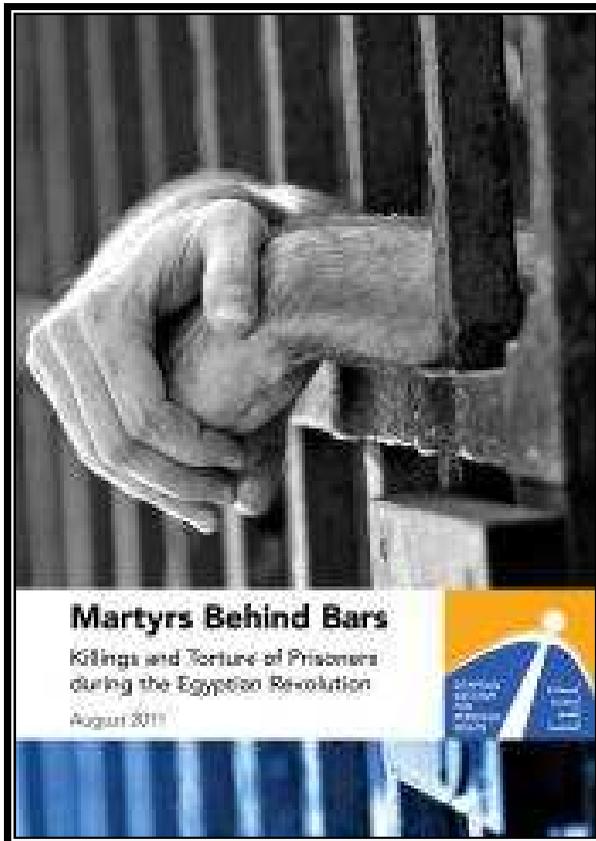
the cabinet. That is where the torture, both physical and psychological began. Everybody inside was being beaten. They dragged me face down, tied my hands behind my back and began kicking me in the face and back. They stepped on my face with their boots. Others were stripped, flooded with water and electrocuted. I was electrocuted too. There was this man whom they beat and dragged around until his shoulder was dislocated. They accused of being traitors and that we get paid 50 Euros a day in exchange of swearing at Mubarak. They made us chant: long live Mubarak. Anybody who refused to chant was beaten brutally. It was obvious they knew we were no thugs. They knew we were with the revolution.

- **Male, 25 years: Wednesday the day they emptied the square** I was in my tent in the central garden. Since 1 p.m. there were thugs who came and attacked us. I was sleeping inside the tent and then I heard a sound and then I found the army inside the tent. They beat me while I was still lying down. When I went out of the tent there were 6 people waiting for me in army uniform. They beat me brutally and I heard somebody say: leave this one. I tried to help a friend but somebody hit me on the head and I lost consciousness. About 6 p.m. (Swelling of the forehead and injury to Tendo Achillis).

- **Law student, 25 years: Yesterday before the night prayer we** found thugs with swords and stones. They were moving the iron

barriers. I tried to escape to a side street, but found it blocked, so I returned and hid inside a building and climbed to the roof. We were about 15. we prayed and when we finished we found the army in front of us: soldiers and officers. They took us downstairs. They said we will search you and then you will leave. In front of the ministry of justice there was nobody else. They blindfolded us and took us inside the SSI building. While walking they were electrocuting us. I was also hit with the rifle bit in my stomach. When we arrived inside they told us to sleep face down. They pulled me along the floor and then somebody came from behind and strangulated me his arm. Then they took us inside. They hit us with clubs. Electrocutated us. Hit us with whips. They counted us. We were 15. then they stopped beating because the district leader was passing by. They put us in a tank. Our hands were tied behind our backs. Blindfolded. When we were inside the tank they removed the blindfold. They took the mobile, the shoes, two scarves, the Quran and medical glasses. When we went to the 10th of Ramadan the treatment improved. They gave us each two blankets and distributed us over two room. When I met with the prosecutor I showed him my card which said I was disabled. He told me it looks fake. Injuries: two stitches in the head, wound is infected and swollen. Bruises and swelling of buttocks.

March



Martyrs Behind Bars

Killings and Torture of Prisoners
during the Egyptian Revolution

August 2011

<http://eipr.org/en/report/2011/08/24/1300>

- **2 March: At least 5 inmates died and 13 severely injured in Damanhour prison** when security forces opened fire at inmates claiming they were trying to escape. A prisoner who called the EIPR at the time of the incident told us: “This morning, we found all the doors of the cellblocks open and the officers were telling us, ‘Anyone who wants to leave can leave.’ In the whole prison there was only the prison director and two officers, the rest weren’t there.” (EIPR report)

6 March: Lazoughli (SSI headquarters clashes)

- **Man, 42 years old. When the army opened fire I ran to hide** inside the entry of a building. I had with me a young woman, a boy and a girl (8 years old). We kept hiding on the roof for an hour. There were ten other young men with us by the time we reached the roof. The young ones were crying. The army found us. One officer pulled my shirt and covered my face with it and gave me over to the soldiers. They dragged me all along the 150 meters that separated the barbed wire from the Lazoughli building. When we got there they tied my hands behind my back with electric wires. I felt I was stepping over people lying on the ground. We reached a point where they pushed me and I fell face down. We remained like this for a couple of hours. They walked over us with their boots, and electrocuted us. The screams. I cannot forget the screams. I was sure I was dying. So I pretended I was dead, but they didn’t stop all the same. They removed the t-shirt from my face and flooded me with water. I thought: that is it. They hit me with the rifle but in the had (stitches visible). I fell silent. They said: we shall do something even better to you, and they pulled my trousers down. I screamed: don’t! Beat me as much as you want, but don’t! they said: we shall break you> they did what they did with an iron pipe and a stick. Several times. They did the same to four others. When they finished they pulled my handcuff even tighter. The pain was incredible. They threw us in an armored car. So much screaming. So much call for help. But nothing came to help. The more we screamed the more they beat us. They took all my money (465 pounds) and my jacket. By the time we reached Madinet Nasr we were almost dead.

- **Male, 38 years old: The shooting began at 7 pm. We were** faced by thugs from the front and the army from the back. We escaped in an entrance of a building and were arrested from there.

We were tortured inside Lazughli. Handcuffed behind our backs with plastic and beaten by the army inside SSI headquarters. We were electrocuted by tasers. Beaten and kicked. They would step on our faces and humiliate us. We were then taken while handcuffed into one of the tanks, with enough space for only 6 or 7 people. We were interrogated in the morning. The treatment was much better there. Injuries: Widespread bruises in different parts of the body.

- **Male, technician, arrested from Lazoughly:** When they started shooting I went to hide in a building. There was a woman with me and two children. We hid on the roof of the building for an hour. Then the army came with flash lights. The children were crying. When we went down an officer told me I know you, you want to be a leader. He pulled my t-shirt and covered my face and handed me over to the soldiers. After we crossed the wire separating the demonstrators from the building they dragged me for 150 meters towards the building. 3 or 4 surrounded me. They would beat me with sticks or their rifle butts or belts and I felt electric shocks. They handcuffed me and I felt I was walking over bodies. They pushed me to the ground and made me lie face down. For an hour and a half. They walked all over our backs and the soldiers hit with the belts and with electric wires. The screaming was terrible. I felt I will die. I pretended to be dead. They beat me on the head and I kept silent while they were beating. They threw water on my face and removed the t-shirt off my face. One of them told me we shall do more to you. They pulled my trousers down. I screamed, don't do that. Beat me as much as you want, but do not do that. They said: we shall break you. They did what they did with the barrel of a rifle and a stick several times. This happened to four others. They finished and tightened the handcuffing. They pushed us into the tank, one on top of the other. There was lots of screaming and SOS. They beat more brutally. They took my money and my jacket. We arrived almost dead at the 10th of Ramadan. Examination: Cut wound with 5 stitches in the head, dark bruises on the back, buttocks and legs.

- **Similar testimony by six other males a 38 years old primary school teacher, a 26 years old small factory owner, three students 23, 25 and 38 years old and a computer programmer, 49 years old.** Both arrested from Lazoughli, tortured in Lazughli and then taken to military prosecution S 28 in Madinet Nasr.

• **7 March:** I left Tahrir on Wednesday at noon and went to Helipolis to take a microbus back to Suez. I took a taxi and as soon as the driver knew that I was from Suez he looked upset and drove very fast and handed me over to the army checkpoint. They were all dressed in black. The driver said: this man is from Suez and he came to incite chaos. The officer was armed. He pushed me inside a police car that was full of soldiers. They beat me on the face and kicked me until I fainted. I woke up and found myself in another car without my jacket. They had stolen them. I was very tired and they kept moving me from one place to another all the time electrocuting me with a taser in different parts of my body. I fainted again and they thought I was dead because I was snoring and foaming at the mouth. I came to again in the national intelligence headquarters in front of Tiba mall. They blindfolded me and tied my hands behind my back. The interrogator asked me: Is this your first time in SSI? He interrogated me for a long time. I told him I am a painter and poet, which he found ridiculous. After about 2 hours, he said: you are boring me and I shall send you to detention. Then he let the soldiers take me away. Everybody who knew that I am from Suez beat me brutally. They threatened to hand me over to CSF soldiers who hate people from Suez. They said: you have come to the point of no return. There was absolutely no documents or paper work that indicated I was in their custody. We were about 52 people. They transferred us in a freezer car, which was totally closed. We were lying on top of one another. They took us to the military prison. That was hell. They received us by something they call "squasher". They stripped us of all our clothes except for the slip. They ordered us to sleep face down and kept walking on our backs while all the time whipping us with whips, electric rods and strange other sticks, which I cannot describe. This went on for a long time. They were joking while torturing us. Then somebody blew a whistle and they stopped. At midnight they made us stand totally naked on a floor covered with water, while randomly beating us. They threatened us with rape and gave some of us women's names. I was accused of



breaking the curfew, which was wrong because I was arrested at noon. Everybody received the same sentence: suspended three months in prison. .

- **8 March: Eyewitnesses regarding events taking place in the garbage collectors district ibn Mokkaam on Tuesday the 8th of March:** There was a demonstration protesting the Atfih events (burning of a church). Some of the protesters decided to block the road so that people notice them. We noticed officers in civilian clothes among the protesters from the very start. Suddenly all those thugs appeared. The army was there but they didn't interfere. Their armored cars blocked the main ring road. By nightfall the tanks moved pushing the protesters inside the district and allowing thugs to enter. They broke into the villas and stole them, then they set fire to several cars and a plastic factory in the neighbourhood. Then the shooting began and lasted until 6 in the morning. The army would not allow the ambulance in and the fire brigades reached the place through a hind road which only the locals know. One of the thugs were hit by a bullet and we helped him in the church hospital. He told us that the army ordered them to attack. People saw the army shoot at us.

Cases examined by el Nadim and Tahrir Doctors in the garbage collectors district

No	Name	Age	Injury
1	Hani soliman	23	Gun injury
2	Hanna Narouz	25	Gun injury in thigh
3	Gamal Saad Azer	60	Bullet in leg
4	Kirolos Same	10	Cut wound in upper lip
5	Qiddis Abdou Qiddis	28	Cut injury in forehead
6	Mahrous Shenuda	18	Fracture left arm
7	Girgis Khalil Hakim	28	Cut wound in head
8	Saber Gamil Hanna	19	Gunshot in neck
9	Nermin Magdi	6	Stabbed
10	Bishoi Ibrahim Samir	13	Gunshot left side of the trunk
11	Samuel Khalifeh	15	Cut wound in leg
12	Shenuda Ezzat Ibrahim		Gun shot in shoulder
13	George		Gunshot, arm and forehead
14	Kirolos Harbi Khalaf	11	Three bullets
15	Said Girgis Eissa	42	Gunshot
16	Emad Sabri	23	Gunshot
17	Atef Eissa Girgis	54	Gunshot
18	Yakoub Shaker	28	Stabbed
19	Atef Shaker	17	Stabbed
20	Girgi Saadi Eleia	12	Gunshot

9 March, army breaks into Tahrir sit in:

- **Male, 26 yrs old, arrested 9th of March from Tahrir.** On Wednesday a friend of ours was taken to the museum. We did not know why they took him. He is a very peaceful person and was always trying to stay out of trouble. That day the situation was quite violent and there were thugs in the square throwing stones. I went with a friend and a journalist to look for him. We didn't understand what was going on. I was in charge of the square security and the army knew me. We approached the museum and chanted the people and the army are one. Suddenly they took the girls to one side and dragged me to the opposite direction, beating me all the way from the huge gate to the smaller internal gate. Inside I found bodies all over the floor. More than 100 people. I have never seen anything like this. I was beaten with every possible thing, clubs, stick, whip, hose, an electric wire. I was totally ruined that day. They blindfolded me and tied my hands behind my back. They were beating us with anger and hatred. They said we were ruining the country, we've been on the streets for 40 days, we didn't have a day's holiday. They were very obscene. The officer would tell the soldiers mind you we are permitted 50% losses. If somebody dies he can go to hell. They were inciting soldiers against us. They forced us face down on the floor and said we were carrying Molotov and weapons. WE didn't have anything. We are all educated. And if I did have anything I would not have taken it with me. At night they took us in busses. We were about 173 men and about 30 girls. We went to a place called the army compound. They took pictures of us there and then they took us to a desert and kept us in the busses. We slept in the busses. Next morning they took us to the military prison. I had cancer lung and had an operation when I was 14 and have removed two of my ribs. I was not taken into the prison because when the doctor saw the scar of the operation, he said: not this one. I was about to leave but then I had an argument with an officer so he kept me in the bus. From Wednesday to Friday no food, no water, no bathroom. I left on Friday afternoon. I used to admire the army very much. Now I hate the uniform. They dropped me on the ring road. The prison is in the Heikstep. I was wearing slippers and then lost them. They tied me with my jacket. They broke my phone. I was only in my shorts. They would mock me: do you think you are on the

beach. They pushed us on top of each other as if we were "things". Somebody was dying. He was saying his prayers. I shall never forget his face. They filmed us for the media and portrayed us as thugs, as bad people. My brother martyred on the 28th of January, my half brother. He was 12 years old and was shot in the chest and I was shot in my leg.

- **S.G. female, 20 years old, barely literate, from Sharkeyya,** arrested on the 9th of March, interviewed on the 29th of March: I joined the sit in after the final speech of resignation. I remained there helping out in the security committees, searching women and girls who are joining the protest. Late on the 8th of March several thugs came and threw stones at us. That is why we did not sleep in order to protect the square and the tents. At 1 am came the first attack. We stood in a human shield to protect the sit in. They first threw stones then came Molotov. There were about 2000 of them. SO many people got injured, bruised, cut wounds. We had an ambulance tent. We helped even the thugs when they got injured. At 3 the confrontation continued in front of the bridge. M was with me and then he disappeared. I stood by an armored car so that he might see me when he returns. People were pulling me away but I was worried about M. Then I found him and before reaching him somebody held me from the arm. He was old and short and had many others with him all dressed in civilian clothes. They surrounded me. One of them told me come talk to the officer. They took me into the street by the museum and that is where the beating began. I felt so humiliated. They tied my hands behind my back with plastic that was pulled very tight. They made me squat and I felt faint. I kept calling for M. but could not hear my own voice. He saw me and came and told them, this is my fiancée and I am not going to leave her. They pulled him, hit him and electrocuted him. They kept arresting people, including a man who was just walking by talking on his mobile. We were 174 men and 17 women in addition to Rasha Azab. We remained there for 3 hours, about. A bus came and the officer asked: what is wrong. The soldiers told him: we caught her in prostitution in the tents. It was a red bus, I think 22 seats, because all the women were sitting and there were some empty seats left. The men were taken in the white minibuses. We arrived in C 28 around 9 pm. They took pictures of the men with weapons and empty bottles in front of them. They also took pictures of the women as if we were prostitutes.

Several of the women covered their faces. But I didn't. I raised my arms so that my mother would see me if she was watching TV. She knew I was with the revolution. They took us back to the busses, where we spent the night. In the morning they moved us to prison trucks and told us: now you will know what humiliation really means. We reached the military prison. They pulled us out of the trucks like they do with prostitutes in movies. They took our rings and mobiles, bags, veil pins, everything. They took us into a room to be searched. I thought it was the usual search. But we had to take off our clothes. The room was small and had two doors and one large window. A soldier was peeping through the window. I told the guard, close the window. She pushed it a little, but it was still open. She said, there is nobody there. I argued with her. She said if I didn't shut up she will call the officer and he will electrocute you on your naked body. They enjoyed torturing us, but there was no sexual harassment. One of the women with us was electrocuted in her breasts. We slept and when we woke up it was still light. They said the girls stand at one side the women at the other. We didn't know why. Those who said they were virgins were examined. The examination took place in a corridor between two cells. The cell doors opened to this corridor. There was this bed where had to lie down, our feet towards the doctor and the other side were soldiers. The man who examined us was wearing a white coat, very dirty one, on top of civilian clothes. If he was a doctor his coat would have been clean. And if he was an army doctor he would be wearing a uniform under the coat. They made us sign whether we were virgins or not. They wrote "not virgin" on my paper and I saw it and then I told them I was a virgin so they threw the paper away. Then they took us into the cells. Whenever the guard enters the cell we had to stand face to the wall. If we moved he put the taser at our bodies. After the interrogation we were sentenced to a suspended one year in prison. They took us in a bus and dropped off in Ramsis square.

- **Female, 25 years old (arrested on 9th of March):** She came from her home more than eight hours away in January to join in the protests in Tahrir Square. Like many others, she has stayed in Cairo, occasionally returning to camp out in the square as a reminder of the democratic promises that the military and remnants of the old regime have made. She was in the square on the afternoon of March 9 when members of the army and men in plainclothes attacked the

demonstrators, arbitrarily arresting people on sight. She was one of the protesters who was dragged away from Tahrir that afternoon. Soldiers beat and kicked her. They tore her headscarf from her. And then, in what was as bizarre as it was shocking, they took her and other peaceful demonstrators to the famed Egyptian museum on the north side of the square – to be tortured. She was handcuffed to a wall in the museum complex. For nearly seven hours – almost every five minutes, she was electrocuted with a stun gun. Her torturers would sometimes splash water on her and others to make the shocks more painful. The electrical jolts were applied to her legs, shoulders and stomach. She pleaded with the soldier to stop. Repeating what the demonstrators had chanted in Tahrir Square, she said, “I begged them. I said, ‘You are my brothers. The army and the people are one.’” Her tormentor replied, “No, the military is above the nation. And you deserve this.” At around 11 p.m., she and others were moved to one of the main military prisons. She would remain there for three more days. Over those days, the abuse, insults and intimidation continued. They spit on her. All of her belongings were stolen. She was given kerosene-soaked bread for food. But the most humiliating moment was when they first brought her into the prison. She and 10 other women arrested in the square were stripped and forcibly examined to determine whether they were virgins. She had been told that any woman found not to be a virgin would have prostitution added to her charges. When they led her into the room where she would suffer this indignity, she paused for a moment. Behind the military man waiting for her, she noticed a photograph. It was a portrait of Hosni Mubarak. She asked the soldier, “Why do you keep that up there?” He replied, “Because we like him.”

<http://wapo.st/gv7kZN>

- **Young female who spoke at the press syndicate on the 16th of March:** On Wednesday I went to Tahrir square. I saw my friends being beaten and arrested. I don't know where I got the courage to stand up to them and say kill me or release my friends. They arrested me with others, about 15 people. They told me the army wants you. They took me to a general. He saw me and said: calm down, calm down and then started slapping me and accused me of prostitution. He said: you are all over the country and people are just following you. They took me to the museum and electrocuted me in my legs. There was a woman whom they electrocuted in her chest.

Terribly rude. Dirty language. A colleague tried to help us, they beat him brutally. In the military prison they made us take off our clothes. They would examine us if we were virgins. They said any girl who is not a virgin will be charged of prostitution. <http://on.fb.me/i86eRR>

- **Ramy Esam, 23 years, singer of the revolution, arrested 9 March:** I was in Tahrir square with the rest of the protesters on the 9th of March. At about 5 p.m. we were attacked by army forces with huge numbers of civilians carrying clubs and throwing stones at the protest. They broke down the tents, tore down the banners and hit everybody in the garden with sticks and started arresting people. I was pulled by a group of army soldiers towards the museum and was handed over to officers who tied my hands and feet and started kicking me all over my body and face as well as hit me with sticks and iron bars and hoses on my back and legs. Then they brought an electric taser which they use in demonstrations and electrocuted me in different parts of my body. First they used one such instrument and then they brought several and used it on different parts of my body at the same time. The officers were swearing and jumping on my back and throwing shoes at my face. Then they cut my hair which was much longer and put my face in the dust and threw dust over my body. <http://on.fb.me/i1JRWh>

- **Young man, 26 years old, interviewed on the 13th of March.** Wednesday at 2.30 pm I was arrested from the metro station, close to the museum. I was arrested by two civilians accompanied by a soldier. At the museum we were handed over to higher ranks. The beating began. Slapping and kicking and all kinds of verbal abuse. They used a wooden club that had something like nails all over it. This went on all the way until we entered the museum. The beating continued. I received a strong blow to my left eye and then one on the back of my knee and I fell. They tied my hands behind my back with wires. I remained tied like this for 30 hours. There were many others. They would strip them, tear their clothes and use them to blindfold us. The use of electricity on our bodies hardly stopped. Late in the evening the place was full. They dragged us to the street next to the museum. The beating continued all the time. All types of beating, slapping, kicking, punching, stepping on our heads with their boots. They filmed us. Of course after all this we looked like thugs. They took everything I had on me, my mobile, my money, my camera, everything. Then they took us in a military bus to C 28. We

passed through two rows of rank and file, all the time beating us as we walked. There they filmed us again, this time with weapons and Molotov on a table in front of us. Then they took us in an army bus, a big one, to another place. It was about 1 am. All this time we had no food or water or access to a toilet. Anybody who wanted to use the toilet was told: do it here. We remained in the bus until the morning. We realized we were in a military zone on the road to Suez. The military prison. Everywhere pictures of Mubarak were hanging on the walls. Beatings, insults, water hoses, sticks. They shaved our heads. Then they took us to the military prosecution. The prosecutor was very rude. There were only three lawyers, their lawyers. They accused us of carrying unlicensed Molotov, white weapons, terrorizing people, attacking public servants and breaking curfew.

- **Female social worker, single, 29 years old, arrested Wednesday 9 March.** I was in Tahrir since the 25th of January. On the 9th of March I was doing some errands to pay the university fees. When I returned to Tahrir at 12 noon there was a counter demonstration: the people want to empty the square. They were shooting in the air. I felt terrified. Some of my friends were taken by the army and were not returned. We suggested that a group of us girls go and look for the boys in the museum. We were 5 at first and then we became more. We were chanting: the people and the army together. They opened the main gate of the museum for us and an officer said: come in. I was beaten and pushed. They told me come in you ---- and they used very obscene words. When I went inside I found a young woman crying. She said they electrocuted me and her mobile was taken and broken. She was in a nervous breakdown. They tied my hands behind my back. It was loose and they had to tighten it again and again. Then 8 girls came among them journalists and university students and one of them was a university graduate. Obscene words, prostitutes, that is what they called us. The girls collapsed and began to cry. I started to collapse around sun set. Every while or so an officer would come and tell me I shall squash you. They let the journalists and the university graduates leave. At night the real problems began. I started to argue with them. I told them I want to go home. They took us in a bus and took pictures of us. I was very, very brutally beaten in the bus. They focused on me because I answered back. I spat in their faces. I was pulled like an animal from the bus. I was kicked in front of the general. I would

faint, they would throw water on my face and then continue beating. We arrived at Madinet Nasr. I was screaming. We spent the night in the bus. The prison guard stripped us and was beating us with hoses. She said "girls will be examined", women won't. I was examined for my virginity by a man wearing a white coat and a female prison guard. The prosecution came to prison. I was interrogated by the prosecution Friday evening at 10 p.m.

- **Young woman, 17 years; arrested on the 9th of March** and taken to the museum, hands tied, beaten with many other young men and women, then taken to military prison on the road to Suez. Methods of torture in military prison: threats, verbal abuse, virginity testing, electrocution, intimidation to identify pictures of other protesters, threats to broadcast her picture as prostitute.

- **10 March: Five workers in Somid Company in Suez** governorate arrested by military police and tortured as punishment for participating in a workers strike. The five workers are Mohamed Esame Seiam, Mahmoud Farouk El Ginidi, Abu El Yazid Abdel Aati, Ahmed Mohamed Talaat and Hassan Mohamed el Armouti (El Badil)

- **24 March: Tora prison: sectary forces shoot inmates in prison** yard of ward (2) with birdshots resulting in the injury of tens of inmates and at least two officers. During the attack EIPR received phone calls from inmates crying for help. The sound of shooting could be heard in the background. Despite lack of clarity regarding who gave the orders to shoot and whether or not anybody was killed, inmates seemed to agree that the shooting was unexpected since it was not preceded with any warnings and there was no reason to explain it. Two hours before the shooting EIPR was on the phone was one of the inmates in ward no. 2 and there was no mention of any unrest. (EIPR report).

- **26 March: Testimony from Qatta prison: "It was around 5pm,** I was standing in the room, cooking something to eat on the heater. The heater is in the middle of the room, approximately three meters away from the window. My colleague was next to me washing a cup. The bullet came in from the window and hit me on the head and then got to my colleague's chest, next to his heart. The bullet took skin off my head, and my vision became blurred. There was no warning before the shooting. At that time the prison was calm. I guess it's the soldiers playing with their weapons. Although I don't think the bullet entered by mistake. They know the rooms are always full of people.

April

9 April: Army attacks Tahrir sit in to arrest defecting officers



9 April massacre

- **What happened today at dawn in tahrir square was not a mistake nor individual transgressions.** It was something like a civil war and this is my testimony regarding what I saw. We were singing in Tahrir square with Ramy Essam who kept singing throughout the night to encourage people. We had our attention focused on the officers, whom I describe as the most courageous. We wanted to protect them. Even when they were dying in front of us they made us promise to keep the revolution peaceful. They said we lived and will die in uniform. We were standing around their tent. Then arrived the CSF trucks, which entered the square from the entrance of Abdel Moneim Riad. They brought about 4000 military police officers. We waited for their attack. They began to move towards us slowly. Then this sheikh, Safwat Hegazi, entered into our lines and tried to break into the tent to surrender the officers to the army. In a minute we were surrounded by armored trucks and soldiers, who began to shoot in the air. We ran. Wherever we ran we found military police. The shooting continued and the sound of bullets was deafening. Then they began to shoot at the protesters in the center of the square. They all ran towards the tent to protect the officers. So many people were injured. The military police was getting closer to the tent. The protesters protected the tent with their bare chests, they ran after the armored trucks to stop them, they chanted peaceful, peaceful. That is when the army began to shoot live bullets and people began to fall. Then the commandos (777 troops) entered and kidnapped a number of the officers. The shooting increased. It was mad. We were hiding in the entrance of a building. The shooting continued from 4 to 6 am. Brutal beating with whips, huge number of injured protesters. When the shooting stopped we returned to the square. It seemed that the army had withdrawn. But then CSF broke in again with tear gas. Different gas, smaller but very powerful. Later when things were quiet again, we noticed several piles of garbage that were not there before. We discovered that those piles were hiding blood, tissue. That was not the blood of an injury. The army had spilt the blood of Egyptians and then accused us of being thugs. Liars and traitors.

May

15 May: arrest of protesters in solidarity with Palestine.

- **Testimony:** I was one of the participants in the demonstration in solidarity with the Palestinians in front of the Israeli embassy. Everything was going OK until 9 pm. I was standing with my son, 18 years old in front of the gate to the zoo. We were about to leave when the tear gas began. Suddenly he came



running towards me screaming that he can't see. His eyes were very red. Some of the protesters washed his eyes with water and peps and vinegar. We tried to leave but they followed us. CSF soldiers and military police. They were shooting in the air. We tried another route but all the streets were blocked by police. The 777 troops. The 777 were shooting and the CSF were using tear gas. Still some people got injured. I saw people screaming and falling and others screaming: you are killing them. The protesters tried to help those who fell but the shooting was everywhere so they left them and ran. I was on the mobile when a tear gas bomb fell very close to me. I couldn't breathe. Young people helped me with vinegar. We remained there until dawn. The young people were treated very badly. They would force them on the ground, face down and walk over their backs with their boots. I saw about 50 lying on the street. We tried to hide in some buildings but the people living there told us to leave. They didn't want any problems. Then they arrested us. They beat us and kicked us and used the dirtiest words on us. One of the officers pulled my son's trousers down and put his gun into his anus and said: why are you so wide? We'll make you even wider. They walked on his back and forced his hands behind his back and tied them. They took his mobile and broke it. He then shouted at me:

why are you here woman.....? He accused me of being a prostitute and then asked me where I work. I told him I am a secretary at the ministry of defense, so he let me go with my son. But then another officer came and said: why are you letting her go, she is the one contacting Al Jazeera and disseminating lies about the army. He started beating me and saying I was trash, a bitch. My son said: Stop it, she is ill. So the officer told him: so you are her pimp? How much do you cash every day? He started shooting in the air and then handed us over to another officer who took us to a CSF truck, where many were arrested. The beating continued. I fell, so the officer screamed: stand up or else I shall kill you. He shot his gun very close to my ear and I felt as if my ear was exploding. Everybody was being beaten and the screams were terrible. Then I heard the officer say: let her go, she will die anyway. They let me go and some people took me to the hospital. There I saw many protesters with gun injuries. I was foaming at the mouth and could hardly breathe. The police came to the hospital and was arresting the injured. I was hurting all over and was vomiting blood.

- **Young man: the area was like a war zone.** CSF were throwing gas bombs, the bad ones, which hit you and make you fall immediately. We ran into a side street and found four soldiers at the end of the street. They went down on their knees and pointed their guns at us. Others were shooting in the air. Then many others joined them. They made us kneel and raise our arms behind our heads, while all the time their guns were aiming at us. There was this 8 years old child with us and they made him do the same. Anyone who looked up was beaten on the head with the butt of the gun. Then they took us to the trucks where we had to squat. We felt like prisoners of war. The beating and abuse continued until we were about 50 or 60. They took our money and our mobiles and told us we were going to the military prison, where we shall know what a real revolution looks like. The beating and kicking and abuse continued for two hours and then they let us go. I never felt so humiliated in my life.



22 May: M.Sh, 22 years, student in 3rd year, Faculty of Pharmaceuticals. Lost an eye when an officer in civilian clothes shot him, arrested him, held him in police custody and then took him to hospital 48 hours later on condition that he not file a complaint.

June



Whipped by the army (28 June)

- **3 June: Young man shot during a police raid of a house in Shubra in search for drugs. Victim taken to police station, beaten and tortured further resulting in his death. Family terrorized upon filing complaint.**
- **7 June: Military police kidnaps 5 striking Petrojet workers.**
- **8 June: CSF break into peasants protest, injure several and detain 25.**
- **9 June: Student killed and his friend injured when beaten by police using clubs at a traffic check point in Fayoum.**

- **11 June: Al Masry Al Youm newspaper accuses Madinet Nasr police station of torture of journalist Mostafa El Marsafawi after being arrested during his coverage of Al Azhar students' protest.**

- **28 June: Testimony: I was following the events by the theater** and the beating and arrest of the families of the martyrs. I went down to Tahrir and Mohamed Mahmud street. We were trying to help people out of the square. There was a lot of tear gas. A friend of mine was hit by such a bomb in his back and had to be taken to hospital for stitches. I was arrested by an officer who beat me continuously for half an hour all the while abusing me verbally. He took me to a truck full of people in civilian clothes and told one of them: here he is. Suddenly there was an unrest and someone said the media is here. A soldier pushed me down on my knees and sat on my back saying: I'll kill you if you make a sound. Then they took me to the ministry of interior and there the beating became worse: slapping, stepping over my back, beating me with sticks and clubs. They put me in a kiosk and there was a 14 year old boy in there. The officer sprayed something in our faces and we could not breathe. Don't know how long that lasted but then they took me walking to Abdin police station, all the time beating me. When people on the streets asked what the matter was, they would say: Drugs. They took us to C 28. There the beating was less, only punches in the chest. Then they took us to the military prison. It was after sunset. Same search again. We had to stand in our boxers only, then squat then kneel and they beat us with plastic pipes on the back. That was the most painful. We were more than 1000 people in that prison. They made us clean the prison. They refused to give us the food brought by our families and would throw it on the floor and step on it. They transferred us several times, from C 28 to prison and back, sometimes without any interrogations. Their target was to break us, to break our dignity.

- **29 June: Young man, arrested on the 29th of June and spent 57 days in military prison.** Dragged along the street from Tahrir to the ministry of interior. Beaten and kicked in back, and chest. Broke his glasses. Deprived of food and water while in police truck. C 28: prosecutor refused to document injuries. Taken to military prison. Stripped. Made to stand long hours in the sun. Continuous beating. Watched inmates suspended from window bars. Another inmate committed suicide cutting his wrist with an old Tuna box.

July

23 July: Military police attacks Abaseya protest

- **Woman protester, 26 years: Cordoned by army in abaseyya square.** Stones and glass bottles thrown by thugs. Arrested by officers. Pulled by the hair. Taken to an armored car. Beaten, pulled by the hair again, electrocuted and beaten by several officers including a commando officer. Slapped by SSI officer. Accused of being a prostitute, a traitor, a spy. Handcuffed and electrocuted again. Blood washed and then filmed with dollars in her hands. Then blindfolded and taken in the closed armored car to “some place” where she was interrogated and insulted. When released she realized she was in Madinet Nasr.

- **Woman protester, 51 years old: I did not join the demo** because I felt it will be attacked. I went there by metro. We were about 20 people when I got there and we heard that the demo was blocked on the way. When I reached Abaseya, it looked like a war zone. The ground was covered with broken glass, blood and stones. I was surrounded by women and men in civilian clothes who pushed me around and beat me with sticks. I ran. On my way out of Abaseya I saw CSF soldiers changing their clothes into civilian ones.

- **Protester: As soon as we arrived at El Nour mosque (in Abaseya)** we found the army had blocked the streets surrounding it. The thugs were in the side streets and on roof tops. First thing glass bottles were thrown at us from behind the armored cars. The thugs then began to throw Molotov. I went to an officer and asked him, why are you not interfering. Suddenly a man appeared from among the soldier line with an iron bar in his hand and hit my colleague on the head and then hit me on the leg. A friend came to carry me out of the cordon. We returned to Tahrir. There were many injured protesters. I was taken to the red crescent hospital. They x-rayed my leg and said I had a fissure but would not give me the x-ray or a report.

August

Army attacks fasting protesters in Tahrir square the 1st day of Ramadan 2011 (1st August)

1 August

- **Protester: 1st day of Ramadan I was about to take the metro home.** There were three men in civilian clothes who out of the blue held me, insulted me, asked for my ID and when I showed it to them they tore it apart. I had 1000 pounds on me. They took them. They beat and kicked me and dragged me out of the station into an armored truck. I was received by army soldiers. They continued the beating and I felt I was going to faint. Then they drove to Abdin palace and let us out and ordered us to squat. After sunset we asked for water they brought us dirty water which we could not drink. We remained like this until 9 pm. Then they took us into prison trucks which kept driving around for two hours. There were too many of us in the truck and many fainted. We kept banging at the door but they would scream back: Die and we shall bury you in the desert. At the gate of the military prison they received us with beatings, kicks and electricity to sensitive parts of our bodies. They made us sleep face down and continued the beating and walking all over our backs. Then they made us crawl until the inner gate. They stripped us and took us into the prison. I told the officer that I was ill and needed medicine. He said, die and I shall bury you. They took me to the doctor who said, you have nothing and he insulted me. They brought us rotten food and dirty water. They made us serve them, wash their clothes. Wednesday at 8 am they told us the ministry of interior will take over. They took us to the prosecution in Kasr el Aini, where we were accused of attacking the officer with Molotov. There were so many respectable people in prison and no one knew why they were arrested.

- **Protester: I was not in Tahrir at first. I was watching TV and saw the army break the protest.** My brother was in Tahrir. I called him and he said: help me, they are shooting at us in Omar Makram

mosque and I am unable to leave. He was crying. I went to the mosque and talked to an officer and told him that my brother was praying and is unable to leave. He told me to go to the gate and they will let him out. He came out and I was just about to talk to him, when I was suddenly beaten by somebody in civilian clothes. He hit me on the back. He insulted me. I asked him, why? He replied with punches in my face, one after the other and I felt dizzy. Then he made a sign and five men in civilian clothes came and joined in the beating all the way to an armored car. My brother followed me and told the officer that I was only here to escort him home. So they took him as well. The truck was full. The soldiers were beating us with their fists and boots and telling us: so that you never again chant against the field marshal. They took us to C 5 in Adbdin palace. We were about 88. They made us squat, all the time insulting us and calling us atheists. At about 10 pm they transferred us in three smaller army trucks. By then we had become 113. I asked where we were going and they said C 28. They put 40 of us in one car and the car did not move for 2 hours and then it moved towards the military prison on the road to Suez. It was very hot, and crowded. 4 of us fainted and the rest were dozing off. We began to bang at the walls of the truck. They heard us and only swore back at us, that we could easily die and they would have no problem burying us. Then they opened the door and two officers walked in with electric tasers and the beating began again. At the prison we were made to lie face down and crawl to the inner gate. They used everything to beat us all the way, about 200 meters. I heard my brother cry and when I raised my head to see him, a soldier hit me with his boots in the head. I didn't raise my head again.

- **Student. I was arrested the 2nd day of Ramdan at 10 pm.** I was in a demo demanding the release of the detainees. I was arrested by an officer who took me away into a circle of soldiers who attacked me with kicks and slaps and punches. About 20 of them beat me and another man for a continuous half an hour. They spat in our faces. They took us to C 5 where we spent a whole day without food. The next day they took us to military investigation. They blindfolded me and several men began a brutal round of beating and electrocution. Then they stripped me and they put the electricity on my private parts. They would soak me with water and then electrocute me again. They wanted me to sign a document, which I

had not read and I refused. So they increased the torture. They handcuffed me behind the back and dragged me down the stairs into a toilet or something and would push my head into a bucket of water. This lasted for one and a half days. They told us that someone died under torture and they threw his body in the desert. I don't know if this is true or if they were only terrorizing us. The prosecution ordered my detention to be extended for 4 days, and then 11 more days. The treatment in prison was terrible. We had to clean the prison and do private services to the officers. There was hardly any food and the water was dirty. Frequently they would not allow us to wash for prayers. The torture happened in rounds. They would pick up 10 or 15 everyday and beat them up and humiliate them in front of everybody. Until the inmates rebelled when one of the inmates was beaten so bad, with a brick, that he was badly injured in the neck. They tried to break the mutiny, but the anger was beyond them. The detained 8th of April officers mediated with the prison administration. The mutiny lasted for a little over one day. Then the treatment improved a little.

September



**The army about to break the Tahrir sit in (3.06 pm)
alnaharegypt.com**

- **9 September: Police and commandos as well as military police attack and shoot at protesters killing Alaa Ragheb, Mostafa Yehia and Ragab Ramadan. Hundreds are injured as well as arrested. Total number of detainees 76, among them 11 minors.**

- **Testimony of a Tora prisoner: I was on my way home on the evening of the 9th of September when I was stopped by two military officers. They demanded to see my ID which I did not have on me. They pulled me and beat me and forced me into their police truck. They took me to the Giza security directorate, where they blindfolded me and handcuffed me behind my back. They took me to some room where the real torture began> the blindfold was not very tight. I saw him, this man who tortured me. He was bald and white and tall and**

fat. I shall never forget his face. He ordered me to squat face to the wall and then electrocuted me in my back and shoulders. Later we were transferred again, first to C 28 where we were interrogated and then to Tora prison. We arrived in Tora around 11.30 pm. As soon as we entered, they took all our clothes down to the skin and than half an hour later gave us the prison uniform. Then they made us crawl face down with our hands behind our backs, all the while hitting us and stepping on our backs. Some were hit by their boots straight into the mouth. Some were sodomized by sticks. Then they locked us up with criminal inmates and ordered them to “do what is necessary”. But they were kind to us. When I was questioned by SS prosecution I asked to be examined by the forensic authorities. The prosecution refused.

- **Student:** I left my university at 5 pm on the 10th of September, and took the bus to Kasr el Aini, passing by the university bridge. Military police was beating up protesters on the bridge. An elderly woman in the bus shouted at the police: this is unfair, stop it. Immediately about ten soldiers and 3 officers walked into the bus and aggressed her verbally and physically. She almost fell. I told the officer: she is an elderly woman, how could you beat her like this. He turned towards me and ordered the soldiers to drag me down. They beat me with clubs and electric sticks. The officer asked me: who are you with, what party? They pulled off my shoes and threw them in the Nile. He took my rucksack with my books. I told him, please give them back to me, I have exams soon. He threw my books in the Nile as well as my jacket. All the while the beating and the electricity continued. I tried to talk, to tell them I was not in the demo, I do not approve of the demo, but they did not give me a chance. I objected only because I imagined this elderly woman was my mother. I would have wanted someone to help her. The beating continued for a while and I felt very faint and that is when they let me go.

October



Mina Danial



**9 October: Bodies of Maspero martyrs, run over by armored tanks
Photo by: Mohamed el Moshir**

- **Testimony: I was in Maspero about half an hour before the** demo arrived. We were about 150 people, standing away from the street and the traffic was flowing. There were many CSF trucks close to the Hilton and many CSF soldiers were moving towards Maspero and many army soldiers. Then the demo arrived from the Abdel Moneim Riad entrance. Before it reached Maspero the shooting began from behind us. People started running in all directions. I ran with my colleague towards the buildings. As soon as I crossed the street, I saw the soldiers around Maspero. They were making space for two armored tanks to move, each from a different direction. The shooting was continuous and the tanks were hunting people and the soldiers were beating the protesters. It was mayhem. The tank kept coming and going, all the while running over people. I was hiding with my colleague behind a parked car and the tank drove into the car and I got hit in the head. When I regained consciousness I didn't find my colleague. I thought she died in the collision. I ran to the entrance of a nearby building and the entrance had several dead bodies piled one on top of the other. I ran towards the Hilton. With my own eyes I saw three soldiers throwing a body in the Nile. Then the tear gas began and I could no longer see properly. Then more people appeared on the scene and they attacked us, describing us as atheists. They thought we were Copts. I later learned that the official TV channel said we were Copts threatening the army and called upon citizens to stand by the army. It was a terrible massacre.

- **I went to join the demo in Maspero. We thought it was going** to be peaceful, candles, Egyptian flags, songs and hymns. We wanted to send a message regarding our Egyptian Coptic civilization. But this is not what happened. People were throwing stones at us from the top of the bridge. We tried to shield the women. I saw a group of soldiers preventing people coming from Shubra to join those in Maspero. Those in Maspero were surrounded by military police and those trying to join them were surrounded by CSF. Then the beating and shooting began. And the tanks appeared chasing people. There were four of them, and I saw five protesters being hit at once. I don't know who died and who lived but a friend of mine had his leg crushed and is now in the hospital. The soldiers were clubbing the dead. I saw Mina Danial running and then I heard he was run over. Whenever one fell, 10 or 15 young people would run to help out and then the tank would aim at them at full speed.

Then there was this soldier in the tank, with a machine gun, shooting at the kids in the head and body. Two of my friends were shot like this. The soldiers were piling the bodies one on top of the other, irrespective of whether or not they were dead. There was this bearded man who came to Maspero because he heard on TV that Copts were attacking the army. But when he saw what happened he carried one of my colleagues, a Copt and took him to hospital and donated his blood to save him. When I asked him why he was in the demo, he said I thought you were attacking the army, but then I realized they were attacking you.

- **Testimony: I was in a café and read on twitter that the demo is being attacked.** I went to see what was happening. It was like the 2nd of February all over. The soldiers were obviously Muslim because they were insulting the protesters describing them as dirty Copts. I apologize to my Coptic co citizens for that. They were beating everybody they suspected was a Copt or whoever was wearing the cross. I saw something that will haunt me for the rest of my life. It was a woman with her husband and child carrying a cross and standing in the garage of Maspero. Suddenly the soldiers attacked the three of them and beat them so brutally. She was screaming and I couldn't do anything to help her. Later I saw three soldiers carrying a dead body over the 6th October bridge and throwing it in the Nile. A military police officer was standing next to them. When I got out my camera to take a picture the officer saw me and told them to catch me. But I ran.

- **Police and military personnel break into office of channel "25"** while covering Maspero events live, destroy equipment, tapes, doors and windows and search employees. Anchor screams on air.

- **Police and military personnel break into office of Al Hurra channel** while covering Maspero events live and hold employees at gun point.

- **Wael Michael, photographer of El Tariq satellite channel** killed by a bullet to the head during his coverage of the Masero events (El Masry El Yom)

29 Copts arrested from Maspero area. Detainees say they have been beaten, kicked and sexually assaulted by security forces.

23 bodies were taken to the Coptic hospital in down town Cairo. Injuries: gunshots, squashing, fractures, cut wounds.

Total no. of injured: 329, according to MOH spokesperson

Dr. Ahdaf Soueif writes from the hospital:

- **Morid. He is not young. He acts like the father or older brother to the young people in the ward.** He talks of the rocks and glass that it the demo in Qollali. He tells how the demo reached Maspero and was then attacked by men who came out of the building: soldiers and security and thugs, all in civilian clothes. He tells of the bullets. He himself was shot with a bullet that entered through his back and came out of his abdomen. A 6 cm long entry point, so near to his spinal cord. "thank God his spinal cord was spared". His wife says: the big ones know how to influence the people, which angle to use to get at them. Her brother in law was young. He was killed in Maspero by two bullets, one in the chest, the other in the heart.

- **Nagi, 24 years old. "In the Shubra tunnel they were shooting live bullets.** Young people, child like, shooting. In Tahrir we found the tanks waiting. Peter, my friend, had his head blown and his brain fell out. I carried him and collected his pieces. I brought him to hospital and then returned to Tahrir because Wael, my friend called me and said: I feel I am going to die now, I need you. I went t see him in Tahrir. He said, take care of my sons. He was shot. The bullet went through his head from one side and came out the other. God gave me the strength to carry him until the bridge. There the soldiers beat me and electrocuted me and I was holding on to his body. I called on Saint George. I prayed: I am your son. Stand by me. I saw him. They kept beating me and I stood strong. He has bruises in both loins. He developed epilepsy after his head injury. He says: Saint George brought me and Wael here and then left. They put me in the morgue where I remained for 4 hours with the dead. When the forensic doctor came and uncovered me, I woke up.

- **Rozaiki: I went to Maspero at 5 pm. We carried our banners and were chanting.** When it got dark we lit the candles. We were

surrounded by security forces. When the demo arrived the army shot at it. We ran. A tank was following us. Out of five people I was the only one who survived. It only smashed by legs. Fractures and bleedings. The women were screaming and were being pulled by the hair.....

- **Romani, 27 years old: Shot in the arm, in the region of the elbow.** Comminuted fracture of the arm and tear of the nerve supply to the wrist and hand.

10 October

- Internet and electricity cut in Shorouk newspaper headquarters after website publishes video of Maspero massacre.
- Al Ahram newspaper: stones thrown at glass gate and distribution car attacked resulting in injury of driver.
- Thugs attack press syndicate and break the glass gate.
- Military prosecutor refuses lawyers' request to refer Maspero detainees to forensic medicine, claiming that military prosecution do not refer to forensic medicine since the detainees are accused of crimes.

12 October:

- Dr. Ihsan Kamil Georgi, Senior forensic doctor says that examination of bodies of Maspero martyrs proved that all of them were either shot or crushed except for one body which showed evidence of cut wounds. (Nahdet Misr)

24 October:

- Maspero detainees complain of sexual assault in prison.

27 October:

- **Essam Atta, 24 years old, prisoner in Tora prison dies after torture by forced enema for smuggling a mobile sim card.**

The story of Essam Atta

A few days ago Essam was alive. But he lost his life because of a sim card, his prisoners thought he did not deserve. One of the inmates claimed that it was not a sim card, but drugs. But apart from this one inmate who testified that Essam abused drugs there were several others who contacted Essam's family, risking the same fate like him had they been discovered, to inform the family that Essam is being subjected to torture by water hoses inserted through his mouth and anus. Essam himself tried to seek his brother's help one day before his death. The following day



Essam was transferred by a police officer named Peter Ibrahim to the toxicology department at Kasr el Aini university hospital. Why the toxicology department? And what is the nature of the fluid forced into his body? We still do not know. But we know is that Essam was deprived of his life, dreams and future while only 23 years old. What I also know is that the forensic authorities were not cooperative, nor equipped and treated the family of Essam in a way akin to state security rather than the medical profession. I also know that this "packet" they claim has been removed from Essam's stomach, the one they claim had killed him, is unlikely to have been removed of a stomach, being clean, with no gastric juices or soaked in blood. It was small object, white, clean except for two or three drops of blood like those resulting from a needle prick. We are also told by the family that they will not accept condolences until justice is made. I think it is likely that justice will not be made without cleansing of all institutions which the revolution demanded to reform: the police, the prosecution, the forensic authorities and the army that rules the country. Finally, I wish to note that I did NOT attend the postmortem of Essam Atta. I saw his body after the procedure was finished. I also wish to state

that I never made any statements to El Youm El Sabe'e who claimed to quote me.

What happened?

On the 27th of October 2011, Mohamed Atta, the brother of Essam Atta called me to tell me that his brother, held in Tora high security prison, doing a 2 year term sentenced by a military trial, has been transferred to Kasr El Aini university hospital according to inmates who called the family. They also told the brother that he has been suffering torture for two days. He said that Essam's mother visited him Wednesday in prison and smuggled a sim card to him so that he can call her and maintain family contact. Another inmate, from whom Essam had borrowed 5 pounds, which he could not pay back, saw Essam take the sim card from his mother and informed the officer in charge that Essam's mother had smuggled drugs to her son. The visit was ended at once. Before being told to leave the prison, Essam's mother could hear him scream. Essam's colleagues told him that since that visit Essam has been subject to torture, beating and insertion of a water hose, with a cleaning detergent, through his mouth and anus. The brother told me that his mother is already on her way to hospital and so is he and he requested lawyers to help him and advise him what to do. We issued a call for lawyers through facebook, sms and twitter and a number of lawyers did respond and said they were on their way to Kasr El Aini. I also contacted El Badil newspaper who sent a reporter to the hospital. Less than an hour after that first call the brother called me again, screaming and crying over the phone that the mother had found her son in the hospital's morgue. The brother felt terribly guilty because they day before Essam pleaded that he file a complaint with the prosecution regarding his maltreatment, which the brother found too risky and they had an argument. A little while later I learned that the primary report indicates that Essam died of a circulatory failure as a result of an acute hemorrhage. The prosecution, informed in the meantime, wanted to settle for this report and an external examination of the body. Lawyers faxed the public prosecutor demanding a full autopsy by forensic authorities. The following day on the way to the Zenhom morgue I contacted an "acquaintance" who told me that the autopsy had stopped because a team of senior forensic doctors are on their way to the forensic department to undertake the autopsy themselves.

She assured me that the autopsy will be carried out professionally. I arrived late at the Zenhom morgue. I saw the brother totally broken standing in front of the iron gate of the morgue. The father tried to enter the morgue since the brother had said he would not be able to take it. The father was refused access. We were told that there were two doctors inside, members of "Tahrir Doctors". A little while later one of them Dr. Mohamed Maged Samadi, walked out saying that Dr. Ahmed Seiam was inside and the he was told that one doctor was enough. I told him it would be better to have two and he offered to help me in. The father and the brother told two people talking to us through a window with iron bars that they want me to enter on their behalf. Their request was refused (I realized later that the two people talking to us through the window were the head of the morgue, Dr. Soad Abdel Ghaffour who undertook the autopsy, and the doctor from el Tahrir group). I was told that Dr. Hamed Seiam introduced himself as an army doctor and that he was experienced in forensic medicine. In the meantime I was told by the bystanders that a police officer had entered the morgue before my arrival and that a complaint was filed through the Hisham Mubarak law center to the public prosecutor regarding the matter, since his presence during autopsy was illegal. I called my contact again, in the hope that she can help give us access. The lawyers were concerned that the request for autopsy by the prosecution demanded a sample be taken from Essam's intestines to confirm or disconfirm the presence of narcotic. We wanted a complete autopsy. My contact told me that there is no way we can enter and that she was told there were higher orders to deny access. She would not tell me where those orders came from. While waiting in front of the morgue Dr. Samady tried to put me in contact with Dr. Seiam. Eventually I talked to him and after less than a minute I heard a loud female voice ordering him to close the phone and the line was cut. An hour later we were told the autopsy was done, and that the father, the lawyer and myself could enter. The uncle tried to enter as well, being a nurse himself. After some argumentation he was given access. Upon our entry a young man, not wearing a white coat, pushed me to the wall, trying to prevent me from entering. We argued and he insulting and abusing. The lady standing a short distance away informed me that he was Dr. Amr Mahmoud from the forensic team. The lady introduced herself as Dr. Soad Abdel Ghaffar, director of the morgue, the same lady who was

telling us through the barred window that we cannot enter. She asked me to introduce myself and I did, as member of el Nadim and Professor of Psychiatry at Ain shams University. In the corridor she started questioning Essam's father regarding the circumstances of Essam's arrest and imprisonment and what happened later. I told her that we should sit in an office and open a formal questioning process. She insisted. I told her this is not right, questioning the father of the deceased like this and that information can be lost. She said it was her right to do as she pleased and that she keeps all info in her head. After finishing the questioning of the father she told us that we need not worry, that the sample has been taken and that the report will be issued shortly. I asked her if there will be a complete forensic report. She said, of course. Dr. Mahmoud Omar tried to interfere in the conversation again. I refused and she asked him not to intervene. She asked me if I could bear seeing the body and I confirmed.

In the morgue

This place I entered has nothing to do with medicine, forensic or otherwise. A room with two metal beds, blood all over the beds and the floor. Essam's body lying on one, his body slit open from neck to pelvis, covered only by a Kleenex over his genitalia. His brain was lying exposed on a marble shelf with other samples I did not recognize. No formalin. No ice. Dr. Soad showed me, with non gloved hands, what she said was Essam's trachea, larynx, tongue and then spread an open sheet which she described as the upper part of the esophagus, slit open by autopsy, saying "as you see no injuries there". All those parts were outside Essam's body. I told her but you know that a hemorrhage can happen as a result of minute injuries that may not be detectable by the naked eye and that those specimens need microscopic examination. She said, you know it is Friday, the more equipped sections are closed and that she will take care of that tomorrow. She said they took samples which they will send to the laboratory. I asked about the small intestines, which to me appeared to be all intact in the abdomen of the body. She told me, if you wish you can take gloves and search for yourself! She confirmed that there was no hemorrhage of any kind. I repeated that one cannot be 100% sure without more accurate investigations. She assured me that this will happen tomorrow.

The packet

She then asked a worker in the room to show me the samples they took. He brought two white plastic containers with red covers. In the first she said there were samples from the stomach. The second she made the worker tilt over his palm and got a packet out of it: about 5 - 6 cm long, 1 cm in diameter, white, wrapped with a thread of some kind with two or three tiny blood spots on it. She said: we found this packet in his stomach. We shall send it to the lab tomorrow.

A packet? I asked. Yes, packet ! she said. I was taken aback by the use of the same term used in the case of Khaled Said. I decided to leave the morgue and moved towards the iron gate, when the same Dr. Amr Mahmud shouted to the guards that the gate should not be opened, and that “nobody will leave her without permission”. I had to bang at the door until they finally had to let me out.

Aida Seif el Dawla

Professor of Psychiatry, Faculty of Medicine, Ain Shams University

Nadim Center for Rehabilitation of victims of violence

28 October 2011

November



Mohamed Mahmoud Martyrs

- **3 November:** They arrested me on Saturday the 19th of November from a street parallel to Mohamed Mahmud street. They had their hands all over my body. I was dazed by the tear gas and the beating, especially on the head. They dragged me to Abdin police station where the insults and humiliation continued. They accused me of being a spy and mercenary. Then they took me with others to a CSF camp. I was barefoot and the interrogation was endless, mostly personal questions with a lot of sarcasm and abuse. They said they will refer us for forensic examination, but they never did.

- **On the 20th of November, I was in** one of the side streets from Mohamed Mahmud. I was taking pictures of the events. Suddenly CSF entered the street. I didn't manage to run and got surrounded by about 7 CSF soldiers and a man in civilian clothes with a walkie talkie. The beating began. They used clubs and sticks and beat me all over my body, especially on the head. They pulled me from the hair to one end of the street. They took my camera and handed me over to another group. That had three officers, special forces, who carried electric batons. They beat me, electrocuted me and touched me all over.



Then they took me to a kiosk in front of the ministry of interior and the beating there was more brutal and the harassment never stopped. They took us to Abdin police station and then to the prosecution in Heliopolis and then to CSF camp. They released us at 11 pm.

- **Student, arrested the 20th of** November from in front of the AUC campus in downtown, blindfolded, beaten and held in the ministry of interior for three days during which he was stripped, beaten, electrocuted. Released upon a visit by an Azhar.

- **Amr Mahmud el Beheiry, 20 years**, student at the faculty of commerce, Cairo university, arrested on the 21st of November, beaten and shot in the head. Died in Kasr el Aini Hospital at 11 p.m.



- **Student: I was helping in the transfer of the injured to the field hospital on the 23rd of November.** I was shot while I was carrying a man and putting him on my motorcycle. It was noon. I was taken to the Kasr El Aini French hospital and they operated on my left eye to stop the bleeding. Then I had two other operations, one for retinal detachment and the other for a prosthesis. I was shot by an officer who stood about 30 meter away from me. When I was injured I could see him laughing. (Interview: December 2011)

- **Maged Butter: I was with Mona El Tahawy in Mohamed Mahmud street on the 24th of November** when the police started shooting. Two men approached us, both in civilian clothes. They pushed us in a side alley claiming it was safer there. While pushing us, one of them harassed Mona. She slapped him, so the other man interfered in his defense. I tried to pull Mona by the arm and run away from the shooting, but they would not let her go. I heard her scream: my phone, animal. In less than 10 seconds we were surrounded by CSF soldiers who separated us. They beat me with clubs all over my body especially on the head and dragged me all along the street. Two of them using clubs, the third kicking me and a fourth putting his finger in my anus. They searched my pockets. When we reached the end of the street, they kicked me in the groin, punched me twice and then handed me over to two police officers who dragged me along. I said you can check my ID. They said, we do not check IDs and you can't even speak Arabic. I mumbled, I can't speak at all because of the injuries in my face.



They seemed to enjoy the site of the blood (video testimony <http://on.fb.me/tL17XI>)

- **24 November: Provisional medical report of martyr Ahmed Sayed Sorour**, released from Mounira hospital: The patient arrived in coma. His vital signs were very weak and his pulse was barely palpable. His blood pressure was 40. Attempts at resuscitating failed. External medical examination revealed bruises and lacerations on both sides of the pelvis, a comminuted injury in the groin associated with several hemorrhage. The injury extended to the scrotum and the anus, 10 cm long in total. X- ray revealed multiple pelvic fractures.



Martyr Ahmed Sayed Sorour, shot and run over by CSF truck in front of Cabinet

November Martyrs: 59 identified bodies

December

Cabinet street events



• **17 December: Mohamed El Yamani**, Member of El Adl Party. (testimony appeared in El Masry Al Youm, December 17th 2011). Mohamed El Yamani, who was arrested and assaulted by Military Police on Saturday morning recounts that he had arrived in the headquarters of the Party at 8 a.m. that morning after seeing on the news that the field hospital in Omar Makram mosque had been raided. He was responsible for the organizing and administering the field hospital pharmacy. El Yamani is quoted in a media statement:



“I called a physician colleague of mine and I told her to pass by the party’s offices first before going to the field hospital. When she arrived at the office I went downstairs to meet her on the street and she told me that the rest of the doctors were heading to the office as well to take refuge there. Almost immediately after they arrived we were shocked to see 4 Military Police soldiers and one Officer. As soon as the Officer saw blood on the doctor’s shirts and their stethoscopes around their necks he asked “Who are you with and what are you doing?” El Yamani continues, “They let us move from in front of them but as soon as we entered the building where the party is located they sprang on us from behind and entrapped the girls in the building entrance. The officer chased me to the Party’s door; when I tried to enter he pulled me and threw me down the staircase. He tried to force his way into the Party office, but the youth who were already inside closed the door and blocked his way.” He adds, “When I fell on the ground the Officer kicked me with his shoes and insulted me verbally. They attacked the girls and the other doctors (7 people in total), they beat them up with sticks and electronic batons. Then lined us in queue and made us walk down the Corniche, with the beating and verbal insults unabated. The girls were beaten in a humiliating way and were obscenely insulted. What hurt me more than the insults we received from passersby on the street and people on public transportation who were encouraging the soldiers to hit us, saying 'Beat the thug and the ones with him!'.” The events continue, “We arrived at the premises of the Cabinet and were taken into its

courtyard where we saw a large number of youth tied up and lying flat on their stomachs. The moment I walked one of the Officers kned me in the stomach and I fell to the floor. This allowed him to step on my stomach and chest and say 'so you want to Bring Down the Field Marshall you son of a -----'. El Yamany relays that the soldiers dealt with the detainees as though they were vandals. "One was confused by my colleague's profession, 'are you really a doctor!'" he said then he slapped the back of his head. Eventually, a higher ranking Officer, a Colonel, came. He treated us with some decency. He asked me why I was taking part in the sit-in. I told him a different story to protect myself from further abuse, I already had a deep wound on my head, my body was entirely bruised and my shoulder had been dislocated. This Officer gave everyone back his or her personal possessions except mine. I only got my mobile phone back, and they had taken out the SIM card.

- **A Female Doctor**

(Interviewed on December 19th): I was in the sit-in from November 18th, and had been on the street for about 4 weeks. They were tents for women at the Cabinet so I went to sleep there. Yesterday (December 16th) I slept on the sidewalk around 11 a.m. but someone woke me up because the



situation was dangerous. Suddenly I saw a lady I knew, Dr. Sanaa, surrounded by soldiers, they were dragging her from her hair. My first thought was to throw myself over her to block the beating because she seemed totally wiped out. But before I could reach her the sticks reached my head too and I cut my head open. Then I was bombarded by beatings all over my body and I could hear insults too. One soldier grabbed my hair and said "leave her to me, she's the one who was standing around earlier cursing". It's true I had been cursing but the reason I did was that was because one of the soldiers earlier had been gesturing towards his penis and making hand gestures at us. The soldiers who were filming this were standing behind the Officers so on the video you can only see the people cursing, and not the provocation for this that was happening

behind the camera. So he grabbed me from my hair, dragging me across the ground, and 2 soldiers were kicking at my chest with their combat boots. I went inside the Parliament building but at that point I could no longer tell where the beating was coming from. I was beaten for 10 minutes continuously. An important clarification: the soldiers beating us were not only Military Police. Primarily they were paratroopers. I was handed over to an Officer (I am 90% certain he is Special Ops) and he was wearing a mask. He told me he was the one who was wearing a mask outside and filming. He said to me "I will have a party for you" then he slapped me across the face, "I will teach you today if I am a man or not".. but his words all had sexual intonations, they were not about wanting to beat someone. A General came and said whoever doesn't need stitches should go outside. My head was cut open so I told him "I want to get out, you get me out". The masked man intervened and said, "Are you seeking protection from him? Get back" and of course he was using a lot of extremely dirty language. He took the General away and they agreed that the General would have nothing to do with me. Dr Ziad from the field hospital showed up and said he would take the injured out to treat them. The masked man told me again to get back but Ziad insisted and said, "I have to take them all, I won't go outside and leave anyone here". Because there were 7 girls. So the General said, "Yes, of course they will all go outside." So the man with the mask said to me again "Ok, you will go outside but I will shoot you out there, I won't leave you", and he wanted to refer me to military court. After that I went outside with the other girls and headed to the Coptic Hospital. I am in a terrible condition. There is not a single part of my body is undamaged. But I know that someone asked about me while I was in the hospital and the Coptic Hospital refused to give me a report.

- **A student:** "I was standing on Mohamed Mahmoud st. Two men in uniform approached me and I could tell they were Military. I had to walk with them, but they didn't hit me. We walked to the start of the Cabinet Street. When we got there they searched me, then they started provoking me, and they took everything I had with me. They made me go into the Shura Council building. It was 12 pm. At the entrance of a corridor I could see two lines of army soldiers, Special Forces and paratroopers and Unit 777 task force. The soldiers from Unit 777 stand out because they dress all in black and they are

extremely large. They cover their faces like the masked soldiers of Hamas. They told me to run between the two queues. As I they hit me with long black sticks, the kind used by the riot police, they also used electric batons and really thick metal pipes. Even the civilian security guards that work in the Shura Council were hitting me. Then I saw a lot of other people who were detained there too. At the end of the corridor they took me to the torture cell. We were ten. By the end of the day we were about 50. The girls were in another room. Every time someone new arrived they would hit everyone all over again. I endured this torture until 2 am when the Military Police came for us. Before we left a high-ranking Office and said, "That is enough! Stop beating them, take them out". And they did let us go outside, but they put another group of people in our place. We went out into the corridor. They say sit down, so we sit down, and the space is really tight. Stand on one leg and lift your hands up. I was injured and my head was wounded in several places. I fell onto the floor, but I didn't lose consciousness. So they used the electric batons on me and I was coerced back up. I was holding on to something like a pipe on the wall. They told us to lie down. We lied down on our stomachs. The soldiers and Officers trampled us. They would walk on our backs even if they wanted to pass just to get someone from inside. Then we were handed over to Military Police. We sat there in the vehicle for over an hour before we moved. There was a room in the Shura Council where no one ever comes back out from. I heard someone died in there and they just threw out the body.

- **A Citizen: At 11 a.m. I was coming from Agouza, from the Ministry of Social Affairs.** Before Tahrir there was heavy traffic so I got out to walk with the pedestrians for the rest of the way. Then I saw that the army was in masked uniform. They had black masks out and they were carrying shield. So I started to run but I fell down because I have a heart condition. I was getting trampled on by other people. Near the Television building they started beating people with some pipes they had in their hands. The electricity approached me. When I moved they beat me up and told me I had to get up. I got up. They took me to the Cabinet, dragging me the whole way. I stayed inside for a while. What's your name? Every word with a beating. Pipes and wooden logs and the door way. Beatings on my back. There were other people held with me. Men and women. The hitting

went on for about 2 hours. Then they put us in the transfer vehicles (the big blue ones), there were about 16 of us, and it was a few hours before sunset. They took us to Military Prison S 28. They wouldn't receive me there. I was bleeding from my mouth and everywhere in my body. So they got an Ambulance, I stayed there for some time, then headed to the Military hospital in Kobry El Obba. I was admitted to Intensive Care and they made some X-rays and a ECG. There were two of one the same bed, we were handcuffed to each other. On the 22nd they took us to a judge for investigations, he released us due to our medical condition.

• **19 December: Egyptian** citizen residing in Libya. Returned to Cairo on April 22nd after the escalation of events in Libya prevented him from continuing to work there. Not currently employed. "In the morning I was attending Sheikh Emad's funeral in Al Azhar. We buried Sheikh Emad and I headed with everyone else to Tahrir (it was something like a funeral procession). The people



spread out in Tahrir square, they left for a while and then they came back. I was standing near Mohamed Mahmoud and Sheikh Riham streets, in front of the Mugamaa' with my friends. I wasn't participating in anything. All of a sudden I heard people say the soldiers and coming; we all left but nothing happened... a moment later the same thing happened, this time the soldiers came holding batons and transparent shields. There was a sergeant trying to stop them. There were people coming towards us and they were beating them so cruelly. Eventually a Major turned up... a lot of beating...he was insistent that people should confess they had taken money (someone had told them they had taken 50 pounds). The situation stayed this way for more than 2 or 3 hours (they held us at 3 a.m.). Bodies were just fallen in top of each other on the ground, destroyed from all the abuse. Then they let us sit down. We sat down until 9 a.m. This whole time my hands and my head were bleeding. And I was strangely silent. The Major told us I am going to sleep and I hear

a single sound I'm going to come out and kill you all. At 9 a.m they told me to go to the doctor in the same building. There was an ambulance. The military doctor was astonished from the beating. He was not convinced that all my head wounds were from beatings...they were so severe that he did not even know what to stitch together. It was extremely painful to get the stitches and I tried to withstand it. He tried to come towards my hand but I told him he would not be able to touch it. He measured my pulse and told me I had to go to the hospital now. He sent word to the Major. He refused to release me..then the doctor took me, the Sergeant and two other military doctors to see the Major. They convinced him that I had to be transferred to the hospital immediately. The Major warned me that if I went to a Military Hospital I would get sent to military court and my future would be destroyed. It would be better if you left on your own and got treated anywhere else, he said. They released me with a friend of the Major who was wearing civilian clothes. I asked to go to Heliopolis hospital. The man got me juice and gave me 20 pounds in the hospital. I called some friends and my family and uncle came straight away. My uncle took me to Ain Shams hospital and I had to have 6 operations on my arms and fingers.

- A Student (Interview on 25 December). On Saturday I was in a flat near Tahrir square, and I could see that that the Science Complex was on fire. At 1pm I went out to see for myself. When I got to the American University, I couldn't move. There was an army force behind the complex and there was a lot of advancing and retreating happening. I could tell they were the ones that had sent people to set the fire, and it had burnt extremely quickly. The army attacked the square and the tents; the place was charred with smoke. An officer hit a girl, when she fell to the ground he lost his temper even more and took out his gun and shot her. Soldiers carried her away. I managed to move with a friend to Talaat Harb square, the shopkeepers were passing by people and saying "god burn you all"...I argued with one of them and asked him why he was praying against people in this way. The army's attacks reached Talaat Harb square, there was a group of paratroopers and behind them, Special forces. We stood in our places, unable to move. The forces had taken control of Talaat Harb and Bab El Louq.. I told my friend we should go, but at the same time we were scared to move. Before my friend could find a pavement we could walk through, the

army approached us. The civilian I spoke to before, who was praying against the protesters was with them. It was him who directed the military forces to us. They took me to the Cabinet through Tahrir. We were not beaten on the way, but it started when we arrived to the Cabinet premises. A group would come in and brutalize all the detainees. There was an office where the officers just insulted and ridiculed us. They would hit with everything: batons, sticks, and logs of wood, metal pipes. They would use the aluminum handles of their batons to whack our heads, and that's how so many people got their heads cut open. The beatings were mindless and arbitrary - four of them standing around wiping out just one person. There were 10 of us in the room at first, and then when we were taken to a larger room there were 30 of us. In the rooms the Special Forces units would beat us, not just regular soldiers. By the end of the day we were 60 or 70 people. It went on for about 4 hours. After that it was just beatings for amusement (with less cruelty). But there were horrifying torture methods.. They would force someone who threw up to eat his own vomit.. Make us stand on one leg, while our legs were broken and our heads were bleeding, no one could hold their own weight. The Officer would demand: get up, sit down, get up, sit down..go to the front.. the room was so crowded there wasn't any space. So he would say "step on your colleague". They asked if anyone was thirsty. When someone said yes they just splashed the water on his head. If an Officer wanted someone from inside, they would just walk over our bodies to reach them. They moved us to the corridor when the Military Police arrived, and they handcuffed us and took us to S 28. I was in a group of 15 prisoners; I was with Hend Nafei and Yosra. After S. 28 we were taken to Kobba Hospital. We all were in an awful state. They stitched our wounds in the hospital, ran some tests, gave us pajamas and told us to take showers. We slept with our handcuffs on, each one of us hand cuffed to our own bed. They were metal handcuffed. After the story about discharging the field Marshall there was some tension. The Ministry of Interior came and transferred us to the Zeinhom Prosecutor. We didn't appear in the same day, at night we went to Sayed Galal Hospital.

- **Martyr, Mohamed Mohie Hussein Saleh.** Aged 32, bachelor degree in commerce, unemployed, single. Interview with father took place on December 24th. Mohamed sustained serious injuries during the events of the January 25th revolution. He had broken his fingers, and his knee ligaments were torn. He was



seeking treatment and reparations from the state. His papers weren't finalized yet. He could walk but with difficulty. Mohamed went out on Saturday December 19th and didn't come back. It's ordinary for a young man of that age to go out...so I didn't report that he was missing or start searching for him until Monday around 5 pm. A police officer knocked on my door and asked if Mohamed was there. We told him he was not. He left and sent for Mohamed's siblings...he told them to go to the Sayida Zeinab police station because the head of Investigations wanted to see them. When we got there they told us "go to the morgue maybe you will find your son among the people there"... Around 7pm we got to the morgue.. the attendant opened the compartment.. I recognized him, it was Mohamed my son. I looked at the records there and I found my son Mohamed's full name...next to it there was the license number of the vehicle; "175/3463 police", and "Captain Ibrahim Roshdy Wardeya". I went back to the police station to recuperate Mohamed's things and the papers for the burial. They told us to go to the Prosecutor and sent a soldier with me. There were two lawyers, Mohamed Abdel Aziz and Ragia Omran. The prosecutor took our statements at approximately 9, and then told us to wait outside. We waited until 4 in the morning. A soldier came back with us to the police station, and we were told to get DNA tests. They took blood samples from Mohamed's mother and myself. On Tuesday at 11 a.m. we prepared for the cleansing of the body and I discovered that the autopsy had already occurred.



Martyr Samer Mohamed el Sheikh, 22 years, Faculty of Tourism, shot by a police check point on the 19th of November

- **21 December: A Young Man:** I got back from the sit-on to our house and I heard about what happened at the Cabinet when I woke up (Friday morning). I went out to see for myself. I entered from parliament's street.. I saw military forces and civilians holding automatic firearms. People were standing around..between advancing to throw stones, or just observing. I headed to Kasr Ainy street and I was approaching the Cabinet. There were rocks being thrown from above and below me. A man came next to me; he was shaking the barrier and trying to break it. I told them we'd better not do that, that we were being led into a felony. I crossed to the other pavement. The door had been broken and the military was out. I didn't manage to run. A masked officer pushed me and I found myself in a middle of a big group of soldiers who were hitting me from every direction. Dirty Insults.. and "traitor!" "informant!"..one of them jabbed me in the face with his rifle. I was taken inside the Cabinet and handed over to another group. Two of them received

me, and three or four others joined them at the end of the corridor. That's when the blows to the head with the pipes started and I felt that I was going to die. And an Officer said to me: We're going to kill you. Another officer showed up and started kicking me and slapping my face. They left me at the end of the corridor. Soon, they brought in Nour Ayman Nour and two girls...and I don't remember who else. My head was bleeding from several places. The number of detainees started to grow; we became a large group. They confiscated my wallet and left. I think Ghada got slapped several times across the face. Several people had open head wounds. Another man brought back my wallet, they had put some hashish (cannabis) inside it. They acted out a play...the officer would say "where's the hashish??" and pretend to look for it..then he would take it out and say "here it is! "then the officer curses. He asked "so you smoke hashish?". I wouldn't answer..what would I say, they already know they are the ones who planted it. A man with a wireless two-way radio appeared and said they would release us. He left, someone else showed up and cursed and slapped us. Until finally Dr. Ziad appeared and negotiated with them. They released the injured girls, and there were four people left with me, including a journalist for Al Dostour and a foreign journalist who could speak some Arabic. They made us stand again, facing the wall, and started searching us all over again. They repeatedly banged the head of the man next to me into the wall. A while later, someone else told us we would be released, and we were taken to the outside courtyard. I saw about 15 people with their hands tied behind their backs, they were all wet. The military men told us to wait because we would go out with them, and a negotiation began about how we were to be released. They only gave back some of our possessions. Medical Examination revealed lacerated bruised wound, taking an angled form at the front of the head, crackling with the movement of the left side of the jaw, red inflammation in the jaw and the left part of the mouth, body generally bruised.

- **A student: On Friday, December 30th, we were in the rally** organized by "Kazeboon" (Liars) in Sayeda Zainab. We sensed that some people around us were investigators and we took a picture of one of them. I got a phone call so I moved away a bit. An older man said "shame on you"..they said I was a thief... they put me in a car, a black BMW. They blindfolded me, handcuffed my hands and legs

and drove for around 30 or 45 minutes. I entered some place..and went up about 14 steps. A door was opened. I was taken into a room that was about 4x3 m2 and it was completely tiled in ceramic. There was about 10 cm of water, otherwise it was totally bare. I stayed there for about 30 minutes then I started to shout (the water was really cold and it looked like there was fungus in it). They took me outside and I was still shouting. They stripped me naked. One of them took off his combat boot and sock and put the sock in my mouth, he even got some cloth and closed my mouth. I was cuffed again. My body started convulsing then I passed out. When I came to, he told me- you'll get one of those every 30 minutes... the electricity was repeated 5 times. 5 of them came in, 2 of them had AK 47s (enumerated) and told me that that I be videotaped- they said, you had this weapon with you during the events of Mohamed Mahmoud and the Cabinet, and you've used it more than once in the square. At first I refused..they took me back outside and they electrocuted the water again. I told them I would be in any video they wanted. They came in again, holding my jacket for me to wear. They started filming making sure mine was the only voice on the tape..as if I was talking to a friend, or my friend is the one filming me. After the video, he took my jacket again. I was still totally naked- at first they had even started filming me without any clothes on. He left me for 3 or 4 hours. Then 3 of them came...I saw five faces but these three were masked and they said, 'we're going to film two videos with you then we will let you leave, or do you prefer we stay with you?|" "I don't know who you are. And I am under your mercy." "Ok", they said, "so you will testify against George Ishaak". He brought the jacket back and told me to say: "George Ishaak is funding the sustenance of the Cabinet sit-in and used to give me money to give to people so that they would continue on." I did as they said. The second video: say that Mohamed Habib (former member of Muslim Brotherhood guidance bureau, rifted from the brotherhood about two years ago) was sustaining the sit-in with Ishaak and gave money to people to stop them from leaving. On Saturday no one came to me at all after the videos...everyone half hour or hour there would be electricity in the water until 10 o'clock Sunday morning. They uncuffed my hands and legs, dressed me, and blindfolded me again. They took me out and put me in a police vehicle (I saw it when I got out). He took off the blindfold....left me... I realized I was in the

garage of the Sayeda Zeinab station. I managed to get the car's license plate number, belonging to the police department. They had taken my ID, my wallet and my phone. They released me around 10 am Sunday morning.

December Martyrs



Sheikh Emad Effat and Alaa Abdel Hadi, final year medical student



**Mohamed Milad el Sayed, shot in the neck, died in Maadi hospital.
Hospital report: Acute gastroenteritis**

**All killed by shotguns
(Zenhom morgue)**

Name	Age	Name	Age
Ahmed Mohamed Mansour	22	Islam Abdel Hamid Hamza	Child
Ashraf Omar Ahmed Ali	16	Ramy Ahmed	19
Sameh Anwar Awad	23	Salah ahmed Isamil	24
Adel abdel Rahman Meselhi	19	Adel Moemen Nassar	30
Alaa Abdel Hadi	22	Emad El Din Effat	52
Moh. Abdallah Mohamed	30	Mohamed Magdi El Din	25
Mohamed Mohye Hassan	26	Mohamed Mostafa	27
Mohamed Milad	36	5 unidentified bodies	

**El Nadim Center 2011 statistics
New Clients**

Gender

Gender	Egyptian	Sudanese	Iraqis	Other	Total
Males	230	17	7	3	257
Females	37	34	7	27	105
Total	267	51	14	30	362

Age

Age range	Males	Females	Total
<18	21	7	28
19 - 30	133	45	178
31 - 40	60	36	96
41 - 50	28	11	39
> 50	15	6	21
Total	257	105	362

Trauma

	Torture	State violence	Rape	Other	Total
Males	108	121	1	27	257
Females	57	18	12	18	105
Total	165	139	13	45	362

Residence

Cairo	180	Sharkeya	3
Giza	87	Alex	2
Unknown	27	Assiut	2
Dakahleyya	16	Qena	2
Qlubeya	14	Sohag	2
Canal zone	11	Arish	1
Gharbeyya	6	Damietta	1
Beni Soueif	3	Kafr el sheikh	1
Menufeya	3	Menya	1

Source of referral

Self	Family	Friends	Hotline	Internet	Lawyers	Media	NGOs	Refugee org.	?
115	20	54	22	6	6	17	20	51	51

Individual Interventions with new clients

Psychological support	Medical referral	Home visits outside Cairo	Investigations	Individual campaigns	Legal aid
359	33	4	32	27	67



Martyrs Behind Bars

Killings and Torture of Prisoners
during the Egyptian Revolution

August 2011





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Killings and Torture of Prisoners
during the Egyptian Revolution

Egyptian Initiative for Personal Rights
August 2011

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Revolution

First Published in August 2011 by
Egyptian Initiative for Personal Rights
Cover Design & Layout by Faris Hassanein

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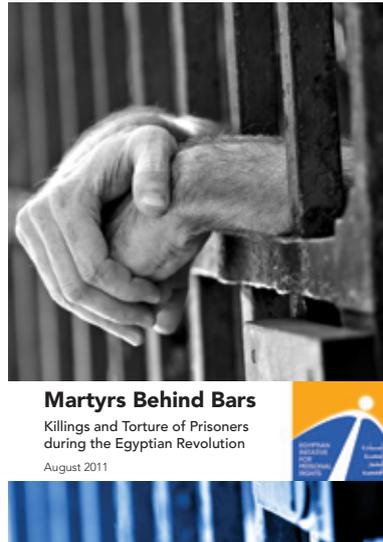
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Introduction

For 18 days, starting on the 25th January, Egypt witnessed mass demonstrations demanding the downfall of Hosni Mubarak's regime. The demonstrations turned into severe clashes between security forces and protesters on 28th January, resulting in the full retreat of all police forces from their positions in the evening of the 28th January, while the armed forces took over their role. On 11th February, Mubarak resigned from his position as President of Egypt and all his powers were transferred to the Supreme Council of the Armed Forces.

During those 18 days, and during the months that followed, Egyptian prisons were in a state of chaos. Small numbers of prison guards remained in their positions even after the police withdrew, and unrest took place in several of Egypt's prisons. In four prisons, large numbers of prisoners escaped, while in other prisons – whilst no prisoners escaped - prisoners were shot at and subjected to severe physical and psychological abuse inside the prison.

The Fact Finding National Commission (FFNC) - created by a decree of the Prime Minister (Decree 294/2011) to investigate the abuses and violations that took place during the January 25 revolution – investigated events in five prisons, out of which three had witnessed mass escapes (Wadi al-Natroun, Abu Zaabal and al-Marg) and two had not (Tora and al-Qatta). The report, released in its summarized version on the 19th April,⁽¹⁾ presented two possible explanations for the prison breaks. Either, the report claimed, the escapes were a result of the general security vacuum left by the retreat of all police forces from their positions in the late hours of the 28th January, or it was a result of armed attacks on prisons from outsiders trying to help the prisoners escape.

In various parts of the summary, the report also mentioned that prison guards had

⁽¹⁾ The FFNC report can be found here: www.ffnc-eg.org/assets/ffnc-eg_final.pdf

shot live fire and teargas at the prisoners within their cell-blocks in prisons where prisoners did not escape.

Overall, the FFNC report estimated that 189 prisoners died during the revolution. The real number, however, is likely to be higher. Indeed, the FFNC only visited five prisons, while the Egyptian Initiative for Personal Rights (EIPR) collected evidence suggesting that violence took place in at least nine prisons during the revolution. Moreover, it is likely that, at the time the FFNC report was released on the 19th April 2011, not all prisoners' corpses had been identified as such. On the 9th June, 19 unidentified corpses were buried under orders from the Prime Minister. According to reports, at least some of those corpses were wearing prison uniforms when they were brought to the morgue.⁽²⁾

As a whole, the FFNC report did not offer a comprehensive picture of what happened inside the prisons visited, and did not assign responsibility for the killings and wounding of prisoners. In addition, the Commission did not visit other prisons where violence had been reported. This is despite the fact that on the 28th March the EIPR sent the FFNC evidence pertaining to al-Qatta, Damanhour, Shebin el Kom and Tora prison, suggesting the unlawful use of force against prisoners by prison guards and the inhumane treatment of prisoners. The EIPR also sent the FFNC a list of names of 94 prisoners alleged to have died at the hands of prison guards in three of those prisons.

The press, like the FFNC, has extensively reported on the prison breaks that occurred during the January revolution in prisons across Egypt. However, little information has been published on the killings and inhumane treatment to which prisoners were subjected in other prisons – from which no prisoner escaped – starting on the 28th January. This gap is what this report seeks to fill.

⁽²⁾ See for example www.shorouknews.com/contentdata.aspx?id=476194 and www.ahram.org.eg/Incidents/News/83644.aspx

1. Summary and recommendations

The EIPR has collected information from five prisons across four governorates, which reveals a disturbingly similar pattern of events across different prisons, suggesting that there were clear directives given to all security officers at the prisons under examination.⁽³⁾ Evidence⁽⁴⁾ gathered in al-Qatta prison in Giza, Shebin el Kom prison in Monofya, al-Abaadya prison in Damanhour, Tora Liman and Tahqiq prisons and the Appeals prison in Cairo, indicates that prison officers opened fire on prisoners inside the cell-blocks and the cells in the last days of January, killing, in those prisons, an estimated number exceeding one hundred prisoners, and injuring hundreds. The available evidence suggests that most of those were intentional killings, and had nothing to do with attempted escapes.

After the heavy shootings in late January in four of the five prisons under study, the EIPR collected evidence which showed that shootings continued for 10 to 15 days while prisoners were left with no security guards in the prison buildings. Water and electricity were cut off, no food was delivered, and visits were prohibited. Injured prisoners were denied medical care and in some cases, corpses were left to rot among prisoners in their blocks for days.

During this time, relatives were kept in the dark, lied to by prison authorities about the real situation in the prisons, and in the case of at least two prisons, subjected to unlawful violence at the prison gate.

Even after water and food started being delivered to prisoners again, 10 to 15 days later, and after visits were re-opened, severe unrest erupted inside the prisons under study, leading to the death and injury of a large number of prisoners. Evidence sug-

⁽³⁾ The current report is limited to the five prisons to which EIPR managed to gain access.

⁽⁴⁾ EIPR contacted a large number of prisoners and relatives of prisoners, including relatives of prisoners who died in prison. EIPR also collected death certificates, as well as pictures and videos shot via cell-phone inside prisons during and after the shootings. All the names of prisoners have been withheld for their own safety.

gests that prison administrations played an active role in fostering the conditions for the violence and unrest.

Despite a number of complaints and calls for intervention to the Supreme Council of the Armed Forces, Ministry of Interior (MoI) and Prisons Authority about the killings and other violations as they were happening, the authorities have been inefficient in intervening to stop the violations. Instead, the MoI continued to use excessive force against prisoners, while seeking to cover up the abuses by releasing inaccurate information to prisoners' relatives and to the media.

At the same time, the Public Prosecutor's Office has been grossly negligent in investigating the abuses, unduly delaying the investigations and showing bias. At the time of publication of this report, five months after the violations happened, most of the cases before the Public Prosecutor's Office have not been referred to trial.

Yet even if one looks at only those prisons, the similar pattern of events - the intentional killings which started at the same time in all five prisons, the starvation and inhumane treatment which followed the killings, and the retreat of security forces from prison buildings - raise a number of questions which remain unanswered. Most importantly, who was responsible for instructing the killings and inhumane treatment?

To answer this question, more investigations are needed into all Egyptian prisons, starting from the 25th January. This report cannot be a substitute for the investigations that need to be carried out by an independent and impartial authority that has access to all prisons in Egypt and to all concerned government bodies. This is due in particular to the fact that the EIPR received information about violence and killings in other prisons, in addition to the five included in this report, which require further investigations.

As a consequence, EIPR calls on the government to:

1. Create an independent fact-finding commission responsible for investigating abuses against prisoners across the country's prisons starting on the 25th January 2011. The commission's duties should include determining violations committed against prisoners and determining responsibility for instructing the mass violations at the higher levels. The commission should draft a comprehensive report with its findings, and submit it to the Public Prosecutor's Office while also publishing its most significant findings.

EIPR calls on the Public Prosecutor to:

1. Delegate investigative judges to investigate the killings and other violations which occurred in the five prisons under study
2. Investigate any allegations of crimes committed against prisoners impartially, thoroughly and without delay, including by requesting that all medical and forensic reports for deceased and injured prisoners be submitted to the Prosecutor's Office.
3. Charge all officers and other public officials against whom enough evidence has been gathered and refer them to trial without undue delay.
4. Seek adequate compensation from the courts for the victims and their relatives.

EIPR calls on the Ministry of Interior and the Prisons Authority to:

1. Immediately suspend all officers accused of killing prisoners from their positions, pending investigations and trial.
2. Adopt a zero tolerance policy towards any unlawful use of force or firearms against prisoners, and fully cooperate with the fact finding commission and prosecuting authorities.
3. Ensure that prison conditions comply with national and international laws at all times, including in relation to the availability and quality of medical care, access to water and food, and security conditions within cell-blocks.

2. Grave mass abuses against prisoners during and after the 25 January revolution

Article nine of the Constitutional Declaration, which came into force on the 3rd March 2011, stipulates: “Any citizen who is arrested, detained or deprived of his/her liberty by any means shall be treated in a way preserving human dignity, and shall not be harmed physically or morally.”

Egyptian laws and regulations have elaborated on the principles of the treatment of prisoners. Law 396/1956 on Regulation of Prisons guarantees every prisoner the right to health, to receive visits, to communicate with the outside world and to education.

2.1. Mass killings of prisoners

“The shootings were so heavy, we felt there was a war in the prison.”⁽⁵⁾

The Prisons Law provides for two cases when prison guards are allowed to use firearms against prisoners. The first is to counter a violent attack or resistance, when it is not possible to combat it using other means. The second is to prevent the escape of a prisoner, if the escape cannot be prevented using other means. In this case, the first bullet should be shot in the air, and if the prisoner continues to attempt to escape after this warning, the guards can shoot in the direction of his leg.⁽⁶⁾

The same conditions are spelled out in the Minister of Interior’s Decree number 139/1955. In addition, the decree stipulates that the use of firearms is only allowed when it is the only means of preventing the escape and is allowed only to the degree that is necessary to prevent the escape. Therefore, if the escape can be prevented by injuring the prisoner only, his killing is unlawful.

⁽⁵⁾ Tora Prisoner 3, phone conversation of the 24th March 2011

⁽⁶⁾ Article 87 of The Prisons Law 396/1956

Under international law, law enforcement officers are only allowed to use firearms against persons “in self-defense or defense of others against the imminent threat of death or serious injury, ... or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life” (our emphasis).⁽⁷⁾ In these circumstances, law enforcement officials “shall identify themselves as such and give a clear warning of their intent to use firearms, with sufficient time for the warning to be observed.”⁽⁸⁾

In the five prisons under study, prisoners were shot dead *en masse* by prison officers inside the prisons between the 29th January and 20th February. Heavy shooting started on the 29th and 30th January, followed by a period of regular shooting which lasted for at least 10 days. More than one hundred prisoners died inside the five prisons and hundreds were injured. In all five prisons, during this time, no prisoner escaped.

In al-Qatta prison, prison guards opened fire randomly on the prisoners inside the cell-blocks and cells on the 29th January, killing dozens in one day. Shooting and killings continued until the 12th February. The Chief Prosecutor investigating the case has a list of 33 prisoners and one General, Mohamed al-Batran, who died inside al-Qatta prison between the 25th January and 1st March 2011, while the EIPR has collected the names of 79 prisoners reported to have died in al-Qatta during the same period.

The shootings started after the prison administration had successfully controlled a demonstration organized by prisoners in the courtyard on the 28th January. The prisoners, inspired by the first days of the revolution, demanded the implementation of their right to conditional release. The next day, while General al-Batran, Chief of the Prisons Authority’s Intelligence Unit, was inside the prison to investigate the situation, he was shot dead along with several prisoners. The shooting came from the

⁽⁷⁾ UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Principle 9

⁽⁸⁾ UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Principle 10

prison's watchtowers.

According to testimonies from prisoners, on Saturday 29th January, General al-Batran went to talk to the prisoners inside the blocks to assess the situation. He was accompanied by the head of al-Qatta prison's intelligence unit, S.G., and officer E.B.. According to several prisoner accounts, while General al-Batran was talking to the prisoners, E.B. made a sign to one of the watchtower guards, officer G.H., who shot him. The General was shot in the chest and the back, and died shortly after, while S.G. was shot in the leg. Several prisoners were killed and others injured. After this, the guards in the watchtowers opened random fire on all the prisoners in the cellblocks, killing dozens and injuring many more.

An injured prisoner who witnessed al-Batran's death appeared on a video recorded inside the prison, of which the EIPR received a copy.⁽⁹⁾ In the video, the prisoner is sitting in his cell and recounts the killing of General al-Batran and the random shootings of prisoners that ensued:

"Mohamed Bey al-Batran, E.B. and S.G. were in the block talking to us. Mohamed Bey and S.G. are both good people and they were talking to us well. But E.B. was shouting at us, so Mohamed Bey al-Batran started telling him off and telling him "You're the reason all this unrest is happening, you're responsible for this."

We were walking with Mohamed Bey and S.G. from our block (A) to another block to go talk to prisoners in other blocks, to see what happened there. While we were going there, E.B. was ahead of us. I saw E.B. make a gesture to the watchtower, pointing at us. All of a sudden, we didn't see anything except that we saw Mohamed Bey al-Batran fall next to us, and S.G. had a bullet in his leg and metal pellets in his chest. And a lot of colleagues [fellow prisoners] too, there was one called 'al-Kharsa' and one called 'Adma' ... I saw the bullet go

⁽⁹⁾ The video is online at: www.youtube.com/watch?v=4gvN0rvIDsM&feature=related
Names of the accused officers have been removed in this report and only initials are used.

in his head and he fell next to us. And everyone was running right and left and taking bullets. I got a bullet that entered from the back of my thigh and came out from the front.”

On the video, the prisoner then shows his wound to the camera. The wound is covered with a used face mask. He shows the entry wound at the back of his thigh and the exit wound on the front of his thigh, which is swollen and about 4 cm long and 2 cm wide, clearly in need of medical care.

In a phone conversation, another prisoner who had remained in the cell-block described the events of the 29th January, as he witnessed them from inside the block:⁽¹⁰⁾

“After [Batran was shot and killed,] they started throwing teargas canisters and firing at us with rubber bullets and live ammunition. They were firing randomly at us, not directing their shots at anyone in particular. We were inside the main room in the block and they were shooting randomly there, from the towers. We defended ourselves as best we could. We threw stones, we used fire extinguishers. It was a sea of blood. There were dead bodies everywhere, 70 or 80 prisoners died that day.”

Shootings were also directed at prisoners who remained in their rooms. One detainee, who had remained in his cell the entire time and was injured in the arm with live ammunition, told us:⁽¹¹⁾

“On Saturday morning, the second day after the demonstrations, the prison was calm. Suddenly we started hearing live fire. I was inside the block but I know some prisoners were in the courtyard. They were not trying to escape. It is impossible to escape, the gate is too high. We received teargas and live fire. It was everywhere, in the courtyard, inside the cells, even in the toilet. Some people were in the toilet when they were shot at. You cannot imagine. It was

⁽¹⁰⁾ Qatta Prisoner 1, phone conversation of the 10th February 2011

⁽¹¹⁾ Qatta Prisoner 2, phone conversation of the 23rd February 2011

inhumane. I got a live bullet in my left arm. I was inside the cell, it came from the window.”

The Tora prison complex is composed of five prisons. According to the information gathered by the EIPR, in Liman Tora and Tora Tahqiq prisons, prison officers shot at prisoners in their cellblock from the 29th January onwards, killing an unknown number of prisoners and injuring dozens. In some blocks, the guards went and shot prisoners inside their rooms, while in other blocks, they threw teargas canisters inside the blocks. Once the prisoners managed to break out of the rooms to escape from the smoke, they were shot at in the block’s courtyard.

According to one prisoner in block 1 of Liman Tora, security forces threw teargas canisters inside the blocks, and started shooting with live ammunition and metal pellets.

“When the shooting started, there was nothing happening, no unrest, no attempted escape. Absolutely nothing that justified the shooting. The shooting intensified, starting at 8pm. It was a massacre. They were shooting at the prison building from the outside, from the watchtowers and the buildings around us, there were snipers there on the rooftops. ... They were shooting at people in their blocks, there was no prisoner in the courtyard. They were shooting at the walls, to terrorize prisoners. They had all types of weapons. Automatic weapons, and metal pellets.”⁽¹²⁾

The same happened in block 2. One prisoner from block 2 told us that five prisoners from his cellblock were killed, including two who were shot while in their rooms, by bullets coming through the window from the surrounding rooftops. He recounted the events of the 29th January:⁽¹³⁾

“On Saturday 29th January, we suddenly heard a lot of live fire being shot in the prison. I was inside the room [the room is 10 meters long and 6 meters wide

⁽¹²⁾ Tora Prisoner 1, phone conversation of the 14th April 2011

⁽¹³⁾ Tora Prisoner 3, phone conversation of the 24th March 2011

and contains 70 prisoners]. We first got smoke, very heavy smoke in the room. We couldn't breathe anymore, people fainted. To be honest we thought they had died. We knocked on the door for someone to open for us, we thought we were going to die. The gas was so dense we couldn't even see our hands. Then, the shootings stopped for an hour and fellow prisoners opened the door to us and let us out, to breathe. They said that the police had left the prison and that many prisoners had died. They said 10 or 15 people in the external blocks had died."

As soon as the prisoners got out of the rooms to escape from the heavy smoke, they were shot at with live ammunition.

In block 4, security forces went to the cells directly and shot prisoners at point blank range. A prisoner from block 4, who got two bullets in his leg, told us:⁽¹⁴⁾

"People stormed our block, people dressed in black and holding automatic guns and metal pellets. They started shooting everywhere in the block and in the rooms. A lot of people died and a lot were injured. Many got shot in their eyes. In my block, one prisoner died and there are five who have been blinded by metal pellets in their eyes."

The interviewed prisoners all insisted that the shooting was not directed at prisoners trying to escape, emphasizing that shootings happened against prisoners inside their cell-blocks. Moreover, several prisoners attempted to talk with the prison officers, to no avail. A prisoner in block 1, who stayed inside his room the whole time, told us:

"We kept shouting at them: 'Why are you shooting? We haven't done anything!' But they just ignored us. One of my colleagues got up to the window and shouted to the officer: 'I should have been released two days ago, my sentence is over!' The officer replied: 'Get back in!', with a bad insult. And shot bullet rounds above the window."⁽¹⁵⁾

⁽¹⁴⁾ Tora Prisoner 2, phone conversation of the 8th March 2011

⁽¹⁵⁾ Tora Prisoner 4, phone conversation of the 11th April 2011

Moreover, prisoners agreed that the killings were intentional.

“The shooting was not only to scare people. They were aiming at the head. I saw with my own eyes one of my colleagues take a bullet in his head while he was in the block’s courtyard. His brains came out. This courtyard is surrounded by a high wall of wire and steel, 10 or 15 meters high, there is no way that he was trying to escape.”⁽¹⁶⁾

In the Appeals prison, at least 14 prisoners died on the 30th and 31st January, some of which were tied up and beaten by officers before being shot at point blank range. Other prisoners were shot at while they were in the cell-block. The EIPR saw a list of 14 prisoners from the Appeals prison who were registered in the Zeinhom morgue registry on the 7th February.

The EIPR met with Mrs. Nadia Lotfi, the sister of the deceased prisoner Ashraf Lotfi Mahmoud.⁽¹⁷⁾ She found her brother at the Zeinhom morgue on the 7th February, and learned that he had died in the Appeals prison on the night of the 30th January. The body was covered with bruises. His wrists and ankles were bruised from the handcuffs he was tied with, his shoulders and head were heavily bruised and the bullet that had killed him had entered from under the chin and exited from the head. This is proof that the killing was intentional and happened while the prisoner was under the control of the person who shot him.

“On the 30th January, [my brother] called me on my mobile and was crying out for help. He said ‘They are shooting at us, they are killing us! You have to come here and rescue us!’ And I could hear behind him prisoners chanting ‘God is Great’. Then the phone switched off. I tried calling again, I rang and rang and rang, but the phone was off. That was the last time I heard his voice.”

She gathered the rest of the story from her brother’s fellow prisoners and some police

⁽¹⁶⁾ Tora Prisoner 3, phone conversation of the 24th March 2011

⁽¹⁷⁾ Meeting with Mrs. Nadia Lotfi, Cairo, on the 14th April 2011

investigators who witnessed his death, as well as from the marks she saw on the corpse at the morgue.

“Prison guards called him and said: ‘Ashraf Kofta, M.T. [the prison’s director] wants to see you. So he went. Seven others were also called by their names to join him. ... He was then taken to the courtyard. They tied his hands and feet. One of the officers beat him with an iron bar on the head. He fainted, and they shot him dead. That day, the eight who had been called were killed. They transferred them to the morgue at dawn on the 31st January.”

Other prisoners the EIPR talked to confirmed that a group of prisoners – the most vocal ones - were called by name and shot dead. At the same time, teargas canisters were thrown in the rooms. Those who managed to get away from the smoke were exposed to shooting if they got to the building’s ground floor.

A video⁽¹⁸⁾ shot on the 30th January, of which the EIPR has received a copy, shows the ground floor of the prison. The iron gate to the blocks is closed, and a group of around 20 officers and police investigators, some in plain clothes and others in uniforms, are gathered in front of the gate. Shots can be heard, and in the background, prisoners’ voices are heard shouting “God is Great”. Three of the officers, one of which has been identified as the prison director, are holding rifles and shooting through the gate inside the block. The camera zooms in towards the inside of the iron gate, and shows what looks like a body lying on the floor about five meters away from the gate, and a leg detached from the rest of the body lying two meters away from the gate.

On the 31st January, prison officers went and fired at prisoners inside their cells. One prisoner who received three metal pellets in his left arm while inside his cell told us:⁽¹⁹⁾

“On the 31st January in the morning, the police investigators came up with weapons, under orders from the prison director M.T. They were shooting live

⁽¹⁸⁾ This video is available online at www.youtube.com/watch?v=gEyg1ePURuY

⁽¹⁹⁾ Appeals Prisoner 1, phone conversation of the 23rd February 2011

fire and metal pellets at anyone in front of the blocks and also those inside the cells. They were holding rifles with live ammunition and metal pellets. They were shooting live fire at anyone on the stairs and metal pellets inside the cells. I was inside the cell and I got three metal pellets in my left arm. Many got pellets in their eyes."

In Shebin el Kom prison and Damanhour prison, similar accounts were reported to the EIPR. In Shebin el Kom, the EIPR collected from prisoners a list of 17 prisoners they say were shot dead in block A alone in the last days of January and until the 20th February. In Damanhour, an investigation has been opened into the death of 12 prisoners inside the prison on the 29th January.

The evidence collected suggests the use of unlawful force by prison officers. In all five prisons, the use of firearms was directed inside the prison blocks and cells and against unarmed prisoners, which indicates it was not directed at prisoners attempting to escape or organizing violent resistance.

Available evidence suggests that the majority of the shootings were directed at the upper half of the body rather than the lower half. In al-Qatta prison, for instance, the EIPR managed to see a copy of the Prosecutor's list of 33 prisoners who died between the 25th January and 1st March 2011. Out of the 31 prisoners who are registered as having died from live ammunition, 14 had bullets in the head, face or neck, and 14 had bullets in the chest, stomach or back.⁽²⁰⁾ In other words, 28 out of the 31 prisoners on the Prosecutor's list were shot in the upper half of the body. This further suggests that the aim of the gunfire was not to stop them from escaping, which makes the use of firearms unlawful under both national and international laws.

Further, even if there had been an attempted escape, according to the law, the guards

⁽²⁰⁾ It should be noted that some prisoners had received more than one bullet.

were only allowed to use live fire when there are no other means available and after giving a warning shot in the air and directing shots at the prisoners' legs. Yet, evidence suggests that the level of force used in all five prisons was more than strictly necessary, and less extreme means—metal pellets or rubber bullets rather than live ammunition—would have been sufficient to prevent any escape. Moreover, the shooting started without any warning.

2.2. Inhumane treatment and starving of prisoners

“All persons under any form of detention or imprisonment shall be treated in a humane manner and with respect for the inherent dignity of the human person.”⁽²¹⁾

The Constitutional Declaration stipulates that “Any citizen who is arrested or detained or deprived of his/her liberty by any means shall be treated in a way preserving human dignity, and shall not be harmed physically or morally.”⁽²²⁾

International instruments also provide that all persons under any form of detention shall be treated in a humane manner and with respect for the inherent dignity of the human person.⁽²³⁾ In addition, international rules guarantee the right of every prisoner to be provided by the prison administration with “food of wholesome quality and well prepared and served” at the usual hours, as well as with drinking water at all times.⁽²⁴⁾

Prisoners in al-Qatta, Damanhour, Shebin el Kom and Tora prisons told us that, after the heavy shootings of the last days of January, the security forces completely retreated from the blocks, locked the block gates, cut off water and electricity and did not provide prisoners with any food. Guards from the watchtowers were shooting towards the cellblocks regularly. In all these prisons, this situation lasted for 10 to 15 days, until

⁽²¹⁾ UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment

⁽²²⁾ Egyptian Constitutional Declaration, article 9

⁽²³⁾ UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment

⁽²⁴⁾ UN Standard Minimum Rules for the Treatment of Prisoners, Rule 20

army officers intervened to secure the entry of some bread and cheese to prisoners, and water and electricity were switched back, at least for a couple of hours per day.

In Tora prison, a prisoner told us:⁽²⁵⁾

“For 10 days [starting the 29th January], the door to the block was locked. No one could go out, no one came in. We were left with no food, no water and no light. Because there was no water in the room, we had to go to the main bathroom of the floor to get water. When we got out to get water from the main bathroom, we got shot at. You had to crawl on all fours to get water. We were cornered inside by the shooting. The shooting was happening 24 hours a day, including inside the rooms. We couldn’t even get up to pray. Many people got injured then. The teargas also continued during this period, when they felt that there was unrest among the prisoners. They threw the canisters in the corridor and the smoke went in all the rooms.”

A prisoner in al-Qatta prison told us:⁽²⁶⁾

“Starting from Saturday [29th January], we were left with no water, no electricity, no light, nothing. The officers did not come inside the blocks, and every time any of the prisoners tried to go out to get water, they would shoot at them. I saw people get shot for trying to get water. ... Some people killed cats to eat them.”

Several prisoners also told the EIPR of an incident that occurred several days into the starving of prisoners. Prisoners confirmed that guards told some of them, from the watchtowers, that if they needed food, they should break into the food reserves. When the prisoners sought to do as they were advised, they were shot at with live ammunition from the towers and some were injured.

⁽²⁵⁾ Tora Prisoner 3, phone conversation of the 24th March 2011

⁽²⁶⁾ Qatta Prisoner, phone conversation of the 10th February 2011

One prisoner in Damanhour prison told us:

“On Saturday 29th January, they locked the doors of the blocks and left us. For 10 days there was no water, no food, there was live fire and teargas every single day. Some prisoners got killed. If you could see the door of the block, it looks like a sieve.”⁽²⁷⁾

Similar accounts were given by prisoners in Shebin el Kom prison.

Many prisoners also revealed that, because of the guards’ refusal to enter the prison blocks, corpses were left where they had fallen, and some remained for up to four days before being transferred to the morgue. Some prisoners wrapped the corpses in blankets and sought to get them out of the cell-blocks. However, in several prisons, those who sought to get the corpses out were shot at. Relatives of prisoners who died in the first days of the events also confirmed that, when they collected the corpses from the morgue, the corpses were unrecognizable as they had started rotting.⁽²⁸⁾

The deprivation of prisoners of food, water and electricity, the fact that dead corpses were left lying in the blocks for days, and the ongoing shootings, constitute inhumane treatment and violate the basic principles of the humane treatment of prisoners and the duty to respect prisoners’ human dignity. This treatment amounts to cruel, inhuman and degrading treatment, in violation of the UN Convention Against Torture, ratified by Egypt in 1986.

2.3. Denying injured prisoners the right to access medical care

The International Covenant on Economic, Social and Cultural Rights guarantees the right of everyone to the enjoyment of the highest attainable standard of health.⁽²⁹⁾ The Standard Minimum Rules for the Treatment of Prisoners stipulate that “sick prisoners who require specialist treatment shall be transferred to

⁽²⁷⁾ Damanhour Prisoner, phone conversation of the 2nd March 2011

⁽²⁸⁾ Meeting with Mahmoud Eid, Cairo, on the 9th February 2011

⁽²⁹⁾ UN International Covenant on Economic, Social and Cultural Rights, Article 12

specialized institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitable trained officers.”⁽³⁰⁾

The Prisons Law and the Prisons’ Internal Regulations place a duty on the prison’s physician to treat any prisoner needing medical care and to make recommendations about prisoners’ conditions of detention, nutrition or referral to an outside hospital. If the physician is of the opinion that the prisoner needs treatment in an outside hospital, the physician refers the case to a forensic physician, who can make a recommendation to the Prisons Authority, in coordination with the prison’s physician.⁽³¹⁾

In al-Qatta, Appeals, Shebin el Kom and Tora prisons, injured prisoners were not provided with any proper medical care for approximately 10 days following the shootings in the last days of January. After the army’s intervention, the most severely injured were transferred for treatment, often in inadequate medical facilities.

In the Appeals prison, some prisoners were left with no medical care for more than twenty days. One detainee, who received three metal pellets in his arm on the 31st January, recalls:⁽³²⁾

“I was left with my injuries for 21 days without any medical care whatsoever. My little finger is now dead and needs to be amputated. The only thing I could do was, one of the other prisoners who has connections managed to receive a visitor, so he brought some Betadine [disinfectant] and gauze. That was a week after the injury. For the whole time I stayed like this without anything. And even the Betadine cannot be considered proper wound dressing. I didn’t have

⁽³⁰⁾ UN Standard Minimum Rules for the Treatment of Prisoners, Rule 22

⁽³¹⁾ Article 37 of the Prisons Internal Regulations 79/1961

⁽³²⁾ Appeals Prisoner, phone conversation of the 23rd February 2011

any painkillers. I had pus coming out of my arm, the flesh started falling off until the wound was like an hole in my arm. My joints are broken, my arm is in pieces and my bones are broken."

After 21 days, he was transferred to Tora prison hospital.

In al-Qatta prison, from the 29th January and for around 10 days, sick and injured prisoners were offered no medical treatment. Prisoners with gunshot wounds were given no medical care and those with illnesses such as diabetes had no access to their medication.

Around the 7th February (the exact date is unclear), the officers asked all the injured prisoners to present themselves. One prisoner told us,

"They only took the most severe injuries, those who had been shot with live fire. Others had milder injuries, for example metal pellets in their face or body, but these were not taken to the medical unit. The most severe cases were taken to an army medical unit."⁽³³⁾

One of the men who was transferred for medical care talked to us from the Tora prison hospital on the 23rd February:⁽³⁴⁾

"A few days after I got shot with a live bullet in my arm [the prisoner could not remember exact dates], they took us to the military prison in al-Qatta. We stayed there for 13 days. We did not get proper medical treatment, they were just putting Betadine [disinfectant] and gauze on the injuries. Then the army took us to Tora prison hospital. The treatment is very bad here too."

In Shebin el Kom prison, most injured prisoners were not transferred for treatment, and were left with their injuries and minimal medical care. When the EIPR reached prisoners on the 22nd February, three weeks after the shootings started, shooting was

⁽³³⁾ Qatta Prisoner, phone conversation of the 13th February 2011

⁽³⁴⁾ Tora Prisoner, phone conversation of the 23rd February 2011

ongoing, prisoners had not been allowed to receive any visits and guards still refused to enter cellblocks. A prisoner said:

“There are 400 injured here, and there is no medical care, no pharmacy, because [the guards] are too scared to come in. The injured prisoners are left in front of the door of the block, and the nurse comes and gives them first aid, but that’s it. People here are dying.”⁽³⁵⁾

In Tora prison, a number of injured prisoners remained without any medical treatment for 10 to 15 days. The more fortunate ones were transferred to the prison hospital after five days. One prisoner in Tora Tahqiq, who received two bullets in his leg, told us:⁽³⁶⁾

“They left us in the room, bleeding until the next day. And the day after, in the morning, they took us to the disciplinary room. They left us there for four days, bleeding. We were 18 injured and eight dead. After four days, I got into the prison hospital.”

The EIPR spoke to several prisoners while they were at Tora prison hospital. The treatment, they revealed, is very basic and limited to wound dressing and painkillers. The hospital was overcrowded and most prisoners were left to sleep on the floor, with a small minority of severe cases being given beds. The prison hospital lacked the capacity to treat most of the severe injury cases, and many of the prisoners needed to be transferred to outside hospitals. However, transfers were much delayed to the extent that prisoners’ health deteriorated rapidly.

One detainee, who had received two bullets in his leg on the 29th January and needed surgery, told us he had been in hospital for two months and had not been transferred for treatment outside:⁽³⁷⁾

“I have received two bullets, one of which is in my leg, it entered from the front

⁽³⁵⁾ Shebin el Kom Prisoner 1, phone conversation of the 22nd February 2011

⁽³⁶⁾ Tora Prisoner 5, phone conversation of the 22nd March 2011

⁽³⁷⁾ Tora Prisoner 5, phone conversation of the 22nd March 2011

and came out from the back. I can't walk, and I have to go to the toilet on my mattress. The doctors said that I need surgery but I have been here for two months and I haven't been transferred yet.

There are cases here that are much worse than me. Every day or every other day, one of us dies. There are about 120 prisoners injured with live fire here, including three who have become completely blind, and seven or eight who have lost one eye."

Another detainee, who was injured on the 31st January in the Appeals prison, spoke to the EIPR more than three weeks after his injury:⁽³⁸⁾

"Here in Tora prison hospital, they change the wound dressing and that's it. The doctors tell me I need skin graft surgery for my hand, but for this I need to be transferred to a hospital outside. Every time they say we will write the report, and they write it, but I don't get transferred. I have gangrene in my little finger. If they don't do anything, it will spread to the whole hand. I need to have it amputated but they haven't done it yet.

People are crammed in the room and have to sleep on the floor. The injuries are glued to other people's injuries."

Prisoners also complained that, despite a health committee – as they called it - coming to examine prisoners, required transfers were still not happening. A prisoner who had been in the prison hospital for two months told us:⁽³⁹⁾

"A committee came to examine us and said that I need surgery. But I'm still here. ... One day, they took eight prisoners and said they will transfer them to an outside hospital for surgeries, but they reached the prison gate and then came back. I don't know why."

The EIPR was unable to reach the same prisoners in Tora hospital after March 2011

⁽³⁸⁾ Appeals Prisoner 1, phone conversation of the 23rd February 2011

⁽³⁹⁾ Tora Prisoner 5, phone conversation of the 22nd March 2011

to get an update on their health situation and transfers. However, several relatives of prisoners at Tora prison hospital told us in April that the transfers to outside hospitals were still delayed.

Moreover, several relatives confirmed that, before the Fact Finding National Commission visited Tora prison on March 30th, most of the prisoners who were in the Tora prison hospital were transferred to Tora Farm – one of the prisons in the Tora prison complex - where no medical care was provided:

“About two weeks ago [approximately on the 28th March], they told them [at the hospital]: ‘Come, you will be released for health reasons.’ But instead, they found out they were being transferred to Tora Farm. They transferred them because the Fact Finding National Commission was coming to visit Liman Tora [another one of the prisons in the Tora prison complex]. They transferred them so the Commission wouldn’t see them. There were 300 of them. At the Farm, there is no doctor, no nurse, no medical equipment, and they don’t even change the wound dressing. My brother still needs surgery. He might lose his leg.”⁽⁴⁰⁾

The failure to provide injured prisoners with any medical care, the insufficiency of the quality of care inside the prisons, the severe delays in transferring prisoners to adequate medical facilities, as well as the arbitrary transfer of large groups of injured prisoners to a block where no medical care is provided, constitute serious violations of the prisoner’s right to the highest attainable standard of health.

2.4. Ongoing unrest and violence inside prisons

After Hosni Mubarak’s resignation on the 11th February, the situation in prisons only slightly improved. The shootings decreased in frequency- although they did not stop altogether - small quantities of food started being delivered, water was provided for at least a couple of hours per day and electricity was turned back on. However,

⁽⁴⁰⁾ Sister of a Tora prisoner, phone conversation of the 11th April 2011

incidents of unrest and violence kept erupting, resulting in the death of at least nine prisoners and injuring of tens more in the five prisons under study.

Incidents included unlawful shootings at prisoners by prison guards, unlawful collective punishment of prisoners, as well as severe fights between prisoners.

Unlawful shootings at prisoners

The heavy shootings of prisoners in the last days of January and first days of February had significantly decreased by the 11th February, the day Hosni Mubarak resigned. However, several incidents occurred the day of and after his resignation, which involved the unlawful use of firearms against prisoners in al-Qatta and Liman Tora prison.

In al-Qatta prison, guards killed at least two prisoners and injured two others inside the prison on the 11th and 12th February, shot one prisoner dead on the 4th March and injured three others, and severely injured two prisoners while they were inside their cell on the 26th March.

On the 11th February, one prisoner was shot dead while inside the cell-block, by a bullet that came from one of the watchtowers. On that day, upon hearing the news that Hosni Mubarak had resigned from his position as President of Egypt, the prisoners started, in their own words, “celebrating.”

“We left the cellblocks and went into the courtyard and started chanting ‘Allah Akbar’ (God is great) and ‘Mabrouk’ (congratulations). But the guards got worried and started shooting, so we all went inside the blocks. One detainee, Ahmed Magdi, who was standing behind the door inside block C, got shot. The bullet went right through his brain and he died within five minutes.”⁽⁴¹⁾

⁽⁴¹⁾ Qatta Prisoner, phone conversation of the 13th February 2011

The prisoners called Ahmed Magdi's family and told them about his death. The next day, on the 12th February, the deceased's family was at the prison gate to collect the body. One of the prisoners in block C told us:⁽⁴²⁾

"We were asked by one officer to carry the body to the front gate so the family could collect it, so five of us were carrying him. Then another officer, who was in the tower, told us, 'Go back.' The first officer said 'It's okay, come forward.' We didn't know who to listen to, so we just stood there. We didn't want to drop the body and run. Then they started shooting from the towers. I took a bullet in my shoulder, another person got one in his leg, and one got two bullets and died. Even the corpse was shot at, I saw a bullet go through his stomach."

On the 4th March, another prisoner died at the hands of the prison authorities, and at least one was injured. According to prisoners who called the EIPR on the 4th March, prisoners were shot with metal pellets while in the block's courtyard. Prisoner Hani Sayed Mohamed died and another prisoner called Mansour received a metal pellet in his eye.⁽⁴³⁾ Prisoners who talked to the EIPR explained that there was a fight between two prisoners in the courtyard. Hani and Mansour were not part of the fight, but were in the courtyard at that time. The prison officers did not intervene and solely ordered everyone to get inside the block. The guards then opened fire on the prisoners present in the courtyard, which led to the death of Hani and injury of Mansour. Contrary to the MoI's statement to the press,⁽⁴⁴⁾ all prisoners confirmed that the shooting happened because of the fight, not because of an attempted escape. Moreover, the shooting happened while the prisoners were in the internal courtyard of block B. One prisoner explained:⁽⁴⁵⁾

"When they shot at them, they were in the courtyard of block B, each block has its own courtyard and a gate around it. The internal gate of the block is six meters high, so it is impossible for anyone to try and escape from it. The officer

⁽⁴²⁾ Qatta Prisoner, phone conversation of the 13th February 2011

⁽⁴³⁾ Qatta Prisoner, phone conversation of the 4th March 2011

⁽⁴⁴⁾ See for instance www.youm7.com/News.asp?NewsID=377645&

⁽⁴⁵⁾ Qatta Prisoner, phone conversation of the 4th March 2011

who shot was on the watchtower which is on the exterior gate, about ten meters away from the interior gates around the blocks.”

On the 26th March, two prisoners who were in room 17 on the first floor of block A were injured by a bullet that came through the window. Salama Al Sayed Seliman was injured in the head while Farag Hanafi Mahmoud received the bullet in his chest and was transferred to an outside hospital in a severe condition. Several prisoners called the EIPR and told them of the incident, and confirmed that the shooting happened while the prisoners were in the room, standing next to the heater and at a time when no unrest or attempted escape was happening. The EIPR also received pictures and one video⁽⁴⁶⁾ showing the injured prisoners inside the cell, the first holding a handkerchief full of blood to his head, the second one on the floor, holding a handkerchief to his stomach, his shirt soaked in blood, being held by his fellow prisoners.



On the 28th March, the first injured detainee, after returning to prison, called EIPR and recounted the incident:⁽⁴⁷⁾

“It was around 5pm [on the 26th March], I was standing in the room, cooking something to eat on the heater. The heater is in the middle of the room, approximately three meters away from the window. My colleague was next to me washing a cup.

⁽⁴⁶⁾ The video can be seen online at: www.youtube.com/watch?v=aFrZCCc0O3Y&feature=player_embedded#at=16

⁽⁴⁷⁾ Qatta Prisoner, phone conversation of the 28th March 2011

The bullet came in from the window and hit me on the head and then got to my colleague's chest, next to his heart. The bullet took my skin off my head, and my vision became blurred.

There was no warning before the shooting. At that time the prison was calm. I guess it's the soldiers playing with their weapons. Although I don't think the bullet entered by mistake. They know the rooms are always full of people, why would they shoot there? They often shoot at the walls of the blocks."

In Tora prison, on the 24th March, security forces shot metal pellets at prisoners in the courtyard of block 2 Liman Tora, injuring tens of prisoners and at least two officers. While the shooting was happening, the EIPR received several phone calls from prisoners calling for help. The sound of the shooting could be heard in the background. While there was a lot of confusion as to who exactly was instructing the security forces to shoot, and whether or not people had died, all prisoners we spoke to agreed that the shooting was unexpected, no warning had been given, and nothing justified the sudden attack. Half an hour before the shooting started, the EIPR had been on the phone with several prisoners from block 2 and no tension could be sensed. One prisoner who called the EIPR on the 24th March told us:⁽⁴⁸⁾

"The officers told us to go out to the courtyard for the daily walk. But straight after the prayer, the security forces opened fire. Metal pellets. This happened while the prisoners were in the courtyard, and officers were with us and we were talking with them. Two officers got injured. Several prisoners too, including one who got the pellet in his eye. Those who shoot are wearing black and khaki and are firing with metal pellet rifles."

Another prisoner said:

"When the security forces started coming, they were shouting very provocative things at us: 'We will kill you, we will beat you'. Then they opened fire"⁽⁴⁹⁾

⁽⁴⁸⁾ Tora Prisoner 6, phone conversation of the 24th March 2011

⁽⁴⁹⁾ Tora Prisoner 4, phone conversation of the 11th April 2011

The next day, the MoI released a statement that some prisoners threw stones at security forces, after the security forces had resisted an attempted escape. However, according to the prisoners the EIPR spoke to, there was no attempted escape and security forces opened fire without any warning.

The use of firearms by prison officers in those cases was clearly unlawful, as in none of those incidents were prisoners trying to escape, and were shot while they were unarmed and in the cells or cell-blocks, far from the external walls of the prison.

Fomenting unrest and violence between prisoners

In Damanhour, Shebin el Kom and al-Qatta prisons, several violent incidents erupted after the 11th February, resulting in the death of at least six prisoners and injury of tens. The incidents were caused either by attempted escapes or by fights between prisoners. However, testimonies revealed that prison administrations played an active role in creating the conditions for unrest and violence to erupt, and then either refrained from intervening altogether, or intervened using an excessive amount of force.

In Damanhour prison, on the 2nd March, five prisoners died and at least 13 were severely injured as a result of the security forces opening fire on the prisoners, who were allegedly trying to escape. However, the details of the incident reveal the prison administration's involvement in creating the conditions for the disorder.

A prisoner who called the EIPR at the time of the incident told us:

“This morning, we found all the doors of the cellblocks open and the officers were telling us, ‘Anyone who wants to leave can leave.’ In the whole prison there was only the prison director and two officers, the rest weren’t there.”

Several other prisoners confirmed this, and insisted on the fact that the opening of all the doors and the absence of most prison officers was unusual.

As a result, some prisoners attempted an escape. Guards fired live ammunition at the prisoners who were trying to escape, before opening fire randomly everywhere inside the prison buildings.

The EIPR learned that the Damanhour Teaching Hospital registered five cases of death and 13 cases with serious injuries.

In Shebin el Kom prison and al-Qatta prison, severe violence between prisoners led to the death and injury of several prisoners, although the exact number could not be verified. For at least two months after Mubarak's resignation, the block doors were left open at all times, allowing prisoners to come and go between rooms and blocks. Guards did not enter cell-blocks and did not secure prisoners. According to prisoners, some guards were present at the visitors' room, outside of the cell-blocks, during visiting hours. Apart from that, officers remained on the towers at all times.

In addition, in both these prisons, prisoners talked about the abundance of knives and drugs within cell-blocks, and the scarcity of food being delivered by the administration and left at the block doors to be collected by prisoners, which led to several violence incidents between prisoners. The smuggling of knives and drugs were due to the prison administration's negligence in searching visitors to ensure no illegal items would be smuggled in. Prisoners also claimed that some prison officers were directly involved in the sale of drugs.

One prisoner at al-Qatta told the EIPR on the 17th March:

“The current situation is very difficult, the blocks are all open and prisoners get steel and make swords out of it. It became a jungle, there are gangs, and there is no food and no security and a lot of drugs and pills. Toilets are not working, there is water in only one floor, there are a lot of sick people and no medical

treatment. The waste is not collected and fills the block.”⁽⁵⁰⁾

Another prisoner told us:

“When there is a problem here, there is no one to stop it. The police don’t control the prisoners. There is no government in the blocks... n the blocks there are weapons, and drugs, you have no idea the quantity of drugs we have here, the drugs come in both through the visits and the officers.”⁽⁵¹⁾



Several prisoners are reported to have died in al-Qatta during fights between prisoners throughout the month of March, although the exact number could not be verified.

In Shebin el Kom, violent fights erupted in cellblock B on the 2nd March, between prisoners from different areas. Prisoners said that one group of prisoners attacked another group with knives, obtained in collusion with the prison administration. Prisoners said that prison guards were not only refraining from intervening to stop the fights, they were also inciting the violence.

In a telephone interview, one prisoner told the EIPR,

“The administration was standing outside the cellblocks and didn’t intervene. Officer M.G. and inspector K.M. were just standing there and watching from outside.” Another prisoner stated, “The prisoners are killing each other because they’re hungry. The administration is giving out very little food and water

⁽⁵⁰⁾ Qatta Prisoner, phone conversation of the 17th March 2011

⁽⁵¹⁾ Qatta Prisoner, phone conversation of the 22nd March 2011

and so prisoners are massacring each other for a sack of rice or macaroni. The administration is standing outside the cellblock and talking to the prisoners from behind the wire, telling them, 'Finish them off inside.'"

The failure of prison administrations to secure prisons and ensure prisoners are free from violence inside their cell-blocks, as well as the direct involvement of prison staff in creating the conditions for violence to occur, constitute a violation of the state's duty to protect the fundamental right to life and security of persons, as enshrined in the Universal Declaration of Human Rights.⁽⁵²⁾

Unlawful collective punishment

The Prisons Law provides for the types of penalties that can be imposed on prisoners, and for the procedures required for imposing them. Article 44 stipulates:

"The prison director can ratify the following penalties:

1. Warning.
2. Deprivation of some of the privileges allowed to this category of prisoner.
3. Delaying the referral of the prisoner to a higher degree for no more than three months (...)
4. Individual detention for a period not exceeding one week.

These penalties are ratified after informing the prisoner of the acts attributed to him, and hearing of his testimony and his defense.(...)

As for other penalties, they are ratified by the General Director for Prisons, upon request by the prison director, and after registering the prisoner's statement, his interrogation and defense and the testimony of witnesses."

Moreover, corporal punishment is prohibited by national and international

⁽⁵²⁾ Universal Declaration of Human Rights, Article 3

law. All types of corporal punishments against prisoners have been removed from the Prisons Law in 2002. The Standard Minimum Rules for the Treatment of Prisoners stipulate that “corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offences.”⁽⁵³⁾ And that “discipline and order shall be maintained with firmness, but with no more restriction than is necessary for safe custody and well-ordered community life”.⁽⁵⁴⁾

In direct violation of the law’s provisions, prisoners in Tora and Shebin el Kom prison, have been subjected to collective punishment, physical and verbal abuse by the prison guards, as well as robbery of their personal belongings. Some of these happened as a punishment for prisoners providing information to the media about the abuses that happened inside.

In Tora prison, on the 28th March, blocks 1 and 2 of Liman Tora – the student blocks - were stormed by security forces. Prisoners were ordered to lie on their stomach on the floor, and each one of them had his wrists and ankles tied, was blindfolded and forced to go out in the courtyard. There, they were subject to physical and verbal abuse. The security forces stole the totality of the prisoners’ belongings and only let them back in the rooms when they had completely emptied them of all their contents.

One prisoner told the EIPR:⁽⁵⁵⁾

“On Monday 28th March, we were praying the noon prayers in the room when the doors were opened. In one second there were 400 to 500 soldiers in the room [this room contained 76 prisoners]. They shouted: ‘Everybody, lie on your stomach!’ They tied everybody’s hands and feet and blindfolded us. We were treated like war hostages. They threw us in the courtyard. There, there were 300

⁽⁵³⁾ UN Standard Minimum Rules for the Treatment of Prisoners, Rule 31

⁽⁵⁴⁾ UN Standard Minimum Rules for the Treatment of Prisoners, Rule 27

⁽⁵⁵⁾ Tora Prisoner 1, phone conversation of the 14th April 2011

soldiers with batons, and other soldiers with automatic weapons, and police investigators and officers [according to the detainee, the ‘soldiers’ were from the police]. They searched everyone, tore our clothes, some remained in their underwear only. It was very humiliating.”

Security forces used physical and verbal violence to humiliate the prisoners. One prisoner recounted:

“While we were lying on our stomachs, they beat us with batons, and officers were putting their shoes on our heads, and were hitting with their legs on sensitive parts of the body, and were insulting us with the dirtiest language”.⁽⁵⁶⁾

After taking the prisoners out in the courtyard, with tied hands and feet, the security forces started removing all the prisoners’ belongings from the room. A prisoner recalled:⁽⁵⁷⁾

“We suddenly saw that they took all our things, the clothes, the books, the food, even the personal stuff, cremes, soap, cups and plates, cigarettes, everything. They took everything. They left the room completely bare.”

Another prisoner said: “We saw our things being distributed to the officers. In front of our eyes. The officer ordered that nothing be left in this block.”

When they asked why they were being subject to this treatment, officers replied they were ‘teaching them a lesson’ for talking to the media and the press and telling them about what happens in prison.

Some prisoners were not taken back to their room. One group was beaten and taken to a disciplinary room, another group was transferred to other prisons, and a third group was sent to the political block. “This was purely based on looks. Those who

⁽⁵⁶⁾ Tora Prisoner 7, phone conversation of the 5th April 2011

⁽⁵⁷⁾ Tora Prisoner 4, phone conversation of the 11th April 2011

looked like decent people, they sent to the political blocks, and those whose looks they didn't like they sent to the disciplinary room or to be transferred."⁽⁵⁸⁾

One prisoner who was taken to the political block spent two nights there before being brought back to his original room in block 2.

"When I got there, there was nothing in the room. Those who were in their underwear were still in their underwear, those who had torn clothes still wore torn clothes. There were no mats to sleep on, they were sleeping on newspapers."

Two days after the robbery, each prisoner was provided with two blankets. None of the prisoners had got any of their belongings back at the time this report was drafted.

In Shebin el Kom prison, two such incidents of collective punishment occurred. The first happened on the 4th and 5th March. After several days of violent fights between prisoners, the prison's security forces stormed block B on the 4th March and block A on the 5th March. In both blocks, security forces with dogs stormed the rooms, using firearms and teargas canisters. They forced every prisoner to go out in the courtyard, tied prisoners together two by two with ropes, beat them and verbally abused them. Soldiers and officers humiliated the prisoners, by throwing sanitation water at the prisoners in block A and by covering the detainee's heads before beating them in block B.

A similar incident happened on the 13th and 14th April in block A. Two mothers of Shebin el Kom prisoners told the EIPR that, on the night of Thursday 13th April, security forces stormed the block, burnt prisoners' clothes, blankets and mats, and threw teargas canisters in the room. Both mothers thought the attack by the security forces was due to one of the prisoners having sent video tapes of the violence prison-

⁽⁵⁸⁾ Tora Prisoner 1, phone conversation of the 14th April 2011

ers were subject to at Shebin el Kom to a TV channel which released it. The mothers confirmed that during the storming of the block, the officers were looking for this particular prisoner and calling his name.

The mother of this detainee, Mrs. Amal, told the EIPR:⁽⁵⁹⁾

“The last time I talked to my son was Friday [13th April] at dawn. He called me and told me: ‘The Prisons Authority is looking for me because I videotaped the events of the 29th January and sent it on a memory card to Al Khalijia TV channel, and they released it. The security forces stormed the room, opened fire on us and threw teargas. They burnt the blankets and the mats. I am now on the roof of the block, hiding.”

Another mother who got a phone call at that time confirmed that she could hear the sound of shooting.⁽⁶⁰⁾

Both mothers were then left with no information about the whereabouts of their sons. The Prisons Authority, when asked, replied that they did not know where the two prisoners were. It was only on the 26th April, 13 days later, that Mrs. Amal learned that her son was transferred to Borg el Arab prison, when one prisoner who had just been released from Borg el Arab called her. The prisoner also told her that her son and his fellow prisoner had both been sent to the disciplinary room for two weeks, and severely tortured.⁽⁶¹⁾

These acts are in direct violation of the prohibition of corporal punishment, torture and cruel, inhuman and degrading treatment, enshrined in national and international laws.

⁽⁵⁹⁾ Mother of Shebin el Kom prisoner, phone conversation of the 18th April 2011. The name has been changed upon her request

⁽⁶⁰⁾ Mother of Shebin el Kom prisoner, phone conversation of the 18th April 2011

⁽⁶¹⁾ Mother of Shebin el Kom prisoner, phone conversations of the 27th April 2011

3. The treatment of distressed families: violence and lies

While mass abuses were happening against prisoners, their relatives outside were kept in the dark and lied to by the authorities. Many were also subjected to unlawful violence when trying to visit their relatives.

3.1. Covering up the death of prisoners and misleading families

Under national regulations, when a prisoner dies in detention, the prison authorities have a duty to inform his family of the death immediately.⁽⁶²⁾

International bodies also place a duty on the prison authorities to inform the nearest relative of the death of a prisoner and to conduct a prompt and effective inquiry into the cause of death.⁽⁶³⁾

Starting on the 28th January and for at least three weeks afterward, visits to prisoners were prohibited in the five prisons under study. During this time, families were unable to receive any reliable information on their imprisoned relatives from responsible authorities. Relatives of deceased prisoners, when they went to ask about their relative at the prison or at the Prisons Authority in Cairo, were met with vague information at best, and, at times, with blatant lies. Many corpses were left at the morgue for one month, sometimes more, and many families were never informed of the death of their relatives. It is often only after having looked for the disappeared relative in all prisons and hospitals that, out of hopelessness, they went looking for him at the morgue. Many families that the EIPR talked to found their deceased relative had been on the morgue registry for a month or more, without them having been informed by anyone.

Mahmoud Eid el Sayed received a phone call from a prisoner on the 30th January tell-

⁽⁶²⁾ Article 58 of the Prisons Internal Regulations 79/1961

⁽⁶³⁾ UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Principle 34; UN Standard Minimum Rules for the Treatment of Prisoners, Rule 44

ing him his son, who was detained in al-Qatta, had died. The next day, he went to the Prisons Authority's headquarters in Cairo. Instead of being given clear information, he was only told "Don't worry, he is probably well and these are just rumors". He found his son's corpse at the morgue on the 1st February.⁽⁶⁴⁾

Nadia Lotfi, sister to a prisoner who was killed in the Appeals prison, received a phone call from her brother on the 30th January calling for rescue and telling her 'They are killing us'. After this, she could not reach him anymore. She later learned that her brother had been shot in the head on the 30th January. However, for more than a week, the prison officers and director kept lying to her, telling her her brother was alive and well. It is only her instinct that drove her to the morgue on the 7th February, where she found his corpse.⁽⁶⁵⁾

For one week after she received the call, Lotfi went to the prison almost daily to ask about her brother. The first day, the army had secured the whole area and did not let her approach the prison gate. Afterwards, she could reach the prison gate but was told that no prisoner was inside and that everyone had been transferred, although she knew this to be untrue. When, one week later, visits were re-opened, she was told by the administration she should come and visit her brother.

"We prepared food, and went with his wife for the visit. That was Monday 7th February. But when we wrote his name on the list for visitors at the prison gate, they told us: 'Wait here.' We asked, why. They said: 'Just wait, we will first make sure he is in here.'"

For several hours, she was made to wait, and upon her insistence, she was told her brother was injured in the leg and had been taken by the army. Lotfi went to the army leader who was responsible for the armed forces in the vicinity of the prison, and brought him to the prison officer. She confronted them and asked them where

⁽⁶⁴⁾ Meeting with Mahmoud Eid, Cairo, on the 9th February 2011

⁽⁶⁵⁾ Meeting with Nadia Lotfi, Cairo, on the 14th April 2011

her brother was. When the army leader assured her the armed forces had taken no prisoner away, she insisted she had to see the prison director.

“When I went in, he was all friendly and saying, ‘How are you?’ and ‘Calm down.’ I asked ‘Where is my brother’ and he said ‘Your brother is fine, I saw him with my own eyes, he is just injured in his leg, so we had to transfer him. You will find him in Ahmed Maher Hospital.’”

It is only after going to the hospital and not finding his name on the registry that she decided to go look for him at the morgue, where she found him, along with twelve others from the Appeals prison.

This constitutes a violation of the prison authorities’ duty to inform the relatives of any prisoner, immediately upon his death in detention.

3.2. Unlawful use of force and firearms against unarmed family members

Upon hearing of unrest and killings in prisons, several relatives went to the prison gates to enquire about their relatives. However, at al-Qatta and Shebin el Kom prisons, they were met with teargas and shootings. Both the armed forces and the prison guards participated in the violence directed at families, although it seems that the armed forces only used teargas and not live fire.

The EIPR met with Mrs. Heba Fathi Fouly, the daughter of a prisoner who was killed in al-Qatta prison on the 29th January. After being informed of his death by a fellow prisoner, she sought to go to the prison on the 30th January to inquire about her father. There, she was shot at and severely injured in her face.

“My mother and I went to the prison to see what was happening. There was a lot of shooting outside the prison. They kept shooting at the families. I and

some other visitors approached and were walking toward the prison gate. I wanted to see my father and know what had happened to him. We held our hands up and said: 'We are families, we want to ask about our relatives.' There was a police colonel holding an automatic weapon. We lay on the ground quickly but still they were shooting in our direction. I felt something hitting me hard on my face and I felt that my mouth had been dislocated from my face [the bullet hit her chin]."⁽⁶⁶⁾

When the EIPR visited Miss Fouly, ten days after she was shot, the lower part of her face and her neck were severely swollen and an incision had been cut in her throat to allow her to breathe. When she talked, she had to place her finger on the opening. She was in a terrible physical and psychological state, and the interview could not be completed because of her severe exhaustion. She said she needed surgery, but could not afford it.

EIPR also received reports from prisoners in Shebin el Kom that some relatives had been injured in front of the prison gate while trying to get information on their imprisoned relatives.

The use of firearms against unarmed family members is in direct violation of the rules of the use of firearms by law enforcement officials.

⁽⁶⁶⁾ Meeting with Heba Fathi Fouly, Cairo, on the 9th February 2011

4. The state's response to violations in prisons

Despite changes in the cabinet and other high level posts after Mubarak's resignation, decision-makers' response to the reported violations has been greatly lacking and consisted of mere dismissal of any allegations of unlawful acts committed by the prison administration.

Despite a large number of calls for help from lawyers and families, the Prisons Authority took no prompt and effective steps to stop the violations while they were happening, and shootings, deprivation of food, water and electricity, remained unchecked for at least 10 days. Complaints were also sent to the MoI, the Supreme Council of the Armed Forces as well as to the Prime Minister, but they all proved ineffective.

The institutions have taken the approach of covering up any violations by the prison administration, if need be by releasing incorrect information to the media, thereby misleading public opinion.

At the same time, prosecuting authorities were negligent in investigating thoroughly and without undue delay the serious accusations directed at prison officers and prison authorities, despite very large numbers of complaints to the Public Prosecutor's Office.

4.1. Misinforming the media

In addition to misinforming families, the MoI also misinformed the media about the situation inside prisons. After most deaths or severe injuries in custody, including when the death occurred as a result of unjustified shootings by prison guards or of fights among prisoners, the MoI released a press statement that the death occurred as a result of security forces resisting an attempted escape. Most of the MoI's press statements concerning the five prisons under study were at odds with information given to the EIPR by prisoners and their families and confirmed by pictures and videos.

For instance, after the shooting of two prisoners in al-Qatta prison in their room on the 26th March, the MoI released the following statement, published by several newspapers:⁽⁶⁷⁾

“A security source has stated that around 7pm on Saturday 26th March, prisoners in one of al-Qatta’s cell-blocks rioted, demanding to be released after spending half the sentence, and prisoners rushed to the block’s door in an attempted escape. They were given a warning but did not retreat, which forced the forces responsible for the prison’s security to fire shots in the air. The situation has been controlled and resulted in the injury of two prisoners. Necessary procedures were taken for their medical treatment, as well as the necessary legal procedures.”

Even if one ignores the blatant lies of the MoI’s statement concerning the rioting and attempted escape, and the absence of any reference to the fact that the injured prisoners were inside their cell at the time of the injury, one cannot ignore the statement’s inconsistencies, the most blatant of which is the insistence that the shots were fired in the air. How prisoners can get bullets in their head and chest when the guards holding the rifles are on eight-meter high watchtowers, and directing their shots in the air, remains a mystery.

4.2. The prosecution’s negligence in investigating allegations of killings and torture

The Prisons Law places a duty on the prison director to report to the Public Prosecutor and responsible authorities the death of any prisoner who dies suddenly, or as a result of an accident or a grave injury, as well as to report any felony committed by prisoners or against them. The law also imposes a duty on the director to report to the Prosecution any misdemeanor committed by prisoners or against them if the misdemeanor is grave or if the circumstances of the accused render disciplinary proceedings insufficient.⁽⁶⁸⁾

⁽⁶⁷⁾ See for instance www.youm7.com/News.asp?NewsID=377645&

⁽⁶⁸⁾ Article 78 of the Prisons Law 396/1956

The Prosecution's Office is then under a duty to investigate the allegations with impartiality and without delay. The General Instructions to Prosecutors in Criminal Matters stipulate that:

- **Prosecutors must investigate any incidents happening in prisons themselves, unless they are of little importance (...) and without delay.**
- **It is preferable that the Prosecutor goes to the prison for investigations, especially when the matter requires interrogating a number of employees or prisoners.⁽⁶⁹⁾**
- **Prosecutors must investigate any allegations of felonies or misdemeanors committed by police officers, whether committed during their employment or are unrelated to their employment.⁽⁷⁰⁾**

Tens of complaints have been sent to the Public Prosecutor's Office concerning the killings and other violations described in this report, in all five prisons under study. Prosecutors, however, have been in many instances grossly negligent in investigating the allegations and showed bias in carrying out the investigations.

The EIPR has been following up the investigations related to the events of the 29th, 30th and 31st January in al-Qatta and the Appeals prison. In both prisons, despite the fact that several complaints have been delivered to the Prosecution, accusing named officers of intentional killings, none of the officers accused have been charged. Moreover, none of the injured prisoners have been referred to forensic examination at a reasonable time after the shooting. In addition, the Prisons Authority has transferred a large number of prisoners from those prisons. Many prisoners believe the transfers are intended to take complainants and witnesses in those cases away from the prison where the events happened, so that the prosecution finds no witnesses when it visits the prisons to collect testimonies.

⁽⁶⁹⁾ Article 128 of General Prosecutor's Decision 837/1999

⁽⁷⁰⁾ Article 125 of General Prosecutor's Decision 837/1999

In al-Qatta prison, a complaint was filed to the Public Prosecutor on the 9th February on behalf of 11 families, asking for an investigation to be opened into the killing and wounding of prisoners, as well as the deprivation of food, water and electricity and the absence of medical care (complaint 2682/2011). Other complaints were filed at the same time, including complaint 1100/2011, filed on the 16th February by Dr. Manal al-Batran, Mohamed al-Batran's sister. In her complaint, she accuses ex-Minister of Interior Habib al-Adly of ordering the assassination of her brother on the 29th January inside al-Qatta prison.

The North Giza Chief Prosecutor investigating the case did not hear prisoners' testimonies until the 27th February and did not inspect the prison until the 29th May. Six months after the beginning of the investigations, at the time of publication of this report, the case has not been referred to trial and no officers were charged.

The investigation concerning Mohamed el Batran's killing was taken away from the North Giza Chief Prosecutor and transferred to an investigative judge on the 18th May. In an important development, the forensics report which came after the extraction of Batran's corpse, stated that his death occurred as a result of a gunshot wound in his chest and that the bullet that caused the death came from a single-bullet weapon that was fired from the top towards the bottom.⁽⁷¹⁾ This confirms that the bullet that killed him was fired from the prisons watchtowers.

Nevertheless, the separation of Batran's case from those of al-Qatta prisoners is likely to negatively impact on the investigations, as both events - Batran's death and the prisoners' killings - are intimately linked and most of the witnesses to Batran's death also witnessed the prisoners' killings.

⁽⁷¹⁾ www.dostor.org/politics/egypt/11/july/20/48767

Similarly, the Darb el Ahmar Prosecutor investigating the killings at the Appeals prison had not referred the case to trial at the time of the publication of the report. This is despite the fact that a complaint was filed in the first days of February into the killings of prisoners (complaint 52/2011) and the video showing the prison director and officers shooting at prisoners had been included as evidence. When asked why the investigations were delayed, the Prosecutor replied that the video was still being looked into to identify the persons in it. This cannot be a valid excuse as the officers had been accused by name and the Prosecutor did not need video evidence to interrogate them.

Concerning complaints of torture and robbery by prison guards against prisoners on the 28th March in Tora prison, the prosecution refused to file a complaint against the guards, and it is only after the prisoners remained on hunger strike that the complaint was finally filed. On the fourth day of the hunger strike, the Prosecutor visited the prison and talked to the prisoners, but he did not file any report nor did he register any of their testimonies. Instead, he tried to negotiate with the prisoners on hunger strike that the strike and complaints be dropped in exchange of a change in the prison administration. It is only due to the insistence of prisoners and persistence to continue the hunger strike until the complaint was filed, that robbery complaints were filed and complainant testimonies were collected on the 6th April, nine days after the incident.

Two days before the complaints were filed, several of the most vocal prisoners were transferred to prisons in other governorates. The prison administration also informed the prisoners after the complaints were filed that they would all be transferred to other prisons. Prisoners believed this was a way of weakening the investigations in favor of the prison administration.

The Prosecutors' involvement in negotiating settlements involving dropping the complaints of the prisoners, and their failure to take prompt action to investigate the killings and other crimes committed against prisoners, constitute a breach of their duties to investigate allegations promptly and impartially. Further, the failure to undertake a prompt and effective investigation into the alleged ill-treatment of prisoners represents a violation of the UN Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.⁽⁷²⁾

⁷² UN Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Principle 2

Acknowledgements

Magda Boutros, EIPR's Researcher on Violence and Bodily Integrity, researched and wrote this report. Hoda Nasrallah, EIPR's lawyer, drafted the legal sections of the report. Research assistance was provided by Alhousain Yehia, legal intern at EIPR, and Nihal Farouk. The report was reviewed by EIPR's Deputy Director Soha Abdelaty.



HUMAN
RIGHTS
WATCH

THE ROAD AHEAD

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Printed in the United States of America

ISBN: 1-56432-855-4

Cover design by Rafael Jimenez

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The Road Ahead

A Human Rights Agenda for Egypt’s New Parliament

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Introduction

Egypt's newly elected parliament will bear a heavy responsibility for reform. The break from Mubarak's abusive rule that Egyptian protesters called for last year has not taken place, and Egypt has yet to see a transition from the military regime, which was the backbone of Mubarak's rule. Over the past year, Egyptians have experienced many of the same human rights abuses that characterized Mubarak's police state. Under the leadership of the Supreme Council of the Armed Forces (SCAF), excessive use of force, torture, attacks on peaceful protests, and arbitrary arrests of peaceful protesters, bloggers, and journalists have become commonplace and illustrate how little has changed. Ending these abuses will only occur when there is political will to break with the past and truly reform the country's oppressive machinery.

With a new parliament, Egypt will, for the first time in many decades, have a fairly and freely elected civilian body.

But a genuine transition in Egypt from authoritarian government to a more open system with democratic institutions not only requires reforms of democratic institutions and electoral procedures, but of laws and policies that govern the civil and political rights and freedoms of people in Egypt.

First and foremost, this must include the abolition of the Emergency Law and revision of the police law that allows Egyptian police wide latitude to shoot Egyptians, including those who assemble in public and on the country's borders. Second, this must include amendments to the Code of Military Justice to restrict its jurisdiction to military offenses perpetrated by military officers, and an end to civilian trials before military courts. Third, this must include reforms of the legislative framework that governs freedom of expression, association, and assembly that are essential to creating the political space for Egyptian political parties, civil society, activist groups, and media to receive and share information and views, including controversial and political ones, and participating in a meaningful democratic process, including in the upcoming elections. Fourth, it must include amending the Penal Code's definition of torture so that it accords with international law and covers all forms of physical and psychological abuse. Finally, it must include strengthening penalties for police abuse so that they serve as effective deterrents.

This report focuses on laws that are incompatible with the enjoyment of the basic rights affirmed in the International Covenant on Civil and Political Rights (ICCPR), which Egypt ratified in 1982, and the African Charter on Human and People’s Rights, which it ratified two years later. Egypt’s parliament should prioritize a full review and reform of these laws.

Legislative Authority in Egypt Today

On February 11, 2011, Omar Suleiman, Egypt's then-vice president, announced that Hosni Mubarak had resigned as president of Egypt and that the SCAF would take over. On February 13 the SCAF issued the first Constitutional Declaration, stating that "the SCAF will take over running the affairs of the country temporarily for six months or until the end of parliamentary and presidential elections."¹ It further stipulated that it had suspended the 1971 constitution and that "the SCAF will issue laws during the transitional period." Article 57 of the Constitutional Declaration states that the cabinet shall prepare draft laws that the SCAF must ratify. As a result, since Mubarak's ouster the SCAF has been the sole authority with the power to amend or approve amendments to existing laws, and issue or approve new ones. But with the elections for the country's new parliament now complete, a new body also will be able to pass laws. There is, however, a lack of clarity about what the power and mandate of the new parliament will be vis-à-vis the SCAF.

On March 19 the SCAF oversaw Egypt's first democratic referendum in over 50 years, in which the country approved amending seven provisions to the 1971 constitution to limit the term of the president and facilitate new elections. Seventy-seven percent of the 18 million people who voted in the referendum voted in favor of the amendments to the 1971 Constitution, and so automatically in favor of a return to that constitution. Yet on March 30, the SCAF suspended the 1971 constitution again and issued a Constitutional Declaration which stated that the rights and provisions of the suspended 1971 constitution include a section on rights that is identical to those in the 1971 constitution. It also defined the role of the SCAF, cabinet, and electoral bodies for the duration of the transition, and established a timeframe for parliamentary elections to be held within six months, followed by presidential elections.

The Constitutional Declaration stipulates in article 60 that the elected parliamentary assembly will select a provisional assembly, composed of 100 members, who will be tasked with drafting a new constitution. Parliament will have six months to finalize selection of these members. The Provisional Assembly will then have six months to draft the constitution, which it will present to the people for referendum. Following this, the

¹ Constitutional Declaration, Egyptian Official Gazette, February 13, 2011.

country will hold presidential elections, which the SCAF has promised will be completed by July 2012.

As a result, although the country now has an elected parliament, the SCAF has thus far insisted that it will retain ultimate legislative authority, including the right to ratify or veto all legislation, and the power to appoint and maintain the interim caretaker cabinet until such time as a presidential election takes place.

Over the past year, the SCAF has used its legislative authority to make some amendments in response to popular demands, such as electoral laws, but has also made other amendments without consultation or transparency, such as those to the Penal Code. In March, the SCAF amended the 1977 Political Parties Law No. 40 to allow for establishing new political parties, and the 1956 Political Rights Law No. 73, which determines voter eligibility. It has also issued and subsequently amended the People's Assembly Law and the Shura Council Law, the electoral laws mandating a 30-percent individual candidate and 70-percent party list voting system. The SCAF has also drafted and passed amendments to the Penal Code, adding the crime of "thuggery" and amending provisions on rape and sexual assault that increase the penalties from life imprisonment to the death penalty in one provision and to a longer prison term in another. Finally, the SCAF has approved draft laws prepared by the caretaker cabinet, such as Law No. 34 of 2011 "On Criminalizing Attacks on the Right to Work and Public Facilities," which criminalizes demonstrations and strikes that impede public works (discussed below). On November 21, the SCAF passed the "Law on the Corruption of Political Life," amending Law 344 of 1952, which sets out penalties, including imprisonment and the deprivation of political rights, for all those convicted of ill-defined "political corruption."

The Need to Prioritize Legislative Reform to Ensure Basic Rights

In June 2011 Human Rights Watch met with representatives of the caretaker Egyptian government and the SCAF and called for a review of Egyptian legislation restricting freedom of expression, assembly, and speech in the run-up to the elections.

On June 6, 2011, then-Prime Minister Essam Sharaf assured Human Rights Watch that human rights were a priority for his government, which “wants to open a new page on human rights.”² The Minister of Justice at the time, Abdelaziz al-Guindy, agreed that there needed to be a review of existing legislation regarding political freedoms, but said it would only take place “insofar as it does not contradict our culture”—but did not elaborate on what that meant. He also said that such legislative amendments were not among his pre-election legislative priorities.³

The minimum starting point for any new Egyptian government must be commitment to the human rights reforms made by Mubarak’s government in 2010 at the Human Rights Council. In February 2010 the Human Rights Council reviewed Egypt’s human rights record in the country’s first Universal Periodic Review (UPR). The Mubarak government accepted a number of recommendations regarding legal reforms, although failed to implement any of them. These included:

- Continue Egypt’s ongoing review of national laws to ensure that they are in line with its international human rights law obligations;
- Lift the state of emergency that has been in effect since 1981 and replace the Emergency Law with a counterterrorism law that guarantees civil liberties;
- Expedite the reform of the Criminal Code in order to include a definition of torture in accordance with the Convention Against Torture;
- Repeal articles in the penal code that allow the imprisonment of journalists for their writing and amend the press provisions of the penal code so that they explicitly state

² Human Rights Watch meeting with Prime Minister Essam Sharaf, Cairo, June 6, 2011.

³ Human Rights Watch meeting with Justice Minister Abdelaziz al-Guindy, Cairo, June 7, 2011.

that journalists not be imprisoned or otherwise punished for the sole exercise of their right to free expression.⁴

The caretaker government should immediately prioritize implementing these recommendations, and reinstate the inter-ministerial UPR committee that the Nazif government established in 2009.

Freedom of assembly and freedom of expression are also prerequisites for free and fair elections. In its interpretation of article 25 of the ICCPR, the United Nations Human Rights Committee, the body of experts that reviews states' compliance with the covenant, wrote:

In order to ensure the full enjoyment of rights protected by Article 25, the free communication of information and ideas about public and political issues between citizens, candidates, and elected representatives is essential. This implies a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion. It requires the full enjoyment and respect for the rights guaranteed in articles 19, 21 and 22 of the Covenant, including freedom to engage in political activity individually or through political parties and other organizations, freedom to debate public affairs, to hold peaceful demonstrations and meetings, to criticize and oppose, to publish political material, to campaign for election, and to advertise political ideas.⁵

1. Repeal the Emergency Law and End the State of Emergency

Egyptians have lived under the Emergency Law (Law No. 162 of 1958) almost continuously since 1967 and without interruption since Mubarak became president in October 1981 after the assassination of Anwar Sadat.

The law allows authorities to prohibit public gatherings and detain individuals indefinitely without charge (subject to pro forma judicial review). It also allows authorities to try

⁴ Report of the Working Group on the Universal Periodic Review, Human Rights Council, Seventh Session, February 19, 2010, A/HRC/WG.6/7/L.16.

⁵ UN Human Rights Committee, General Comment No. 25, The right to participate in public affairs, voting rights and the right of equal access to public service, (Fifty-seventh session, July 12, 1996), UN Doc. CCPR/C/21/Rev.1/Add.7, para. 26, <http://www.unhcr.ch/tbs/doc.nsf/%28Symbol%29/dob7f023e8d6d9898025651e004bcoeb?Opendocument>.

individuals before special security courts that do not meet international fair trial standards, provide no appeal, and are notorious for relying on confessions obtained under torture. It also allows the president to refer civilians to trial before military courts that are fundamentally not independent and do not meet fair trial standards.⁶

Under Hosni Mubarak's rule the state of emergency came to symbolize disregard for the rule of law, power of detention decisions resting with the Ministry of Interior at the expense of the judiciary, and a culture of impunity where officers acted as if they were above the law, routinely torturing detainees without suffering any consequences. The Mubarak government relied on the Emergency Law over several decades to detain what Egyptian human rights organizations estimate to be tens of thousands of Egyptians without charge, in some cases for decades, and often for political reasons.⁷

The Mubarak government also used the Emergency Law to arrest political activists who peacefully exercised their rights to free expression, association, and assembly, and to try them before military courts that did not meet minimum fair trial standards.

Under the Mubarak government, election periods in Egypt typically included widespread arrests of members of the banned Muslim Brotherhood under the Emergency Law. Leading up to the elections of November 2000, Muslim Brotherhood lawyers said that security forces had arrested around 1,600 members of the organization over several months.⁸ In 2005 Egyptian security officers arrested at least 800 members of the organization in the months preceding the November parliamentary elections.⁹ In the month prior to municipal

⁶ "Egypt: Military Justice Usurp Justice System," Human Rights Watch news release, April 29, 2011, <http://www.hrw.org/news/2011/04/29/egypt-military-trials-usurp-justice-system>.

⁷ See Human Rights Watch, Egypt: Anatomy of a State Security Case, December 10, 2007, <http://www.hrw.org/en/reports/2007/12/10/anatomy-state-security-case>; Human Rights Watch, Egypt: Mass Arrests and Torture in Sinai, February 2005, <http://www.hrw.org/en/reports/2005/02/21/egypt-mass-arrests-and-torture-sinai-o>.

⁸ Amira Howeidy, "Capitalizing on the Clampdown," Al Ahrām Weekly, 16 – 22, November 2000, Issue No.508, <http://weekly.ahram.org.eg/2000/508/eg10.htm> (accessed April 24, 2010). See also "Egypt: Muslim Brotherhood Trials," Human Rights Watch news release, February 15, 2007, <http://hrw.org/english/docs/2007/02/15/egypt15329.htm> and Alkarama for Human Rights, "Submission under the UPR Process," August 31, 2009, http://en.alkarama.org/index.php?option=com_docman&task=doc_download&gid=134&Itemid=104.

⁹ "Egypt: Government Uses National Security to Stifle Dissent," Human Rights Watch news release, June 20, 2005, <http://www.hrw.org/en/news/2005/06/20/egypt-government-uses-national-security-stifle-dissent>.

elections on April 8, 2008, security officers arrested at least 831 members, and over 1,000 members before the November 2010 parliamentary elections.¹⁰

The government also used the Emergency Law to persecute leftist political activists. In April 2003, SSI officers arrested Ashraf Ibrahim Marzuq and held him for three-and-a-half months without charge or trial. They eventually brought him before the Emergency Higher State Security Court and charged him with unlawful membership in a "revolutionary socialist group," "holding and possessing publications disseminating advocacy and propaganda for the group's purposes," and "sending false information to foreign bodies—foreign human rights organizations—which include, contrary to the truth, violations of human rights within the country, the content of which weakened the position of the state."¹¹ Ibrahim was eventually acquitted on March 11, 2004.

As recently as 2010 the government used the Emergency Law to detain dissidents, such as the blogger Hany Nazeer, who linked a controversial book to his blog that some in his village considered insulting to Islam. The government told Human Rights Watch in February 2010 that it imprisoned Nazeer under the Emergency Law "to protect [his] life in light of the anger and the strong uprising of the Muslims in Abu Tesht in Qena caused by his blog." The Ministry of Interior detained him under successive Emergency Law orders for 18 months until it eventually released him without charge. State Security Investigations also detained Mus'ad Abul Fagr, a novelist and rights defender who had been an outspoken critic of rights violations of Sinai Bedouin. He was held under successive Emergency Law orders from February 15, 2008, until his release on July 14, 2010.¹²

The Supreme Council of the Armed Forces (SCAF) had promised to lift the state of emergency when it first assumed rule over Egypt on February 11, but on September 10 reneged on this promise and said that it would stay in place until the end of its current period in May 2012. In a meeting with Human Rights Watch on June 6, a SCAF general said the council planned to lift the state of emergency "as soon as the 'security situation'" allows, but did not cite a specific need for retaining the Emergency Law and said that

¹⁰ "Egypt: Jailing 800 Activists Casts Doubt on Elections: Mass Arrests Include Would-Be Candidates; Military Court Delays Verdict," Human Rights Watch news release, March 29, 2008, <http://www.hrw.org/en/news/2008/03/29/egypt-jailing-800-activists-casts-doubt-elections>.

¹¹ Human Rights Watch, Egypt: *Security Forces Abuses of Anti-War Demonstrators*, p. 11.

¹² "Egypt: Free Blogger Held Under Emergency Law," Human Rights Watch news release, April 23, 2010, <http://www.hrw.org/news/2010/04/23/egypt-free-blogger-held-under-emergency-law>.

detention under the law is not one of the SCAF's policies. He also did not elaborate on a time frame.¹³ On September 10, however, Minister of Information Osama Heikal announced that the SCAF was expanding the scope of application of the Emergency Law to cover strikes and demonstrations that disrupt traffic as well as “the spreading of false information harmful to national security.”¹⁴

Egyptian human rights organizations are not aware of any detainees who continue to be detained under the Emergency Law. However, on June 4 the public prosecutor referred chief suspect Adel Labib and 47 others arrested after violence at a church in Imbaba, Cairo, which led to the deaths of 12 people, to trial before an emergency state security court, in the first outright use of the Emergency Law since the uprising. State security prosecutors referred a second case of sectarian violence in Minya to an Emergency State Security Court in July, and in September started investigating the violence surrounding the September 9 break-in of the Israeli embassy in Cairo.

The government has also used the state of emergency to justify further restrictions on freedom of assembly and the right to strike. On April 12, 2011, the SCAF approved Law No. 34 of 2011 “On Criminalizing Attacks on the Right to Work and Public Facilities,” which criminalizes participation in and calls for strikes and demonstrations that “impede public works” (see discussion below in section 4).

In his 2010 report on Egypt, Special Rapporteur Martin Scheinin stated that:

[E]xceptional measures can be used only as a temporary tool, with the primary objective of restoring a state of normalcy where full compliance with international standards of human rights can be secured again. A state of emergency almost continuously in force for more than 50 years in Egypt is not a state of exceptionality; it has become the norm, which must never be the purpose of a state of emergency.

¹³ Human Rights Watch meeting with a general of the Supreme Council of the Armed Forces, Ministry of Defense, Cairo, June 6, 2011.

¹⁴ Nada Rashwan, “Egypt’s Minister of Information: Emergency Law Revived After Yesterday’s Clashes,” *Ahram Online*, <http://english.ahram.org.eg/NewsContent/1/64/20868/Egypt/Politics-/Egypys-minister-of-information-Emergency-law-reviv.aspx>, (accessed September 12, 2011).

Human Rights Watch's assessment of the current security situation in Egypt based on ground observation and research conducted over the past nine months is that it does not meet the standard in article 1 of the ICCPR of a "public emergency that threatens the life of the nation." There has been a rise in crime and in the first few weeks of February there were significantly less police deployed on the streets, but from March onwards the overall security situation had re-stabilized and violence was limited to specific incidents of confrontation between the police and demonstrators, or specific incidents of sectarian violence.¹⁵

The continued existence of the Emergency Law means that Egyptians still live under a law that allows authorities to detain them for any reason, at any time, for indefinite periods. It also means that there is no meaningful judicial scrutiny or right to appeal any such detentions, in light of the reliance on government-affiliated security courts. In such an environment, and in light of past use of the Emergency Law to detain critics of the government, Egyptians have no reassurance that they will be free to express critical views without government prosecution. It is particularly essential during an election period that the government revoke any such powers allowing for arbitrary detention and prosecution.

The Egyptian parliament should:

- Repeal the Emergency Law and lift the state of emergency, since the situation on the ground is not one of public emergency that threatens the life of the nation, as required by article 4(1) of the ICCPR to justify imposition of a state of emergency;
- If the situation ever amounted to an emergency threatening the life of the nation, ensure any new declaration of a state of emergency is temporary, and that the measures derogating from human rights protections are clearly and narrowly identified, strictly necessary and proportionate, and limited in time and geographical scope to the extent strictly required by the exigencies of the situation. Both the state of emergency and any measures adopted under it should be subject to judicial review, with judges having power to strike down measures that are disproportionate or no longer necessary to meet an emergency that threatens the life of the nation. Include these conditions for declaring a state of emergency in the new constitution.

¹⁵ "Egypt: Human Rights Reform an Urgent Priority," Human Rights Watch news release, June 7, 2011, <http://www.hrw.org/news/2011/06/07/egypt-human-rights-reform-urgent-priority>.

2. Amend the Code of Military Justice to End Military Trials of Civilians

Under the Mubarak government, trials of civilians before military courts were limited to very high-profile political cases. Since January 2011, however, the SCAF has expanded the use of military trials, using them to prosecute more than 12,000 civilians, for both ordinary criminal charges and political arrests of protesters or critics of the military. In addition, the SCAF has continued to detain some protesters. Military officers arbitrarily arrested protester Amr al-Beheiry, along with at least eight others, on February 26 after forcibly evicting protesters from Tahrir Square, and a military tribunal sentenced him to five years imprisonment. He remains in prison but on January 10, 2012 a military court of appeal ordered a retrial.¹⁶

The Code of Military Justice (CMJ) allows the president to refer civilians to military tribunals under the exceptional powers granted to him by the Emergency Law. However, articles 5 and 6 of the CMJ also provide a much broader basis for referral, stating that military tribunals will have jurisdiction in cases where the crime takes place in an area controlled by the military, or if one of the parties involved is a military officer.¹⁷ This broad wording has allowed military authorities to refer individuals arrested anywhere in Egypt to military courts, since the military argues that it currently controls the entire country. Previously, only an individual arrested in a military zone, for example the Sinai, would come under the jurisdiction of military courts. In its 2008 report *Sinai Perils*, Human Rights Watch documented how this practice included thousands of sub-Saharan migrants who were arrested in Sinai in recent years and tried before military courts without due process.¹⁸

Military courts in Egypt do not meet the requirements of independence since judges are subject to the orders of their superior military officers. Human rights lawyers representing defendants before military courts have on several occasions been able to informally obtain information about what ruling the military judge plans to issue before the trial has even started, especially in the case of the arrest of political activists. In the case of youth leader Asmaa Mahfouz, who was subpoenaed by the military prosecutor on charges of “insulting the military,” General Adel Morsy, head of the military justice system, issued a press

¹⁶ “Egypt: Retry or Free 12,000 After Unfair Military Trials,” Human Rights Watch news release, September 10, 2011, <http://www.hrw.org/news/2011/09/10/egypt-retry-or-free-12000-after-unfair-military-trials>.

¹⁷ Code of Military Justice, arts. 5, 6.

¹⁸ Human Rights Watch, Egypt: Sinai Perils, November 12, 2008.

release in which he stated that her comments had been inappropriate before her interrogation by the prosecutor had taken place.¹⁹

Judges must be free from constraints, pressures, or orders imposed by other branches of government. According to the UN Basic Principles on the Independence of the Judiciary (UN Basic Principles), “[i]t is the duty of all governmental and other institutions to respect and observe the independence of the judiciary,” and the judiciary “shall decide matters before them impartially, on the basis of facts and in accordance with the law, without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason.”²⁰ Judicial decisions cannot be subject to change by authorities other than superior courts. The UN Basic Principles state that “[t]here shall not be any inappropriate or unwarranted interference with the judicial process, nor shall judicial decisions by the courts be subject to revision.”²¹

In a democratic government, the penal military jurisdiction should have a restrictive and exceptional scope and limit their jurisdiction to the functions that laws assign to military forces. Consequently, civilians must be excluded from military jurisdiction, and only military personnel should be judged by military courts, but only for alleged crimes relating to their military function.

A clear doctrine has evolved in the jurisprudence of international human rights bodies over the last 15 years that the jurisdiction of military tribunals over civilians violates the due process guarantees protected in article 14 of the ICCPR. In its General Comment 32 interpreting article 14, the Human Rights Committee stated that:

Trials of civilians by military or special courts should be exceptional, i.e. limited to cases where the State party can show that resorting to such trials is necessary and justified by objective and serious reasons, and where with

¹⁹ “Egypt: Military Intensifies Clampdown on Freedom of Expression,” Human Rights Watch news release, August 17, 2011, <http://www.hrw.org/news/2011/08/17/egypt-military-intensifies-clampdown-free-expression>.

²⁰ UN Basic Principles on the Independence of the Judiciary, Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, August 26 - September 6, 1985, <http://www2.ohchr.org/english/law/indjudiciary.htm> (accessed September 9, 2011).

²¹ *Ibid.*, art. 4.

regard to the specific class of individuals and offences at issue the regular civilian courts are unable to undertake the trials.²²

During the 1990s the Human Rights Committee rejected the use of military tribunals to try civilians under any circumstances, or to try military personnel for infractions other than those committed in exercise of military functions. This jurisprudence includes the committee's "concluding observations" on the reports submitted by states party to the covenant, such as Algeria (1992), Colombia (1993), Russia (1994), Peru (1996), Poland (1999), and Cameroon (1999), as well as decisions on individual cases. In the case of Chile, the committee noted in its 1999 concluding observations:

[T]he Committee recommends that the law be amended so as to restrict the jurisdiction of the military courts to trials only of military personnel charged with offences of an exclusively military nature.

The wide jurisdiction of the military courts to deal with all the cases involving prosecution of military personnel also contributes to the impunity that such personnel enjoy from punishment for serious human rights violations.

Recommendations:

- The SCAF should stop referring civilians to military tribunals;
- The Egyptian parliament should amend the Code of Military Justice to restrict the jurisdiction of military courts to trials of only military personnel charged with offences of an exclusively military nature;
- The Code of Military Justice should be amended to explicitly state that the public prosecutor shall be competent to investigate complaints regarding military abuse and that members of the military can be tried before civilian courts in cases of abuse and ill-treatment.

²² Human Rights Committee, General Comment No. 32, art. 14: Right to equality before courts and tribunals and to a fair trial, U.N. Doc. CCPR/C/GC/32 (2007).

3. Reform the Police Law

One of the main catalysts of the January uprising in Egypt was popular outrage over decades of systemic police brutality. Egyptians experienced a particularly brutal dose of police abuse on January 28, 2011, when on a single day police killed a majority of the 846 protesters during the uprisings in Cairo, Alexandria, Suez and other cities around Egypt.²³ The primary division of the ministry of interior deployed on the streets that day was the Central Security Force (CSF), Egypt's riot police. Throughout 2011, the CSF continued to use excessive force to police and break up demonstrations, such as in its November 2011 attack on demonstrators, where the violence left 45 dead.²⁴

Egypt's riot police have been responsible for policing demonstrations and public gatherings in recent decades and have frequently used brutal force against unarmed civilians, such as the violent repression of anti-war demonstrators in 2003; the severe beating of peaceful demonstrators protesting Hosni Mubarak's decision to re-run for the presidency on 30 July 2005; the violence against a sit-in of Sudanese refugees and asylum seekers in Mostafa Mahmoud Square in 2005, which resulted in 27 deaths;²⁵ and the violence against, and intimidation of, voters during the parliamentary elections in late 2005, which left at least 12 voters dead.²⁶ Under Mubarak, prosecutors would always close—and at times fail even to open—investigations of excessive use of force by police so that those responsible for using excessive force were never prosecuted.²⁷

In addition, the CSF are also deployed as border guards along Egypt's Sinai border with Israel. Since mid-2007 Egypt's border guards have shot dead at least 93 unarmed migrants as they tried to cross the border into Israel, most recently on June 26, in a lethal shooting of four migrants. Human Rights Watch, the High Commissioner for Human Rights, and other organizations have repeatedly criticized this lethal and unjustified use of force.

²³ The number 846 is the official death toll determined by the National Fact-Finding Commission of the January 25 Revolution. The summary report of the commission is available at <http://www.ffnc-eg.org/main.html>.

²⁴ "Egypt: Protesters' Blood on the Military Leadership's Hands," Human Rights Watch news release, November 22, 2011, <http://www.hrw.org/news/2011/11/22/egypt-protesters-blood-military-leadership-s-hands>; "Egypt: Cairo Violence Highlights Need to Reform Riot Police," Human Rights Watch news release, July 8, 2011, <http://www.hrw.org/news/2011/07/08/egypt-cairo-violence-highlights-need-reform-riot-police>.

²⁵ "Egypt: Investigate Police for Sudanese Deaths," Human Rights Watch news release, December 29, 2005, <http://www.hrw.org/en/news/2005/12/29/egypt-investigate-police-sudanese-deaths>.

²⁶ Letter from Human Rights Watch to Secretary of State Condoleezza Rice regarding Department of State Comments on Egyptian Elections, December 1, 2005, <http://www.hrw.org/en/news/2005/12/01/letter-secretary-state-condoleezza-rice-about-department-state-comments-egyptian-elec>.

²⁷ Human Rights Watch, Egypt: Work on Him Until He Confesses.

Egyptian officials have stressed that the border police follow a common warning procedure before directly targeting people who are trying to cross the border. However, international standards on the intentional use of lethal force by law enforcement agents stress that such force should only be used when strictly necessary to protect life, regardless of whether there are warning shots.

In addition to the problem of the lack of political will to investigate this illegitimate use of force, Egypt's police law gives overly broad powers to ministry of interior officers. Article 102 of the 1971 Police Law No. 109 provides that:

Police officers may use necessary force to perform their duties if this is the only means available. The use of firearms is restricted to the following:

- First, the arrest of:
 - All those sentenced to imprisonment for more than three months if they resist or try to escape; and
 - All those accused of a crime or against whom an arrest warrant has been issued if they resist or try to escape.
- Secondly: for the protection of prisoners as stipulated in the prisons law.
- Thirdly: to disperse crowds or demonstrations of at least five people if this threatens public security after issuing a warning to demonstrators to disperse. The order to use firearms shall be issued by a commander who must be obeyed.

In all three circumstances, the use of the firearm must be the only means of achieving the stated aims. The policeman must start by warning that he is about to fire and may then resort to the use of the firearm. The minister of interior shall determine the regulations that shall be followed and how to issue the warning and use the firearm.

As it stands, this provision provides overly broad powers to police to use firearms that go beyond what international law permits. The UN Basic Principles on the Use of Force and Firearms provide that law enforcement officials "shall, as far as possible, apply non-violent means before resorting to the use of force" and may use force "only if other means remain

ineffective." When the use of force is unavoidable, law enforcement officials must "exercise restraint in such use and act in proportion to the seriousness of the offence." Principle Nine states clearly that:

Law enforcement officials shall not use firearms against persons except in self-defense or defense of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.²⁸

In contrast, the Egyptian code allows the use of firearms beyond these narrow limits; for example, it permits the police to fire on "crowds" of more than five people if they "threaten [sic] public security," a much broader standard than is allowed under international law, which requires a "particularly serious crime involving grave threat to life."

The Egyptian parliament should:

- Amend Article 102 of the 1971 Police Law No. 109 to limit the use of lethal force to cases of self-defense or the defense of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. Order the Ministry of Interior to draft new codes of conduct for policing demonstrations and border crossings that are in line with both international guarantees for freedom of assembly and policing standards.

4. Protect and Decriminalize Free Expression

Egypt's Penal Code and press law contain articles that provide prison terms and fines for peaceful speech, notably speech deemed defamatory not only toward individuals but also

²⁸ UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990, <http://www2.ohchr.org/english/law/firearms.htm>.

to state institutions; and speech deemed liable to disturb the public order, or deemed harmful to Egypt's image. These content-based provisions allow a court to convict any person whose speech it deems to be "insulting" or "harmful." They also include provisions that criminalize speech that "spreads false information," "harms public morals," or advocates change to the existing political order. In contrast, it is a norm of international law that freedom of expression is best protected by decriminalizing all acts of speech except those that constitute incitement to imminent violence.

Vaguely defined limits on substantive speech invite abusive and discriminatory enforcement. Governments often use vague regulations such as "offending a public official" or "spreading harmful information" as a tool to prevent public criticism of government officials and policies, and indeed, the Egyptian government has historically used these provisions to arrest and detain critics, journalists, writers, and opposition politicians. Such enforcement prevents useful insights and information from dissemination into the public consciousness and is contrary to the right of citizens to question and challenge their government.

Accepted international standards allow only restrictions on content of speech in extremely narrow circumstances, such as cases of slander or libel against private individuals or speech that clearly threatens national security. Restrictions must be clearly defined, specific, necessary, and proportionate to the interest protected. Article 19 of the ICCPR sets out the very narrow conditions under which limitations on speech are permissible, namely that they be provided by law and necessary "(a) For the respect of the rights or reputations of others; (b) For the protection of national security or of public order (ordre public), or of public health or morals." This test is also mirrored in article 27(2) of the African Charter on Human and Peoples' Rights.

The Human Rights Committee's authoritative interpretation requires that the restrictions specified in article 19(3) should be interpreted narrowly and that the restrictions "may not put in jeopardy the right itself."²⁹ The government may impose restrictions only if they are prescribed by existing legislation and meet the standard of being "necessary in a democratic society." This implies that the limitation must respond to a pressing public

²⁹ UN Human Rights Committee, General Comment No. 34 on article 19 Freedom of Opinion and Expression, July 21, 2011, CCPR/LCLGCL34.

need and be oriented along the basic democratic values of pluralism and tolerance. “Necessary” restrictions must also be proportionate, that is, balanced against the specific need for the restriction being put in place. The committee also states in General Comment 34 that “restrictions must not be overbroad” and that “the value placed by the Covenant upon uninhibited expression is particularly high in the circumstances of public debate in a democratic society concerning figures in the public and political domain.”³⁰

In applying a limitation, a government should use no more restrictive means than are absolutely required. The lawfulness of government restrictions on speech and the dissemination of information are thus subject to considerations of proportionality and necessity. So, for example, the government may prohibit media procurement and dissemination of military secrets, but restrictions on freedom of expression to protect national security “are permissible only in serious cases of political or military threat to the entire nation.” Since restrictions based on protection of national security have the potential to completely undermine freedom of expression, “particularly strict requirements must be placed on the necessity (proportionality) of a given statutory restriction.”³¹

Spreading “False” Information

Article 102(bis) allows for detaining anyone who “deliberately diffuses news, information/data, or false or tendentious rumors, or propagates exciting publicity, if this is liable to disturb public security, spread horror among the people, or cause harm or damage to the public interest.”

Article 80 (d) provides a punishment of six months to five years for “deliberately diffusing abroad news, information/data, or false rumors about the internal situation in the country in order to weaken financial confidence in the country or in its dignity, or [for taking] part in any activity with the goal of harming national interests of the country.”

Article 188 provides for imprisoning for a maximum one year any person who “makes public—with malicious intent—false news, statements or rumors that [are] likely to disturb public order.”

³⁰ Ibid.

³¹ Nowak, CCPR Commentary, p. 355.

Expressing false information is not a permissible restriction on freedom of expression under article 19 (3) of the ICCPR. The Human Rights Committee states very clearly that “the Covenant does not permit general prohibition of expression of an erroneous opinion or an incorrect interpretation of past events.”³²

The Mubarak government relied on these Panel Code provisions on numerous occasions to arrest and sentence activists for legitimate peaceful expression:

On January 8, 2007, security officers at Cairo airport stopped Huwaida Taha Mitwalli, a journalist for London’s Al-Quds al-Arabi who was making a documentary about torture in Egypt for the Al-Jazeera news network. They prevented Mitwalli from leaving Egypt and confiscated her videotapes and computer as she tried to board a flight to Qatar earlier in the year on January 8.³³ Prosecutors charged her with “practicing activities that harm the national interest of the country” and “possessing and giving false pictures about the internal situation in Egypt that could undermine the dignity of the country,” but released her on bail. On January 12 she received a summons to appear at the Supreme State Security Court the next day for “seeking the help of some youths to film fabricated scenes as incidents of torture.” The arrest followed public outcry over a series of videos apparently depicting prisoner abuse in Egyptian detention facilities, including one tape showing a Cairo microbus driver being raped in police custody.

On May 2, 2007, a criminal court sentenced her to six months imprisonment for harming “the dignity of the country.” In March 2008, an appeals court dropped the sentence of imprisonment, retaining only the fine. ³⁴

In 2007 a Cairo misdemeanor court sentenced four editors of independent and opposition newspapers to a one year in prison and a LE 20,000 (\$3,500) fine for violating article 188 of the Penal Code, which punishes any person who “makes public—with malicious intent—false news, statements or rumors that [are] likely to disturb public order.”

³² UN Human Rights Committee, General Comment No. 34 on Article 19 Freedom of Opinion and Expression, July 21, 2011, CCPR/LC/GCL/34; para 49.

³³ “Egypt: Government Detains Al-Jazeera Journalist,” Human Rights Watch news release, January 17, 2007, <http://www.hrw.org/news/2007/01/16/egypt-government-detains-al-jazeera-journalist>.

³⁴ “Egypt: Prison for Al-Jazeera Journalist Who Exposed Torture,” Human Rights Watch news release, May 2, 2007, <http://www.hrw.org/news/2007/05/02/egypt-prison-al-jazeera-journalist-who-exposed-torture>.

The SCAF has relied on these same provisions to interrogate and sentence journalists for writing critically about it. Most recently, a military court sentenced Maikel Nabil to three years in prison on April 11, 2011, for "insulting the military establishment" because he had been critical of the military on his blog and Facebook page. The military prosecutor charged him with "insulting the military establishment" under article 184 of the Penal Code, and with "spreading false information," a violation of article 102 bis, solely on the basis of his criticism of the military for involvement in human rights abuses and corruption on his blog and Facebook page. The military judge convicted him on both counts and sentenced Nabil to three years imprisonment. Neither Nabil nor any of his lawyers were present, in violation of the code of criminal procedure. He remains in prison.

On other occasions since the overthrow of Mubarak, the military has summoned journalists and activists to question them about what it believes were unsubstantiated accusations. On May 31 the military prosecutor summoned blogger and activist Hossam al-Hamalawy, TV presenter Reem Maged, and journalist Nabil Sharaf to question them about their criticism of the military on TV during the previous week. On June 19 the military prosecutor summoned Egyptian daily El Fagr journalist Rasha Azab and her editor Adel Hamouda to question them in connection with an article written by Azab accusing the military of conducting virginity tests on female protesters and torturing protesters in March. The military prosecutor did not charge any of the journalists and released them after a couple of hours. In early June a SCAF member told Human Rights Watch that the military did not summon all those who criticized the SCAF, but only those who "make accusations against the SCAF; we summon them and ask them to present evidence to substantiate their claims."³⁵

Calls for Political Change:

- Article 98B, added by Law No. 117 of 1946 and amended by Law 311 of 1953, of the Penal Code provides for a maximum five-year sentence and five-hundred Egyptian Pound fine (\$84) for anyone who "calls for changing the basic principles of the Constitution or the basic systems of the social community, or the domination of one class over the other classes, or for ending a social class, overthrowing the basic social or economic systems of the State, or pulling down any of the basic systems of the social community, through the use of force or terrorism, or any other illegal method."

³⁵ Human Rights Watch meeting with a general of the SCAF, Ministry of Defense, Cairo, June 6, 2011.

- Article 98B(bis) further extends these penalties to "whoever obtains, personally or by an intermediary, or possesses written documents or printed matter comprising advocacy or propagation of anything of what is prescribed in articles 98B and 174, if they are prepared for distribution or for access by third parties, and whoever possesses any means of printing, recording or publicity which is appropriated, even temporarily, for printing, recording, or diffusing calls, songs, or publicity concerning a doctrine, association, corporation, or organization having in view any of the purposes prescribed in the said two articles."
- Article 174 provides for imprisonment of not less than five years for whoever "incites to the overthrow of the system of government in Egypt."
- Article 176 allows for the imprisonment of anyone who "instigates discrimination against a sect because of gender, origin, language, religion, or belief, if such instigation is liable to disturb public order."

Such broad and sweeping criminalization of political speech that does not directly incite violence does not comply with the strict conditions for limits on speech provided for in the ICCPR.³⁶ It also leads to outdated and unclear provisions, such as those that prohibit calls to "end a social class" or the "basic systems of the social community," which allow a government to determine subjectively whether or not the speech in question is lawful.

The Mubarak government relied on these provisions to silence critics who sought any change in government. Article 98 of the Penal Code provides criminal penalties for speech that go far beyond what is legitimate under international law, criminalizing political expression if it is critical of, or seeks to change, the current political, economic, and social order because it considers speech illegal in a number of cases listed above and has therefore been applied in cases that go far beyond the use or incitement to violence.

The heart of efforts to uphold freedom of speech is based on the belief that people should be free to challenge their government and society and seek to change it, through peaceful expression of views. Public discussion of changes to the political, social, or economic system is a normal part of political life in any country that respects freedom of expression.

³⁶ See paras. 21-36 of UN Human Rights Committee, General Comment No. 34 on Article 19 Freedom of Opinion and Expression, July 21, 2011, CCPR/LGCL/34.

On February 21, 2007, in the first ever sentence against a blogger, an Egyptian court sentenced Abd al-Karim Nabil Sulaiman, better known by his pen name Karim Amer, to four years in prison for the political and social commentary on his blog, which was protected by freedom of expression since it did not incite violence in any way. It sentenced him on charges of insulting Islam, defaming the president, and “spreading information disruptive of the public order.” Article 176 of the Penal Code, the apparent basis of the “insulting Islam” charge against Sulaiman, allows for imprisoning “whoever instigates ... discrimination against one of the people’s sects because of race, origin, language, or belief, if such instigation is liable to disturb public order.” Amer served the four years in prison and was released in November 2010.³⁷

Harming Public Morals

- Article 178 of the Egyptian Penal Code reads, “Whoever makes or holds, for the purpose of trade, distribution, leasing, pasting, or displaying printed matter [or] manuscripts ... if they are against public morals, shall be punished with detention for a period not exceeding two years and a fine of not less than 5,000 pounds (\$839) and not exceeding 10,000 pounds (\$1,678) or either penalty.”

Although article 19(3) of the ICCPR lists public morals as one justification for restricting expression, the Human Rights Committee clarified in General Comment No. 22 that “the concept of morals derives from many social, philosophical, and religious traditions; consequently, limitations ... for the purpose of protecting morals must be based on principles not deriving exclusively from a single tradition.”³⁸ The restriction must also meet stringent conditions of necessity and proportionality. The government may impose restrictions only if they are prescribed by existing legislation and meet the standard of being “necessary in a democratic society.” This implies that the limitation must respond to a pressing public need and be oriented along the basic democratic values of pluralism and tolerance. “Necessary” restrictions must also be proportionate, that is, balanced against the specific need for the restriction being imposed.

³⁷ “Egypt: Drop Charges Against Blogger,” Human Rights Watch news release, January 26, 2007, <http://www.hrw.org/news/2007/01/26/egypt-drop-charges-against-blogger>.

³⁸ UN Human Rights Committee, General Comment No. 22 on Article 19 Freedom of Opinion and Expression, July 21, 2011, CCPR/LCLGCL34.

In June 2002 the Sayyida Zainab court in Cairo sentenced Shohdy Naguib Sorour to a year in prison for possessing and distributing "Kuss Ummiyat," a political satire written by his father, the late Egyptian avant-garde poet Naguib Sorour, between 1969 and 1974. The court found that Shohdy had posted the poem on the Web site <http://www.wadada.net> and that the poem—which blasted those Sorour held responsible for Egypt's defeat in the 1967 Middle East War—transgressed public morality, based on article 178, due to its lewd play on words in the title and shock-poetry content. Sorour's lawyers argued that the prosecution could not prove that Sorour had posted the poem on the Internet. The court convicted Sorour even though the only piece of evidence the prosecution could produce was that Sorour, like thousands of his father's admirers, possessed a hard copy of the poem. On October 14, 2002, the South Cairo Bab al-Khalq appeals court confirmed the Sayyida Zainab court's one-year sentence.

5. Defamation and “Insulting” Officials

- Article 179 calls for the imprisonment of “whoever affronts the president of the republic.”
- Article 184 states that “whoever insults or libels the People’s Assembly, the Shura Council, any other state institution, the army, the courts or the authorities shall be punished with imprisonment and a fine of not less than 5000 Egyptian pounds (\$841).”
- Article 185 further stipulates that insulting a public official regarding his/her duty or service can be punished with a maximum of one year in prison.
- Article 180 provides for imprisonment for “whoever insults a foreign king or head of state.”
- Article 182 provides a fine for “insulting the accredited representative of a foreign country in Egypt in relation to the performance of their duties.”
- Article 308 imposes a minimum prison sentence of six months on journalists whose articles attack “the dignity and honor of individuals, or an outrage of the reputation of families.”

Each of these provisions in effect shields government officials from public criticism by allowing courts to jail those who are deemed to have “insulted” or “affronted” them, or “attacked” their “dignity,” “honor” or “reputation.” The Mubarak government used these Penal Code provisions to crack down on legitimate criticism of the government’s human rights record or criticism of the political situation.

In 2006, a court in the village of Al-Warrak, near Cairo, sentenced Ibrahim Issa, editor of the opposition weekly Al-Dustur, and Sahar Zaki, a journalist at the paper, to one year in prison for “insulting the president” and “spreading false or tendentious rumors,” in connection with an al-Dustur article reporting a lawsuit against President Mubarak and senior officials in the ruling National Democratic Party. “The Egyptian Penal Code is a minefield for journalists,” Issa told Human Rights Watch. “If these provisions were evenly enforced, most of the journalists in the country would be in jail.”

Also in 2006, a military court in Cairo sentenced Talaat al-Sadat, a member of parliament for the opposition al-Ahrar party and nephew of late President Anwar al-Sadat, to one year in prison for “insulting the military and the Republican Guard.” In the days before the 25th anniversary of his uncle’s October 6, 1981 assassination, al-Sadat had given a series of press interviews in which he called for an investigation into the late president’s death and accused senior government officials of participating in an international conspiracy that led to the assassination of his uncle.

On October 5, Speaker of the People’s Assembly Fathi Surur, acting at the request of Egypt’s military prosecutor general, stripped Talaat al-Sadat of his parliamentary immunity to face charges of “spreading false rumors” and “insulting the armed forces and the Republican Guard” before a military court. The court sentenced him to one year’s imprisonment.

Such insulation of public officials from criticism violates the fundamental principle in international human rights law that press freedoms should be wider, not narrower, with respect to speech about politicians and government officials. Politicians and other public figures relinquish part of their rights to reputation and privacy by accepting their positions and must therefore tolerate wider and more intense scrutiny of their conduct. In General Comment 34, the Human Rights Committee clearly states that because of the particularly high value of political speech “the mere fact that forms of expression are considered to be

insulting to a public figure is not sufficient to justify the imposition of penalties, albeit public figures may also benefit from the provisions of the Covenant.”³⁹

Defamation should be dealt with as a civil rather than as a criminal offense, redress for which should consist of damages, such as reasonable monetary compensation, rather than deprivation of liberty. In a joint declaration adopted in 2002, the UN special mandate holders on freedom of expression stated, “Criminal defamation is not a justifiable restriction on freedom of expression; all criminal defamation laws should be abolished and replaced, where necessary, with appropriate civil defamation laws” (adopted December 10, 2002).⁴⁰ Defamation laws should be carefully designed to protect the right to expression, include the defense of truth, and should only apply to expression which is subject to verification.

Furthermore, public officials should be required to tolerate a greater degree of criticism than ordinary citizens. This distinction serves the public interest by allowing debate about issues of governance and common concern to be more robust by reducing the likelihood of successful defamation suits against persons who speak critically of public officials and political figures—thereby reducing the risk of both actual and self-censorship. In no circumstances should someone be jailed merely because their writing is deemed insulting or an affront, least of all to a public official or institution.

The Human Rights Committee’s General Comment 34 states very clearly that “states parties should not prohibit criticism of institutions, such as the army or the administration.”⁴¹ Almost any criticism of a public official for his or her job performance might be deemed to harm his or her reputation, dignity, or honor.

The Johannesburg Principles on National Security, Freedom of Expression and Access to Information (1995), which are based on international human rights law and standards, provide that, “No one may be punished for criticizing or insulting the nation, the state or

³⁹ UN Human Rights Committee, General Comment No. 34 on Article 19 Freedom of Opinion and Expression, July 21, 2011, CCPR/LCLGCL34, para. 38 citing *Bodrozic v. Serbia and Montenegro*, No. 1180/2003.

⁴⁰ Joint Declaration of 10 December 2002, <http://www.cidh.oas.org/Relatoria/English/PressRel02/JointDeclaration.htm>.

⁴¹ UN Human Rights Committee, General Comment No. 34 on Article 19 Freedom of Opinion and Expression, July 21, 2011, CCPR/LCLGCL34, para. 38.

its symbols, the government, its agencies, or public officials, or a foreign nation, state or its symbols, government, agency.”⁴²

The Egyptian parliament should:

- Revoke articles 184, 185, 179, 180, 308, which impose criminal penalties for insulting or affronting public officials or institutions;
- Revoke all defamation provisions, including articles 184, 185, 179, 180, and 308 from the Penal Code;
- Set out for civil cases of defamation that criticism of public figures, including public officials, in matters connected with their work, will not constitute defamation. Remove any right to sue from defamation from public institutions, including the presidency, parliament and armed forces, and limit this right to individuals;
- Eliminate criminal penalties for defamation in cases that do not involve direct incitement to acts of violence;
- Revise the Press Law to provide explicitly that journalists will not be imprisoned or otherwise criminally punished for exercising their rights to freedom of speech, as set out in relevant international law.

6. Amend Provisions that Criminalize Freedom of Religion

- Article 98(f) of the Penal Code criminalizes any use of religion “to promote or advocate extremist ideologies ... with a view toward stirring up sedition, disparaging or showing contempt for any divinely-revealed religion, or prejudicing national unity and social harmony.”⁴³

The Mubarak government used this provision to criminalize expressions of unorthodox religious views, including conversion from Islam.

In its 2007 report *Prohibited Identities*, Human Rights Watch documented how officials interpreted this article to proscribe conversion from Islam on the grounds that such conversion disparages Islam and is thus incompatible with public order.⁴⁴

⁴² The Johannesburg Principles on National Security, Freedom of Expression and Access to Information, Freedom of Expression and Access to Information, U.N. Doc. E/CN.4/1996/39 (1996).

⁴³ Article 98 (f) specifies penalties of up to five years in prison and a fine of up to LE 1,000 (\$165).

⁴⁴ Human Rights Watch, Egypt: Prohibited Identities.

Under Mubarak, Egyptian authorities at times arrested persons who converted to Christianity, particularly if those persons publicly announced their conversion or appeared to be proselytizing, and charged them under article 98(f). Authorities also on occasion arrested individuals for public adherence to a non-orthodox understanding of Islam or Christianity, such as with Ahmadis or Shi'a.

Security officers on several occasions have also, under the Emergency Law, detained members of religious groups with beliefs differing from official Sunni Islam. This has occurred with members of the Ahmadi, Quranist, and Shi'ite minorities.

In 2009 SSI detained eight men who identified themselves as Shi'ite Muslims. In mid-2009, the men appeared before the state security prosecutor, who questioned them about their Shi'ite faith, accusing them of spreading Shi'ite thought and "contempt of religions," an offense under the Egyptian Penal Code. In October 2009 the prosecutor ordered their release but the Interior Ministry continued to renew—most recently in June 2010—their detention orders under the Emergency Law. That month, the emergency court ordered the release of the eight men, but they remained detained in Damanhour prison until early 2011, when the Ministry of Interior started releasing Emergency Law detainees.

Mustafa al-Sharqawi grew up Muslim in Port Sa'id and converted to Christianity in the 1980s. He left Egypt in 1998, 10 years after he was baptized, and now lives abroad. He told Human Rights Watch that State Security Investigation (SSI) officers detained him and two other converts for almost ten months, from September 1990 until July 1991, for possible violation of Penal Code article 98(f). "My story had started to be well known," he said. "By converting, I was denying Islam, insulting Islam. I was promoting corrupt ideas. I lived many years thinking I was the only convert. When I discovered there were others, we got together as a group."⁴⁵ Al-Sharqawi said that security agents subjected him to torture and ill-treatment during the first several weeks of his detention at SSI headquarters in Lazoghli in 1990. The state never charged al-Sharqawi with a crime.

The Human Rights Committee states clearly in General Comment No. 34 that "prohibitions of displays of lack of respect for a religion or other belief system, including blasphemy

⁴⁵ Human Rights Watch interview with Mustafa Sharqawi, London, November 3, 2005. See also Human Rights Watch World Report 1992, p. 642. The others detained with al-Sharqawi were Muhammad Sallam and Hassan Muhammad.

laws, are incompatible with the Covenant,”⁴⁶ with the exception of speech that amounts to incitement to violence and discrimination as set out in article 20(2) of the ICCPR. The committee further stated that the convention did not allow states to prohibit or punish “criticism of religious leaders or commentary on religious doctrine and tenets of faith.”⁴⁷

In General Comment No. 22 on the right to freedom of thought, conscience and religion, the Human Rights Committee states that “Article 18 is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions. The Committee therefore views with concern any tendency to discriminate against any religion or belief for any reason, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility on the part of a predominant religious community.”⁴⁸

The Egyptian parliament should:

- Repeal Article 98 (f) of the Penal Code.

7. Amend the Law on Associations to Let Independent NGOs Operate Lawfully, and Decriminalize Exercise of Freedom of Association

The Mubarak government severely restricted freedom of association using a complex set of interlocking laws, decrees, and emergency powers to stifle the exercise of that right. This included restricting the right to form new political parties, trade unions, and nongovernmental organizations and associations.

On March 28, 2011, the SCAF issued Law Number 12 amending the Political Parties Law 40 of 1977 and finally allowing the establishment of independent political parties by simply notifying the Political Parties Committee once they meet the requirements stipulated in the Political Parties Law, after decades in which Mubarak’s government prevented the establishment of new independent parties. Under pressure from, and in consultation with, independent trade unions and labor rights groups, Minister of Labor and Manpower Dr. Ahmad Hassan al-Bor’i formally presented a new draft law on trade unions to the cabinet

⁴⁶ UN Human Rights Committee, General Comment No. 34 on Article 19 Freedom of Opinion and Expression, July 21, 2011, CCPR/C/LGCL34, para. 48.

⁴⁷ Ibid.

⁴⁸ UN Human Rights Committee, General Comment No 22 the right to freedom of thought, conscience and religion (Art. 18), 07/30/1993. CCPR/C/21/Rev.1/Add.4

for approval.⁴⁹ The draft law allows for the formation of independent trade unions and removes the requirement for membership in the state Trade Union Federation.

Despite these moves to address freedom of association for political parties and trade unions, the government has yet to remove the restrictions on NGOs in the Law on Associations and has instead initiated a broad-based criminal investigation targeting human rights organizations that the Mubarak government excluded from registration under the law.⁵⁰

Penal Code Provisions on Membership in an Illegal Organization:

- Article 98, added by Law No. 635 of 1954, provides for a maximum 10-year sentence for anyone who “establishes an organization or association whose goal is to overthrow the political or social system of the country, or for the dominance of one social class over another or for an end to the economic system ... or for the incitement to any of the aforementioned or the use of force or terrorism or any other illegitimate method in order to achieve this” and a sentence of five years for all those who “join one of these organizations mentioned in the previous paragraphs” and a sentence of one year to all those who “communicate directly or indirectly with such organizations.”
- Article 98(a) bis, added by Law 34 of 1970, provides for a sentence of imprisonment and a fine of 100-1000 EGP (\$84-840) for anyone who “creates or manages an organization or an association or a group whose goal is to call, using whatever means, for changing the basic principles of the Socialist System in the country or for the incitement to its hatred ... or inciting resistance to public authorities.” It further stipulates that a maximum five years of imprisonment shall apply to “anyone who joins one of these organizations in the knowledge of their stated aims or anyone who participates in any way [in their activities].”

In practice, the Mubarak regime used these provisions to imprison peaceful political opposition, arresting thousands of members of the officially banned but tolerated Muslim

⁴⁹ Yasen Gaber and Marwa Hussein, “Egypt’s rising labour movement wins significant government concessions,” *Ahram Online*, August 19, 2011, <http://english.ahram.org.eg/NewsContent/1/64/19106/Egypt/Politics-/Egypys-rising-labour-movement-wins-significant-gov.aspx>.

⁵⁰ “Egypt: Government Moves to Restrict Rights and Democracy Groups,” September 26, 2011, <http://www.hrw.org/news/2011/09/26/egypt-government-moves-restrict-rights-and-democracy-groups>.

Brotherhood, which renounced the use of violence in the 1950s, for “membership in an illegal organization” under article 86 simply on the basis of expressing views sympathetic to the Brotherhood. Under international law, membership in an unrecognized association cannot in and of itself amount to a crime. The one limitation is if the association openly calls for violence. The wording of article 98 is particularly broad and includes language that criminalizes legitimate non-violent political activity and organizing.

The ICCPR prohibits broadly worded bans on non-violent political activity. In article 25 it guarantees citizens the right to participate in the conduct of public affairs, either directly or through freely chosen representatives, and the right to vote and to be elected in periodic and fair elections. These rights may not be denied on the basis of race, religion, or gender, among other distinctions. Egypt’s present law violates the rights of supporters of a party that claims a religious basis for its program to associate together and vote for representatives of their choice.

“Membership in an illegal organization,” the charge most frequently leveled against Muslim Brotherhood members, amounts to punishing persons solely for exercising their right to freedom of association. In its General Comment 25, which provides an authoritative interpretation of article 25 of the ICCPR, the Human Rights Committee stated: “the right to freedom of association, including the right to form and join organizations and associations concerned with political and public affairs, is an essential adjunct to the rights protected by article 25.”⁵¹

In 2007 security forces at the Cairo airport detained `Abd al-Monim Mahmud, at the time a journalist for the London-based satellite channel Al-Hiwar and a prominent blogger affiliated with the Muslim Brotherhood, as he attempted to travel to Sudan to report on human rights in the Arab world. The next day, a prosecutor charged Mahmud with “membership in a banned organization,” and with “being an administrator of a banned organization” under article 98 of the Penal Code. The State Security bureau’s preliminary investigation (*mahdar al-tahamiyyat*) cited Mahmud’s public criticisms of the government’s human rights record, and specifically its use of torture. On April 15, 2007, the

⁵¹ Human Rights Committee, General Comment 25 (57), General Comments under article 40, para. 4, of the International Covenant on Civil and Political Rights, adopted by the Committee at its 1510th meeting, U.N. Doc. CCPR/C/21/Rev.1/Add.7 (1996); Para. 27.

prosecutor ordered Mahmud detained for 15 days, but ordered his release on May 30 after domestic and international media criticism.⁵²

Law No. 84 on Associations of 2002

Under the Mubarak government, the Ministry of Interior had the power to review and reject NGO registrations although this was not set out in the law itself, and the government could interfere with the independence of NGOs pursuant to the restrictive terms of the 2002 Law on Associations (No. 84).

The SSI routinely reviewed and rejected such applications for registration even though they had no formal role in the registration process, and subjected NGO leaders, activities, and funding to excessive scrutiny without any legal authority. Human Rights Watch documented the extensive restrictions on NGOs, and the inability of several NGOs to register under the law, in its report *Margins of Repression*.⁵³ The report found that one of the main problems was the role of State Security Investigations officers in blocking the registration or receipt of funding for independent human rights organizations, even though the law did not provide a role for their involvement.

Even the actual law, the Law on Associations, enables the government to interfere with the registration, governance, and operation of NGOs and impedes the right of Egyptians to form and operate independent associations. Article 42 gives the minister of social solidarity unacceptably wide grounds to dissolve groups and to order the imprisonment of NGO members for otherwise legitimate activities, including for receiving foreign funds or affiliating with foreign organizations without permission, conducting political or trade union activities, and violating “public order or morals.”

Under the terms of the Associations Law, all non-profit groups of 10 members or more working in social development activities must register with the Ministry of Social Solidarity or face criminal penalties, including up to one year's imprisonment (article 76). A group of less than 10 persons can neither apply for association status nor carry out volunteer

⁵² “Release Journalist Who Criticized Torture,” Human Rights Watch news release, April 18, 2007, <http://www.hrw.org/news/2007/04/18/egypt-release-journalist-who-criticized-torture>.

⁵³ Human Rights Watch, Egypt: Margins of Repression, July 3, 2005, <http://www.hrw.org/reports/2005/07/03/egypt-margins-repression-o>.

activities. Non-profit groups working in other fields are answerable to other ministries; for example, the Ministry of Health regulates non-profit medical clinics.

In theory, the Law on Associations allows NGOs to work in more than one field of activity, though in practice they must seek permission from the Ministry of Social Solidarity before doing so and the scope of permissible NGO activities remains severely limited. Article 11 of Law 84/2002 forbids groups from any goals that will be deemed as "threatening national unity" or "violating public order or morals," vague terminology that lays it open to abuse.

In 2007, Cairo Governor `Abd al-`Azzem Wazeer issued a decree shutting down the Association for Human Rights Legal Aid (AHRLA), which reports on human rights violations and provides legal assistance to victims. The decree cited article 17 of the Law on Associations (84/2002), which bans NGOs from receiving foreign funding without prior government permission. The governor's decree appointed an official receiver (*mosafi qada'*) to take control of the association's assets. The official receiver went to AHRLA's offices on September 16, accompanied by about 10 plainclothes State Security Intelligence officers and over 100 central security forces. In 2008, a Cairo Administrative Court overturned the decision to dissolve the organization and reinstated it.⁵⁴

In 2007 the government also ordered the closure of the Center for Trade Union and Workers Services (CTUWS), which offers legal aid to Egyptian factory workers and reports on labor rights issues in the country, for inciting labor unrest and violating Egypt's law on associations, though the order did not specify how.⁵⁵ The CTUWS reported widespread irregularities in the 2006 union elections across Egypt. The CTUWS took this case to court and on March 30, 2008, the Giza Administrative Court ruled in favor of the CTUWS, stating the government was "without cause" in denying the group's petition for NGO status and ordering the organization to be re-opened.⁵⁶

In the rare instances where the security forces under Mubarak cited reasons for their rejection of an NGO's registration or board candidates, they invoked article 11. They did not

⁵⁴ "Reverse Decree Closing Human Rights Organization," Human Rights Watch news release, September 17, 2007, <http://www.hrw.org/news/2007/09/17/egypt-reverse-decree-closing-human-rights-organization>.

⁵⁵ "End Harassment of Labor Rights Group," Human Rights Watch news release, April 26, 2007, <http://www.hrw.org/news/2007/04/26/egypt-end-harassment-labor-rights-group>.

⁵⁶ "Egypt: Obey Court, Recognize Labor Rights Group," Human Rights Watch news release, June 5, 2008, <http://www.hrw.org/news/2008/06/05/egypt-obey-court-recognize-labor-group>.

apply the restrictions outlined in article 11 in a narrow and proportionate way. Instead, they used the article as a tool to block the registration of groups whose behavior or goals do not fit within the narrow margins the state favored. The Ministry of Interior's SSI division blocked the registration of a number of independent human rights organizations because of "security concerns," including: the Egyptian Center for Housing Rights, the Egyptian Initiative for Personal Rights, the Egyptian Association against Torture, the Civil Observatory for Human Rights, and the World Center for Human Rights. In every case, the organization petitioned the administrative court to reverse the ministry's rulings, but the security services and the ministry did not respond to the court's request to give reasons for their vetting decisions.⁵⁷

In the case of the Egyptian Association against Torture (EAAT), the Ministry of Social Solidarity rejected their application, claiming that the organization's by-laws "violate Law 84."⁵⁸ No further information was given, although the files that the ministry returned contained numerous penciled alterations to the submitted by-laws. It later explained that the group's objectives breached Law 84/2002 "in practice and in spirit," and violated the public order. The ministry specifically objected to the EAAT's goals of working to bring Egyptian legislation into compliance with international human rights standards; lobbying decision makers and campaigning against torture; and participating in local, Arab, and international anti-torture networks.⁵⁹

The restrictive terms of the Law on Associations violates the guarantees provided under international law for free association. Under international law, the government may restrict the right to freedom of association, but only on certain narrowly prescribed grounds and only when particular circumstances apply. According to article 22 of the ICCPR:

- (1) Everyone shall have the right to freedom of association with others.
- (2) No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order

⁵⁷ See Human Rights Watch, Egypt: Margins of Repression.

⁵⁸ Dr. Aida `Ismat Seif al Dawla Abbas and `Imad Mubarak Hassan v. Her Excellency the Minister of Insurance and Social Affairs, State Council case number 19585 Q87, May 5, 2004. On file at Human Rights Watch.

⁵⁹ See Human Rights Watch, Egypt: Margins of Repression, July 3, 2005, page 4, <http://www.hrw.org/node/11675/section/7>

(*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

The restrictions specified in article 22 (2) should be interpreted narrowly. The government may impose restrictions only if they are prescribed by existing legislation and meet the standard of being "necessary in a democratic society." This implies that the limitation must respond to a pressing public need and be oriented along the basic democratic values of pluralism and tolerance. "Necessary" restrictions must also be proportionate: that is, carefully balanced to address an emergency situation in the least restrictive manner.⁶⁰ The UN Human Rights Committee has repeatedly highlighted the importance of proportionality. In applying a limitation, a government should use no more restrictive means than is absolutely required.⁶¹

A government may legitimately require the establishment to be notified of an association. If the government further requires individuals who wish to establish an organization to seek permission before operating, it must stipulate criteria that are clear, non-discriminatory, and appealable.⁶²

The Egyptian parliament should amend the Law on Associations to:

- Stipulate that the authorities may restrict the registration of an NGO only pursuant to the narrowly prescribed terms provided by international law;
- Abolish all penalties for conducting legitimate NGO activities in unregistered NGOs;
- Ensure that any involuntary dissolution of an NGO takes place only by judicial order, and only as a result of the most egregious violations, by amending article 42 to remove the administrative authority's power to dissolve an NGO;
- Amend article 58 to allow for the receipt of donations or transfers from foreign donors, as long as all foreign exchange and customs laws are satisfied, stating clearly any restrictions and making all criteria transparent; and making clear that the absence of a government response to a request for approval of foreign funding within 60 days means that approval has been given;

⁶⁰ Manfred Nowak, UN Covenant on Civil and Political Rights: CCPR Commentary (Kehl am Rein: N.P. Engel, 1993), pp. 386-387.

⁶¹ Nowak, CCPR Commentary, p. 355.

⁶² Ibid.

- Allow NGOs to work in the thematic and geographical areas of their choosing. Abolish the requirement that NGOs seek permission from the Ministry of Social Solidarity for working in more than one field of activity or governorate;
- Ensure that the new National Security division will have no role in monitoring NGO activities, or approving their registration or receipt of foreign funding.

8. Amend the Assembly Law and the New Strike and Demonstration Ban Law

As one noted commentator, Professor Manfred Nowak, has said:

[T]he focus of freedom of assembly is clearly on its democratic function in the process of forming, expressing and implementing political opinions. The democratic function of freedom of assembly means that States are under a stronger duty to ensure the right with positive measures than with civil rights, which are exclusively exercised for private interests.⁶³

States should "make available public thoroughfares or other areas, possibly re-route traffic, and not discriminate or act arbitrarily in denying access to public buildings for the holding of assemblies."⁶⁴ The state must also act to prevent the provocation or use of force by the security forces or private actors that would encourage violence.⁶⁵

Egypt still has laws on the books that severely restrict freedom of assembly and provide criminal penalties for peaceful protest. In light of the Egyptian uprising in January 2011 and the fact that for thousands of Egyptians peaceful protest is seen as a legitimate and effective way of expressing political demands, reforming these laws should be a priority for Essam Sharaf's caretaker government.

The 1914 and 1923 Laws on Public Assembly

The Illegal Assembly Law of 1914, Law 10 of 1914, promulgated under British rule but retained ever since, states in its preamble that it was decreed "out of the necessity to

⁶³ Manfred Nowak, U.N. Covenant on Civil and Political Rights: CCPR Commentary (Kehl am Rhein: N.P. Engel, 1993), p. 370-71 (emphasis in original).

⁶⁴ Nowak, pp. 375-76.

⁶⁵ Nowak, p. 379.

create harsher punishments for crimes committed through assembly, punishments that will be more effective than those currently in place."⁶⁶

Law 10 refers to assemblies of more than five persons "that threaten the public peace," and establishes penalties of a jail sentence not to exceed six months for failing to disperse upon the order of relevant authorities. It contains no provision for requesting permission to hold a public gathering. The 1914 Law states in article 1 that persons participating in any gathering of more than five people that threatens public order and who refuse to obey a police order for dispersal shall be imprisoned for a period of not more than six months."⁶⁷

Article 2 provides a criminal penalty of six months for those who participate in such a gathering "with the purpose of influencing the authorities in their work or to deprive anyone of the freedom to work whether this influencing was associated with the use of force or the threat of the use of force." Article 4 states that those who planned the gathering shall be subject to the same criminal penalties as those who participated in it.

In its periodic report submitted in November 2001 to the Human Rights Committee on its implementation of the ICCPR, the government did not mention Law 10 but stated that exercise of the right of assembly was regulated by Public Assembly Act No. 14 of 1923, Law 14 of 1923. Law 14 stipulates that "security authorities must be given three days' prior notice of public gatherings, demonstrations and processions," and that these can be banned if the local governor or police "feel that they will lead to disturbance of public order or public security due to their underlying purpose, their timing or location or any other significant reason."⁶⁸

Law 14 establishes penalties (a prison sentence and/or fine) for planning or participating in an unannounced or unapproved demonstration. The only reference in this statute to Law 10 is in article 11, which states that "this law does not prevent the application of a harsher punishment as indicated in the criminal code or Law 10 concerning gatherings or any other law that may be applicable." Such broad criteria invite abusive and arbitrary

⁶⁶ Law 10 "On Public Gatherings" of Year 1914, Egyptian Official Gazette, No. 57, June 4, 1923.

⁶⁷ Law 14 "Determining the Rules Related to Public Meetings and Demonstrations on Public Roads," of Year 1923, Egyptian Official Gazette, No. 57, June 4, 1923.

⁶⁸ U.N. International Covenant on Civil and Political Rights, "Consideration of Reports submitted by States Parties under Article 40 of the Covenant: Addendum: EGYPT," CCPR/C/EGY/2001/3, April 15, 2002, p. 94.

interpretations by authorities, and so run counter to the ICCPR's guarantees of freedom of assembly.

As recently as January 26 and 27, 2011, prosecutors charged several hundred peaceful protesters with "*tagamhur*" (gathering) for participating in the first day of peaceful protest in Tahrir square and in Alexandria and Suez. On those days, Ministry of Interior officers arrested over 1,200 protesters, and brought several hundred of them on charges of illegally demonstrating before prosecutors, who ordered their detention for 15 days. This was the tactic the Mubarak government regularly employed to crackdown on demonstrations and strikes such as the 2008 Mahalla strike and in recent years with demonstrations organized by the April 6 Youth Group.⁶⁹

The Mubarak government frequently relied on the 1914 and 1923 laws to charge peaceful demonstrators. In its 2003 report *Security Force Abuse of Anti-War Protesters*, Human Rights Watch documented the police crackdown on peaceful anti-war demonstrators, leading to the arrest of over 800 individuals.⁷⁰ Prosecutors charged the protesters with violating the Public Assembly Act No. 14 of 1923, which requires that persons wishing to hold a public demonstration must notify the authorities at least three days in advance and sets penalties for those who plan, organize, or participate in an unannounced or unapproved demonstration.

These assembly laws contravene the very narrow limits on freedom of peaceful assembly permitted under international law. Article 21 of the ICCPR sets out the only restrictions that may be placed on freedom of peaceful assembly as "those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security, or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others."⁷¹

⁶⁹ "Egypt: Release Dozens of Prisoners Held Without Charge," Human Rights Watch news release, July 17, 2008, <http://www.hrw.org/en/news/2008/07/17/egypt-release-dozens-protestors-held-without-charge>; "Egypt: Brutal Treatment of Peaceful Protesters," Human Rights Watch news release, April 6, 2010, <http://www.hrw.org/news/2010/04/06/egypt-brutal-treatment-peaceful-protesters>.

⁷⁰ Human Rights Watch, *Egypt: Security Forces Abuse of Anti-War Protesters*, November 6, 2003, <http://www.hrw.org/reports/2003/11/06/security-forces-abuse-anti-war-demonstrators>.

⁷¹ ICCPR, art. 21.

Any restrictions must be limited to what is necessary and proportionate: the manner and intensity of state interference must be necessary to attain a legitimate purpose, and the prohibition or forceful breaking up of an assembly may only be considered when milder means have failed.⁷² Terms such as “national security” and “public safety” refer to situations involving an immediate and violent threat to the nation or to its territorial integrity or political independence. Nationwide limitations imposed on the basis of merely isolated or localized threats cannot be justified, therefore, and are impermissible.⁷³

New Law Criminalizing Strikes and Demonstrations

In a further regression of the right to free assembly, in March and April the Egyptian cabinet announced, and the SCAF ratified, a new law that criminalizes and imposes financial penalties for strikes and demonstrations that “obstruct public works.”

Law No. 34 of 2011 “On the Criminalization of Attacks on Freedom of Work and the Destruction of Facilities” provides for punishment “with imprisonment or a fine of not less than 20,000 Egyptian pounds (\$8,400), and not more than 50,000 Egyptian pounds (\$16,806) for those who during the state of emergency call for demonstrations, strikes, sit-ins, or gatherings, or participate in any of the above, leading to the impediment or the obstruction of any of the state institutions or public authorities from performing their role.” The law also penalizes incitement, calls, writings, or any other public advertisements for a protest or strike with the same penalties as in the last provision. It provides for imprisonment of not less than one year for using violence during a protest or strike, or if the protest or strike results in any destruction of property, “harm to national unity, societal peace or public order,” or “harm to public funds, buildings or public or private property.”⁷⁴

These overbroad and vague provisions, including banning protests that generally “obstruct” state institutions, or “harm societal peace,” do not meet the narrowly permitted grounds for limits on public assembly under article 21 of the ICCPR.⁷⁵

⁷² Nowak, p. 379.

⁷³ Manfred Nowak, UN Covenant on Civil and Political Rights. Kehl 1993 p.394-396.

⁷⁴ Law No. 34, “Criminalizing Attacks on Freedom to Work and the Destruction of Facilities,” Egyptian Official Gazette, No. 14 (a), April 12, 2011.

⁷⁵ See ICCPR, art. 21.

The Egyptian authorities should:

- Repeal Law 34 of 2011, Law 10 of 1914 and Law 14 of 1923.
- Draft a new law on public assembly that will:
 - Define as “public gathering” within the purview of this law only gatherings in publicly accessible places or those that are open to the public;
 - Replace the requirement for permission with a requirement that authorities be notified before holding a public gathering within a defined period of time to allow for reasonable security and public order measures to be taken to protect the right to assembly and the rights of others, and require the authorities to apply to prohibit any demonstration rather than the organizers apply for permission;
 - Require that reasons be given when the government refuses to allow a public meeting to take place and allow an expedited appeal of such a decision in court;
 - Require any restrictions placed on a public gathering to be strictly necessary for protecting public order, public morals, and the rights of others—in keeping with the jurisprudence of the UN Human Rights Committee on the interpretation of those terms.

9. Amend the Definition of Torture in Line with International Law and Strengthen Criminal Penalties for Police Abuse

Transition away from systematic police abuse requires that the government install a set of immediate measures as part of a broader strategy to eradicate torture and ensure a break from past abusive police and security force practices. In the first instance, the government should prioritize legal reforms to the Penal Code and Code of Criminal Procedure.

In its 2011 report *Work on Him Until he Confesses*, Human Rights Watch documented how the Mubarak government condoned police abuse by failing to investigate and prosecute law enforcement officials accused of torture, leaving victims without a remedy.⁷⁶ The vast majority of torture complaints never reached court because of police intimidation of victims and witnesses who filed complaints, the involvement of police from the same unit as the alleged torturer in gathering evidence and summoning witnesses, laws that do not fully criminalize torture and provide insufficient penalties, and delays referring victims for medical examination.

⁷⁶ Human Rights Watch, Egypt: *Work on Him Until he Confesses*.

Impunity for torture was especially acute with regards to State Security Investigations (SSI) officers; not a single SSI officer was ever convicted of torture despite consistent documentation of the systematic torture in which the SSI engaged Egyptian and international human rights organizations and UN special rapporteurs.

Despite consistent criticism from Egyptian and international human rights organizations over the years, the Mubarak government always defended this legal framework as adequate, saying that the “judicial application” of these penal provisions, “in accordance with the jurisprudence of the Supreme Court,” “punishes torture carried out by a member of a public authority or by an individual whether during the arrest, confinement or imprisonment of a person in the legally prescribed circumstances or otherwise.”⁷⁷ Yet even the National Council for Human Rights found that the Egyptian legal framework “is full of loopholes also enables culprits [to] escape punishment.”⁷⁸

The Penal Code has three main provisions that prosecutors can use to charge members of the police force in cases of alleged torture and ill-treatment: article 126, which criminalizes torture; article 129 on the use of force; and article 282, which specifies a sentence of hard labor “in all cases, [for] anyone who unlawfully arrests a person and threatens to kill him or subject him to physical torture.”⁷⁹

Egypt’s Penal Code recognizes torture as a criminal offence in article 126, although the definition of torture falls far short of the international standard. Article 126 states:

Any public servant or official who orders, or participates in, the torture of an accused person with a view to inducing him to make a confession shall be punished by imprisonment at hard labor or a term of three to ten years in prison. If the victim dies, the penalty shall be that prescribed for premeditated murder.

⁷⁷ U.N. Committee against Torture, Summary Record of the 385th meeting, May 14, 1999, U.N. doc. CAT/C/SR.385, Para. 11, para 47.

⁷⁸ National Council for Human Rights, Annual Report 2007/2008, p. 21 <http://nchregypt.org/ar/images/files/1stannualreportar.pdf> (accessed June 17, 2010).

⁷⁹ Penal Code, arts. 126, 129, 236, 241, 242, and 280.

This definition excludes elements covered in Article 1 of the Convention against Torture, which defines torture as:

[A]ny act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

Article 126 of the Egyptian Penal Code excludes situations when “pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity,” instead limiting it to the narrow circumstances of torture used to extract a confession. Article 126 limits torture to physical abuse, when the victim is “an accused,” and when torture is used to coerce a confession. While confessions are frequently the object of torture, Egyptian security forces also have used torture to punish and/or intimidate victims. In addition, this narrow definition improperly excludes cases of mental or psychological abuse, and cases where the torture is committed against someone other than “an accused”—for example, persons being questioned as potential witnesses.

The Penal Code also fails to treat seriously certain categories of abuses by officials, classifying them as misdemeanors instead of crimes. The code divides crimes into three categories: contraventions (*mukhalafa*), punishable by a fine of less than EGP 100 (\$17); misdemeanors (*junha*, pl. *junah*), punishable by a fine of more than 100 Egyptian pounds or jail term; and felonies (*jinaya*, pl. *jinayat*), punishable by either prison, prison with hard labor, or the death penalty.⁸⁰ The law classifies torture and “assault leading to death” as felonies, and other offenses, such as arrest without legal grounds (article 280) and the use

⁸⁰ 135 CCP, art. 9.

of force by officials (article 129), as well as some categories of assault, as misdemeanors.⁸¹ A criminal court (*mahkama al-jinayat*) composed of three judges hears all felony cases.⁸²

The Penal Code also fails to provide for the effective punishment of law enforcement officials found responsible for torture and ill-treatment. Article 129 of the Penal Code states that any official “who deliberately resorts, in the course of duty, to cruel treatment in order to humiliate or cause physical pain to another person shall be subject to a penalty of up to one year’s imprisonment or a fine of up to EGP 200 [\$34].” The Court of Cassation defined (in 1944 and 1952 rulings) cruelty as consisting of physiological and psychological ill-treatment in addition to physical ill-treatment and stated that it did not necessarily lead to visible injuries.⁸³

A charge of assault leading to death under article 236 of the Penal Code carries a maximum penalty of three to seven years in prison, possibly with hard labor. Like other provisions regulating assault, article 236 does not differentiate between offenders: the punishment is identical whether the offender is a citizen or a public official. Only offenders “implementing terrorist aims” are, following the 1992 counter-terror amendments to the penal code, singled out for considerably harsher punishment for assault, and punished by “a term of hard labor or prison ... and if this was done with premeditation, the punishment will be hard labor, either for life or temporary.”⁸⁴ Article 280 of the Penal Code also provides inadequate penalties regarding abuse during illegal detention, and article 282 punishes torture during illegal detention with temporary hard labor.

The Penal Code does not state that superior orders are defense, and Egyptian courts have recognized that torture is a manifestly illegal act. According to article 63 of the code:

No crime occurs where an act is carried out by a public official in execution of an order given by a superior which he is obliged to follow, or if he believed he was under an obligation to follow it or if he, in good faith, committed an act according to the law, to what he believed to be his sphere of authority.

⁸¹ Penal Code, arts. 126, 129, 236, 241, 242, 280.

⁸² CCP, art. 366.

⁸³ As quoted in CAT/C/34/Add.11, p. 32.

⁸⁴ While initially a separate law on terrorism, law 100/1992 has been integrated into the Penal Code.

The Court of Cassation interpreted this article in a 1931 ruling: “the acts of which the defendants stand accused would be manifestly illegal; and that the average man could not assume that this would be a legitimate command from their superiors because it crosses all bounds and harms human dignity.”⁸⁵ These provisions fall short of the requirements in the CAT which clearly states in article 2(3) that “an order from a superior officer or a public authority may not be invoked as a justification of torture.”

The faulty definition of torture was one concern that several Human Rights Council member states raised in their interventions during Egypt’s Universal Periodic Review (UPR) in February 2010. Significantly, Egypt had included a pledge in its November 2009 national report that it would “review the definition of torture in Egyptian law in order to ensure consistency with the Convention against Torture” and accepted a number of these recommendations in the February session.⁸⁶ Yet on February 15, 2010, a few days before the UPR session and three months after the government had submitted the national report, the Legislative Committee of the People’s Assembly, which is dominated by the ruling National Democratic Party, rejected Muslim Brotherhood MP Hassan Ibrahim’s proposal to amend articles 126 and 128 of the Penal Code. The proposal called for harsher sentences for torture and for revising the definition. Ibrahim told *Al-Masry al-Youm*, “I presented this proposal four years ago and the government kept saying that it was still studying the matter.”⁸⁷

Under the Convention against Torture, a state is “obligated to eliminate any legal or other obstacles that impede the eradication of torture and ill-treatment.”⁸⁸ The Committee against Torture, the body of international experts that reviews state compliance with the convention, has found that “inadequate legislation which in practice allows room for the use of torture may also add to the systematic nature of this practice.”⁸⁹

⁸⁵ As quoted in 1999 report to the CAT, para. 47.

⁸⁶ National report of the Egyptian government submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1, 16 November 2009, A/HRC/WG.6/7/EGY/1, <http://www.ohchr.org/EN/HRBodies/UPR/CPAGES%5CEGSession7.aspx> (accessed July 15) [hereinafter Egypt National Report to UPR].

⁸⁷ Mohamed Abd al-Kader, “Shaab Legislative Committee refuses to increase the penalty for torture ... Altercation between MPs,” *Al-Masry al-Youm*, February 16, 2010, <http://www.almasry-alyoum.com/article2.aspx?ArticleID=244193&IssueID=1683> (accessed October 18, 2010).

⁸⁸ Committee against Torture, General Comment 2, Implementation of Article 2 by States Parties, U.N. Doc. CAT/C/GC/2/CRP.1/Rev.4 (2007), para. 4.

⁸⁹ Committee against Torture Summary Account of the Results of the Proceedings Concerning the Inquiry on Turkey, Official Records of the General Assembly, Forty-eight Session, Supplement No. 44 (A/48/44/Add.1), para. 39, <http://www.unhcr.ch/tbs/doc.nsf/%28Symbol%29/A.48.44.Add.1.En?Opendocument> (accessed August 1, 2010).

The Egyptian parliament should:

- Amend the definition of torture in article 126 of the Penal Code in line with the definition in article 1 of the Convention Against Torture, to broaden the definition to include punishment as a purpose and psychological torture as a means of inflicting pain;
- Amend provisions prohibiting torture and ill-treatment by officials, in particular Penal Code article 129 on the use of cruelty by officials, and article 280 on illegal detention, to make the penalties commensurate with the seriousness of the offenses and reclassify these offences as felonies rather than misdemeanors;
- Amend the Code of Criminal Procedure to allow victims of police abuse to file private criminal suits against those responsible, as is the case when the perpetrator is a private figure;
- Amend the Police Law to require the Ministry of Interior to immediately suspend any security official under investigation for ordering, carrying out, or acquiescing to acts of torture or ill-treatment. Ensure their dismissal if convicted.

Conclusion

In a speech on February 12, Gen. Mohsen Fangary, a member of the SCAF, declared that Egypt would abide by its international obligations under the treaties it had signed. Those international treaties include the International Covenant on Civil and Political Rights (ICCPR), the African Charter on Human and People's Rights and other international treaties cited in this document, yet the SCAF has failed to respect Egypt's obligations under international human rights law.

Egypt's new parliament can distance itself from Egypt's abusive past by upholding international law to ensure that Egypt is ensuring the best possible protection under human rights law. Failure to do so not only compromises international law, but negates the promise for change inherent in the fall of the Mubarak regime for which Egyptians have waited so long.

THE ROAD AHEAD

A Human Rights Agenda for Egypt's New Parliament

Egypt's deposed president Hosni Mubarak left in his wake an arsenal of laws used to restrict free expression and curb criticism of government, limiting association and assembly and shield the abusive police force from accountability. The transitional political leaders in Egypt have made no attempt to reform any of these laws, which, Egypt's ruling military has used to arrest protesters and journalists and to try over 12,000 civilians before military courts, adding to the heavy abusive legacy that Egypt's future civilian rulers will have to address.

A genuine transition from authoritarian government to a more open system with democratic institutions requires not only elections, but the reform of laws and policies that govern the civil and political rights and freedoms of people in Egypt. Egypt's stalled transition can be revived only if the new government dismantles the existing repressive legal framework. This report sets out nine areas of Egyptian law the newly elected parliament must urgently reform, so that the law can become an instrument that protects Egyptians' rights rather than represses them.



Egypt's People's Assembly, the lower house of parliament elected over three phases from November 2011 –January 2012.

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Border guards continued to shoot migrants, refugees and asylum-seekers seeking to cross Egypt's Sinai border into Israel. Twenty were reported killed in 2011, including at the border with Sudan; others were prosecuted or forcibly returned to countries where they were at risk of serious human rights violations. Some were reportedly victims of human trafficking.

Background

President Mubarak resigned on 11 February after 30 years in power following 18 days of mass, largely peaceful protests across Egypt to which the security forces responded with lethal and other excessive force. According to official reports, at least 840 people were killed or died in connection with the protests and more than 6,000 others were injured. Thousands were detained; many were tortured or abused. The military assumed power, in the form of the SCAF, but appointed interim civilian prime ministers and government ministers pending parliamentary elections that began in November and were to be completed in early 2012. Presidential elections were promised for mid-2012.

Immediately after Hosni Mubarak's fall, the SCAF suspended the 1971 Constitution, dissolved parliament and issued a Constitutional Declaration guaranteeing a number of rights. It also released hundreds of administrative detainees. In March, the powerful but long-banned Muslim Brotherhood and other proscribed organizations were allowed to register and operate lawfully, and subsequently contested the parliamentary elections. The Muslim Brotherhood's political party, the Freedom and Justice Party, emerged as the strongest party in early election results. Hosni Mubarak's National Democratic Party was dissolved in April.

In March, the Interior Ministry acceded to weeks of pressure from protesters and disbanded the SSI, the security police force notorious for torture and other abuses. Before the disbanding, activists broke into the SSI headquarters in Alexandria and Cairo after news spread that SSI officers were destroying evidence of human rights abuses. The SSI was replaced by the National Security Agency; it was unclear whether any vetting mechanism was established to prevent the recruitment or transfer of SSI officers implicated in torture or other human rights violations. The head of the SSI was, however,

charged in connection with the killings of protesters in January and February.

The SCAF maintained the national state of emergency and in September expanded the Emergency Law to criminalize acts such as blocking roads, broadcasting rumours, and actions deemed to constitute "assault on freedom to work". Amendments to the Penal Code stiffened the penalties for "thuggery", kidnapping and rape, up to the death penalty, and Law 34 of 2011 was enacted, criminalizing strikes and any form of protest deemed to "obstruct work". After violence in October that killed 28 people, mostly Copts, the SCAF prohibited discrimination on the basis of gender, origin, language, religion or belief.

Torture and other ill-treatment

Despite the dissolution of the SSI, whose officials had committed torture with impunity, there were continuing allegations of torture and other ill-treatment by the police and armed forces, and a number of detainees died in custody in suspicious circumstances. In June, the Public Prosecutor set up a committee of three judges to examine torture complaints. While some of the torture allegations against the police were investigated, none of those against the armed forces was adequately investigated or led to prosecution.

■ Mostafa Gouda Abdel Aal was arrested in Cairo's Tahrir Square on 9 March by soldiers who beat and dragged him to the nearby Egyptian Museum. There, they blindfolded him, tied his hands behind his back and threw him to the floor, doused him with water and subjected him to electric shocks to his penis and buttocks, and beat him on his back with a cable. He was held for a night in a van with other detainees before being taken to Heikstep Military Prison where the detainees were beaten and mocked by military prosecution interrogators. Officials did not ask them about their injuries, which were visible, or why their clothes were bloodstained, and they were hit with electric shock batons before being tried before a military court held in the prison canteen. After grossly unfair trials, they were sentenced to between one and seven years in prison and transferred to Tora Prison. They were released on 23 May following a pardon by the SCAF; Mostafa Gouda Abdel Aal still had visible injuries caused by torture.

■ On 26 October, two police officers were sentenced to seven-year prison terms by an Alexandria court for

year in prison and a fine for slander for criticizing the government in the press. However, following a public outcry, she was pardoned by the government and her case was archived, removing the opportunity for her to appeal the decision.

Impunity

In his report published in May, the UN Special Rapporteur on extrajudicial executions expressed concern about impunity in cases of killings and abuses by police, hired gunmen and rural juntas, as well as illegal armed groups and the military in the area bordering Colombia.

■ In July, 12 police officers from the disbanded National Police Group on trial for the torture in 2009 of Karina, Fabricio and Javier Pico Suárez and the enforced disappearance of Georgy Hernán Cedeño were sentenced to between two and 10 months' imprisonment. They were immediately released as they had already served their sentences.

■ In October the Attorney General announced he was replacing the team of prosecutors investigating the enforced disappearance of Colombian teenage brothers Carlos Santiago and Pedro Andrés Restrepo in 1988 because of lack of progress.

Freedom of expression

Curbs on freedom of expression included the use of criminal defamation charges against journalists critical of the government or local officials.

■ In July, a judge ordered three directors and a former columnist of the newspaper *El Universo* to pay President Correa US\$40 million in damages and sentenced them to three years' imprisonment for criminal defamation. President Correa brought a criminal complaint against the four men in March, a month after an article was published referring to him as a "dictator" and suggesting that he might face criminal prosecution over the September 2010 disturbances when the armed forces rescued him from a hospital in Quito. He had sought refuge there from police officers protesting against proposed cuts in their pay and benefits. An appeal against the sentence imposed on the directors and columnist was pending in the National Court of Justice at the end of the year.

EGYPT

ARAB REPUBLIC OF EGYPT

Head of state:	Mohamed Hussein Tantawi (replaced Muhammad Hosni Mubarak in February)
Head of government:	Kamal Ganzouri (replaced Essam Sharaf in December, who replaced Ahmed Shafik in March, who replaced Ahmed Nazif in January)
Death penalty:	retentionist
Population:	82.5 million
Life expectancy:	73.2 years
Under-5 mortality:	21 per 1,000
Adult literacy:	66.4 per cent

At least 840 people were killed and 6,000 were injured mostly by police and other security forces during the "25 January Revolution" which forced President Hosni Mubarak to leave office in February. The Supreme Council of the Armed Forces (SCAF), headed by Mohamed Hussein Tantawi, replaced Hosni Mubarak, who was put on trial with his sons and other officials. However, there were continuing protests; the army and the police responded in some cases with excessive force. The SCAF released political prisoners and allowed the registration of previously banned political parties and independent trades unions, but maintained the 30-year state of emergency, criminalized strikes, tightened restrictions on the media and used military courts to try and sentence more than 12,000 civilians, many of them arrested in connection with continuing protests over what they saw as the slow pace of reform. Hosni Mubarak's notorious State Security Investigations (SSI) police force was disbanded, but torture of detainees remained common and widespread and took on a shocking new dimension when a number of women were forced by army officers to undergo "virginity tests" in detention. The army forcibly evicted residents of informal settlements (slums) in Cairo and elsewhere, as well as squatters who sought shelter in empty public housing. Women participated prominently in the protests but continued to face discrimination in both law and practice. Discrimination persisted against religious minorities, particularly Coptic Christians. At least 123 death sentences were imposed and at least one person was executed.

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brutally beaten and threatened with sexual assault while under arrest.

Freedom of expression and association

Before the fall of Hosni Mubarak, the authorities sought to hamper protesters' efforts to organize by ordering the cutting of telephone and internet lines. Under the SCAF, new restrictions were imposed on the media, and the security forces raided TV stations and threatened journalists and bloggers with imprisonment. The SCAF also took action targeting human rights NGOs.

■ Maikel Nabil Sanad, a blogger, was sentenced to three years in prison in April after an unfair trial before a military court because he had "insulted" the SCAF, criticized its use of excessive force against protesters in Tahrir Square, and objected to military service. He went on a protest hunger strike in August and remained in detention, although a military appeals court ordered his retrial in October. He was transferred to a psychiatric hospital at the request of a lawyer in proceedings at which neither he nor his lawyers were present. His sentence was reduced to two years after a retrial by a military court. A prisoner of conscience, he was still held at the end of the year and was being denied adequate medical treatment. On 31 December, he ended his hunger strike.

The authorities said that they were examining the legal registration and funding of some 37 human rights organizations and that the Supreme State Security prosecution was considering whether to bring "treason" or "conspiracy" charges against those deemed to be operating without being registered, to have received funding from abroad without the authorities' consent, or to have engaged in "unpermitted" political activity. The Central Bank ordered all banks to provide details of the financial transactions of NGOs and individual activists to the Ministry of Solidarity and Social Justice. In December, security forces raided some 17 human rights NGOs and seized their computers and documents.

Women's rights

Women continued to face discrimination in law and in practice, yet played a prominent role in the protests, both before and following the fall of Hosni Mubarak. Some women activists and journalists were targeted for sexual and other abuse.

■ All but one of 18 women detained when the army forcibly cleared protesters from Cairo's Tahrir Square on 9 March were strip-searched and seven of them

subjected to "virginity tests", a form of torture, at Heikstep Military Prison, and threatened that those deemed "not to be virgins" would be charged with prostitution. All 18 had been taken first with other detainees to the Egyptian Museum where they were handcuffed, beaten with sticks and hoses, subjected to electric shocks to the chest and legs, and insulted by soldiers. Seventeen of them were taken before a military court, even though they are civilians, on 11 March and released two days later. Several were convicted of offences such as disorderly conduct and obstructing traffic, and were sentenced to suspended prison terms. In December, an administrative court ruled that these tests were illegal and ordered the military to suspend them.

■ Journalist Mona Eltahawy was arrested and detained for 12 hours by the security forces on 24 November amid ongoing clashes between security forces and protesters. She said that she was sexually assaulted by security officials and beaten, sustaining fractures to her left hand and right arm.

The SCAF ended the quota system in the election law that had previously reserved 64 parliamentary seats (12 per cent) for women; instead, it required that every political party include at least one woman on its list of electoral candidates but without requiring that she be high on the list.

Discrimination – Copts

There was a rise in communal violence between Muslims and Coptic Christians, who remained subject to discrimination and felt themselves inadequately protected by the authorities. Sectarian attacks on Copts and their churches by alleged Islamists appeared to increase after the SCAF assumed power, and the killings of Copts at the Maspero demonstration in October exacerbated tensions.

■ Clashes erupted in Imbaba, a working-class area of Giza, on 7 May when alleged Islamists attacked a church in the apparent belief that a woman who had converted to Islam was held against her will. Fifteen Copts and Muslims died, and many others were injured. Copts' homes and businesses were damaged and another local church was burned. At first, the army reportedly failed to intervene but then opened fire, killing several people. Many Imbaba residents, including injured people, were arrested; most were released on 26 May but the trial of 48 people, Muslims and Copts, before an (Emergency) Supreme State Security Court in Cairo was continuing at the end of the year.

the manslaughter of Khaled Said, whose death in June 2010 – he was brutally beaten in public by police – became a *cause célèbre* during the anti-Mubarak protests. The court ignored the finding of a second autopsy, which stated that he had died after a plastic roll of drugs was forced down his throat. In December, the prosecution appealed the sentence.

Unfair trials

From 28 January, when the army was deployed to police demonstrations after the police were withdrawn from the streets, people accused of protest-related offences and violence were tried before military courts rather than ordinary criminal courts, even though those accused were civilians. The military courts were neither independent nor impartial. By August, according to the military judiciary, some 12,000 people had been tried before military courts on charges such as "thuggery", curfew violations, damage to property and "insulting the army" or "obstructing work". Many were released with a suspended prison sentence or after a pardon, but thousands remained in detention at the end of the year.

■ Amr Abdallah Al-Beheiry was jailed for five years in February after a military court convicted him of breaking the curfew and assaulting a public official. He was first arrested on 26 February when soldiers and military police forcibly dispersed protesters gathered outside the parliament building in Cairo; many of those arrested were beaten and subjected to electric shocks before they were released. Amr Abdallah Al-Beheiry was rearrested, however, apparently because the injuries he sustained were filmed. The military judge at his trial, which was grossly unfair, refused to allow him to be defended by a lawyer hired by his family, insisting on a court-appointed lawyer. He was sent first to Wadi Guedid Prison, where he and other prisoners were reportedly assaulted by guards and allowed to leave their cells only once a day to use the toilet, then moved to Wadi Natroun Prison, where at the end of the year he remained awaiting an appeal date.

■ Five workers who staged a sit-in protest outside the Ministry of Petroleum after they were sacked by the Egyptian General Petroleum Corporation were arrested, charged under Law 34 of 2011, tried and convicted by a military court in June; they received suspended prison sentences.

Excessive use of force

The security forces used lethal and other excessive force against demonstrators before the fall of Hosni Mubarak. Prison guards also shot and killed some sentenced prisoners. Subsequently, the army, military police and central security forces continued to use force, including excessive force, to disperse renewed protests by demonstrators angry and frustrated at the slow pace of political and human rights reform. On some occasions, demonstrators were attacked by and clashed with "thugs" – armed men in plain clothes believed to be linked to the police or supporters of the former ruling party. In many cases, the security forces fired tear gas, shotgun pellets and rubber bullets at demonstrators recklessly; they also fired live ammunition and on at least one occasion drove armoured vehicles at and over protesters.

■ On 9 October, a demonstration mostly by Copts outside the Maspero state television building in Cairo, was broken up with extreme force by the security forces, who alleged that groups of armed men in plain clothes were responsible for triggering the violence. Twenty-eight people, mostly protesters but including one soldier, were killed, and others were injured, many having been shot with live ammunition or run over at speed by soldiers driving armoured vehicles. The SCAF ordered an investigation and, following further protests and the return of protesters to Cairo's Tahrir Square, referred the case to the public prosecutor, who then appointed an investigating judge to examine the case. The trial of three soldiers charged with the manslaughter of 14 Maspero protesters opened in December, before the investigating judge submitted his report.

■ In November, the security forces used tear gas and fired shotgun pellets and live rounds against protesters in five days of clashes near the Interior Ministry building in Cairo after the army and the central security forces dispersed protesters and families of the victims of the "25 January Revolution" from Tahrir Square. Some 51 people died and more than 3,000 were injured, while others were arrested to face charges such as illegal gathering, attacking protesters with shotguns, obstructing traffic, destroying property, and attacking officials.

■ In December, military police and other security forces used excessive and disproportionate force and live ammunition to disperse protesters near the ministerial Cabinet building. At least 17 people were killed, most of them with gunfire, and a hundred others injured or arrested. Several women said they were

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Amnesty International visits/reports

Amnesty International delegates visited Egypt from January to March, in May and June, and from August to December.

“We are not dirt”: Forced evictions in Egypt’s informal settlements (MDE 12/001/2011)

Human rights activists detained in Egypt (MDE 12/008/2011)

Egypt: Human rights agenda for change (MDE 12/015/2011)

Egypt: Constitution proposals faltering first step to reform (MDE 12/023/2011)

Egypt rises: Killings, detentions and torture in the “25 January Revolution” (MDE 12/027/2011)

Time for justice: Egypt’s corrosive system of detention (MDE 12/029/2011)

10 steps for human rights: Amnesty International’s human rights manifesto for Egypt (MDE 12/046/2011)

Women demand equality in shaping new Egypt (MDE 12/050/2011)

Broken promises: Egypt’s military rulers erode human rights (MDE 12/053/2011)

Arms transfers to the Middle East and North Africa: Lessons for an effective Arms Trade Treaty (ACT 30/117/2011)

EL SALVADOR

REPUBLIC OF EL SALVADOR

Head of state and government:

Carlos Mauricio Funes

Cartagena

Death penalty:

abolitionist for ordinary crimes

Population:

6.2 million

Life expectancy:

72.2 years

Under-5 mortality:

16.6 per 1,000

Adult literacy:

84.1 per cent

Impunity for human rights violations committed during the armed conflict (1980-1992) persisted.

Violence against women and girls, including violations of their sexual and reproductive rights, remained a concern. The Ombudsperson for human rights received multiple reports of women and girls being abused by military personnel in prisons across the country.

Background

The rate of violent crime continued to soar. In response to increasing security concerns in several prisons, the government deployed the military to run 11 out of the 14 prisons in the country.

In October, storms led to several landslides in which more than 30 people died, and flooding destroyed the homes and crops of thousands of families.

Impunity

The 1993 Amnesty Law remained in place, despite repeated decisions from the Inter-American Court of Human Rights ordering the state to repeal it. The Law seeks to obstruct anyone, including the armed forces, from being held to account for human rights violations, including crimes against humanity, committed during the armed conflict.

■ In March, the case of 700 men, women and children who were tortured and killed by the armed forces over a three-day period in 1981 in El Mozote and surrounding hamlets, Morazán province, was referred to the Inter-American Court. This was one of the thousands of cases of human rights violations, including crimes against humanity committed by members of the military, where the 1993 Amnesty Law has prevented those responsible being brought to justice.

In December, during a ceremony to mark the anniversary of the massacres, the Minister of Foreign Affairs acknowledged state responsibility for the crimes against humanity perpetrated in El Mozote and surrounding hamlets. However, the Minister gave no commitment to repealing the Amnesty Law or holding perpetrators to account for their crimes.

Violence against women and girls

In February, the UN Special Rapporteur on violence against women expressed grave concern and warned that government inaction in the investigation, prosecution and reparation for such crimes had led to a situation of impunity for gender-based violence in El Salvador.

In her report, the UN Special Rapporteur urged the government to review the laws that ban abortion in all circumstances, even for survivors of rape or where the life of the woman or girl is at stake. The government stated that it was committed to addressing the issue of violence against women.

The Ombudsperson for human rights received an increasing number of reports of military personnel conducting illegal vaginal and anal searches on women and girls visiting relatives in prison.

In March the government opened the first branch of the “ciudad de la mujer” where women and girls affected by violence can go to report crimes

Impunity and accountability

The authorities prosecuted some of those allegedly responsible for orchestrating the killings in January and February but otherwise failed to deliver justice to the relatives of those killed and to people injured during the “25 January Revolution”. Police and other members of the security forces charged with or implicated in the killings or wounding of protesters remained in their posts or were transferred to administrative posts within the Ministry of Interior; many reportedly sought to pressurize or induce families and witnesses to withdraw complaints. Members of the armed forces and the police committed human rights abuses, including torture and unlawful killing, with impunity.

■ In April, the trial began of former Interior Minister Habib Ibrahim El Adly and six of his former aides on charges arising from the killings of protesters. The case was joined to that of Hosni Mubarak and his two sons and all then went on trial in August, charged with premeditated and attempted murder. The trial, whose first two sessions were broadcast on national television, was continuing at the end of the year.

Housing rights – forced eviction

Thousands of people continued to live in localities within informal settlements in Cairo and elsewhere that have been officially designated as “unsafe areas” for residence due to rock falls and other dangers. The residents were also at risk of forced eviction. The army forcibly evicted residents from some “unsafe areas” and also forcibly evicted squatters seeking shelter in empty state housing; those evicted were not consulted or given reasonable notice, and were often left homeless.

Official plans to rehouse residents of “unsafe areas” were devised by governorates in collaboration with the Informal Settlements Development Facility (ISDF), a fund established in 2008, but affected residents were not consulted or even given details of the plans. The Cairo 2050 plan was not published or submitted for full consultation with the communities living in informal settlements who are likely to be most affected, although in August the Housing Ministry affirmed that the plan would not lead to forced evictions.

In the aftermath of the “25 January Revolution”, there was an upsurge of squatting in empty government buildings. Local authorities responded by calling in the army and riot police to forcibly evict

the squatters, which they did without warning.

■ In Zerzara, one of Port Said’s designated “unsafe areas”, the army demolished the shacks of over 200 families, rendering 70 families homeless, in early July. Those affected were given only one day’s notice and were not consulted. Many of the families made homeless were headed by women. Weeks earlier, the local governorate had announced plans to provide 3,500 new accommodation units for residents by June 2012, partly by constructing buildings to rehouse residents on site. The demolitions led other families to fear forcible eviction despite official letters promising that they will receive alternative housing when it becomes available.

■ In July, some 200 families were made homeless when they were forcibly evicted without warning from some 20 buildings in Manshiyet Nasser, Cairo, in which they had made their homes. With the help of the local “Popular Community Committee” set up by young people during the uprising, they were rehoused at the remote 6 October City, south-west of Giza.

Refugees and migrants

Security forces continued to shoot foreign migrants, refugees and asylum-seekers who sought to cross Egypt’s Sinai border into Israel, killing at least 10 people. They also killed 10 Eritreans who sought to enter Egypt from Sudan. Many others were shot and injured, some seriously, or arrested and tried before military courts for “illegal entry” and sentenced to prison terms. At least 83 refugees and asylum-seekers were deported to countries where they would be at risk of serious human rights violations; many were Eritreans. More than 100 refugees and asylum-seekers remained at risk of forcible return at the end of the year.

People-traffickers reportedly extorted, raped, tortured and killed refugees, asylum-seekers and migrants crossing the Sinai Peninsula into Israel, as well as forcibly removing their organs to sell on the black market.

Death penalty

At least 123 people were sentenced to death, including at least 17 who were sentenced after unfair trials before military courts. At least one person was executed.

■ Mohamed Ahmed Hussein, convicted of a drive-by killing of Coptic Christian worshippers as they left a church in Upper Egypt on 6 January 2010, was hanged on 10 October.