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INTERNATIONAL'S OCTOBER 1990 REPORT

# EGYPT

## @Ten years of torture

### 1. INTRODUCTION

The Egyptian Government has allowed the torture of political detainees to continue at the hands of the State Security Intelligence (SSI) since the imposition of the state of emergency following the assassination of President Anwar Sadat at a military parade in Cairo on 6 October 1981. While large-scale political arrests also took place under state of emergency provisions during the 1970s, reports of torture or ill-treatment which had been inflicted routinely in the 1960s, were rarely received by Amnesty International. Since October 1981, however, the torture of political detainees has continued almost unabated.

Under Article 3 of the law on the state of emergency (law 162 of 1958, as amended) the Minister of the Interior is empowered to arrest and detain "suspected persons or those who endanger public order or security". The broad formulation of this provision has facilitated the widespread and often arbitrary arrest of thousands of individuals throughout the country, many of them prisoners of conscience. Both the procedures for administrative detention (ie without charge or trial) set down under Article 3 of the law, and those governing arrest and detention in relation to a specific offence, under Article 6 of the same law, as well as provisions under the Criminal Procedure Code, allow lengthy periods of incommunicado detention. This, in addition to delayed access (at least 30 days after arrest) to a court of law to challenge the legality of the detention order, are among the obvious pre-conditions for torture. Amnesty International's recommendations to prevent the use of torture, which it first proposed to the government in 1988, have been ignored - as have the requirements to implement the safeguards and guarantees contained in the United Nations Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment, to which Egypt acceded in 1986.

### 2. METHODS OF TORTURE

Political detainees have been blindfolded, stripped of their clothes and suspended from their wrists, bound or handcuffed together, sometimes in contorted positions, from the tops of doors or from barred windows. Victims have described how they have been forced to lie on their backs, their hands and feet bound together, a chair forced up under their armpits, another keeping their knees apart to restrict the body's involuntary spasms as electric shocks were applied repeatedly to their nipples and genitals. Between torture sessions they have been made to stand in unnatural positions, often with arms and legs outstretched, for hours on end and beaten if they moved. Some have been sexually abused. In addition to physical torture, they have been threatened with murder and rape, told that they would become insane or sexually impotent as a result of their torture, and in some cases threatened that their wives would be tortured or raped in front of them. They have been placed in cells where they could hear the screams of others being tortured, and kept blindfolded throughout in order to prevent them from identifying their torturers.

Political detainees are tortured in the SSI's Lazoghly Square headquarters in central Cairo, as well as at another Cairo SSI branch in Gaber bin Hayyan Street, Doqqi. But torture is not confined to Cairo. In

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Asyut, in Upper Egypt, for example, political detainees are tortured by the firaq al-amm (security groups), in a hospital for police officers. Former detainees held there told Amnesty International they were tortured while tied to couches normally used for medical examinations. Similar recent reports of torture have been gathered from Asyut to Alexandria.

Prolonged incommunicado detention, permitted under state of emergency legislation, facilitates the continuing torture of political detainees. Those held in detention are all the more vulnerable when the authorities refuse to acknowledge their detention.

Amnesty International's evidence of the widespread torture of political detainees in Egypt draws on numerous in-depth interviews conducted with victims. It is backed up by court judgments, particularly those of (emergency) state security courts in political cases which have consistently rejected defendants' confessions as evidence because they had been extracted under torture or coercion. Civil courts have granted scores of compensation claims from torture victims, acknowledging their torture even though the perpetrators could not be identified. Doctors working in the Department of Forensic Medicine in the Ministry of Justice have examined torture victims, and concluded that the physical scarring sustained was consistent with the acts of torture alleged by the victims, and the dates on which they were reportedly inflicted. This evidence requires prompt, impartial and thorough investigation, and that those responsible be brought to justice, but the government has repeatedly failed to comply with its obligations under the UN Convention against Torture in this respect.

### 3. THE VICTIMS

Most political detainees subjected to torture and ill-treatment are alleged members or sympathizers of Islamic groups, or their relatives. They are held under state of emergency legislation and may be held for weeks, or even many months, without charge or trial, under administrative detention. Many have been detained repeatedly in this way, and, cumulatively, have spent years in prison, without having been convicted of any offence punishable by law. They include people held for nothing more than the non-violent expression of their conscientiously-held beliefs.

Waves of political arrests, which take place periodically, frequently include people rounded up arbitrarily, detained and tortured, who have no political affiliations and no association with opposition activities.

Students have frequently been rounded up and held repeatedly in administrative detention, particularly before and during important examinations, and many have been tortured to intimidate them and to make them give information about student opposition activists, or lecturers believed to be sympathetic towards Islamic groups. Others subjected to torture include manual workers, medical doctors, teachers, lawyers, journalists and office clerks. Some have been tortured to make them confess to carrying out specific acts, many others have been told to give information about friends or colleagues, or have been tortured to make them agree to giving such reports in the future. Recent victims also include children of 15 years, and the wives and female relatives of suspected political activists who could not be found.

Amnesty International has conducted in-depth interviews with alleged torture victims since October 1981. The most recent victims had suffered such treatment in March and April 1991, but one eye-witness

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report given below relates to May 1991. Many had experienced torture during different periods of detention, often spanning the last 10 years.

**Mahmoud Mohammad Hassan**, aged 38, is a clerical worker. He is deaf and mute. He was first arrested in Minya, his home town, in Upper Egypt, on 15 October 1981. He was held for one year in Abu Za'abal Prison, and at Istiqbal and Mazra'at Prisons at Tora, outside Cairo. For the first three months he was reportedly brutally beaten to make him speak. He believes that the Minya SSI branch informed the Cairo authorities that he was only pretending to be mute, although they knew the truth. Only after three months had elapsed was he referred to Qasr al-Aini Hospital in Cairo for tests to establish whether or not he could speak. For much of his detention he was held blindfolded - cutting him off completely from his surroundings. He was detained again in 1986, 1987, 1988 and 1989. In March 1990 he was again arrested and held for seven months, most of that time in Istiqbal Tora Prison. Although the courts repeatedly ordered his release from administration detention, instead of being freed he was taken to police stations at Minya or the neighbouring village of Dayr Mawas for several days, before a new detention order was issued.

Mahmoud Mohammad Hassan

**Basil 'Abd al-Muhsin Hammouda** was arrested on 26 September 1985 when he was trying to trace the whereabouts of his father, who had been arrested on political grounds. According to reports he was held in Qasr al-Nil police station in central Cairo where he was subjected to forms of physical torture. He was later transferred for treatment to a hospital in Ma'adi, a Cairo suburb. He died three years later, on 30

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July 1988, allegedly as a result of the psychological effects of the torture he suffered in 1985. His father subsequently initiated civil proceedings seeking compensation and was awarded compensation by the court on 2 June 1989.

On 8 May 1987 **Magdi Gharib**, then a student at Cairo University, was arrested at his home and taken initially to the SSI in Doqqi, Cairo. He was apparently accused of participating in an attempt on the life of a former Interior Minister, Major General Hassan Abu Basha. Seven months after his arrest he was released without trial. The methods of torture he described include: beating with a stick and lashes with a whip while stripped naked, blindfolded, with his hands handcuffed behind his back, suspension by the wrists tied behind his back, and suspension, swinging from an inverted position, from a bar inserted behind the knees, his wrists and ankles bound together, beating on the crown of the head, cigarette burns and electric shocks, having very hot and cold water poured over him, and having hairs of the beard forcibly extracted.

He was released on 4 December 1987, but was re-arrested on 22 December and held for 24 hours, when he and two others detained with him had planned to address a meeting of Cairo's Foreign Press Association about their experiences in detention.

One month after his release from detention his body was still scarred from cigarette burns, and bruising on his chest apparently from beating. New hair growth on the crown of his head, where repeated beating had left a bald circle, was beginning to appear.

**Mohammad Mu'taz 'Ali 'Abd al-Karim** was 15 years' old when he was arrested and tortured in 1990. On the first occasion, in May, he was held for two months. He was at liberty for only two weeks before he was re-arrested and he remained in detention until 4 January 1991. During this time he was held by the SSI in Minya, in Upper Egypt and in Istiqbal Tora Prison outside Cairo; he was held in solitary confinement in a basement cell for about a month. He believes he was arrested to make him give information on the whereabouts of alleged members of Islamic groups who were wanted by the police in Minya. He was blindfolded and his hands and feet were tied. They reportedly stripped him of his clothes and suspended him from a bar resting on two tables, beating the soles of

Mohammad Mu'taz 'Ali 'Abd al-Karim's feet. When his feet became swollen, he said they made him run or poured cold water over them, to bring the swelling down.

**Hana' 'Ali Farrag** was a 17-year-old student when she was arrested at her home in Minya towards the end of July 1990:

"They took me to the police station and put me in a room. Three of them asked me where my brother was hiding. It must have been around midnight and I kept telling them I didn't know where he was. The head of the SSI told the others to suspend me and they obeyed. I was swinging upside down from a bar under my knees and they hit the soles of my feet with a thick wooden stick, and kept repeating the same questions 'Did you take him food? Did you go and see him? Where is he hiding?' Afterwards we submitted a formal complaint of my detention and treatment, but it has never been investigated. My brother, Sayyid, was not wanted in connection with any offence, it was just the usual detention. He has been arrested about six times."

Sayyid was arrested in September 1990 and, as of June 1991, was still in detention.

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**Dr Ahmed Isma'il Mahmoud** is a 35-year-old medical doctor, who is married with four children. He was arrested on 17 October 1990 when mass arrests followed the assassination of the Speaker of the People's Assembly, and was accused of having links with the Muslim Brothers. He was held initially at the SSI centre in Gaber bin Hayyan Street where he was blindfolded and stripped of his clothes, and his hands and feet bound tightly. He was said to have been beaten hard on the face and electric shocks were applied to his genitals. This treatment continued for four days, during which he was reportedly denied food and left alone, with no clothes, in a filthy room. He was taken to Abu Za'abal prison where he remained for 11 days, and was then transferred to the SSI Lazoghly Square headquarters, where the torture reportedly continued:

"I had to lie down on my back, I was very tightly blindfolded and my hands were tied

Dr Ahmed Isma'il Mahmoud behind my back, and they put an iron device between my legs to keep them very wide apart, which caused acute pain in my groin muscles. They applied electric shocks to all parts of my body, especially my private parts. "

After 13 days he was taken to Istiqbal Tora Prison where he remained until his release on 12 February 1991.

**Mohammad Khalaf Youssef**, a 29-year-old teacher, who was arrested at his home in Asyut on the night of 15/16 December 1990, described his treatment as follows:

"... we were taken to the hospital at the firaq al-amm (security groups) which I believe is a place where the police receive medical care, but it is used for torture. There we were told to fill in forms giving our personal information. This took around one and a half hours. Then I heard someone call out my name. One of them came with a scarf and blindfolded me and bound my hands behind my back with another piece of cloth. They beat me all over, at random, slaps, punches and kicks on different parts of my body and the back of my head.....

"They stripped me to my underwear and then they threatened to bring my wife and torture her. They asked me questions like 'do you pray, do you give the Friday sermon at the mosque'. They threatened to abuse my wife sexually. Then I heard the door open and others came in and stripped me even of the underclothes that I was still wearing. They told me if I didn't give them information I would never see the sun again, I would never know a normal life. They said that if I left there alive I would have forgotten even my wife's name. They went on to beat me again and used an electrically-charged gadget on my body. They concentrated on my eyes, my lips and head and other sensitive parts of my body. They kept repeating that I would forget the names of everyone I knew, and accused me of being a Muslim Brother.

"On the Monday they came again around midday and took us back to the hospital and they put a woollen cloth over my eyes and I started to sweat. They told me that I should stand with my arms raised and outstretched, and with my feet spread out, but my feet kept slipping and whenever I slipped they beat me or kicked my legs. I had to stay like that for a long time, it was exhausting and I was desperate to change my position, but they beat me with a cane whenever I relaxed my position for an instant. We were taken from the room one by one for more torture and on our return had to stand in the same position as before. They would make us jump or sit or keep our arms outstretched and all the time they beat us with a stick at random.

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"On the Wednesday it was the same treatment as the previous two days. They asked me 'what do you think about Nasser, what do you think about Qutb and again the electric shocks were applied to my eyes, my head, nose and mouth and sensitive parts of the body. They brought a chair and tied my hands and legs to it, threatening to bring my wife after 10 minutes so that I would hear her cries. They said they would do what they liked with her and that after they'd finished with me I wouldn't know her. They said they would put me in a place where I would never return from. They said the Muslim Brothers could do nothing to help me, that in the end I wouldn't be able to hear, to speak, to see, to do anything. All I could do would be to stay at home unable to move, unable to go out.."

A court ordered that Mohammad Khalaf Youssef be released on 3 February 1991. He was actually freed on 9 February 1991.

**Dr Mohammad Mandour**, Head of Psychiatry at the Palestine Red Crescent Hospital in Cairo and a board member of the Egyptian Organization of Human Rights, was arrested on 8 February 1991. He told Amnesty International:

"They took me away to the State Security Intelligence Directorate in Lazoghly Square. On my arrival there I was blindfolded and they told me I was being held in administrative detention, that no one had passed on any report about me, and there was no charge. I was told I was being arrested "because of current events" and that I would just spend the night there and that was all. Once inside the building, I was handcuffed and for the next 13 days I had no change of clothes. For 10 days I had access to water but no soap. During the first day I was only subjected to threats. They said "we can say that you escaped on your way here, and went straight to the airport. We can deny that you were ever held here". In fact, they did deny that I was held there for five days, but after that they acknowledged my detention. They said that I

Dr Mohammad Mandour would have to tell them everything. I was blindfolded throughout and handcuffed with my hands in front of me. The handcuffs were of the kind that become tighter if you move, and as a result of these handcuffs I have a partial loss of sensation in my left hand and thumb. I had arrived there about 2 am. After a while, one of them said to the other "It's about time we stimulated his brain, we'd better suspend him". They said something like "we'll squeeze you so we can see what's inside". They applied the electric tool repeatedly to sensitive parts of the body in circles and strokes. They began on my shoulders, and chest, and then applied it to my nipples, scrotum and penis, even on the opening of the penis. After the first session of such treatment, I was afraid of the injuries I might have suffered and I went to the lavatory to examine myself. I found to my surprise that there were no physical scars on my genitals. From Friday night until Saturday afternoon I was suspended from my wrists but with my feet still touching the ground. Once, they took me down from this position and asked me whether I was prepared to talk. When I refused, they put me back in the same position. I was exhausted. On the Saturday they said, "Are you going to talk or not?". When I asked what I was supposed to be talking about they responded with a battery of blows all over my body. I was still blindfolded. They stripped me down to my underpants and applied the electric tool above my nipples. My body jerked in an involuntary spasm, they slapped my face and I reeled backwards. As I lay on my back I could feel four pieces of iron over my chest and other pieces of iron keeping my knees apart. This was to restrict my body's movement while they applied the electricity."

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He was released on 23 February 1991. Formal complaints of torture were lodged on his behalf by the Egyptian Organization for Human Rights, and Amnesty International raised his case in communications to the Egyptian Government in February 1991. In May 1991 Amnesty International was informed by the Egyptian Embassy in London that "The investigation conducted by the competent authorities in Egypt proved that allegations that [Dr Mandour was] subjected to torture or other forms of ill-treatment, were unfounded". In June 1991 Dr Mandour was unaware of any official investigation having been conducted into his complaints of torture.

On 18 May 1991, at around 4am, **Abu al-'Ala Madi Abu al-'Ala**, Assistant General Secretary of the Egyptian Engineers' Syndicate, was arrested at his home and taken to the SSI branch in Gaber bin Hayyan Street. He was not subjected to torture, but reported hearing shouts and screams, apparently of detainees being tortured, and seeing others who had apparently been subjected to torture or ill-treatment. One of ten others sharing a cramped cell with him was a student at the Faculty of Science at Cairo University, who was unable to stand up, and was slumped on the floor, while a second was physically incapable of feeding himself, apparently as a result of torture.

#### 4. MEDICAL EVIDENCE

Political detainees who are charged, and who claim to have been subjected to torture, may be examined by forensic medical doctors at the request of the niyaba (state procuracy), or the trial court. Administrative detainees, held without charge or trial, usually have no opportunity to submit a complaint about their treatment to the competent authorities.

Medical examinations have often taken place long after the alleged torture occurred, which clearly detracts from their usefulness, as physical traces of torture may fade or disappear in the interim. In addition, methods of torture used may, as in the case of electric shocks, leave few or no physical traces. However, in some cases forensic medical doctors are able to conclude that physical marks on the bodies of political detainees are consistent with the methods of torture they describe and with the date(s) on which the torture is alleged to have taken place. Amnesty International has obtained many reports substantiating alleged torture during the last 10 years. The most recent relate to examinations carried out by forensic doctors in late 1990, on victims claiming they were tortured in October, November and December 1990.

In November 1990 Amnesty International issued urgent appeals to the government stating its concern that those held in connection with the assassination on 12 October 1990 of Dr Rifa'at al-Mahgoub, former Speaker of the People's Assembly, might be subjected to torture or ill-treatment while in incommunicado detention. There were reports that defence lawyers were denied access to their clients, and information received by Amnesty International stated that one of the suspects, Mamdouh 'Ali Youssef, was unable to stand and was carried, lying on a blanket, to his interrogation session before the state security procuracy, apparently as a result of torture.

In February 1991 the government responded by letter that allegations of torture in this case were "a fabrication devoid of truth". The letter gave assurances that those held in the case were subject to certain rules and regulations whereby they are presented before the competent judicial authorities to extend their detention, that places of imprisonment in Egypt are subject to inspection, that the defendants have the



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right to submit complaints of torture to the Prison Director and to ask that the state procuracy be informed, and any person is entitled to inform the procuracy if they know of persons being held in unauthorized places of detention. The letter concluded by stating that defendants in the case or others connected with it had given false information on torture to the media and human rights organizations to tarnish the image of the security forces, cast doubt on the correctness of legal procedures in Egypt and gain sympathy.

Since then Amnesty International has obtained medical reports written by doctors in the Forensic Department of the Ministry of Justice, relating to examinations carried out on some of the 25 defendants in this case.

**Mamdouh 'Ali Youssef** was examined several times by a forensic doctor at the end of October and in November 1990. In reports of examinations on 29 and 31 October 1990 the doctor noted first that he was "in a state of relative prostration and exhaustion", and, later, that he was "in a state of prostration and extreme exhaustion". By 10 November 1990, when the next examination took place, his condition had deteriorated to the extent that the doctor wrote in his report that he was "in a state of extreme prostration, unable to stand upright or sit on a chair".

Mamdouh 'Ali Youssef recounted that he was beaten and punched, that cigarettes were extinguished on his chest, that he was subjected to suspension from his wrists bound behind his back, and that electric shocks were applied to sensitive parts of his body. Bruising on various parts of his body were, according to the forensic report, usually associated with impact with a solid object or objects, and with beating. The doctor also recorded "the presence of minute scars and spots, dark brown in colour, the size of a pinhead, around the nipple of the right breast, and at the base of the glans penis... such scars are usually caused by bringing an electrically charged object(s) close to the skin which would affect the fine blood capillaries under the surface of the skin resulting in haemorrhagic spots."

The forensic examination of another defendant in the same case, **'Abdallah 'Ali Hassanayn**, took place on 19 December 1990 when the doctor concluded that "scars caused by impact with a solid object or objects .... which could have resulted from tying with a rope and suspension", just as 'Abdallah 'Ali Hassanayn himself said he was treated while blindfolded during the first week of December 1990.

**Safwat Ahmed 'Abd al-Ghani** was examined by a forensic doctor on 3 November 1990, who found bruising spread over his shoulders, lower abdomen and back, "such as those usually caused by beating with solid objects of some kind. The state of the scars was consistent with the date of his arrest". Other marks on his chest and the right side of his back could have been inflicted by whipping and the doctor found that they too were consistent with the time given as his arrest. Scars on his wrists appeared to have been caused by pressure from handcuffs and a contusion beneath the left eye was of a kind generally resulting from beating. He was re-examined on 8 November after claiming that he had been tortured by means of electric current between 30 October and 6 November.

**'Adel Sayyid Qassim Sha'ban** was examined twice by a forensic doctor and reports were made on 5 and 11 November 1990, respectively. He had told the state procuracy representative that he had been beaten on various parts of the body, given electric shocks and suspended from his hands bound behind his back. The first report states, *inter alia*, that "scars visible around the nipples and head of the penis such that are usually seen when an electrical source is brought into contact with the body". The second report

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noted "extreme weakness and total limitation of movement in the upper limbs, such as normally results from pressure or pulling on the limbs as in suspension from behind..... Such haemorrhagic spots observed around the breasts and glans penis result from bringing an electrically charged object(s) close to the skin which would lead to pathological changes in the fine blood capillaries....". The report concluded that the injuries were consistent with the period of time when the defendant claimed to have been tortured.

## **5. OFFICIAL INVESTIGATIONS INTO TORTURE ALLEGATIONS**

Complaints of torture are lodged with the Procurator General's Office, the authority charged with investigating complaints of torture by victims or others acting on their behalf, such as their relatives, lawyers and trades unions, as well as human rights organizations; the same office is responsible for bringing those suspected of inflicting torture to justice. The only case of security, police and prison officials so far known to have been tried under the present administration on charges of torturing political detainees came about at the instruction of the court pronouncing judgment in State Security case 462 of 1981: it acquitted more than half of the defendants stating that their confessions had been given under torture or duress, and were therefore inadmissible as evidence. It directed the state procuracy to conduct an investigation to establish responsibility at all levels for the acts of torture suffered by defendants in the case. As a result of the ensuing investigation 44 security, police and prison officials were charged and brought to trial. In July 1988 all were acquitted on the grounds that there was insufficient evidence to identify the perpetrators of specific acts of torture.

A number of former torture victims interviewed by Amnesty International said they did not make formal complaints of their torture because they did not believe any steps would be taken to investigate them. Others said they feared reprisals.

When Ahmed Ashraf Mohammad Mustafa was allegedly tortured in late 1989, his lawyer made a formal complaint to the Procurator General's office on his behalf. On his release, Ahmed Ashraf personally lodged a further complaint in which he named two of the officers in the SSI who he believed were responsible for his torture. Within days of lodging the deposition, he received a summons for interrogation by one of the two officers he had identified. The lawyer made a further complaint against his client's harassment, protesting about the delay in instigating an investigation into his torture, and bringing to justice those responsible.

International standards, including the UN Convention against Torture require that serious allegations of torture such as those described above should be the subject of a prompt, thorough and impartial investigation. Adequate investigation of human rights abuses is essential if the full truth is to emerge. Similarly, bringing the perpetrators to justice is not only important in respect of the individual case, but also sends a clear message that violations of human rights will not be tolerated and that those who commit such acts will be held fully accountable. When investigations are not pursued adequately and the perpetrators are not held to account, a self-perpetuating cycle of violence is set in motion resulting in continuing violations of human rights cloaked by impunity.

## **6. THE GOVERNMENT'S RESPONSE**

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The Egyptian Government's response to the part of Amnesty International's October 1990 report Egypt: Recent Human Rights Violations under the State of Emergency (AI Index: MDE 12/07/90) which relates to torture is appended to this document.

Amnesty International's findings on torture cannot be brushed aside by the government's claims that the organization's information comes from "unreliable" sources, or that the matter relates to "individual excesses" or "limited lapses by policemen such as happen in various countries of the world". The implication in the response that Amnesty International's information on torture in Egypt is in some way connected with allegedly forged photographs published by the Egyptian opposition press does little to reflect the serious intent to investigate and eradicate torture as required of States Parties to the UN Convention against Torture.

In addition, Amnesty International has received responses to certain specific cases of torture it raised with the Egyptian authorities. The government said in all cases that investigations had been carried out and found that torture had not occurred:

- Dr Fahmy al-Shinawi
- Ahmed Ashraf Mohammad Mustafa
- Khalid al-Sharif
- Dr Mohammad Mandour
- Dr 'Emad 'Atrees
- Dr Mohammad 'Abd al-Latif Tala'at

No further details were given. Amnesty International was not given any information about the methodology or procedures followed in the government's investigations, and has requested the Egyptian Government to make this information publicly available. Amnesty International considers this all the more important since alleged victims, and their lawyers, have told Amnesty International that they have neither been interviewed nor informed of any investigation having been initiated.

Amnesty International is aware of the Egyptian legal provisions governing detention and imprisonment, referred to by the government, which it described and analyzed in its 1989 report: Egypt: Arbitrary Detention and Torture Under Emergency Powers. The conclusions and recommendations which Amnesty International made then apply equally in 1991: existing legal provisions for the protection of detainees from torture are not sufficient to prevent torture and ill-treatment from taking place. Both law and practice fall far short of the requirements of the UN Convention against Torture to which Egypt has been a state party since 1986.

The Convention's provisions include the obligation to take "effective legislative, administrative, judicial or other measures to prevent acts of torture" (Article 2), to ensure that "education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any person subjected to any form of arrest, detention or imprisonment" (Article 10), and to conduct "a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed (Article 12). Article 13 provides that "any individual who alleges he has been subjected to torture....has the right to complain to, and have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence

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of his complaint or any evidence given". Articles 5 to 7 require that perpetrators of torture be brought to justice. That these provisions are still not observed in practice five years after Egypt acceded to the convention betrays a policy of wilful negligence, if not active encouragement of torture, on the part of the government. Only when the minimum guarantees, as provided for by the Convention, are seen to be functioning effectively, will official claims that allegations of torture are lies and fabrications be taken seriously.

## APPENDIX

In October 1990 Amnesty International issued a report entitled Egypt: Recent Human Rights Violations under the State of Emergency (AI Index: MDE 12/07/90). The document had been sent to the Egyptian Government as a memorandum in February of the same year. On 20 February 1991 Amnesty International received the government's response to the report. The section relating to torture is reproduced below.

### **THE GOVERNMENT'S RESPONSE**<sup>1</sup>

Concerning Allegations of Torture and Ill-treatment of Prisoners, we would state the following:

A. Prisons are subject to judicial control and supervision in Egypt, in the following way:-

1. No person may be confined to a prison except by written order signed by the competent authorities defined by law. He may not remain there beyond the period specified by the order.
2. The Procurator General and his representatives are entitled to enter all places of imprisonment within their jurisdiction for the purpose of inspection.
3. Presidents and representatives of courts of appeal, courts of first instance, and investigating judges are entitled to enter prisons within their jurisdiction and inspect them at any time.
4. The state procuracy conducts an investigation into any complaint, whatever its significance, submitted by a detainee or person remanded in custody, as quickly as possible.

B. The Egyptian Constitution contains an unprecedented provision relating to torture in that it makes any attack on personal liberty, or the sanctity of private life, or on public rights and freedoms, a crime which is not subject to the statute of limitations, for either criminal or civil proceedings to be initiated. The state is required to give fair compensation to the victim, in accordance with Article 57 of the Egyptian Constitution.

C. The Egyptian Constitution states that any person arrested or imprisoned, or whose freedom is restricted in any way must be treated in a way that safeguards human dignity, and causes him neither physical or moral harm. Any statement proved to have been given under coercion shall be considered invalid and discounted.

D. Egypt was the first Arab and African state to ratify the International Covenant on Civil and Political Rights in 1982. It also participated in drafting the African Charter on Human and People's Rights, (which it ratified) on 3 April 1984, and acceded to the United Nations Convention against Torture on 25 June 1986.

E. The Ministry of Justice is deemed the competent authority to respond to the explanatory decisions of the United Nations Committee against Torture. It is also responsible for the implementation of Articles 5 and 6 of the Torture Convention.

F. It is certain that the allegations that some detainees have been subjected to torture have no basis in truth and are not supported by the facts. They are pure lies and rumours circulated with the intention of hindering security operations against some suspect elements. In this regard we may refer to the following instances:-

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<sup>1</sup> Received on 20 February 1991, translated from Arabic by Amnesty International.  
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(1) Ayman Nour, a journalist working for the Egyptian newspaper al-Wafd, gave a complete confession concerning the methods of fabricating the photographs of torture which were published by that newspaper.<sup>2</sup>

(2) The French news agency - in one of its reports - refuted allegations made by Dr Mohammad al-Sayyid Sa'id, one of the detainees held in connection with the incidents at the Iron and Steel Company in Helwan; the outcome of questioning him, in a press conference, was contrary to his claims of having been subjected to torture.<sup>3</sup>

(3) Defendants in case no 481/1989 relating to incidents of extreme provocation/agitation and attacks on the guards, inflicted injuries on themselves, and threatened prison officers that they would inform the state procuracy that they had been ill-treated and tortured.

(4) Defendants in case no 462/1981 prepared a list of names of the officers who had investigated their case and some of them claimed that they had been tortured by them, even though they had never met the officers before, or were unable to identify them by name, description or stature. This was confirmed in the court's findings for acquittals in the torture case in which these officers were accused, and which resulted in their acquittal clearing their names of the whole range of allegations against them.<sup>4</sup>

G. The Minister of Interior affirms in all his meetings at whatever level within the Ministry of Interior that he will not permit even an insult to any citizen.

H. Certain individual excesses occur which do not amount to torture, in the true sense of the word. These are investigated by the authorities, and where instances are confirmed they are referred for trial. This does not in itself constitute a pattern, but rather limited lapses by police, such as happen in various countries of the world, in the course of apprehending criminals and the corrupt, as they strive to safeguard public order and security.

I. Regarding the examples of alleged torture cited by Amnesty International we refer to the following:-

1. the treatment of prisoners is governed by Law no 396 of 1956, regarding the Regulation of Prisons, and internal prison regulations;

2. there are no "prisoners of conscience" in Egypt, since freedom of opinion and expression are guaranteed to all, within the limits of law;

3. the information contained in Amnesty International's report comes from correspondence or meetings with detainees belonging to extremist trends, which makes it unreliable and untrustworthy;

4. constitutional and legal protection against the ill-treatment or torture of prisoners demands recourse to the judiciary and justice; and does not permit recourse to accusations through publication and deception, unless the aim is simply to get publicity or try to bring the Egyptian authorities into national and international disrepute;

5. the competent Egyptian authorities are ready to disprove allegations coming from any body or agency working in the field of human rights, and welcomes meetings with their officials whenever circumstances permit.

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<sup>2</sup>Amnesty International's documents contain no reference to this matter.

<sup>3</sup> This case was raised by Amnesty International in August 1989. Amnesty International believes that a news report is no substitute for a prompt, thorough and impartial investigation.

<sup>4</sup> Amnesty International referred to this case in a number of reports, including Egypt: Arbitrary Detention and Torture under Emergency Powers (AI Index: MDE 12/01/89). It is also mentioned on page 12 of this document.

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