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1BACKGROUND

Since 1992 violent confrontations between armed Islamist groups, including *al-Gama'a al-Islamiya* (the Islamic Group) and *al-Gihad* (Holy Struggle), and the security forces have claimed the lives of hundreds of Egyptians. Most of the victims have been members or sympathizers of these groups and security and police officers. However in some instances armed groups have also targeted civilians, including members of the Christian community and tourists¹.

In this climate, the human rights situation in Egypt has continued to worsen. Thousands of suspected members or sympathizers of banned Islamist armed groups have been administratively detained without charge or trial under state of emergency legislation, in force in Egypt since 1981. Mass arrests continue unabated and detainees have continued to be deprived of basic rights, including access to lawyers and families. Repeated decisions by courts of law to acquit prisoners or release political detainees for lack of evidence continue to be flagrantly disregarded by the Ministry of the Interior. By September 1995 dozens of political detainees had been in administrative detention for up to five years.

Between January and early September 1995 at least 26 detainees, most of whom were suspected members or sympathizers of banned Islamist groups such as *al-Gama'a al-Islamiya* and *Gihad*, died in detention centres. Most of these deaths occurred in al-Wadi al-Gadid Prison, situated in the desert outside al-Wadi al-Gadid town, west of Asyut, which was opened in February 1995. Almost all those who died were administrative detainees. Some had been held without charge or trial for several years, while others had been tried and acquitted by state security courts or military courts. However, instead of being released they were kept in illegal prolonged detention and were issued with new detention orders which were subsequently renewed on numerous occasions.

Amnesty International is concerned at consistent reports that torture and ill-treatment, together with poor hygiene, overcrowded prison cells, and poor diet, were the cause of, or a contributory factor, to most of these deaths. It has also been reported that even basic medical facilities were not available for the treatment of health problems and that this may have contributed to the death of these prisoners. In most cases families of those who died in custody have reportedly not been given copies of any medical and autopsy reports or even death certificates. In some cases families were not even told the cause of death and were only allowed to see the body during the burial.

The widespread use of torture and ill-treatment of political detainees has continued, and no prompt and impartial investigations are known to have been carried out, despite formal complaints lodged with the

¹ From January to early September 1995 at least 31 unarmed civilians were killed in Upper Egypt by gunmen, believed to be members of *al-Gama'a al-Islamiya*. Amnesty International has repeatedly called on armed groups in Egypt to stop the deliberate killing of civilians under any circumstances.
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Public Prosecutor's Office by individual lawyers, the Bar Association and local human rights organizations, particularly the Egyptian Organization for Human Rights and the Centre for Human Rights Legal Aid. Amnesty International has over the years documented the widespread and systematic use of torture in Egypt and raised with the Egyptian authorities numerous cases of torture and ill-treatment of political detainees and cases of deaths in custody. It has specifically requested copies of reports of investigations carried out. However, as yet, the organization has not received such reports. In November 1993 a Human Rights Unit was set up within the Public Prosecutor's Office to investigate reports of torture. Amnesty International delegates met with the Head of this unit in April 1994 and July 1995 and raised the organization's human rights concerns in Egypt, including torture.

Under international human rights treaties, such as the International Covenant on Civil and Political Rights (ICCPR) and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (ratified by Egypt in 1982 and 1986 respectively), Egypt is obliged to eradicate the use of torture, put an end to human rights violations and introduce practical safeguards to protect human rights. Amnesty International has over the years made many recommendations to the Egyptian Government with the aim of putting an end to human rights violations. However, no substantive practical steps have been taken. On the contrary, the systematic use of torture and ill-treatment of detainees which takes place immediately after arrest in the Headquarters of the State Security Investigations Department (SSI) in Lazoghly Square, SSI branches elsewhere in the country and police stations, now takes place even in prisons.

Torture and ill-treatment appear to have been facilitated by keeping detainees in prolonged incommunicado detention. Political detainees in the High Security Prison in Tora and Istiqbal Tora Prison have been denied access to lawyers and families due to the ban on visits enforced by the Ministry of the Interior on these two prisons since December 1993 and September 1994, respectively. The Minister of the Interior reportedly stated that the ban on visits to detainees would stop detained leaders of banned Islamist groups from passing orders, through their families and their lawyers, to their followers to carry out acts of violence against security and police officers, state public buildings and prominent personalities. This ban however contravenes international human rights standards. For example, Principle 15 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment states that 'communication of the detainee or imprisoned person with the outside world, an in particular his family or counsel, shall not be denied for more than a matter of days.' Principle 16, paragraph 1 states that 'promptly after arrest and after each transfer from one place of detention or imprisonment to another, a detained or imprisoned person shall be entitled to notify or to require the competent authority to notify members of his family or other appropriate persons of his choice of his arrest, detention or imprisonment or of the transfer and of the place where he is kept in custody.'

2 ILLUSTRATIVE CASES OF DEATHS IN CUSTODY

2.1 Mostafa Mohammad Mohammad al-'Iraqi

Mostafa Mohammad Mohammad al-'Iraqi, a 35-year-old lawyer, married, died in custody on 22 June 1995. He was arrested on 22 December 1992 in his parents' house in a village called Sinnuris in al-Fayoum, south-west of Cairo. He was initially taken to the branch of the State Security Investigations Department (SSI) in al-Fayoum for a few hours, then he was transferred to the SSI headquarters in

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Lazoghly Square in Cairo, where he was reportedly tortured. Methods of torture allegedly included the appliance of electric shocks to different parts of his body, especially his genitals. He was then taken to Istiqbal Tora Prison.

In August 1993 he was tried by a military court in Cairo in case no.13/93² and acquitted on 21 August 1993. However, instead of being released he was issued with a new detention order the following day, and returned to Istiqbal Tora Prison. Later he was transferred to the High Security Prison in Tora and in February 1995 he was taken to al-Wadi al-Gadid Prison. A few days before his death he was reportedly taken to al-Kharga hospital where he died. The authorities attributed his death to chest problems, without giving any further details to his family.

As of July 1995 Mostafa Mohammad Mohammad al-'Iraqi's family had not received any medical report or autopsy report or even a death certificate. His brother heard the news of the death from the Bar Association and not from the prison administration. The body of Mostafa Mohammad Mohammad al-'Iraqi was first taken to al-Fayoum hospital's morgue. Then it was taken by the hospital car to the village. Around 100 policemen and State Security officers in armed vehicles reportedly accompanied the hospital car to the cemetery.

2.2 Ahmad Amin 'Abd al-Mun'im Hassan

Ahmad Amin 'Abd al-Mun'im Hassan, aged 31, died in custody on 19 July 1995. He was from the small village of Sumusta in the Beni Sueif Governorate, south of Cairo, and had been detained without charge or trial since his arrest in February 1994. He was initially held in Istiqbal Tora Prison, then taken to al-Marg Prison and then back to Istiqbal Tora Prison. Early this year he was transferred to al-Wadi al-Gadid Prison where he died. He was apparently in good health before his arrest.

On 19 July 1995 his family was reportedly contacted by the police and asked to go to the cemetery in Sumusta to receive their son's body. However the body was allegedly buried without the family seeing it. No forensic medical report or death certificate is believed to have been received by the family who had reportedly been warned by the security authorities not to talk about the death of their son. The last time the family saw Ahmad Amin 'Abd al-Mun'im Hassan was in February 1995 when, following a release order by a court, he was taken to a police station in Sumusta before he was issued with a new detention order. They saw him, reportedly in good health, in the police station before he was transferred to al-Wadi al-Gadid Prison.

2.3 Mohsen Mohammad 'Awwad

Mohsen Mohammad 'Awwad, aged 35, married, died on 9 April 1995 in al-Wadi al-Gadid Prison. He had been detained for around one year. He was initially held in Istiqbal Tora Prison where, according to a family member, he developed gangrene in one of his legs. He was taken to Qasr al-'Aini Hospital for two

²The case involved 32 defendants, all civilians, who were reportedly charged with membership of an illegal organization *al-Shawqiyyin*; committing four murders; attempting to assassinate nine people; robbing jewellers' shops; and stealing weapons in order to commit crimes to endanger the security and stability of the country. Four people were sentenced to death, including one *in absentia*, and the three in custody were executed on 3 November 1993. Twenty other defendants received sentences ranging from life to two years imprisonment, and eight were acquitted.

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weeks for treatment and then was returned to prison. Early this year he was transferred to al-Wadi al-Gadid Prison.

On 10 April 1995 his family was contacted by the police and notified of Mohsen Mohammad 'Awwad's death. As of 11 August 1995 the family had not been given any medical reports and had not been informed about the causes of the death.

2.4 Al-Amir Mohammad Hosni 'Omar

Al-Amir Mohammad Hosni 'Omar, a 45-year-old administrator at the Lawyers' Club in Alexandria, died reportedly following torture in al-Ramal police station in Alexandria on 6 August 1995. He was summoned to the police station on 4 August allegedly after a neighbour had complained to the police that he stole her laundry. Al-Amir Mohammad Hosni 'Omar denied the allegation and the neighbour reportedly withdrew her complaint claiming that she had mistaken his identity. The *Niyaba* (Procuracy) of al-Ramal ordered his release. However, a police officer kept him in the police station and reportedly beat him until he collapsed and died on 6 August.

The police station contacted the Ambulance Services in the Sammouha area of Alexandria and asked for an ambulance, allegedly stating that there was an injured person in the police station. However, when the medical staff in the ambulance arrived there they found that al-Amir Mohammad Hosni 'Omar was dead. They immediately contacted the head of the Ambulance Services and told him that the death had occurred inside the police station before their arrival. The preliminary medical report states that al-Amir Mohammad Hosni 'Omar died in the police station and that there was a 'presence of blood under the skin of his two lower eyelids [and] a suspected broken nose with bleeding.' The Procuracy of al-Ramal in Alexandria sent investigators to the police station and reportedly interrogated three youths, who were in the police station and who had witnessed the torture, and the police officer who allegedly carried out the torture. The Procuracy also reportedly interrogated the head of the police station, the head of the Ambulance Services and the medical staff who went to the police station. The investigation is reportedly still under way.

2.5 Mohammad Sa'ad 'Ali Ahmad

Mohammad Sa'ad 'Ali Ahmad died in the High Security Prison in Tora on 12 August 1995. He had reportedly suffered from pulmonary tuberculosis. The medical doctor in the prison reportedly knew about the seriousness of the prisoner's health but did not recommend his transfer to hospital until the last minute. Mohammad Sa'ad 'Ali Ahmad was eventually transferred to Tora penitentiary hospital where he died. He had been sentenced to death by the Qena criminal court on 19 April 1995. Two others were sentenced to death, six were given life imprisonment and one defendant was acquitted. The 10 people were charged with murdering a plain clothes policeman and membership of the banned militant group *al-Gama'a al-Islamiya*. Lawyers of the defendants had already appealed before the court of cassation against the sentences and as of 6 September the court has not taken any decision on the appeal.

Other cases of deaths in custody known to Amnesty International include **Mahmoud Mohammad 'Abd al-Fadhil** and **Mohseb Fayez Mohammad** who died in Abu Za'bal Prison in January and February 1995 respectively; **Ahmad Fathi Mahrous** who died in al-Fayoum Prison in July 1995; and **Haroun**

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Mohammad Haroun who died in Abu Za'bal Industrial Prison in early September 1995. The following detainees all died in al-Wadi al-Gadid Prison: **Gamal al-Din 'Abd al-Rahman** (February 1995); **'Allam 'Atia al-Sayyid 'Atia** (6 March 1995); **'Ali Mahmoud 'Ali, 'Ali Nasr 'Ali Youssef, Youssef Mostafa 'Abd al-'Aziz, Taha 'Ali Ahmad Sulayman, Farag 'Abd al-Mawla 'Abd al-Mit'al, Sayyid Mahrous** (all died in April 1995); **Ragab Ahmad Mohammad 'Abd al-Nabi, Mohsen al-Sayyid Hemida, Rashad Mohammad Gawda, 'Ali 'Abd al-'Aziz, 'Adel Yassin, 'Id 'Abd al-Tawwab, Fathi 'Ali 'Urfan** (all died in May 1995); **'Issam Mohammad** (1 June 1995) and **Mohammad 'Amara 'Abd al-Latif** (24 June 1995).

3AL-WADI AL-GADID PRISON CONDITIONS

Since February 1995 when al-Wadi al-Gadid Prison was opened, at least 2000 political detainees have been transferred there from other prisons, including Istiqbal Tora Prison, Abu Za'bal Prison, the High Security Prison in Tora and prisons in provincial towns. According to reports received by Amnesty International the detainees are normally taken by security vans in groups. On arrival at the prison they are given '*Hafl al-Istiqbal*' (welcome party). This means that as soon as the prisoners enter the prison gate they find two rows of security officers waiting for them and the prisoners are forced to crawl on their hands and feet. The security officers reportedly keep beating them with sticks until the prisoners arrive in their cells. The 'welcome party' allegedly lasts for around 30 minutes. The same 'welcome party' treatment is reportedly given to newly-arrived detainees in the High Security Prison in Tora.

Detainees are also routinely beaten inside the prison. One former detainee who spent five weeks in al-Wadi al-Gadid Prison stated to Amnesty International in July 1995 that

'..after '*Hafl al-Istiqbal*' they put 11 detainees, including myself, in a cell. We were asked to stand against the wall and face the wall. We were forced to kiss the wall. We were beaten up with cables and punched with fists repeatedly. The prison guards would bang our heads against the wall. The beating usually lasted for around 15 minutes every day and took place mainly in the morning. At around midday the guard would open the cell's door and would throw the food on the floor and would then punch us. As soon as we heard him open the door we had to stand against the wall, arms up... We would not dare look back to see the guard's face because if we did then the beating would be worse....'

The use of such forms of punishment is in violation of Principle 6 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment which states that 'No person under any form of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. No circumstance whatever may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or Punishment.' Principle 1 stipulates that '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.'

Amnesty International has also received reports indicating that some detainees in al-Wadi al-Gadid Prison are occasionally transferred to the SSI branch in al-Wadi al-Gadid town where they are routinely tortured by SSI officers.

Although visits by families and lawyers are not banned *per se*, in practice they are made extremely difficult. First-hand reports received by Amnesty International state that, although visitors obtain visit

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permits from the Public Prosecution's Office (Detainees' Affairs) in Cairo, once they arrive outside al-Wadi al-Gadid Prison the prison authorities would only let in a limited number of visitors. The rest are turned away. On one occasion, on 18 April 1995, 11 lawyers, delegated by the Bar Association, were on their way to visit a number of their detained colleagues. They had obtained visit permits the previous day. Their mini-bus was stopped at a check-point, just outside al-Wadi al-Gadid town, by security officers. The lawyers showed the officers their identity papers and told them about the purpose of their visit. After waiting for around an hour, during which the security officers reportedly contacted the head of the SSI branch in the town, they were told that they could not go to the prison. The lawyers asked for a permission to enter the town to refuel the mini-bus and to eat. Their request was turned down and only the mini-bus driver was allowed to enter the town. They were thus forced to go back to Cairo without visiting the detainees.

Other reports received by Amnesty International state that seriously ill detainees in need of specialized care in this prison have not been transferred to hospitals. This is in contravention of Article 22 (2) of the UN Standard Minimum Rules for the Treatment of Prisoners which states that 'Sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals....'

Standards of hygiene in Egyptian prisons, particularly al-Wadi al-Gadid Prison, are grossly inadequate. Reports of detainees having skin diseases are frequent. One reason for the spread of these diseases is the fact that when a detainee leaves the prison his clothes are given to a newly-arrived detainee without being washed. Other contributory factors include poor diet, overcrowding and poor ventilation of the prison cells during the summer.

4LACK OF OFFICIAL INVESTIGATIONS INTO DEATHS IN CUSTODY

Although the Egyptian authorities have repeatedly stated that all allegations of torture and deaths in custody are officially investigated, Amnesty International is concerned that the methods of such investigations and their full findings are not made public, contrary to the requirements of international standards. For example, Article 17 of the 1989 UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, which apply to deaths resulting from torture or ill-treatment in custody, requires that a detailed report of the investigations, including their findings and the 'procedures and methods used to evaluate evidence', 'be made public immediately' upon completion.

In July 1995 Amnesty International delegates met with the Head of the Human Rights Unit within the Public Procurator's Office and expressed concern at the high number of deaths in custody recorded this year. The delegates asked specific questions as to whether there had been any official investigations into these deaths. They were told that all these deaths were being investigated. However, they were given no details as to the procedures and the methods followed. They were also told that the Unit was under no obligation to divulge any information regarding how the investigations were carried out and that the findings would not be made public.

Amnesty International's concerns are heightened by the fact that 16 months have now elapsed since the death, reportedly following torture, of the lawyer 'Abd al-Harith

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Mohammad Madani³ and the findings of the official investigations into the circumstances surrounding his death have yet to be made public. The delegates raised this issue with the Head of the Human Rights Unit, but they were told that the investigation was still under way. They were given no details as to the terms of reference and methods used in the investigation.

5RECOMMENDATIONS

Amnesty International is urging the Egyptian Government to live up to its international obligations and act decisively to end human rights violations as required by the International Covenant on Civil and Political Rights and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The organization calls on the Egyptian Government to introduce the necessary legal and practical measures to protect human rights as set forth by the UN Body of Principles for the Protection of All Person under Any Form of Detention or Imprisonment and the UN Standard Minimum Rules for the Treatment of Prisoners.

Amnesty International is urging the Egyptian Government to

1set up immediate, thorough and independent investigations into all cases of deaths in custody and torture;

2make the methods and conclusions of these investigations public within reasonable time;

3ensure that any members of the security or other forces implicated in torture and ill-treatment of detainees and prisoners be brought to justice;

4make sure that detainees are treated humanely and have access to their families, lawyers and medical doctors;

5guarantee that conditions of detention meet internationally agreed minimum standards, including standards for the provision of medical care.

³See Amnesty International's September 1994 report entitled *Egypt: Human rights defenders under threat* (AI Index: MDE 12/15/94).
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