

## TABLE OF CONTENTS

1.	INTRODUCTION	1
2.	CRACKDOWN ON LAWYERS	2
3.	DETENTION OF JOURNALISTS	6
4.	DEATHS IN POLICE CUSTODY	8
5.	TORTURE OF POLITICAL PRISONERS	11
6.	FAILURE TO INVESTIGATE REPORTS OF TORTURE	12
7.	CONTINUING DETENTION DESPITE ACQUITTAL BY COURTS	14
8.	INCOMMUNICADO DETENTION	17
9.	EXECUTIONS FOLLOWING UNFAIR TRIALS CONTINUE UNABATED	18
10.	POSSIBLE EXTRAJUDICIAL EXECUTIONS	20
11.	HUMAN RIGHTS ABUSES BY ARMED OPPOSITION GROUPS	21
12.	AMNESTY INTERNATIONAL'S DIALOGUE WITH THE EGYPTIAN AUTHORITIES	22
13.	RECOMMENDATIONS	23

# EGYPT

## @Human rights defenders under threat

### 1. INTRODUCTION

When a country's security forces have begun harassing, detaining and even torturing lawyers and journalists, the human rights situation in that country has reached a new low. In the past few months the Egyptian authorities have extended their cycle of repression to include the arrest of human rights defenders, in particular lawyers and journalists. At least 41 lawyers have been targeted for arbitrary arrest and administrative detention since May 1994.

Thousands of suspected members and sympathizers of banned Islamist militant groups have been subjected to arbitrary arrest and illegally prolonged detention. Systematic torture of political prisoners continues, and over the past 18 months at least 16 people have died in police custody in circumstances which suggest that the deaths may have resulted from torture carried out by officers from the State Security Investigations Department (SSI). Executions of civilians, after grossly unfair military trials, continue to take place at an alarming rate.

Political violence has worsened since 1992: at least 400 people have reportedly been killed and more than 760 have been injured. Armed Islamist groups have continued to launch attacks on police and security officers<sup>1</sup>, as well as against civilians, all over the country, particularly in Cairo and Upper Egypt. Victims have included high ranking state security officials, police, prison officers, Copts, foreign tourists and a writer opposed to the Islamists' political program. During 1993 three government ministers were targeted for assassination by these groups.

The State of Emergency, in force since the assassination of President Anwar al-Sadat in 1981, was extended for a further three years in April 1994 by the People's Assembly (Parliament), dominated by the ruling National Democratic Party. The Egyptian authorities have repeatedly stated that the State of Emergency is an exceptional situation and that its extension aims to fight "the danger of drug-trafficking and terrorism". They have also argued that all rights contained in international human rights treaties are reflected in the Constitution. However, the continuation of the State of Emergency has been strongly criticized by local and international human rights bodies. The *Human Rights Committee* and the *United Nations (UN) Committee Against Torture* concluded in 1993 that the State of Emergency was a serious impediment to the implementation of the *UN International Covenant on Civil and Political Rights (ICCPR)*

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<sup>1</sup> From January 1993 until March this year, at least 80 policemen were reportedly killed. On 9 April 1994, the Deputy Head of the SSI, Major-General Ra'uf Khayrat, was killed in Cairo by five gunmen. Eleven days later, on 20 April, the Head of the SSI in Asyut, Colonel Shirin `Ali Fahmi, was assassinated. Both killings were allegedly carried out by members of *al-Gama`a al-Islamiya* (Islamic Group).

and the *UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, both ratified by Egypt, in 1982 and 1986 respectively.

Amnesty International has no position as such on states of emergency. However, it opposes emergency legislative provisions which permit arbitrary detention, facilitate torture and provide for executive approval of courts' decisions and verdicts. The *Human Rights Committee*, a body of experts established under the *ICCPR*, to which Egypt is a state party, expressed its "concern at the long duration of the state of emergency in Egypt" when it examined Egypt's second periodical report on implementation of that treaty. The *Human Rights Committee* noted that "the state of emergency in force in Egypt since 1981 constitutes one of the main difficulties impeding the full implementation of the Covenant" by Egypt. It also regretted "that Egypt has not informed the other states parties to the Covenant, through the Secretary-General, of the provisions from which it has derogated and of the reasons by which it was actuated, as specifically required by Article 4, paragraph 3, of the Covenant".

Amnesty International has published a number of documents describing grave human rights concerns in Egypt in recent years.<sup>2</sup> The organization has also made many recommendations to the Egyptian Government with the aim of putting an end to human rights violations and introducing practical safeguards to protect the rights of detainees. However, despite Amnesty International's dialogue with the Government, no substantive steps have been taken in this direction.

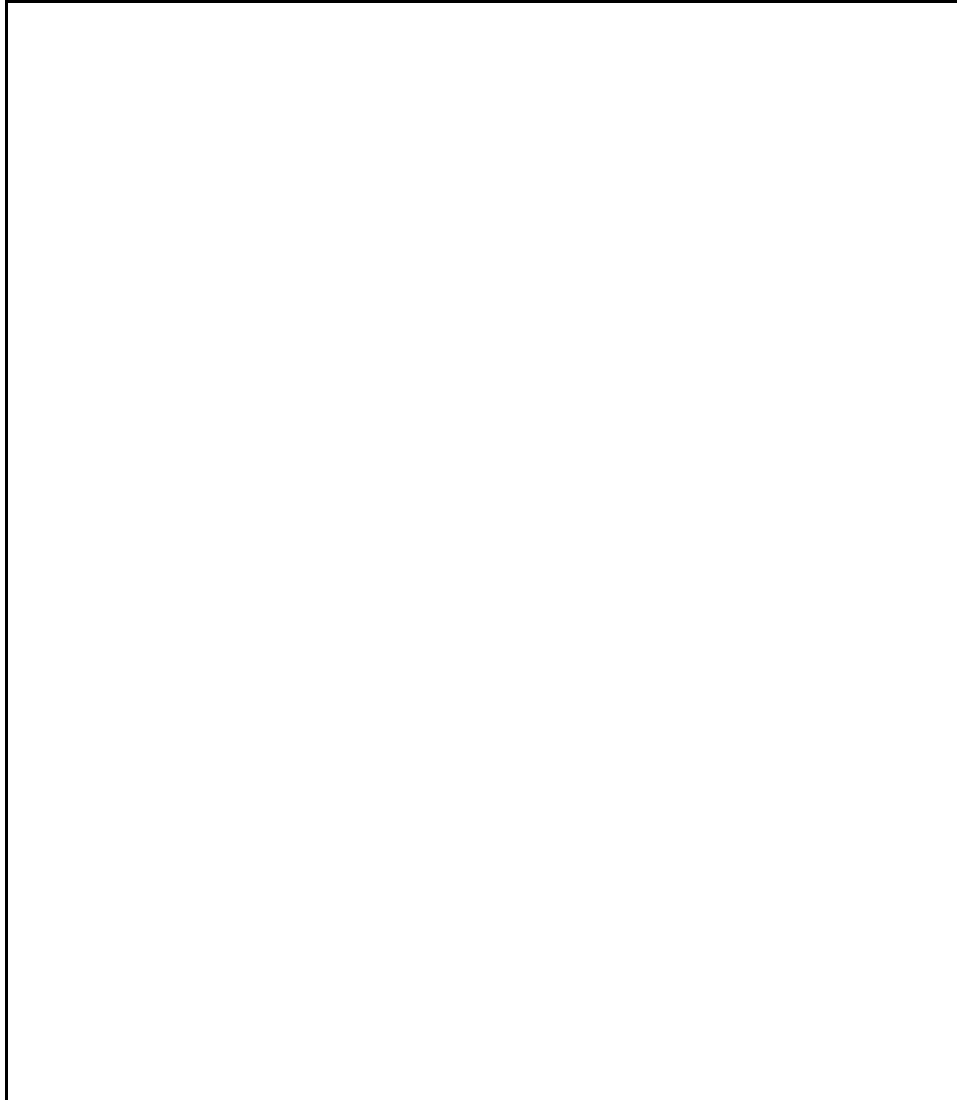
## 2. CRACKDOWN ON LAWYERS

In the last few months the police have increasingly detained lawyers in Egypt arbitrarily. Security police have arrested and held lawyers for varying periods of time. Most arrests took place after the news broke out of `Abd al-Harith Mohammad Madani's death (see Section 4). On 17 May hundreds of lawyers organized a demonstration, with the intention of marching from the Bar Association to the Presidency in `Abedine Palace in central Cairo to protest against the death of their colleague. Security forces, however, reportedly fired canisters of tear gas and rubber bullets directly into the Bar Association's building just as the lawyers began to leave the premises. The lawyers had reportedly assured the security forces that their demonstration was to be peaceful. Twenty seven lawyers were arrested and interrogated by Qasr al-Nil Procuracy which ordered their detention for 15 days. They were transferred to Istiqbal Tora Prison.

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<sup>2</sup> See [Egypt: Ten years of torture](#) (AI Index: MDE 12/18/91), published in October 1991, [Egypt: Security police detentions undermine the rule of law](#) (AI Index: MDE 12/01/92, January 1992), [Egypt: Grave human rights abuses amid political violence](#) (AI Index MDE: 12/03/93, May 1993) and [Egypt: Military trials of civilians: a catalogue of human rights violations](#) (AI Index: MDE 12/16/93, October 1993).

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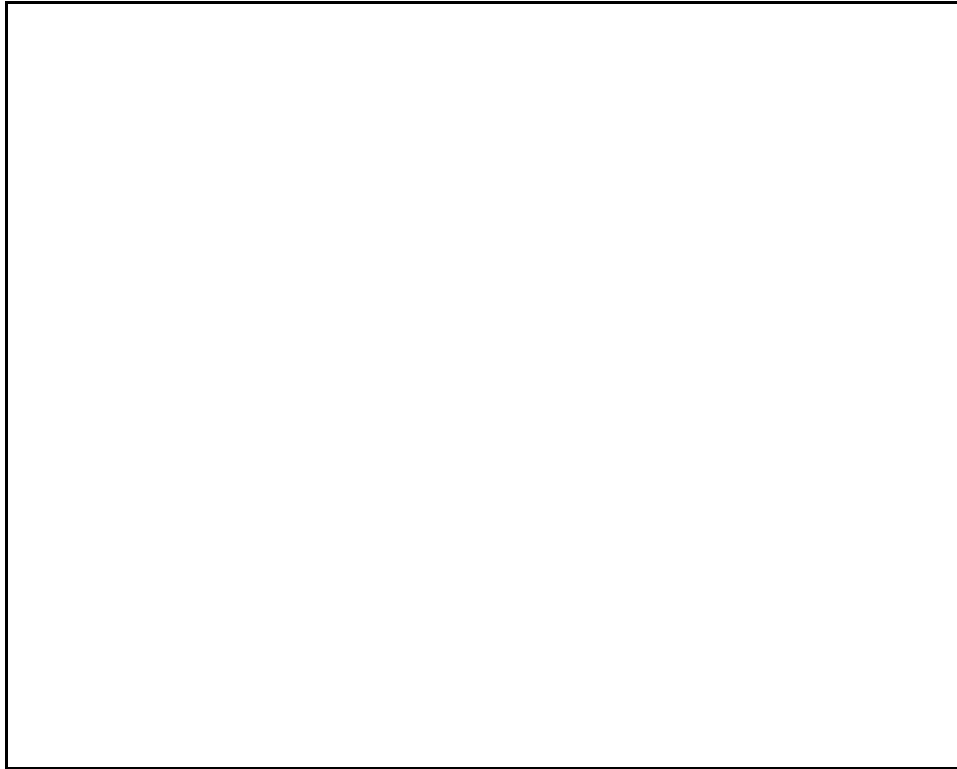


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uh, Galal Sa`ad and Khaled Badawi -- all members of the Bar Association's elected council. Other lawyers known for their defence of Islamist political prisoners, including Salah Salem, Muntasar al-Zayyat, Qamar Moussa, Mohammad Hamdan, Mahmoud Riyadh and Gamal Tag al-Din were also arrested. After being held for several hours in various police stations in Cairo they were taken to Qasr al-Nil Procuracy. All nine were interrogated there until the early hours of 19 May and reportedly charged with "the offence of planning to assemble, demonstrate, resist the authorities and disturb public order". They were given a 15-day detention order and

transferred to Tora Penitentiary. Almost all the lawyers arrested in this incident were known for their defence of Islamist political prisoners, including hundreds tried by military courts in the last 18 months.

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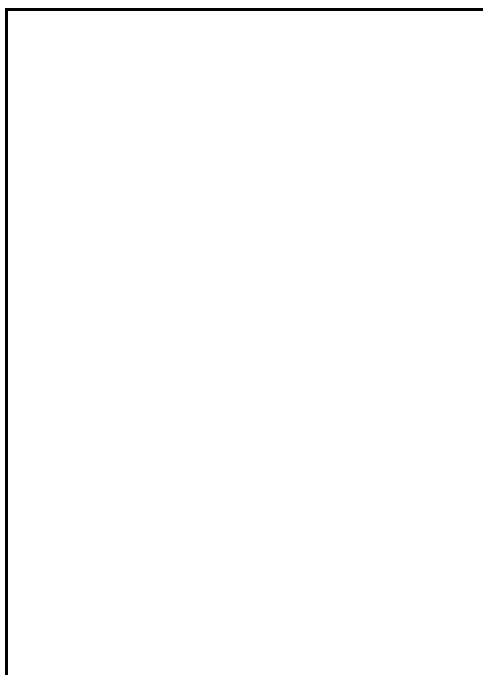


Lawyer taken away by Egyptian police after his arrest during clashes between police and lawyers in Cairo, 17 May 1994

of 27 lawyers for another 15 days and ordered the release of nine lawyers who were among those arrested on 17 May. Those released were: Samir `Abd al-Rahman, Rabi` `Abd al-Rahman Mohammad, Hisham `Abd al-Ra'uf Ghali, Hana' `Atef Youssef, Nushi Mitri `Awadh, Tariq Mohammad Youssef, 'Usama Mohammad `Ali, `Abd al-`Aziz `Abd al-Mun`im and Hussain Taha Amin.

On 14 June 1994 five more prominent lawyers, Ahmed Hussain Nasser, al-Sayyid Fathi al-Sayyid al-Naggar, Ahmed `Abbas Hilmi Taha, Mohammad `Abd al-Mun`im and Gamal `Abd al-`Aziz `Id, were arrested and given a 15-day detention order by the State Security Procuracy. They were reportedly attending a court hearing of the 27 lawyers who had been detained since 17 and 18 May 1994. They were arrested immediately after they left the courtroom in south Cairo and were reportedly taken to their homes first where the state security officers allegedly

searched their houses and confiscated some documents. Two of the lawyers, Gamal `Abd al-`Aziz `Id and al-Sayyid Fathi al-Sayyid al-Naggar, work for the Egyptian Organization for Human Rights. The five lawyers had their detention order extended for a further 15 days on 26 June. They were believed to be held in Istiqbal Tora Prison.



Muntasar al-Zayyat

A number of lawyers, led by `Abd al-`Aziz Mohammad, President of the Cairo branch of the Bar Association and Vice-Chairman of the Egyptian Organization for Human Rights, went on hunger strike in mid-June to protest against the arrest and detention of their colleagues and the death of `Abd al-Harith Mohammad Madani. They ended their nine-day strike after almost all their colleagues had been released and after they were told that an investigation into the circumstances of `Abd al-Harith Mohammad Madani's death was under way.

By 5 July 1994 all lawyers arrested in May and June were released with the exception of Muntasar al-Zayyat. Although he had also been given a release order, he remained in custody following a request by the State Security Procuracy which wanted to interrogate him in connection with incidents not related to the lawyers' protests. He was reportedly interrogated in the presence of

lawyers, some of whom were detained with him and were released on 27 June. As of 22 August he was still held in Istiqbal Tora Prison.

On 16 June Amnesty International wrote to the Minister of the Interior calling for the immediate and unconditional release of all lawyers arrested in connection with the protests organized following the death of `Abd al-Harith Mohammad Madani. Amnesty International considered these lawyers as prisoners of conscience, arrested and held solely for expressing their views in a non-violent manner.

Even before the crisis between the Bar Association and the government broke out, lawyers had repeatedly complained about the harassment to which they were subjected. This included confiscation of documents by State Security officers and raids on their offices and homes. On 23 March 1994 State Security officers raided the homes of two lawyers, Mahmoud Riyadh and `Abd al-`Alim Isma`il `Ali, in Imbaba in Cairo, in their absence, and confiscated

documents and other belongings. Mahmoud Riyadh, who was one of those arrested on 18 May 1994, lodged a complaint with the procuracy on 26 March and asked for a full investigation into this incident. But, as of August 1994, no investigation was known to have taken place. Young lawyers, believed to be sympathetic to Islamist groups, were often subjected to verbal abuse from State Security officers, prison and military officials. A number of them were refused access to their clients and several were even beaten up when trying to obtain access to their clients in prison.

### 3. DETENTION OF JOURNALISTS

Amnesty International is concerned about the detention of journalists for exercising their right to freedom of expression, whom it considers prisoners of conscience, and by the unfair trials of other journalists whom it considers to be political prisoners. Although the Egyptian authorities claim that the Egyptian press is free, journalists working for opposition newspapers often claim they are intimidated by the authorities. The *ICCPR* states that "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice". [Article 19(2)]

In the last few months, a number of journalists have been arrested and detained because of their professional activities and one has been convicted after an unfair trial, as part of an intensified campaign of harassment against journalists and censorship of newspapers. `Abd al-Sattar Abu-Hussain, a journalist working for *al-Sha`ab*, the opposition Labour Party's newspaper, was arrested on 5 April 1994 and held in a military prison for three days during which he was reportedly interrogated (in the absence of a lawyer) by the State Security Procuracy. In 1993 the *Human Rights Committee* stated that Egyptian "military courts should not have the faculty to try cases which do not refer to offences committed by members of the armed forces in the course of their duties". Nevertheless, he was referred to trial by a military court and sentenced on 30 April to one year's imprisonment. He was allegedly charged with publishing classified information about the armed forces. He had apparently published an article on 8 June 1993 about proposed manoeuvres between the Egyptian armed forces and some Gulf and western countries' forces. The article was apparently based on information which had reportedly already been published in some western newspapers. The trial was grossly unfair. `Abd al-Sattar Abu Hussain was denied his right to appeal against the verdict and sentence to a higher court as guaranteed by Article 14 (5) of the *ICCPR* and there was reportedly only one court session.<sup>3</sup> He was initially held in a military prison, then transferred to Tora Penitentiary and then to Mazra`a Tora Prison. In early July `Abd al-Sattar Abu Hussain's one-year prison

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<sup>3</sup> See Section 9 for more information on unfair military trials.

sentence was reduced to three months' imprisonment, after an intervention from the Minister of Defence. He was released at the beginning of August.

On 7 April 1994 Mohammad Zaki, a journalist working with *al-Wafd* newspaper, the newspaper of the liberal opposition party al-Wafd, was arrested in the early hours at his home and was taken to the Headquarters of the SSI in Lazoghly Square where he was reportedly beaten up. He was held there until the afternoon and released by order of the State Security Procuracy. He was apparently arrested for having published a report referring to "the imminent arrest of a new terrorist group".

Another journalist, Ibrahim Sa`ad who is a member of the Journalists' Syndicate and works with the Middle East News Agency, was arrested at the beginning of June 1994. State Security officers apparently raided his house at night, searched it, confiscated some documents and took him to the Giza branch of the SSI where he was reportedly ill-treated. He was apparently accused of membership of *al-Gama`a al-Islamiya*. He was released in early July 1994.

An Algerian freelance journalist, Ali Ben Si-Ali, aged 24, was arrested in early July 1994. He was detained (apparently without being given access to a lawyer) in the Headquarters of the SSI in Lazoghly Square for 20 days and was beaten up. On 26 July he was taken to Cairo Airport and served with a deportation order. He was held at the airport for one day and then deported to Algeria on 27 July. Ali Ben Si-Ali had lived in Cairo for three years. He was a student at al-Azhar University, a freelance journalist and a foreign correspondent. He worked occasionally with *al-Sha`ab* newspaper and with foreign radio stations and television networks. He was arrested and detained allegedly because he introduced foreign journalists to prominent members of banned Islamist groups for interviews.

Censorship has also increased recently. All foreign newspapers are checked by the government *Censorship Bureau for Foreign Newspapers and Magazines* before distribution. In May 1994 the English-language weekly Middle East Times, published in Athens, was banned twice. One issue of this weekly had already been banned in early 1994. In 1993 three editions carrying reports on the human rights situation in the country were banned.

Foreign journalists were banned, at least three times, from attending military court sessions of the trial in 1994 of people accused of plotting to assassinate the Prime Minister `Atef Sidqi. They were also banned from attending the last two military court sessions of the trial of people charged with attempting to kill the Minister of the Interior, whose judgment was given on 16 July (see Section 9).

#### **4. DEATHS IN POLICE CUSTODY**



During the last 18 months at least 16 people have died in police stations and SSI branches, particularly in Cairo and Upper Egypt, in circumstances which suggest that their deaths may have resulted from torture by State Security officers.

The most recent case known to Amnesty International is that of the 32-year-old lawyer, `Abd al-Harith Mohammad Madani. On the evening of 26 April 1994 he was in his Cairo office, together with three colleagues, when State Security officers raided the office. The four lawyers were held there for three hours, while State Security officers searched the office. The three colleagues were released, but `Abd al-Harith Mohammad Madani was ordered to accompany the officers. They reportedly blindfolded him and took him to his house. They searched the house, confiscated some of his documents and took him to the Giza branch of the SSI, where he was reportedly tortured to the extent that he had to be transferred to Qasr al-`Aini hospital in Cairo in the early hours of 27 April. There he was confined to `Anbar al-Mu`taqaleen (Detainees' Wing), where he and other sick or injured detainees had no access to the outside world. `Abd al-Harith Mohammad Madani reportedly died during the same day, but his family apparently did not learn of his death until 6 May, when they were ordered to collect his body from a morgue. The body was reportedly released to the family in a sealed coffin under police guard and as of 1 June 1994 the graveyard allegedly remained guarded by the police.

An Amnesty International delegate met with `Abd al-Harith Mohammad Madani on 24 April 1994, only two days before his arrest, to discuss the human rights situation in Egypt. They arranged for a further interview that week, but when the delegate arrived at the Headquarters of the Bar Association in Cairo to meet him on 28 April he was told by other lawyers that he had been arrested.

`Abd al-Harith Mohammad Madani defended many Islamist political prisoners. He was a member of the Bar Association and the Egyptian Organization for Human Rights. He had been arrested previously and on one occasion several members of his family, including his mother, were detained by security police. Following his death in custody a number of lawyers, the Medical Syndicate and the Egyptian Organization for Human Rights lodged complaints with the Public Procurator, Raga` al-`Arabi, calling for an independent autopsy. The Minister of the Interior, General Hassan Mohammad al-Alfy, was reported to have stated that `Abd al-Harith Mohammad Madani died following an asthma attack. Later on, the Egyptian authorities stated that the lawyer was a link between jailed leaders of banned Islamist militant groups, to whom he had access, and members of these groups in the country.

On 12 May 1994 Amnesty International called on the Head of the Human Rights Unit within the Procuracy, Ahmed al-Sayyid Ahmed, to set up a prompt, thorough and impartial investigation into the circumstances surrounding `Abd al-Harith Mohammad Madani's death, as required by the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. The organization also urged that both the procedures

followed and the findings of such an investigation be made public and that if the reports that `Abd al-Harith Mohammad Madani died as a result of torture were established as true, the perpetrators be brought to justice. The organization drew attention to the requirements of the *UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, that any state ratifying the Convention should:

"ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is a reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction." (Article 12).

On 28 June the President of the Cairo branch of the Bar Association, `Abd al-`Aziz Mohammad, was reported as stating that "the Public Procurator's office had shown a preliminary medical forensic report to Bar Association's chairman, Ahmed al-Khawaga, and that this showed the dead lawyer had 17 injuries on various parts of his body." On 27 July `Abd al-`Aziz Mohammad confirmed his statement to Amnesty International and said:

"...On 19 June 1994, while I was on hunger strike to protest the death of `Abd al-Harith Mohammad Madani and the detention of lawyers, Ahmed al-Khawaga came to visit me and he said that he had just seen al-Na'ib al-`Am [Public Procurator]. He said that he saw the preliminary medical forensic report which showed 17 injuries on the body. I decided to end the hunger strike and made a statement at a press conference. However, a few days later one of the Public Procurator's Assistants, `Adel Fahmi stated in al-Haqiqa newspaper that there was no such report which Mohammad `Abd al-`Aziz talked about. I replied in one of the newspapers stating, among other things, that I do not doubt Ahmed al-Khawaga and I trust him."

As of August 1994 the authorities had not made public the forensic report on `Abd al-Harith Mohammad Madani's death, although they reportedly stated at the end of May 1994 that "the final official forensic medical report will be produced and made public within seven to ten days." The authorities decided in June 1994 to set up an investigation, although so far no information is available as to the composition of the investigation body, its terms of reference, its powers and procedure, and steps taken so far to investigate. The UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions oblige governments to ensure that investigations are thorough, prompt and impartial.

Other deaths in police custody include the case of Ahmed Farouq Ahmed, who was accused of participating in the attempt on the life of the Minister of the Interior, General Hassan

Mohammad al-Alfy, on 18 August 1993. He reportedly died in police custody within 24 hours of his arrest at the beginning of September 1993. A month later, `Iffat Mohammad `Ali, aged 27, died on 25 October 1993, six days after his arrest, allegedly following torture inflicted on him by police officers in Cairo. Amnesty International has written to the Minister of the Interior calling for prompt, thorough and impartial investigations into the circumstances of the death of Ahmed Farouq Ahmed and `Iffat Mohammad `Ali, respectively. As yet, no response has been received from the Egyptian authorities regarding these two cases.

At least 14 people reportedly died in police custody in 1993 in circumstances which suggested that they died following torture. Amnesty International believes that all people held in detention have the right to have their physical and mental integrity respected and protected, to be promptly informed of the charges against them, and to be granted immediate access to relatives, legal counsel and medical treatment.

## 5. TORTURE OF POLITICAL PRISONERS

Although Egypt has ratified two international treaties prohibiting torture: the *ICCPR* in 1982 and the *UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* in 1986, systematic torture of political prisoners continues. Amnesty International has published a number of reports documenting the methods of torture, the victims and the evidence assessed.

The Egyptian authorities have categorically denied the use of systematic torture, but stated to Amnesty International in May 1993 that cases of torture "have been few and have reflected individual and exceptional conduct which is punishable by law". They did not provide any information on the names of the victims, the identity of those prosecuted or disciplined, if any, or the amounts of compensation paid or steps taken to rehabilitate the victims. Many of the civilian defendants in recent military court cases have alleged that they were tortured by state security officers after arrest and forced to make incriminating statements. A lawyer, Ramadhan Mahmoud Ahmed, who was on his way to Abu Za`abal Industrial Prison to see one of his clients on 6 July 1994, was reportedly arrested by the prison's officers and taken to the Abu Za`abal branch of the SSI. He was allegedly tortured until his release on 9 July. Methods of torture were believed to have included beatings, appliance of electric shocks on different parts of his body and suspension.

Other cases of torture include al-Sayyid Salah al-Sayyid Sulayman who was arrested on 28 November 1993 and was tortured by members of the SSI. Methods of torture reportedly included punches (with hands) and suspension in contorted positions. On 17 December 1993 he was referred to a forensic medical doctor who noted scars on his right shoulder and both wrists.

Tariq `Abd al-Nabi Hassan al-Fahal was arrested on 30 November 1993. He was tortured immediately following arrest by SSI officers. Methods of torture reportedly included beatings and appliance of electric shocks on different parts of his body. He was injured on his nose and jaw. On 7 December 1993 he was referred to a forensic medical doctor who concluded that scars left on the body were consistent with the methods of torture described by the victim.

Tuhami Ahmed `Abdallah Ahmed Shalabi was arrested on 30 November 1993 and was tortured immediately following his arrest. Methods of torture included beatings with hands and the appliance of electric shocks on different parts of his body, including his genitals, which left injuries around one of his eyes, his left leg and his right arm. On 16 December 1993 he was referred to a medical forensic doctor who concluded that the scars left on the body were consistent with the methods of torture described by the victim.

The three victims were all arrested in connection with the attempt on the life of the Prime Minister, `Atef Sidqi, on 25 November 1993. They were tried in Cairo by the Supreme Military Court early this year. The first two were sentenced to death on 17 March and executed on 3 May 1994 (see Section 9).

In April 1994 lawyers in Cairo told Amnesty International delegates that torture, which usually takes place at the Headquarters of the SSI in Lazoghly Square and the branches of the SSI and in police stations, had extended to prisons. Political prisoners, in particular those held in the High Security Prison (commonly known as al-`Aqrab (Scorpion) Prison) at Tora have reportedly stated that they were tortured in prison by SSI officers and prison officers. Two lawyers, Gamal `Abd al-`Aziz `Id and al-Sayyid Fathi al-Sayyid al-Naggar who were arrested on 14 June 1994 and detained in Istiqbal Tora Prison for three weeks (see Section 2), reportedly stated after their release that political detainees in the prison were routinely tortured or ill-treated. They were reported as stating that they had seen marks of torture on the bodies of six detainees who had been blindfolded, taken out of their cells to an unknown destination and returned to the prison several days later.

In February 1994, Safwat Ahmed `Abd al-Ghani, Ahmed `Abdu Salim, Mahmoud Mohammad Ahmed Shu`aib, Hassan al-Gharbawi Shahhata, `Adli `Abd al-Latif and Mursi Mohammad Mursi allegedly stated that they were beaten up repeatedly by the High Security Prison officers. They reportedly went on hunger strike for at least 15 days in protest against their treatment and against a ban on visits (see Section 8). Detainees, in particular leaders of banned Islamist militant groups, have also reportedly been pressurized to condemn their past activities on television. In the last few months, the Egyptian authorities have broadcast interviews conducted with former detainees who said they had repented, and reportedly received financial rewards. These interviews were given wide publicity in pro-government newspapers.

## **6. FAILURE TO INVESTIGATE REPORTS OF TORTURE**

Lawyers defending political prisoners in Egypt, the Egyptian Organization for Human Rights, the Medical Syndicate and victims of torture have lodged many hundreds of complaints of torture with the Public Procurator's Office, but have received little or no response from the Office and no indication that their complaints were being thoroughly investigated. The Egyptian authorities have failed to stop the systematic and widescale use of torture and to investigate torture allegations promptly and impartially. In November 1993 a Human Rights Unit was set up within the Public Procurator's Office to investigate reports of torture, but this has not stopped its recurrence. The Unit has made public no information on the conduct and outcome of any investigations it may have undertaken.

In April 1994 two Amnesty International delegates met with officials at the Unit to discuss the procedures followed in investigating reports of torture and the follow-up to complaints. This meeting had as a key part of its agenda a follow-up to the extensive recommendations made to the Egyptian authorities in 1988 and that almost none of these recommendations appear to have been implemented. Amnesty International was told that the Unit relied on forensic medical evidence to assess reports of torture, and that if complainants did not follow up the matter, that is by presenting themselves regularly, then the Unit would not inform them about the progress of the investigation. This is inconsistent with Egypt's obligations under the *UN Convention against Torture* and the *ICCPR*. It is also clearly at variance with a statement made by an Egyptian official attending the November 1993 Committee Against Torture's meeting on Egypt in which he said:

"A body to carry out the investigation of torture was set up in the procuracy to deal with and supervise the investigation of these allegations. This office is staffed by experienced procuracy representatives to work speedily and contact the victim [emphasis added] and gather medical reports and bring those responsible to justice...".

Amnesty International did not obtain from the Unit precise information regarding any specific cases. Officials in the Human Rights Unit gave a number of reasons for not having available reports on torture investigations requested by Amnesty International: the Unit dealt only with major cases and that minor cases were dealt with by regional procuracies; the Unit could only follow up cases where entire case reference numbers were given and many other details. They did not recall any recent cases of torture where the perpetrators were referred to justice.

Despite assurances that all torture allegations were thoroughly investigated, lawyers, victims and human rights organizations have stated categorically that their complaints are not investigated. The Egyptian authorities have failed to comply in letter and spirit with the *Convention against Torture*. The Convention requires governments to take effective legislative, administrative, judicial or other measures to prevent acts of torture (Article 2). It also

requires each state party to ensure the prompt and impartial investigation of all allegations of torture (Article 13), and whenever it is reasonable to believe that torture has occurred, even if no complaint has been made (Article 12). It also categorically prohibits any statements extracted by torture from being used as evidence in court except against the torturer (Article 15).

In November 1993 the *Committee Against Torture* expressed concern at "shortcomings in suitable preventive measures to combat torture, including the length and conditions of police custody and administrative detention...". It recommended that the Egyptian authorities should "undertake and expedite serious investigations into the conduct of the police forces in order to establish the truth of many allegations of acts of torture and, if the results of the investigations are positive, bring the persons responsible before the courts and issue and transmit to the police specific and clear instructions designed to prohibit any act of torture." After the *Human Rights Committee* concluded its examination of Egypt's second periodic report under the *ICCPR*, it stated that it "regrets that Egypt did not provide it with adequate information on investigations made and penalties applied to perpetrators of torture and on compensation and medical rehabilitation of victims of torture, though some additional information was given by the representative of the state party in his final remarks". Egypt has yet to address the concerns of the *Committee Against Torture* and the *Human Rights Committee* adequately or to implement their recommendations<sup>4</sup>.

## **7. CONTINUING DETENTION DESPITE ACQUITTAL BY COURTS**

Thousands of people have been detained without charge or trial under Article 3 of the Emergency Law<sup>5</sup>. During 1993 hundreds of civilians were tried by military courts and at least 150 people were acquitted. Instead of being released immediately, they were issued with new detention orders and to date almost all of them remain in detention. The following cases highlight this pattern of gross human rights violations:

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<sup>4</sup>The *UN Special Rapporteur on Torture* in his most recent report (UN Doc. E/CN.4/1994/31), dated 6 January 1994, stated that he is concerned by the *Committee Against Torture's* "assessment that torture is routinely practised in Egypt and that the difficult situation cannot justify departures from the absolute prohibition of torture, in respect of terrorists or anyone". He endorsed the *Committee Against Torture's* recommendations, "in particular those aimed at putting an end to incommunicado detention and bringing to justice those responsible". As of the date of his report, Egypt had not replied to any of the letters sent by the *Special Rapporteur on Torture* in 1992 or 1993.

<sup>5</sup> For more information on the state of emergency and arbitrary detention see Amnesty International's January 1992 report entitled [Egypt: Security police detentions undermine the rule of law](#) (AI Index: MDE 12/01/92).

`Abd al-Mun`im Gamal al-Din, a freelance journalist, was arrested on 21 February 1993, when SSI officers raided his house and confiscated some of his belongings, including a computer. He was taken to the Giza branch of the SSI where he was reportedly tortured for one day, and then transferred to Abu Za`abal Prison. He appeared before a military court in the case known as *Talai` al-Fatah* (Vanguards of the Conquest) between August and October 1993<sup>6</sup>. The Supreme Military Court in Cairo pronounced judgment in this case on 30 October. `Abd al-Mun`im Gamal al-Din was one of dozens of people acquitted by the military court. However, instead of being released he was given a new detention order. As of August 1994 he remained detained in the High Security Prison in Tora and has been denied visits since 20 December 1993.



Nazzar Mahmoud `Abd al-Hamid Ghorab, a lawyer in his late twenties, was arrested on 10 June 1993 and also

`Abd al-Mun`im Gamal al-Din

charged in connection with the *Talai` al-Fatah* case. In June 1994, following his release, he told Amnesty International:



Nazzar Mahmoud `Abd al-Hamid Ghorab

"...the Supreme Military Court in Cairo acquitted me on 30 October 1993, but the following day I was issued with a new detention order. I challenged this decision (complaint no. 29648/93) and on 27 November 1993 a court ordered my release, but the Minister of the Interior objected on 11 December 1993. On 18 December the court examined the Minister of the Interior's objection and ordered my release. Instead of being released I was transferred to the Giza branch of the SSI on 19 December, where I remained until 25 December, and was then taken back to the High Security Prison with a new detention order dated 22 December 1993. I challenged my detention again in early 1994 [Tadhallum (petition) no (11519/94)]. On 24 April 1994 a court examined this petition and ordered my release, but

<sup>6</sup> Amnesty International observed sessions of this trial in September 1993. For more information on military trials see Amnesty International's October 1993 report entitled Egypt: Military trials of civilians: a catalogue of human rights violations (AI Index: MDE 12/16/93).

the Minister of the Interior objected again on 4 May 1994. On 11 May the court considered the Minister of the Interior's objection and supported the release. On 12 May I was taken to the Giza branch of the SSI, where I stayed until 14 June 1994, the day I was eventually released".

Some detainees have been held apparently in administrative detention since 1989 and 1990. Hassan al-Gharbawi Shahhata, a 32-year-old lawyer, was arrested around January 1989, and charged in connection with two cases related to disturbances in `Ain Shams, a popular Cairo district. He was acquitted in both. He has been kept in administrative detention since then, despite many court orders to release him. In December 1993 the *UN Working Group on arbitrary detention* concluded that the detention of Hassan al-Gharbawi Shahhata was arbitrary because it contravened Articles 9 and 10 of the *Universal Declaration of Human Rights* as well as Articles 9 and 14 of the *ICCPR*. As of August 1994 Hassan al-Gharbawi Shahhata remained detained at the High Security Prison.

Qassim Sayyid Qassim, a 28-year-old mechanical engineer from Imbaba, was arrested on 3 June 1990 and has been held without charge or trial, despite the fact that courts ordered his release at least 15 times. He had been arrested twice before in 1988 and 1989. As of April 1994 he was reportedly held in Abu-Za`abal Prison and had allegedly been denied visits for eight months.

The Egyptian authorities stated in their response to Amnesty International's May 1993 report entitled Egypt: Grave human rights abuses amid political violence (AI Index MDE: 12/03/93) that "anyone whose petition was accepted, and where the court decided to release him, was released, except where the released person returned to his terrorist activities immediately on his release, thus requiring new security measures to be taken in his regard (in relation to his activities following release)". In none of the above cases, which represent a small sample of the many cases received by Amnesty International, was the detainee actually released from detention before the new detention order was issued.

Amnesty International has repeatedly called on the Egyptian authorities to implement, at least, the minimum safeguards and guarantees for the protection of detainees contained in the *ICCPR* and in the *UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment*, adopted by the *UN Assembly* in December 1988. Article 9(4) of the *ICCPR* states: "Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful". Article 9(5) states: "Anyone who has been victim of unlawful arrest or detention shall have an enforceable right to compensation". Principle 11(1) of the *UN Body of Principles* states: "A person shall not be kept in detention without being given an effective opportunity to be heard promptly by a judicial or other authority". The *Human Rights Committee* expressed its "concern at the many severe measures taken by the Egyptian Government to combat terrorism in the country" and



recommended that Egypt "pay particular attention to the protection of the rights of those who are arrested and detained".

## 8. INCOMMUNICADO DETENTION

Detainees in the High Security Prison in Tora have been denied visits from family members and lawyers since 20 December 1993. Some of them initiated an administrative complaint against the Minister of the Interior, who had reportedly ordered the ban on visits, and the Director of the Prisons' Department. Although the Administrative Court decided that the ban was illegal on 26 April 1994, visits continued to be denied to prisoners in the High Security Prison as of August 1994.

Amnesty International delegates raised this issue with officials in the Human Rights Unit within the Procuracy in April 1994. The officials denied that visits were banned at the High Security Prison and stated that all prisons were inspected at least once a month and reports were issued after these inspections were completed. However, when Amnesty International delegates requested copies of the reports of the High Security Prison between December 1993 and April 1994, they were informed that none was available, perhaps because no visits had taken place and therefore there would be no report.

Detainees in Abu Za`abal Industrial Prison were also denied visits for eight months. Some visits to this prison were allowed in February 1994, but not to all detainees. The Minister of the Interior reportedly stated that the ban on visits to detainees, believed to be around 1,000 in the High Security Prison, would stop detained leaders of banned Islamist militant groups from passing orders, through their families and their lawyers, to their followers to carry out acts of violence against security officers, state public buildings and prominent personalities. International standards require governments to provide all detainees with prompt access to the outside world. Principles 15, 16 and 18 of the *UN Body of Principles* make clear that access to one's family or lawyers may not be denied even in exceptional cases for more than a matter of days. Principle 7 of the *UN Basic Principles on the Role of Lawyers* provides that detainees must receive prompt access to lawyers and in no case may this be more than 48 hours. Rule 91 of the *UN Standard Minimum Rules for the Treatment of Prisoners* requires governments to grant detainees access to independent medical attention. Torture or ill-treatment is more likely to occur when there is prolonged incommunicado detention and that the Government's assurances that lawyers are never denied access are clearly not borne out by the above examples.

## 9. EXECUTIONS FOLLOWING UNFAIR TRIALS CONTINUE UNABATED

Since October 1992, when President Hosni Mubarak began to issue special decrees referring civilians for trial before military courts<sup>7</sup>, 56 death sentences have been passed (by these courts) and 40 executions have taken place as of August 1994. These military trials are grossly unfair and have violated some of the most fundamental requirements of international law: the right to be tried before independent and competent judges, the right to have adequate time to prepare a defence and the right to appeal to a higher court. In addition, civilians tried by these courts have reportedly been held in secret illegal detention and systematically tortured by security police to extract statements from them to be used as evidence against them in court.<sup>8</sup>

In mid-February 1994 three men, Medhat Tahhawi, Mohammad Ahmed Sa'id Salih and Hammada Mohammad Lutfi, were sentenced to death following a military trial held in total secrecy at the military barracks in Sidi Barrani, near the Libyan border. The first two were reportedly members of the armed forces. The third was a civilian and was sentenced *in absentia*. Three others received prison sentences. The six were believed to be members of *al-Gama'a al-Islamiya* (the Islamic Group), and were reportedly accused of planning the assassination of President Mubarak. On 17 March Medhat Tahhawi and Mohammad Ahmed Sa'id Salih were executed.

On 3 May 1994 five civilians were executed after having been sentenced to death on 17 March 1994 following an unfair trial by a military court. The five, Salah al-Sayyid Sulayman, `Issam Mohammad `Abd al-Rahman al-Touni, Nour al-Din Sulayman Mohammad `Ali, Amin Isma'il al-Musailhi and Tariq `Abd al-Nabi Hassan al-Fahal, were part of a group of civilians tried in connection with the case known as *the attempted assassination of Prime Minister Dr `Atef Sidqi*. Charges against them included plotting to kill `Atef Sidqi on 25 November 1993, plotting to overthrow the government, possessing explosives and weapons, forging documents and reviving *Gihad* (Holy Struggle). Four other people were sentenced to death *in absentia*, five people were given prison sentences ranging from three years to 15 years and one was acquitted. Some of the defendants were reportedly tortured. (see Section 5).

Military trials of civilians have been criticized by local and international human rights organizations. In July 1993 the *Human Rights Committee* expressed serious concern about trials

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<sup>7</sup>In 1993 the *Human Rights Committee* stated that it was "particularly disturbed by the adoption in 1992 of law No. 97 on terrorism, which contains provisions contrary to articles 6 and 15 of the Covenant [ICCPR]. The definition of terrorism contained in that law is so broad that it encompasses a wide range of acts of differing gravity. The Committee is of the opinion that the definition in question should be reviewed by the Egyptian authorities and stated much more precisely especially in view of the fact that it enlarges the number of offences which are punishable with the death penalty. The Committee underscores that according to article 6, paragraph 2 of the Covenant, only the most serious crimes may lead to the death penalty".

<sup>8</sup> See [Egypt: Military trials of civilians: a catalogue of human rights violations](#) (AI Index: MDE 12/16/93).

of civilians by military courts. The *Committee* concluded that "military courts should not have the faculty to try cases which do not refer to offences committed by members of the armed forces in the course of their duties".<sup>9</sup> The Egyptian authorities, however, have continued to refer civilians to be tried by military courts. On 3 March 1994 a Presidential decree was issued to refer case no. 574 (1993) to military justice. The case relates to the 18 August 1993 attempted assassination of the Minister of the Interior General Hassan Mohammad al-Alfy. Seventeen people, all allegedly members of *Gihad*, were involved in the case and their trial in the Supreme Military Court in Cairo began on 5 June. Charges included attempting to assassinate the Minister of the Interior, illegally possessing weapons, the murder in January 1994 of a prosecution witness in a case against Islamist militants who had tried to kill the Prime Minister and membership of a banned Islamist group (*Gihad*).

On 16 July the Supreme Military Court in Cairo pronounced judgment in this case. Five men, Mohammad Rashad `Abd al-Hamid Higazy, Mohammad `Abd al-`Alim Khalifa, Mas`ud al-`Arif Ibrahim, Tariq Ahmed `Abd al-Samad and `Usama Mohammad Rashad, were sentenced to death, ten others were sentenced to between three and five years' imprisonment and two were acquitted. The five were executed on 22 August. Proceedings were grossly unfair. The trial lasted 21 days only and lawyers complained about the insufficient time they were given to prepare their defence.

The Egyptian Government's response to Amnesty International's May 1993 report stated that "judgments passed by these [military] courts are subject to two systems of ratification and review. They are ratified after being subject to legal review by experienced legal experts. Following ratification, the defendant may appeal the judgment before the Military Appeals' Bureau." The response also stated that "death sentences passed by these courts may not be carried out before they have been submitted to the President of the Republic to exercise his legal right to grant amnesty or to alter the punishment in accordance with the provisions of the Criminal Procedure Code".

All death sentences passed by military courts are subject to ratification by the President of the Republic or his designated representative, and then reviewed by the Military Appeals' Bureau, also headed by the President of the Republic. There is no recourse to judicial appeal or review by cassation. In view of the summary nature of trial proceedings, denial of access to legal counsel, especially during the initial incommunicado detention, reports of torture and military judges' lack of experience in dealing with complex political cases, it is surprising that not in one single case has the Military Appeals' Bureau challenged the verdict or sentences. All death sentences have been approved and executions have taken place within weeks. Amnesty International's concerns were shared by the *Human Rights Committee*, which stated in July

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<sup>9</sup>Comments of the Human Rights Committee, 48th session, Egypt, para.9

1993 that "The President's role as both part of the executive and part of the judiciary system is noted with concern by the Committee...".

These procedures fall short of international standards for fair trial as guaranteed by Article 14(6) of the *ICCPR* which guarantees that everyone who is convicted shall have the right to their conviction and sentence being reviewed by a higher tribunal. The *UN Economic and Social Council* has urged that these rights be respected in all cases involving the death penalty. In view of this Amnesty International considers all these executions to be summary and arbitrary executions, and has called for an end to the military trials of civilians in Egypt.

## **10. POSSIBLE EXTRAJUDICIAL EXECUTIONS**

Amnesty International is concerned that many deaths caused by the police may have been unlawful killings resulting from an excessive use of lethal force in breach of obligations under international standards, and that some killings may amount to extrajudicial executions. It is also concerned by Egypt's failure to conduct thorough, prompt and impartial investigations of these killings or to take effective steps to prevent them from recurring.

On 25 April 1994 Amin Shafiq Hamam, a student at Asyut University (in the Faculty of Chemistry) and an alleged member of a banned Islamist group, was reportedly shot dead by SSI officers. According to press reports, he was apparently arrested in his room at the university campus in the early hours of the same day and taken by car to a nearby village where he was allegedly killed. Amnesty International is not aware of any investigation of this incident.

On 1 February 1994 seven people, all civilians and alleged members of banned Islamist militant groups, were killed in the Cairo district of al-Zawiya al-Hamra in circumstances which suggest that they may have been extrajudicially killed. According to the Egyptian Organization for Human Rights, eye witnesses saw SSI officers dragging a man, allegedly showing signs of torture, who took them to the flat containing the seven men. The eye witnesses were reported to have said that the shooting did not last long and that there was no exchange of fire. This contradicted the official police version which claimed that it was the seven people who had started shooting at the security forces and that the shooting lasted over three hours. Apparently, there has been no investigation of this incident.

A number of other incidents which occurred at the end of 1993 suggest that some civilians were killed in circumstances which suggest that they may have been extrajudicially executed. In mid-December 1993 a young man, Redha Mahmoud Mohammad, was killed by SSI officers in al-Ma`adi in Cairo apparently for failing to show his identity card. When he ran away he was followed and shot dead. His body was reportedly not handed over to the family for 10 days. On 31 October 1993, SSI officers in Asyut allegedly shot and killed Mohammad `Abd al-Rahman on his motorbike because he apparently refused to stop for questioning. He was suspected to

be a member of *al-Gama`a al-Islamiya*. Neither of these incidents appear to have been thoroughly, promptly and impartially investigated.

Amnesty International called on the Egyptian authorities to conduct an urgent review of the use of lethal force by its law enforcement agents. On 18 March 1993 an official from the Ministry of the Interior, Brigadier General Baheddine Ibrahim told Reuters that "police troops have orders to shoot to kill" any suspected Islamist militant who resisted arrest by the security forces. Judging from the cases mentioned above and other cases reported in the press quite frequently, this policy seems to have been followed to the letter. Such instructions violate international standards relating to the use of lethal force. Article 2 of the *UN Code of Conduct for Law Enforcement Officials*<sup>10</sup> states that "In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons." Article 3(c) stipulates that "...firearms should not be used except when a suspected offender offers armed resistance or otherwise jeopardizes the lives of others and less extreme measures are not sufficient to restrain or apprehend the suspected offender...".

## 11. HUMAN RIGHTS ABUSES BY ARMED OPPOSITION GROUPS

Armed opposition groups such as *al-Gama`a al-Islamiya*, *Gihad* and its splinter group *Talai` al-Fatah*, have been responsible for serious human rights abuses. In the past two years, they have carried out deliberate and arbitrary killings, including those of members of the Coptic minority, foreign tourists and a writer known for his opposition to the Islamists' political program, Farag Foda<sup>11</sup>.

On 4 February 1994 gunmen, reported to be members of a banned Islamist group, shot dead the owner of a car showroom, Sayyid Ahmed Yahya, one of his employees, a customer and a guard. The killings took place in Shibin al-Qanatir, a small town north of Cairo. Sayyid Ahmed Yahya was a key witness in the case against the 15 people charged with trying to assassinate the Prime Minister. He was due to give testimony in court on 5 February.

On 1 March 1994 a Coptic student, Rafiq `Atef Ibrahim, was shot dead in the village of Meer in southern Egypt. He was reportedly killed by a member of *al-Gama`a al-Islamiya*. Four days earlier, on 26 February, the alleged perpetrator had reportedly shot and wounded three Copts in the same village. He was arrested by the police and was apparently charged with the two shooting incidents.

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<sup>10</sup>Adopted by the General Assembly of the United Nations on 17 December 1979 (resolution 34/69).

<sup>11</sup> See Amnesty International's May 1993 report entitled [Egypt: Grave human rights abuses amid political violence](#) (AI Index: MDE 12/03/93).

On 11 March five Copts, including two priests, Anwar al-Qams Binyamin and Aghbayos al-Moharraqi, were shot dead outside the Coptic monastery of al-Moharraq in al-Qusiya, southern Egypt, by armed gunmen. These killings were believed to have been carried out by members *al-Gama`a al-Islamiya*. However, on 23 March *al-Gama`a al-Islamiya* reportedly denied any responsibility for the attack on the monastery.

On 23 December 1993, 40-year-old Mostafa Mahmoud Muftah, was allegedly stabbed to death by masked men in Asyut. This attack was allegedly carried out by suspected members of *al-Gama`a al-Islamiya*. Muftah had reportedly passed on information to the police which led to the arrest of several suspected members of the group in early December 1993.

Members of *al-Gama`a al-Islamiya* were also believed to be behind the numerous attacks on banks and on boats carrying tourists. In one incident, on 5 March 1994, an attack on a boat carrying tourists claimed the life of a German tourist.

Amnesty International condemns all deliberate and arbitrary killings of civilians by armed opposition groups. Such human rights abuses are contrary to international humanitarian standards. The organization has repeatedly called for a halt to such killings.

## **12. AMNESTY INTERNATIONAL'S DIALOGUE WITH THE EGYPTIAN AUTHORITIES**

Amnesty International welcomes its dialogue with the Egyptian authorities and the cooperation received by its delegates, who have attended trials and conducted research in the country over many years. In May 1993 the Egyptian authorities provided Amnesty International with a 50-page document in response to the report entitled [Egypt: Grave human rights abuses amid political violence](#) (AI Index: MDE 12/03/93), published by Amnesty International in May 1993. While Amnesty International welcomed the Egyptian Government's prompt response, the latter did not allay concerns detailed in May 1993 report. Since that response, Amnesty International has written to the Egyptian authorities on numerous occasions regarding specific cases of human rights violations but has received no response.

In April 1994 two Amnesty International delegates visited Egypt and met with the Head of the Human Rights Department within the Ministry of Foreign Affairs, the Head of the Human Rights Unit within the Procuracy, an official from the Ministry of Justice and the Chairperson of the People's Assembly's Legislative Committee. The delegates raised Amnesty International's human rights concerns in Egypt, in particular the systematic torture of political prisoners, arbitrary detention and the high number of death sentences passed by military courts following unfair trials. Other topics discussed in the course of the meetings included legislative provisions which are inconsistent with international human rights treaties. Officials denied that there were

human rights violations in Egypt and described the country's legal and constitutional provisions to safeguard human rights and its ratification of most international treaties.

The purpose of the April 1994 visit was to take the dialogue between Amnesty International and the Egyptian authorities on to a more substantive basis. In the light of this and the seriousness of human rights abuses it was felt that meetings with the State Security Investigations Department and other officials would be all the more important. Amnesty International expressed regret at the fact that the delegates were refused a meeting with officials from the State Security Investigations Department, including the new Director. Their request to meet with several detainees held at the High Security Prison was also turned down. This would appear to be contrary to recommendations made by the *Human Rights Committee* which recommended in July 1993 that "the Egyptian authorities should establish a closer and constructive dialogue with non-governmental organizations active in the field of human rights".

### 13. RECOMMENDATIONS

Amnesty International has over the years made many detailed recommendations<sup>12</sup> to the Egyptian authorities, but human rights violations have continued unabated. Other local and international human rights organizations, the *Committee Against Torture* and the *Human Rights Committee* have made similar recommendations to the authorities, but none of these recommendations have been implemented. The changes initiated by the Egyptian authorities have consisted of creating two human rights units, one within the Ministry of Foreign Affairs and one within the Procuracy, apparently set up to respond to queries from international human rights bodies or organizations. No legislative or practical measures have been introduced to bring the country's law or human rights practice into conformity with international human rights treaties to which it is a state party, even though Egypt ratified them as long ago as 1982 and 1986.

Amnesty International urges the Egyptian Government to act decisively to end human rights violations by adopting the necessary legal and practical measures to ensure effective implementation of all the provisions contained in the *ICCPR*, the *UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* and other international standards, such as the *UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment*, the *UN Basic Principles on the Role of Lawyers*, the *UN Standard Minimum Rules for the Treatment of Prisoners*, the *UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions* and the *UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*.

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<sup>12</sup>See for example Amnesty International's 1989 report entitled [Egypt: Arbitrary detention and torture under emergency powers](#) (AI Index: MDE 12/01/89) and the organization's October 1993 report entitled [Egypt: Military trials of civilians: a catalogue of human rights violations](#) (AI Index: MDE 12/16/93).

