

AI Newsletter October 1994 - Focus only

## Focus Article October 1994

### Egypt

#### Introduction

When a country's security force begin harassing, detaining and even torturing lawyers and journalists, the human rights situation in that country has reached a new low.

As political violence has worsened in Egypt -- particularly since 1992 with armed Islamist groups launching attacks on the security forces, high-ranking officials, and even on tourists and the minority Christian community -- the Egyptian Government has responded with a crackdown on suspected Islamist militant group members and sympathisers.

As a result, the human rights situation in Egypt has continued to deteriorate. Thousands of people have been arbitrarily arrested and illegally detained. Political prisoners are systematically tortured. Executions of civilians, after grossly unfair military trials, continue to take place at an alarming rate. In the past few months the Egyptian authorities have extended this cycle of repression to include the arrest of human rights defenders, in particular lawyers and journalists. At least 41 lawyers have been targeted for arrest and detention since May 1994.

After raiding his office and then his home in Cairo in April this year, state security officers took 32-year-old lawyer 'Abd al-Harith Mohammed Madani to the Giza branch of the State Security Investigations Department. There, he was reportedly so severely tortured that he had to be transferred to hospital. He died later that same day.

'Abd al-Harith Mohammad Madani had 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.

Outraged at their colleague's death, hundreds of lawyers organized a protest march from the Bar Association in Cairo on 17 May. Just as the lawyers began to leave the premises, the security forces fired tear gas and rubber bullets into the building, breaking up the demonstration. On 17 and 18 May, thirty-six lawyers were arrested and detained. Five others were to be arrested in June. Nearly all were released after being held for several weeks.

Although the Egyptian authorities claim that the country's press is free, in the last few months an increasing number of journalists working for opposition newspapers say they have been intimidated by the authorities. In the last few months an increasing number of journalists have been harassed. Some have been arrested, ill-treated and even imprisoned for their writing.

Censorship of the foreign press has also increased. All foreign newspapers are checked by the government Censorship Bureau for Foreign Newspapers and Magazines. Three editions of the English-language weekly Middle East Times, published in Athens, have been banned so far this year. In 1993 several editions were banned for carrying reports on the human rights situation in the country. Algerian freelance journalist and foreign correspondent 'Ali Ben Si-'Ali was arrested in early July this year. He was held for 20 days at the Headquarters of the SSI in Cairo and beaten up, apparently because he introduced foreign journalists to prominent members of banned Islamist groups for interviews. He was taken to Cairo Airport and deported on 27 July.

Foreign journalists were prevented from attending military court sessions of the trial of people accused of plotting to assassinate the Prime Minister 'Atef Sidqi.

Journalists were also banned from attending the last two military court sessions during the trial of those charged with attempting to kill the Minister of the Interior.

In both of the above trials, neither of which met international standards for fair trials, death sentences were handed down. Five people have been executed and another five are awaiting execution.

### Death in Custody

During the last 21 months at least 16 people have died in police stations and branches of the State Security Investigations Department (SSI) -- particularly in Cairo and in Upper Egypt -- apparently after being tortured by state security officers.

Lawyers defending political prisoners in Egypt, the Egyptian Organization for Human Rights, and victims of torture have lodged hundreds of complaints with the Public Procurator's Office, but have received little or no feedback. The Egyptian authorities have failed to stop the systematic and widescale use of torture or 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 to little effect.

The most recent cases of torture known to AI are those of the 32-year-old lawyer, 'Abd al-Harith Mohammad Madani, who died (see previous page), and another lawyer, Ramadhan Mahmoud Ahmed, who was arrested on 6 July on his way to see a client at Abu Za'abal Industrial Prison. He was taken to the local branch of the SSI where he was allegedly severely tortured.

Other deaths in police custody include Ahmed Farouq Ahmed, who was accused of participating in the attempt on the Minister of the Interior's life on 18 August 1993. He died within 24 hours of his arrest at the beginning of September 1993.

'Iffat Mohammad 'Ali, aged 27, died on 25 October 1993, six days after his arrest, apparently after he was severely tortured by police officers in Cairo.

Shortly after their deaths, AI wrote to the Minister of the Interior calling for prompt, thorough and impartial investigations. No response was received. Although Egypt has ratified two international treaties prohibiting torture, the *International Covenant on Civil and Political Rights* in 1982 and the *United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* in 1986, torture continues to be applied systematically to political prisoners. AI has published numerous documents detailing cases of torture.

The Egyptian authorities have categorically denied the systematic practice of torture, but told AI in May 1993 that cases of torture "have been few and have reflected individual and exceptional conduct which is punishable by law." Lawyers in Cairo told AI delegates in April 1994 that torture, which usually takes place at the Headquarters of the SSI in Lazoghly Square, and at its branches 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 said they were tortured in prison by state security 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, said after their release that political detainees in the prison were routinely tortured.

They said they had seen marks of torture on six detainees who had been blindfolded, taken out of their cells to an unknown destination and returned to the prison after several days.

A number of political prisoners claimed in February 1994 that they were beaten up repeatedly by the High Security Prison officers. 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 went on hunger strike for at least 15 days to protest against their treatment.

### Death Sentences and Unfair Trials

Thirty-five people have been executed and 56 death sentences have been passed since President Hosni Mubarak began to issue special decrees referring civilians for trial before military courts some two years ago. 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

the right to appeal to a higher court.

In addition, civilians tried by these courts have been held in secret illegal detention and systematically tortured by security police. Statements extracted under torture have then been used as evidence against them in court.

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 apparently members of the armed forces while 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*, and were accused of planning the assassination of President Mubarak. On 17 March Medhat Tahhawi and Mohammad Ahmed Sa'id Salih were executed. All the death sentences passed by military courts were subject to ratification by the President of the Republic, and then reviewed by the Military Appeals' Bureau, also headed by the President of the Republic. Such procedures fall short of international standards for fair trial, as guaranteed by Article 14 of the International Covenant on Civil and Political Rights, to which Egypt is a state party, which guarantee that everyone who is convicted shall have the right to their conviction and sentence being reviewed by a higher tribunal.

The United Nations' Economic and Social Council has urged that these rights be respected in all cases involving the death penalty. AI considers these executions to be summary and arbitrary executions. Military trials of civilians have been strongly criticized by local and international human rights organizations. In July 1993 the United Nations Human Rights Committee reviewed Egypt's record of implementing the International Covenant on Civil and Political Rights and expressed serious concern about trials 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".

### Cases of continuing detention [photographs]

Freelance journalist 'Abd al-Mun'im Gamal al-Din, was acquitted by the Supreme Military Court in Cairo on 30 October, 1993.

But instead of walking free, he was given a new detention order and is still detained in the High Security Prison in Tora. He has been denied visits since 20 December 1993.

'Abd al-Mun'im Gamal al-Din was arrested on 21 February 1993, when state security officers stormed 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'bal Prison.

He was tried by a military court in the case known as *Tala'i al-Fatah* (Vanguards of the Conquest) between August and October 1993 and was one of dozens of people acquitted.

Nazzar Mahmoud 'Abd al-Hamid Ghorab, a lawyer in his late twenties, was not finally released from custody until 14 June 1994 – more than seven months after he too had been acquitted by the Supreme Military Court on 30 October, 1993.

He had been arrested on 10 June 1993 and was also charged in connection with the *Talai' al-Fatah* case. The day after his acquittal he was issued with a new detention order, which he challenged, and on 27 November 1993 a court ordered his release.

The Minister of the Interior objected but a second court again and ordered his release. Instead, however, he was transferred to the Giza branch of the SSI and then taken back to the High Security Prison with a new detention order dated 22 December 1993.

Nazzar Mahmoud 'Abd al-Hamid Ghorab challenged his detention again in early 1994. A court examined his petition and ordered his release, but the Minister of the Interior objected again. On 11 May the court considered the Minister of the Interior's objection and again supported his release.

But Nazzar Mahmoud 'Abd al-Hamid Ghorab was still not allowed to be set free. He was taken to the Giza branch of the SSI, where he was kept until 14 June 1994, the day he was finally freed.

### **Possible Extrajudicial executions**

Chemistry student Amin Shafiq Hamam was taken from his room at Asyut University campus in the early hours of the morning on 25 April and driven to a nearby village. There, he was shot and killed, allegedly by state security officers. He was a suspected member of a banned Islamist group.

AI believes that many deaths caused by the police are unlawful killings resulting from an excessive and unwarranted use of lethal force, and that some of these killings may amount to extrajudicial executions.

In Cairo on 1 February this year, eye witnesses saw State Security officers dragging a man who appeared to have been tortured. He led them to a flat in al-Zawiya al-Hamra district of the city. Seven people, all civilians and alleged members of banned Islamist militant groups, were killed. An eye witness said that the shooting did not last long and that there was no exchange of fire. This contradicted the official police version which claimed the seven people had started shooting at the security forces and that the shooting lasted for over three hours.

A young man, Redha Mahmoud Mohammad, was killed by state security officers in al-Ma'adi in Cairo in December 1993 for failing to show his identity card. When he ran away he was followed and shot. His body was not handed over to the family until 10 days later.

State security officers in Asyut allegedly shot and killed Mohammad 'Abd al-Rahman on his motorbike because he apparently refused to stop for questioning on 31 October 1993. He was suspected of being a member of *al-Gama'a al-Islamiya*.

No information is available as to whether the Egyptian authorities have carried out investigations into any of these incidents.

### **State of Emergency**

Thousands of people have been administratively detained without charge or trial under Article 3 of Egypt's Emergency Law. The State of Emergency has been in force since the assassination of President Anwar al-Sadat in 1981 and 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 said that the State of Emergency is an exceptional situation aimed at fighting "the danger of drug-trafficking and terrorism", but it has been strongly criticized by local and international human rights organizations.

The United Nations Human Rights Committee and the Committee Against Torture concluded in 1993 that the State of Emergency was a serious impediment to the implementation of the *International Covenant on Civil and Political Rights (ICCPR)* and the *United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, both ratified by Egypt.

[While AI does not take a position on the State of Emergency as such, it is concerned that it facilitates continuing arbitrary detention and torture.]

### **Recommendations**

Two AI delegates visited Egypt in April 1994 in an attempt to take forward the human rights dialogue with the Egyptian authorities. While the delegates did meet with a number of Egyptian Government officials,

they were concerned that their request to meet officials from the State Security Investigations Department, including its director, was refused. A request to visit several detainees at the High Security Prison was also turned down.

Although two human rights units have been set up by the Egyptian authorities, no legislative or other practical measures have been introduced to bring the country's laws or human rights practices into line with the international human rights treaties to which it is a state party.

AI urges the Egyptian Government to end human rights violations by adopting the necessary legal and practical measures to implement all the provisions contained in the International Covenant on Civil and Political Rights and the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

### **Armed Opposition Groups**

Tourists and Christians as well as government officials, state security officers, policemen and prison officers have been the targets of armed political groups opposed to the government such as *al-Gama'a al-Islamiya*, *Gihad* and a splinter group *Tal'ai' al-Fatah*.

AI condemns deliberate and arbitrary killings by armed political groups, such as the killing of civilians, and has called for an immediate halt to them.

Targeting of civilians has included attacks on banks and on boats carrying tourists. In one incident, on 5 March 1994, an attack on a boat claimed the life of a German tourist.

Five Copts, members of the ancient Christian Church of Egypt, 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, on 11 March 1994 by armed gunmen.

A Coptic student, Rafiq 'Atef Ibrahim, was shot dead in the village of Meer in southern Egypt on 1 March 1994. 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 attacks.

Gunmen shot dead the owner of a car showroom, Sayyid Ahmed Yahya, one of his employees, a customer and a guard. This took place in Shibin al-Qanatir, a small town north of Cairo on 4 February 1994. 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 23 December 1993 a 40-year-old man, Mostafa Mahmoud Muftah, was apparently stabbed to death by masked men in Asyut. This attack was allegedly carried out by suspected members of *al-Gama'a al-Islamiya*. Mostafa Mahmoud 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.