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Public Statement

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Egypt: protection of torture victim is key for justice to be done

Amnesty International is calling on the Egyptian authorities to ensure the safety of torture victim Emad Mohamed Ali Mohamed, known as Emad al-Kabir, and his protection from further intimidation or reprisal while in prison. This is key to ensure justice is done during the trial on 3 March 2007 of two police officers charged with torturing him, including with rape, in January last year.

Emad al-Kabir was yesterday sentenced to three months' imprisonment for "resisting the authorities" and "assaulting a police officer" and was reportedly taken to prison immediately afterwards. He was tried for intervening to stop a dispute between his cousin and police officers in January 2006. Amnesty International fears that, while in prison, he is now more vulnerable and may be subjected to further intimidation or reprisal in order to force him to withdraw his torture complaint.

Two officers from Bulaq Dakrur Police Station, in Giza Governorate, will be tried for the unlawful detention, torture and rape of Emad al-Kabir. They will also stand trial for obtaining and distributing materials harmful to public moral and decency, as they reportedly filmed and distributed the rape of Emad al-Kabir using a mobile phone camera in order to further degrade and humiliate him. They have been charged under Articles 178, 268 and 282 of Egypt's Penal Code in December 2006 and could face up to nine years' imprisonment.

The referral in December 2006 of two police officers to stand trial over the torture of Emad al-Kabir is a first step towards punishing those responsible for allegedly committing acts of torture. However, what happened to Emad al-Kabir is by no means an isolated incident. Torture in Egypt remains widespread and systematic and now torture allegations are being supported by graphic evidence as more videos of torture and other ill-treatment have been posted on the Internet. The most recent video, posted last week on the Internet, showed a screaming woman in a contorted position, tied to a bar hung between two chairs, confessing to murder.

The Egyptian Minister of Interior reportedly ordered the security services to open an investigation to identify the victim.

Amnesty International is again calling on the Egyptian government to implement specific recommendations made by UN treaty bodies and special procedures, especially those of the Committee against Torture; to ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; and to extend an invitation to the UN Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment to visit the country, following his renewed request in July 2006.

In particular, the organization urges the Egyptian authorities to put in place safeguards to ensure that detainees are not subjected to torture or ill-treatment, to investigate all allegations of torture and ill-treatment seriously, to protect torture victims from intimidation or reprisal, and to establish, as routine, prompt, thorough and impartial investigations into these allegations and bring to justice those who have committed, ordered or authorized such acts.

Background

Emad al-Kabir, a 21 year-old taxi driver from Bulaq Dakrur in Giza Governorate, was arrested on 18 January 2006 after intervening to stop an argument between police officers and his cousin. While in detention at Bulaq Dakrur Police Station, he was slapped and kicked with a stick on his hands and legs. He was accused of "resisting the authorities" and, on 19 January 2006, presented before the Public Prosecutor, who ordered his release on bail of 100 Egyptian pounds (approx. US\$17). Instead of being freed, Emad al-Kabir was taken back to Bulaq Dakrur Police Station by police officers where he was detained overnight and tortured.

He told Amnesty International that at around 3am on 20 January 2006, he was taken to an interrogation room, where a number of officers, including the two to stand trial, tied his hands and feet and forced him to sit on the floor. He was whipped and ordered to call himself degrading names. He then had his trousers removed; his legs were raised and he was raped with a stick. The rape was filmed by one of the two police officers, using a mobile phone camera, who told him that he would circulate the video in Emad al-Kabir's neighbourhood in order to publicly humiliate him and intimidate others.

Following the arrest of his brother around 15 November 2006 allegedly for refusing to give a bribe of five Egyptian pounds (approx. US\$0.80) to a police officer, Emad al-Kabir approached the authorities, using a copy of the video of his own rape, to ask for his brother's release for fear that he might be tortured, including with rape. He was asked to write a complaint and was later taken to the Bulaq Dakrur Police Station, where he was detained overnight. During his detention at the police station, two senior officers tried to convince him to drop the torture complaint in exchange for them dropping the charges of "resisting the authorities". He also received several calls on his mobile phone threatening him and the safety of his family if he did not remain silent.

The video, which was reportedly widely circulated in the Bulaq Dakrur neighbourhood and among other taxi drivers of the region, was posted on the Internet in November 2006, causing protest among human rights organizations and wide media interest. On 9 December, Emad al-Kabir received a summons to appear before the Public Prosecutor on 12 December in relation to his complaint. He was then questioned and referred for forensic examination. On 24 December, the Public Prosecutor ordered the detention for four days of the two officers Emad al-Kabir was able to name and, on 28 December, referred them to South Cairo Criminal Court for trial. The request of their defence lawyer to be released on bail pending their trial in March was rejected on 9 January 2007 and they remain detained in one of the detention facilities of the Central Security Forces.

Despite evidence that torture in Egypt is widespread and systematic and that everyone taken into detention is at risk of torture or other forms of ill-treatment, the Egyptian authorities continue to admit to only occasional and isolated individual cases of human rights abuses, and to emphasize that disciplinary measures are taken against those guilty of such abuses. Indeed, trials of alleged torturers before criminal courts are mainly restricted to cases where the victim died, and only in criminal, not political, cases. In most cases, security forces have been allowed over many years to act with virtual impunity.

In Egypt's Penal Code, the criminal offence of torture continues to have a restricted definition and is limited to the context of forcing an accused person into making a confession, and death threats and physical torture are criminalized only when they happen following an illegal arrest. This means, for example, that no criminal charges can be brought against officers who torture a person who is not a "suspect" in any offence or in order to obtain information, rather than a "confession", from them. Despite numerous calls by UN bodies and national and international non-governmental organizations to adopt a definition of torture that fully corresponds with the definition in Article 1 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Egypt is a state party, the authorities have to date taken no such action.