

Reference: TG MDE 12/2018.014

Index Number: MDE 12/9500/2018

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3 Al Estad Al Bahary Street  
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Egypt

3 December 2018

## Re: The treatment of children by law enforcement and judicial authorities in Egypt

Dear Mr Rashwan

I am writing with regard to the press release entitled *Amnesty International's statement on the torture of children in Egypt is not based on tangible evidence and lacks accuracy*, which was issued by the Human Rights Unit of the State Information Service on 22 November. We appreciate the opportunity to engage with you on this important matter and would like to respond to some of the points raised.

Overall, we are concerned that, instead of conveying a message that the Egyptian authorities will commit to investigating thoroughly and impartially the cases raised by Amnesty International, address the practices of concern and hold those responsible accountable, the main focus of the statement is on denying that any violations took place. Allow me therefore to quote a number of the points raised in the press release and to respond to them below:

### RESPONSES TO POINTS IN THE PRESS RELEASE

***"AI's statement claimed that at least 12 children we [sic] involuntarily disappeared and that 6 of the 12 were tortured. However, AI only published the details of only 2 of the cases."***

Due to the Egyptian authorities' history of [reprisals](#) against people who speak out against the government, which we detailed in a September 2018 publication on [freedom of expression](#),<sup>1</sup> Amnesty International was only able to publish the names of some of the cases as illustrative examples. Nonetheless, we had documented the details of the cases of 12 children whom we consider to have been subjected to enforced disappearance. In six of the 12 cases, we received credible allegations that the children had been tortured.

***"The stories AI relayed in the statement were not based on well-grounded sources"***

Amnesty International based its findings in both the cases it published on extensive interviews with witnesses, which it corroborated by examining telegrams and formal complaints that were filed on behalf of the children. The Egyptian authorities have a long and well documented history of forcibly disappearing and torturing individuals. We invite you to refer to our 2016 report on enforced disappearance in Egypt,<sup>2</sup> which includes cases of children, and to a 2017 report by the UN Committee against Torture, which found that "torture is a systematic practice in Egypt".<sup>3</sup>

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<sup>1</sup> Amnesty International, *Egypt: An open-air prison for critics* (Index: MDE 12/9107/2018), 20 September 2018, [www.amnesty.org/en/documents/mde12/9107/2018/en/](http://www.amnesty.org/en/documents/mde12/9107/2018/en/)

<sup>2</sup> Amnesty International, *Egypt: 'Officially you do not exist': Disappeared and tortured in the name of counter-terrorism* (Index: MDE 12/4331/2016), 13 July 2016, [www.amnesty.org/download/Documents/MDE1243312016ENGLISH.PDF](http://www.amnesty.org/download/Documents/MDE1243312016ENGLISH.PDF)

<sup>3</sup> Report of the Committee against Torture, 58<sup>th</sup> session (25 July-12 August 2016); 59<sup>th</sup> session (7 November-7 December 2016); 60<sup>th</sup> session (18 April-12 May 2017), 2017, UN Doc. A/72/44, [undocs.org/A/72/44](http://undocs.org/A/72/44), paras 52-70. The quotation is from para. 69.

***“The lawyers of the two defendants did not officially submit a claim that they were tortured, and did not request that they be examined [by] the forensic medicine authority as dictated by the law in such cases.”***

Neither child was afforded a lawyer when they were first examined by the Supreme State Security prosecution, a common practice that violates both Egyptian and international law. The lawyers for both children did ask for the forensic authority to examine the children and filed complaints regarding their torture and enforced disappearance with the prosecutors and later the judges examining their cases, but prosecutors and judges took no action. Their refusal to investigate does not undermine the strength of the boys’ allegations; Amnesty International’s 2016 report and the UN Committee against Torture’s 2017 report mentioned above documented evidence that, when confronted with such allegations, prosecutors and judges generally fail to act on them and rarely launch investigations into them.

***“The prosecution placed Abdullah [Boumidan] under observation in a legal juvenile observation center and not in an ordinary prison where adults are incarcerated”***

According to interviews conducted with family members,, Abdallah Boumidan is held in al-Azbakeya police station, under direct supervision of the police, rather than a “legal juvenile observation centre”. He was held in solitary confinement for 24 hours a day for over 140 days. This amounts to cruel treatment, especially for a 12-year-old child. Under international law and standards, the solitary confinement of children is prohibited.<sup>4</sup> More generally, all prolonged solitary confinement, that is solitary confinement imposed for periods beyond 15 days, constitutes cruel, inhuman or degrading treatment or punishment and could amount to torture.<sup>5</sup> International standards also refer to the prison regime of solitary confinement and prison conditions as two major elements in determining whether solitary confinement amounts to torture or other ill-treatment.<sup>6</sup>

***“The prosecution charged Asser [Mohamed] with crimes he committed after turning 15”***

Aser Mohamed was 14 years old when security forces arrested him on 12 January 2016 and forcibly disappeared him for 35 days. He was in detention when the offences with which he has been charged took place. We note that your statement does not touch on our concern that he was detained in a central security camp along with adults, a practice which violates Article 37(c) of the UN Convention of the Rights of the Child and Article 112 of Egypt’s Child Law. Furthermore, the UN Committee on the Rights of the Child has determined that states should apply juvenile justice rules to all persons under the age of 18 years, meaning that they should not be treated like adults by the criminal justice system.<sup>7</sup>

***“It’s obvious that the Egyptian authorities have abided by the standards emphasized by article 37 of the Convention on the Rights of the Child, as it has offered the necessary guarantees of justice in this context, and has taken into account the young age of those two defendants.”***

Article 37 of the UN Convention of the Rights of the Child provides, among other things, that “No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.” Egyptian law allows the pre-trial detention of children for prolonged periods, as occurred in these two cases and in many others. The UN Committee on the Rights of the Child has stated that prolonged pre-trial detention of children is a grave violation of the Convention.<sup>8</sup> Egyptian law also allows for children to be tried by special courts that lack basic guarantees of fair trial.

The detention of children with adults violates not only international law, but also Egyptian law. Forcibly disappearing children is also illegal under Egyptian and international law.

We are deeply concerned to learn that, from the Egyptian authorities’ point of view, practices including enforced disappearances, serious allegations of torture that are not investigated, the use of special courts, interrogation of children without lawyers, family separation, and the detention of children with adults or in solitary confinement amount to “guarantees of justice in this context and taking into account the young ages of the children”.

We also note that the State Information Service’s statement fails to address other issues raised in Amnesty International’s public statement with regard to unfair trials, sentencing children to death and detention of children with adults.

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<sup>4</sup> See for instance UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), Rule 45(2).

<sup>5</sup> Nelson Mandela Rules, Rules 43-4.

<sup>6</sup> Human Rights Committee, General Comment No. 20, UN Doc. A/47/40, annex VI.A, Article 7 (Prohibition of torture, or other cruel, inhuman or degrading treatment or punishment), 10 March 1992.

<sup>7</sup> Committee on the Rights of the Child, General comment No. 10 (2007): Children’s Rights in Juvenile Justice, UN Doc. CRC/C/GC/10, 25 April 2007, para. 21.

<sup>8</sup> Committee on the Rights of the Child, General comment No. 10 (2007): Children’s Rights in Juvenile Justice, UN Doc. CRC/C/GC/10, 25 April 2007, para. 28(a).

## **CONCLUSION**

While Egyptian law provides some, albeit limited, protections to children in conflict with the law, Amnesty International's research shows that the Egyptian authorities have failed even to apply these, let alone comply fully with their legal obligations to provide the wider protections under international human rights law. They have instead circumvented the law through creative naming of places of detention, and forcibly disappearing and torturing children to extract confessions from them.

We therefore stand by our original conclusion that the Egyptian authorities have in a wide range of ways violated the human rights of children protected under international law, and to an extent by Egyptian law, as detailed in our public statement. We urge the Egyptian authorities to focus on upholding their international commitments, instead of accusing human rights organizations of joining fictional "systematic politicized smear campaigns that aim to damage the image the Egyptian state locally and abroad". It is the human rights violations committed with impunity by parts of the Egyptian state that harm children and damage its image.

Yours sincerely

Philip Luther  
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