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INTERNATIONAL'S OCTOBER 1990 REPORT

# EGYPT

## @Security police detentions undermine the rule of law

### 1. INTRODUCTION

Thousands of people have been arrested and detained on political grounds under the state of emergency which has been in force in Egypt without interruption since 1981. Dozens have been held arbitrarily because they were related to someone wanted for arrest by the authorities. In some cases, elderly people, women and children have been held and sometimes tortured in order to obtain information on the whereabouts of political suspects<sup>1</sup>. Political prisoners have frequently been held in prolonged incommunicado detention even after courts have ordered their release, and many suspected activists, usually from Islamic groups, continue to be subjected to periods of detention without charge or trial.

There have been various incidents of politically-motivated violence in Egypt in recent years. They include the assassination of President Anwar Sadat in 1981 and in 1990 of Dr. Rifa'at al-Mahgoub, the Speaker of the People's Assembly. Attempts have also been made on the lives of three former Ministers of the Interior. In such circumstances, as Amnesty International recognizes, the authorities have a clear responsibility to apprehend and bring to justice those responsible. However, such events should not be used as a pretext to carry out arbitrary arrests of suspected opponents of the government, as so often appears to have been the case. Nor do such incidents justify the practice of subjecting critics and suspected opponents of the government to repeated periods of detention without charge or trial. That such arbitrary detentions are a frequent occurrence is underlined by the many cases in which the courts have ordered the release of individual detainees, although in some cases the detaining authorities have failed to comply with such orders for release. Those detained without trial are believed to have included many prisoners of conscience.

Mass arrests have often taken place before important political events such as elections for the People's Assembly or the Consultative Assembly, or certain Islamic feasts when opposition demonstrations have been planned. For example, mass arrests took place before the Madrid peace conference which began on 30 October 1991, apparently because of their criticism or suspected opposition to the talks.

To date, the Egyptian authorities have taken no action in response to Amnesty International's calls for them to implement, at the very least, the minimum safeguards and guarantees for the protection of detainees contained in the *International Covenant on Civil and Political Rights (ICCPR)*, adopted by the United Nations General Assembly in December 1966 and ratified by Egypt in 1982, and in the *United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment*, adopted by the United Nations General Assembly in December 1988. Abuses of detainees continue and Amnesty International has also received disturbing reports of certain individuals "disappearing" following their arrest.

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<sup>1</sup>For detailed information on torture in Egypt see Amnesty International's October 1991 report: [Egypt: Ten Years of Torture](#) (MDE 12/18/91).

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## 2. CASES OF PROLONGED AND INDEFINITE DETENTION

Since 1967 there has been an almost continuous state of emergency in force in Egypt. It was lifted for less than 18 months between May 1980 and October 1981 - when a state of emergency was reimposed following the assassination of President Anwar Sadat. Under Article 3 of the Emergency Law people may be detained without charge or trial. Detentions are ordered by the Ministry of the Interior and carried out by the security police, the State Security Intelligence (SSI) service. Anyone held in administrative detention under Article 3 has certain rights of appeal, but these are complex and open to abuse.

Emergency detainees may petition against their detention after 30 days have elapsed from the date on which the detention order was issued. The petition is referred to the (Emergency) Supreme State Security Court, which is required to give a reasoned decision within 15 days of presentation of the petition after hearing the detainee's testimony. If the court decides to order the release of the detainee the Minister of the Interior may challenge this decision within 15 days. The matter is then referred to a separate (Emergency) State Security Court within 15 days of the ministerial objection, and this second court must issue its decision within 15 days of the referral. If the second court orders release, this decision is required to be given effect. If the court orders continued detention, the detainee can submit a new petition after each 30 day period. In the majority of cases courts do order release, indicating that they consider insufficient the grounds for extending the detention given by the authorities which often amounts to no more than a sentence stating that the detainee is considered a threat to public order or national security. In most cases also it would appear that the Minister of the Interior does lodge an initial objection in cases where the (Emergency) State Security Court orders the release of detainees.

Detention orders are clearly issued on too broad a basis and courts frequently find there is no reason to extend the period of detention. The general minimum period of detention under this system still amounts to between two and three months, even if the courts do not hesitate to order the release of detainees. Amnesty International has frequently drawn the government's attention to the requirement that detainees be brought before a judicial authority without delay, as it considers that 30 days' detention before detainees are allowed to challenge their detention to be far in excess of international norms. These norms are contained in the *International Covenant on Civil and Political Rights*, and the *United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment*. Principle 11.1 of the *Body of Principles* states that "A person shall not be kept in detention without being given an effective opportunity to be heard promptly by a judicial or other authority." Article 9(4) of the *International Covenant on Civil and Political Rights* states that: "Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful." Amnesty International considers that this period should not exceed the first hours or days following arrest.

In practice, even after a second court orders release, detainees are sometimes transferred to local police stations or in some cases distant prisons for several days, apparently by the SSI officers, before being taken back to prison with new detention orders. Such practice would appear to contradict assurances given to Amnesty International by Interior Ministry officials that no detention order may be issued in such circumstances until after a person has been released, and there are new grounds for his detention. The following examples illustrate this pattern.

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**Ahmed Gad al-Rab Ahmed 'Ali**, a 23-year-old student from Shubra, Cairo, was arrested in Alexandria on 16 August 1990. A petition for release was submitted to the (Emergency) State Security Court on his behalf. The court ordered his release on 19

September 1990, but the Minister of the Interior objected. A second court decided on 13 October 1990 that he should be released, but he was reportedly taken by the SSI from the prison to a police station where he remained for several days. He was then transferred back to prison with a new detention order.

A second petition for release was submitted on his behalf, leading the court to order his release him on 3 December 1990. Again the Ministry of the Interior objected. A second court over-ruled this objection on 22 December 1990 and issued a new order for the detainee's release. The earlier process was then repeated: Ahmed Gad al-Rab Ahmed 'Ali was taken to a police station for a few days, then returned to prison with a new detention order. This process of petitioning the court, obtaining an order for release and then having that thwarted by the Ministry of the Interior's objections, was again repeated in 1991. By November 1991, more than a year after his arrest, Ahmed 'Ali remained in prison without charge or trial despite a succession of court orders requiring his release.

Ahmed Gad al-Rab Ahmed 'Ali

**Al-Ahmadi Mohammad Ahmed Basyouni** was arrested on 17 September 1990 by the SSI in Alexandria and transferred to Istiqbal Tora Prison outside Cairo. On 21 October 1990 he petitioned a court to challenge his detention, and the court ordered his release on 29 October 1990. However, the Ministry of the Interior objected. A second court was scheduled to examine the detention on 11 November 1990, but

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the session was adjourned until 22 November when it decided to release Ahmed Basyouni. However, the SSI transferred him from Istiqbal Tora Prison to Moharram Bek detention centre in Alexandria, where he remained from 22 November until 10 December 1990. He was then taken to Isti'naf Prison in Cairo under a new detention order. On 16 December he was transferred to Istiqbal Tora Prison where he remained until 19 January 1991. One day later, on 20 January, he was taken back to Moharram Bek Detention centre in Alexandria. He stayed there until 10 February 1991, when a third detention order was issued and he was again taken to Isti'naf Prison in Cairo. On 16 February he was transferred to Qina Prison. As of June 1991 he was still in prison.

**Ahmed Ibrahim al-Naggar** is a 29-year-old chemist, married, with one daughter. He was arrested on 20 February 1991. He petitioned a court to challenge his detention and the court ordered his release on 27 March 1991. The Ministry of the Interior objected. A second court decided to override this objection and ordered his release on 6 July 1991: This was some two and a half months after the Ministry's objection although the Emergency Law requests that such decisions be made within 15 days. Ahmed Ibrahim al-Naggar was then taken to an SSI branch in Doqqi, Cairo, where he stayed for 10 days. At the end of this period a new detention order was issued and he was taken to prison.

A second petition for release was submitted on his behalf. However, the court refused this petition because, according to the new detention order, the prisoner had been detained for less than the period of 30 days required by the law before the court could examine the case - even though he had now been in detention continuously for more than five months. In early August 1991 Ahmed al-Naggar petitioned the (Emergency) State Security Court to challenge his release and the court did order his release. However, the Ministry of Interior objected; a second court over-ruled this decision in late August and decided to set Ahmed al-Naggar free. He was taken back to the SSI branch in Doqqi on 1 September 1991 and was then taken to Istiqbal Tora Prison on 10 September under a new detention order. On 24 September 1991 he was transferred to the SSI headquarters in Lazoghly Square for about 10 days. There he was allegedly tortured by means of electric shocks and beating. He was taken back to prison. A court ordered his release on 14 October. Ahmed Ibrahim al-Naggar This time the Ministry of the Interior did not object but he was simply deferred to the state security procuracy and was charged with membership of the banned Gihad ("holy war" - an Islamic group). The law enables the State Security Procuracy (niyaba) to keep any charged person for six months before releasing him or bringing him to trial. As of the end of October 1991 Ahmed Ibrahim al-Naggar was believed to be again held at the SSI headquarters in Lazoghly Square, where he was again allegedly tortured.

**'Abd al-Sami' Hassan Mohammad**, a manual worker, was arrested on 16 August 1990. He petitioned the (Emergency) State Security Court to challenge his detention and the court ordered his release on 17 September 1990. The Ministry of the Interior objected, but this was over-ruled by a second court on 13 October 1990. However, he was taken to the SSI's Doqqi branch, where he was reportedly tortured, and then held at various police stations before being issued with a new detention order and taken back to prison.

A second petition for release was issued on his behalf, but again when the courts ruled that he should be released, dismissing Ministry of Interior's objections, he continued to be held in custody and simply issued with a new detention order. He was still detained without charge or trial in September 1991 and held at Istiqbal Tora Prison.

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Even when a detainee's case is referred for investigation to the procuracy and the procuracy concludes that he or she has no case to answer, it is common for the detainee to remain in custody under the terms of an administrative detention order. The case of 'Ali 'Abd al-Nabi 'Ali, a 24-year-old Asyut University student, illustrates this type of detention. He was arrested on 30 October 1990 at the University of Asyut:

"They arrested me in front of the students at the Faculty of Engineering as I was going in... eight of them just threw me into a car and took me in a closed police van to the first police station in Asyut... The next morning they took me, wearing handcuffs, to the Procuracy, walking along the street... They accused me of distributing leaflets and incitement against the regime. They showed me two leaflets which I'd never seen in my life. The Procuracy released me straightaway, but then the security police took me back and I was held with one other person. I received a note saying I would be transferred to another place. I had an examination at the university and I was very concerned about this. I stayed in the police station and then I was taken to another one and I stayed there for three days. On the Saturday afternoon they came and took me to the firaq al-amn [security forces] headquarters, where I was held in a small room. We all had to sleep on the floor, it was very damp and cold and the toilet was completely blocked up. I had an examination on 12 November 1990 and I went on hunger-strike so that I would be able to attend exams. However, at midday the killing of Dr al-Mahgoub [the Speaker of the People's Assembly] had taken place and we were immediately taken to Abu Za'abal Prison, where conditions were very bad. I was held there for two months and was released only eight days after the last court decision to release me. On 1 January 1991 I was taken back to the State Security Intelligence in Asyut, and stayed there for two hours, when I was required to list all my relatives and friends. They beat and kicked me and asked whether I attended Islamic lectures. I was held in all for about two and a half months... The treatment of students and others is completely arbitrary. If you are held in prison and no one makes a challenge for your detention on your behalf, you are finished, nobody knows where you are."

### 3. ARRESTS OF FAMILY MEMBERS AND ASSOCIATES

Amnesty International has received detailed information about individuals arbitrarily detained in recent years under the Emergency Law because they were related by family to someone wanted by the authorities. This practice has apparently been employed to obtain information on the suspect's whereabouts and to induce the latter to give themselves up, or to obtain more information on the suspect, who may already be detained. Dozens of relatives have reportedly been abused and beaten up while in detention centres or even in their homes when visited by SSI officers. Often they are subject to continuing harassment even after their release.

**Diyab Saqr Adam**, a 32-year-old iron and steel factory worker from Hilwan, married with two sons, was arrested on 13 August 1991 apparently because the SSI wanted to know the whereabouts of his neighbour. He admitted that he knew the person quite well, but he did not know his whereabouts. He was taken to an unknown place. His family's and lawyer's attempts to ascertain his whereabouts since then have been in vain. As of 2 September 1991 Diyab Saqr Adam was believed to be detained at one of the SSI's branches.

**Safwat Ahmed 'Abd al-Ghani** was arrested in October 1990 and accused of complicity in the murder of Dr Rifa'at al-Mahgoub, the Speaker of the People's Assembly. He escaped from prison on 19 April 1991. The police then arrested his mother, who is reportedly over 60 years old, his sister and his three brothers.

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His wife and her two-month-old baby were also arrested. They were reportedly all detained at the SSI's Lazoghly Square detention centre. The family's lawyers lodged official complaints to the Procurator General and to the Minister of Justice.

Amnesty International is concerned that the imprisonment of parents, relatives and associates as "substitute prisoners" amounts virtually to hostage-taking and is a gross violation of human rights. The organization has urged the Egyptian authorities to implement safeguards to end this practice.

#### 4. REPEATED DETENTION

Since the imposition of the state of emergency in 1981 thousands of people have been arrested and detained, sometimes for lengthy periods of time. Hundreds have been arrested repeatedly because of their suspected involvement in the activities of Islamic groups. Many have never been charged or tried with any criminal offence. Some of them have been prisoners of conscience, held solely because of the non-violent expression of their beliefs. This pattern intensifies whenever violent clashes between the police and demonstrators occur, or following murders or attempted murders of politicians, such as the killing of Dr Rifa'at al-Mahgoub, the Speaker of the People's Assembly, in October 1990 or the assassination attempt on General Zaki Badr, then Minister of the Interior, in 1989. The following cases illustrate this pattern.

**'Adel Mohammad 'Abd al-Maguid 'Abd al-Bary**, a 32-year-old lawyer, married with three children, was arrested several times during the 1980s:

"Since 1982 I have been detained and tortured many times but have never been convicted of any offence. I was first arrested on 13 August 1982 and I was accused of membership of Gihad organization. I remained in prison until October or November 1984. During this time I was moved from prison to prison and subjected to various kinds of torture including electric shocks and suspension, and a forensic report confirmed this. One of my legs became gangrenous and I still have the scars. At that time I was held at the Citadel, Tora, Mazra'at Tora, Abu Za'abal and then back to the Citadel. 'Adel 'Abd al-Bary Before they arrested me they arrested my father and brother to make me give myself up. My brother was held for three months, and my father for one month.

I was arrested again in 1986 and accused of distributing leaflets, which was not true. I was detained at the Isti'naf (Appeal) Prison in Cairo, then at Mazra'at Tora for three months. My third arrest was in 1987 in Abu Badra when I was initially held for two months in Istiqlal Tora Prison, then released for 15 days before being rearrested and detained for two-and-a half months in Lazoghly Square then in Abu Za'abal. In 1988 I was arrested during Ramadhan [fasting month] for two-and-a half months, and held in Abu Za'abal prison. I was taken to Lazoghly and was tortured for five days before I was transferred to Istiqlal Tora, where I remained for two and a half months. In January 1989 I was arrested in the Lawyers' Association office and held for one month. We were 11 lawyers held then. I was held in Khalifa Prison, then Abu Za'abal, then Minya, Qina, Isti'naf and Abu Za'abal Prison. In September 1989 I was arrested again in the Lawyers Association office. I spent two and a half months in detention, during which I was severely tortured."

**'Ali Mohammad al-Gindi** is 40 years old and was the director of the electronic equipments unit at al-'Amirya Oil Company in Alexandria. He was first arrested in 1981 and was held at al-Hadhra Prison in

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Alexandria for five-and-a half months.

His second arrest was in 1986 when he was detained for four months in Istiqbal Tora Prison. He was allegedly denied food and water for four days. He was not tried or charged.

In 1987 he was arrested for the third time apparently because of his alleged activities with the Muslim Brothers. He was reportedly interrogated continuously from 8.30 am to 11 pm and was detained in Abu Za'abal Prison for 28 days.

On 4 October 1989 he was arrested again and accused of founding an 'Ali Mohammad al-Gindiunauthorized trade union committee within the company. Four other workers at the same company were also arrested. All five were transferred to Istiqbal Tora Prison, 'Ali Mohammad al-Gindi where they remained until 17 December 1989. On no occasion has 'Ali Mohammad al-Gindi been tried or found guilty of any offence.

**Mohammad al-Sayyid al-Sayyid Higazi**, a 29-year-old Arabic teacher and a graduate of Cairo University, was arrested while visiting his wife's family in Bulaq al-Dakrur, Giza, on 18 August 1991. He was tortured for several weeks at the SSI's Doqqi branch in Cairo, and at the SSI headquarters in Lazoghly Square. After being detained initially in Doqqi he was reportedly transferred to Tora Istiqbal Prison, but was returned a few days later to the headquarters of the SSI in Lazoghly Square, where he was allegedly held for two more weeks and tortured. He was then taken back to prison. A representative of the Egyptian Organization for Human Rights (EOHR) is reported to have visited Mohammad al-Sayyid al-Sayyid Higazi in prison and observed marks of torture on his body. Mohammad Higazi was recently charged with membership of Gihad, an illegal Mohammad al-Sayyid al-Sayyid Higaziorganization. He was reportedly examined by a forensic doctor at the request of the State Security Procuracy, who concluded that his physical scars were consistent with his allegations of torture. As of the end of October 1991 he was still in prison.

Mohammad al-Sayyid al-Sayyid Higazi was first arrested in 1981 following the assassination of President Anwar al-Sadat and was detained for more than a year without trial. He was arrested again in 1984 and detained for several months, allegedly for collecting money and distributing it to the families of members of Islamic groups who were detained at that time. However, he was not tried or convicted of any offence. He was arrested again in 1986 and detained for several months apparently for his alleged involvement in the activities of Islamic groups.

The cases described above illustrate a pattern which has developed over the last 10 years - since the imposition of the state of emergency following the killing of President Sadat in 1981. Thousands of people, many of them prisoners of conscience, have been repeatedly arrested and detained just because they were suspected of taking part in the activities of Islamic groups.

## 5. "DISAPPEARANCES"

Amnesty International has also received reports of several "disappearances" after arrest of prisoners

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whose whereabouts remain unknown (see the case of Diyab Saqr Adam, described on page 7). More details are available about **Mostafa Muhammad 'Abd al-Hamid 'Othman**, a 23-year-old student from Qina, in Upper Egypt, who "disappeared" following his arrest in Zagazig on 17 December 1989. He was a third year medical student and was caught up in a wave of mass arrests of supporters and sympathizers of Islamic groups in Egypt at the end of 1989, following an assassination attempt on the then Minister of the Interior, General Zaki Badr.

Mostafa Othman was not known to be a member of any political group and had not been arrested previously. However, on the the night of 16 December 1989 policemen came to his family home in Qina. They did not find him there, but the following day he was arrested at Zagazig University together with a group of fellow students. They were taken initially to Istiqlal Tora Prison, just outside Cairo, where they were detained under State of Emergency legislation. Later student friends of Mostafa Othman confirmed that he had been held with them at the SSI's headquarters in Lazoghly Square, Cairo, in January 1990, and that he had complained of stomach pains while held there. Since then, Mostafa Othman's family have had no contact with him and all attempts to ascertain his subsequent whereabouts have been in vain.

Inquiries about Mostafa's whereabouts have met with contradictory responses from the authorities. One response from the Ministry of Interior stated he was released on 28 December 1989, while another, from the Prisons Administration Department, stated that he was still detained in Istiqlal Tora Prison in 1990. His family continues to seek news of his fate.

## 6. THE GOVERNMENT'S RESPONSE

On 15 February 1991 the Egyptian authorities responded to Amnesty International's October 1990 report, Egypt: Recent Human Rights Violations under the State of Emergency (AI Index: MDE 12/07/90), by refuting "allegations of arbitrary detention under the state of emergency". The government stated that the Egyptian Constitution provided in Article 71 that "any person arrested or detained should be informed immediately of the reasons for arrest." In practice, however, this is rarely observed: hundreds of detainees have spent up to two to three months in custody without being informed of the reasons for their arrest and detention according to information provided to Amnesty International by lawyers and former detainees. Such practice contravenes Article 9(2) of the *International Covenant on Civil and Political Rights*, which provides that "anyone who is arrested shall be informed, at the time of arrest, of the reason for his arrest" [emphasis added], and with Principle 10 of the *United Nations Body of Principles for the Protection of all Persons under Any Form of Detention or Imprisonment*, which states that "Anyone who is arrested shall be informed at the time of his arrest of the reason for his arrest and shall be promptly informed of any charges against him". The Emergency Law itself requires that detainees should be informed of the reasons for their arrest.

The government also pointed out that "the provisions of the International Covenant on Civil and Political Rights do not define the period within which the detainee must be brought to trial", as a justification for the situation in Egypt where, under the Emergency Law, a detainee may not challenge his arrest and detention in court, until he has spent 30 days in detention. The government, in its response, said that "30 days are essential in order to complete all the documentation concerning the investigation necessary to bring the detainee to trial". The response also stated that "it is not necessary to wait for the expiry of the

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defined period before releasing the detainee."

Article 9(4) of the *International Covenant on Civil and Political Rights* states that: "Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful." It is clear from this provision that anyone deprived of liberty is entitled to benefit from this safeguard immediately after arrest or detention, which is in effect also a fundamental safeguard against torture. *The United Nations Human Rights Committee's Commentary* on Article 9 states explicitly that the period should be no more than a few days.

The government said that "the right of the Minister of the Interior to challenge a ruling to release a detainee within 15 days of the ruling being delivered does not imply that it is not accepted...". The government went on to say that the possibility of challenging a court's decision to release a detainee was simply a power which the Minister of the Interior might invoke. Again, this does not coincide with what Amnesty International has found to be happening in practice. In the majority of cases when the Minister of the Interior has the right to challenge a court's release order he does so.

Amnesty International's analysis of the Egyptian legal provisions governing detention and imprisonment is contained in its 1989 report [Egypt: Arbitrary Detention and Torture Under Emergency Powers](#) (AI Index: MDE 12/01/89), which also contains more than 30 recommended safeguards against arbitrary detention. Amnesty International is therefore reiterating its call to the Egyptian Government for the immediate implementation in practice of the minimum safeguards and guarantees for the protection of prisoners contained in the *International Covenant on Civil and Political Rights* (ICCPR), which Egypt ratified in 1982, and in the *United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment*.

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## APPENDIX

In October 1990 Amnesty International issued a report entitled Egypt: Recent Violations under the State of Emergency (AI Index: MDE 12/07/90). The document had been sent to the Egyptian Government as a memorandum in February of the same year. On 20 February 1991 Amnesty International received the government's response to the report. The section relating to detention is reproduced below.

### THE GOVERNMENT'S RESPONSE<sup>2</sup>

Research carried out by the competent Egyptian authorities revealed that criticism of the Emergency Law focused on the following:

- a) Bringing the detainee before a court of law during the first hours or days of detention.
- b) Abolishing the right, accorded to the Minister of Interior, to oppose decisions to release detainees.

In this respect we would like to inform you of the following:-

#### **A. Bringing the detainee before a court of law during the first hours of detention:-**

-Article 71, in Chapter Four of the Constitution of the Arab Republic of Egypt, which is concerned with the rule of law, states that "Any person arrested or detained should be informed immediately of the reasons for his arrest or detention. He has the right to communicate with anyone he wishes to inform of his arrest, or seek their assistance, as prescribed by law. He must be informed promptly of the charges against him. He, or anybody else, may lodge a petition to the court against any measure which restricts his personal freedom. The law regulates the right of petition in a manner which ensures a ruling within a defined period, otherwise the person must be released."

-In this regard we would refer to the following:-

1. Detention is based on sufficient reasons and grounds to justify its application.
2. Detention does not prevent the detainee from informing someone about his situation, or seeking their assistance, as prescribed by law.
3. The right to petition a court of law is provided for the detainee and anyone else. This respects and enshrines personal freedom.
4. Detention is a means of providing an opportunity to complete the gathering of evidence to convict a dangerous category of criminals, and is not intended as a form of temporary punishment of other

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<sup>2</sup>Received on 20 February 1991, translated from Arabic by Amnesty International

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individuals.

5. The Constitution provides that the law should regulate the right to petition against the detention order and requires that a ruling on the petition be delivered within a defined period, otherwise the detainee must be released.

6. The Constitution requires that the detainee be informed immediately of the reasons and grounds for his detention, in addition to being informed of his right to communicate, inform and seek the assistance of anyone, as prescribed by law.

7. The provisions of the International Covenant on Civil and Political Rights, which, following ratification, became a part of Egyptian national legislation, do not define the period within which the detainee must be brought to trial.

8. The Egyptian legislator considered that the period of 30 days was essential in order to complete all the documentation concerning the investigation necessary to bring the detainee to trial, particularly in light of the seriousness of the crime.

9. The Egyptian legislator provided some flexibility in the text in order that detention should not become a form of criminal punishment:

- it is not necessary to wait for the expiry of the defined period before releasing the detainee;
- the detainee has the right to petition if 30 days have elapsed without any measures having been taken against him.

10. International human rights treaties permit each individual state to set down the necessary safeguards against threats to its security (cases of emergency). These matters rest with the state to consider and decide on the appropriate measures.

#### **B. Abolishing the right, accorded to the Minister of Interior, to oppose decisions for release:**

-It should be pointed out that the Minister of Interior's right to challenge a ruling to release a detainee within 15 days of the ruling being delivered does not imply that it is not accepted, but is intended to affirm the discretionary power accorded to the Minister of Interior to oppose release in light of the following considerations:-

1. The detainee is treated under the law as if he were detained pending investigation or trial.

2. The right to challenge a ruling to release [a detainee] is accorded to the Minister of Interior or those delegated by him in this respect, in view of the importance of such a right.

3. The challenge is referred to another judicial division within 15 days of its being presented. The ruling of the court in this case must be put into effect.

-The Minister of Interior's objection to court release orders affirms the legislator's intention to provide the

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Minister of Interior with a discretionary power to take the necessary steps to safeguard security and public order in accordance with the Emergency Law no 162 of 1958.

-The option to oppose a court release order which is accorded to the Minister of Interior is a power which he may use and to which he may have recourse, according to the circumstances of each individual case.

-The rule of law is indivisible. It includes respect for judicial rulings and their implementation. This is not inconsistent with the legislator's affirmation of the right of objection to the first ruling made on a petition against detention, considering it in terms of regulating the right to petition against the detention order.