



EGYPT: 'OFFICIALLY, YOU DO NOT EXIST'

DISAPPEARED AND TORTURED IN THE NAME OF COUNTER-TERRORISM
EXECUTIVE SUMMARY

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Cover image: In the Lazoughly National Security Agency offices inside the headquarters of the Ministry of Interior, Cairo, detainees were blindfolded and handcuffed for 24 hours. To prevent detainees from sleeping, they were handcuffed to one another and on the other side, to a high wall, injuring their wrists, arms and shoulders. © Amnesty International

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1. EXECUTIVE SUMMARY

Five years after an explosion of popular resentment against decades of misrule and repression swept aside the authoritarian regime of President Hosni Mubarak, Egypt is caught in a steely grip of repression. A sweeping crackdown on dissent has put at least 34,000 persons – by the government’s own admission – and possibly thousands more, behind bars. They include hundreds of leaders and senior officials of the Muslim Brotherhood (MB), supporters of ousted President Mohamed Morsi, and numerous other critics and opponents of the government. Since the armed forces ousted President Morsi in July 2013, tens of thousands of people have been detained without trial or sentenced to prison terms or to death after often grossly unfair trials.

The MB, which had enjoyed wide popular support even while previously banned during the Mubarak administration, and which had close links to former President Morsi’s Freedom and Justice Party (the political wing of the MB in Egypt), has again been outlawed and declared a “terrorist” organization by the authorities. Mohamed Morsi, Egypt’s first democratically elected President, has been permanently detained and prevented from receiving family visits since his overthrow. He is now held under sentence of death, together with other MB leaders and political activists. Alongside the government crackdown, Egypt has suffered a rise in violent attacks by armed groups targeting the police, army, judicial officials, foreign nationals and ordinary citizens. In response, the authorities have adopted a draconian new “Counter-Terrorism” law and taken further measures which have threatened and eroded human rights.

The past 18 months have also seen the emergence of a new pattern of human rights violations against political activists and protesters, including students and children, hundreds of whom have been arbitrarily arrested and detained and subjected to enforced disappearance by state agents. Those detained in this way did not have access to their lawyers or families and were held incommunicado outside judicial oversight. Local NGOs allege that an average of three to four people are abducted and arbitrarily subjected to enforced disappearance each day.

This pattern of abuse has become particularly evident since March 2015 when President Abdel Fattah al-Sisi appointed Major-General Magdy Abd el-Ghaffar as Minister of Interior. Before becoming Interior Minister, Major-General Abd el-Ghaffar held senior positions in the State Security Investigations (SSI), the secret police force that became notorious for serious human rights violations under Mubarak, and in the National Security Agency (NSA), formed to replace the SSI when the authorities bowed to public pressure and in March 2011 announced they were dismantling it. Since the appointment of the new minister, the NSA has emerged as the principle state agency engaged in suppressing opposition to the government, committing torture and other serious human rights violations with impunity.

This is an executive summary of the Amnesty International report *Egypt: ‘Officially, you do not exist’ – Disappeared and tortured in the name of counter-terrorism* (Index: MDE 12/4368/2016). This report is based on more than 70 interviews with lawyers, NGO workers, released detainees and family members of victims of torture and enforced disappearance. It includes 17 detailed testimonies of some of the hundreds of victims of these human rights violations in 2015 and 2016, mostly men but also boys as young as 14 years old. Amnesty International has communicated its concerns to the authorities in 2014, 2015 and 2016 regarding the use of enforced disappearance, torture and other ill-treatment by the NSA and Military Intelligence (MI). However, the authorities have repeatedly denied these serious human rights violations and

accused Amnesty International of spreading false rumours and supporting “terrorist” groups, including the MB. The authorities however did not provide factual evidence to corroborate their denials.

Most of the victims of enforced disappearance have been supporters of former President Morsi, whom the authorities continue to target, but they also include supporters of other political movements including advocates perceived to promote a secular state. Some appear to have been detained and subjected to enforced disappearance for up to several months by security officials solely or mainly because of their family connections. They were being used as leverage against relatives targeted by the authorities. For example, when NSA officers detained activist Nour Khalil they also seized his father and brother, apparently to exert pressure on him during his interrogation. The NSA subjected Nour Khalil's brother, Islam Khalil, to 122 days of enforced disappearance (NSA officers apparently confused him with another man, called Islam Gamal, who they sought for alleged involvement in violent attacks on the security forces). According to Islam Khalil, NSA officers forced him to “confess” to fabricated charges that could be used to sentence him to death.

In most cases that Amnesty International has documented, NSA officers accompanied by members of the security forces armed with automatic weapons, detained people after raiding their homes during the hours of darkness, demanding entry or forcing their way into homes. In no case did the NSA officials produce judicial arrest or search warrants, nor did they tell detainees' families why they were taking their relatives or where to. They searched detainees' homes, seizing computers, books and other personal possessions, and examined their mobile phones to find out who they had been in contact with, what messages they had sent and received and what use they had made of social media. They handcuffed and blindfolded those they took away and in some cases threatened to beat or arrest family members who protested or demanded to know why they were taking their relatives away and where to. In other cases, NSA officers warned families against reporting their relative's detention to the Public Prosecution or seeking to find out where their relative was detained.

Many victims of enforced disappearance were detained in NSA premises, notably the NSA's Lazoughly office inside the Ministry of Interior Headquarters in downtown Cairo – ironically, only a short distance from Tahrir Square, the focal point of the mass protests that forced President Mubarak from power in 2011. Many were also detained in police stations on NSA authority but were excluded from their official registers of detainees; some were held in camps of the Central Security Forces (CSF) – the riot police – in Cairo and elsewhere on NSA authority. Some detainees suspected of involvement in attacks on the armed forces were taken to Military Intelligence detention facilities for interrogation prior to trial before military courts. During interrogations, NSA officers questioned detainees about their political opinions, such as their views on the MB and Mohamed Morsi, as well as their religious beliefs and their involvement in anti-government protests and activities, and their links to others that the authorities were looking for or had already detained.

Victims, including children, and their families told Amnesty International that NSA officers tortured and subjected them to other ill-treatment to force them to “confess” to crimes or implicate others. Such “confessions” were then used to justify their continued pre-trial detention and as evidence to obtain convictions at trial. In some cases, the NSA videotaped detainees' “confessions” and released them for local media broadcasting, apparently to convince both the Egyptian public and the international community that the MB and Morsi supporters are engaged in “terrorism” and that the security forces are combating such “terrorism” effectively. Such videotaping of “confessions” may also be used by prosecutors and at trials to undermine detainees' attempts to retract them when they appear before the Public Prosecution Offices and at trial.

Methods of torture reported by victims and witnesses include electric shocks to the body and sensitive areas, such as the genitals, lips and ears; prolonged suspension by the limbs while handcuffed and naked; and sexual abuse, including rape; beatings and threats. Some detainees said they were subjected to the “grill” – rotation on a bar that was inserted between their tied arms and legs and balanced between two chairs. Most of these methods of torture are the same or similar to those that the SSI used against detainees during the Mubarak years.

Some detainees were subjected to enforced disappearance for a few days, but others remained missing and were denied all the time contact with their families for weeks or months – up to seven months in the most extreme cases known to Amnesty International. The period of enforced disappearance ended in most cases when the detainee was taken before a prosecutor for questioning. While disappeared, detainees were held

incommunicado, most of the time kept handcuffed and blindfolded. The NSA officers warned them that they would be hung by their limbs or beaten if they spoke to other detainees or tried to remove the handcuffs and blindfold.

Detainees' families and lawyers reported making strenuous yet unsuccessful efforts to locate them during their enforced disappearance. At police stations and prisons, authorities denied holding their relatives, and inquiries at offices of the Public Prosecution got them no further. Some families sent telegrams addressed to senior authorities, such as the Ministers of Justice and Interior, the Public Prosecutor and the semi-official National Human Rights Council, giving details of their relative's arrest and disappearance without receiving any response. Some filed missing-person reports before Public Prosecutors, only to be referred to other prosecutors or police stations from which they could not obtain any information. Generally, they ran into a brick wall of official disinterest and unwillingness to investigate the whereabouts and fate of their missing relatives, which only heightened their distress and sense of powerlessness. Indeed, even when some families learnt through unofficial channels – from released detainees or low ranking police officers they had bribed – where their relatives were detained, the authorities at these facilities continued to deny the detainee's presence and prevented families from gaining access to them.

According to Egyptian law, the Public Prosecution has responsibility for ensuring both that all arrests and detentions conform to the law and that the rights of those detained, including protection from torture are not violated. In practice, however, former detainees and detainees' families and lawyers accuse state prosecutors of being complicit in the human rights violations committed by the NSA. In particular, they accuse prosecutors of failing to investigate detainees' allegations of torture and other ill-treatment, even when detainees who appeared before them had bruises or other visible injuries they said were caused by torture. State prosecutors also fail to refer detainees for prompt independent medical examinations to document their injuries. They also accuse prosecutors of helping to cover up time periods of enforced disappearance, and the torture that accompanied it, by failing to challenge and correct false arrest dates inserted in official NSA investigation reports, which provide the basis for bringing criminal charges against detainees and justifying their continued detention before trial.

Prosecutors continue to heavily rely on "confessions" that security officials obtain from detainees during their enforced disappearance, even when detainees retract them and allege they were coerced through torture. They also rely on such confessions when formulating charges and authorizing continued detention pending trial. When prosecutors did decline, in a few cases known to Amnesty International, to authorize continued detention and ordered the detainee's release, the NSA did not comply but rather subjected the detainee to a further period of enforced disappearance before bringing them before a prosecutor to face new charges in a separate case using another allegedly coerced "confession".

One reason for the failure of prosecutors to protect detainees from human rights violations by the NSA is the lack of independence of the Public Prosecution Office. Its head, the Public Prosecutor, and all other senior and district prosecutors are appointed subject to the approval of the President. Furthermore, the Ministry of Justice is empowered to assess the performance of Public Prosecutors and discipline them. Police officers may also be appointed to serve as prosecutors even though they lack qualifications specified in relevant international standards.

Egypt is not party to the International Convention on the Protection of all Persons from Enforced Disappearance but it is a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention Against Torture) and other international human rights treaties which, along with Egypt's Constitution and national laws, absolutely prohibit the practices detailed in the report. For example, the Egyptian Constitution prohibits arrests and detentions without a reasoned judicial order and further prohibits torture, while Egypt's Code of Criminal Procedure (CCP) requires the police to refer arrested persons to the Public Prosecution within 24 hours of their arrest after which a prosecutor can authorize further detention for renewable periods of four, 15 and 45 days, except in cases of people arrested under the new Counter-Terrorism Law, which allows police to hold a suspect for 24 hours before referring them to a prosecutor. The prosecutor can then authorize further detention without charge for up to seven days during which the authorities can deny the detainee any contact with their family and lawyer. This facilitates enforced disappearances and directly contravenes Egypt's Constitution, which gives everyone deprived of their liberty the right to immediate contact with their family and a lawyer.

Despite the mounting evidence of abuse, the Egyptian government continues to deny that its forces commit enforced disappearances, torture and other serious human rights violations. Instead of acknowledging and addressing these violations, the government prefers to dismiss the evidence as propaganda put out by the MB and its supporters. The government's denials, however, do not stand up to scrutiny, as the case examples cited in the report illustrate. Given the number, range and diversity of victims; the broad consistency of their testimonies and of their families' accounts of their efforts to obtain official acknowledgement of detainees' arrests and learn where they were held, there can be no doubt that enforced disappearances are now being used as an element of state policy in Egypt, irrespective of the government's denials. The repeated failure of prosecutors to investigate detainees' allegations of torture together with their ready acceptance of allegedly coerced "confessions" and their failure to address the falsification of arrest dates by NSA officers to conceal the duration of detention indicates too that Egypt's judicial authorities are complicit in these serious human rights violations.

Enforced disappearances, wherever they occur, facilitate torture and other serious violations against detainees. In Egypt, they are used to enable the NSA to torture detainees with impunity and extract "confessions" and other information that can be used to convict them or others under the Penal Code, Counter-Terrorism Law or on other criminal charges, such as participating in anti-government protests. Enforced disappearances and torture are also used to intimidate government critics and opponents and to deter dissent. They form part of a state system of repression that allows NSA officers and other security officials to commit serious human rights violations with impunity and includes a criminal judicial system that readily accepts and relies on torture-tainted "confessions" to convict defendants in trials that fail to respect the right to due process and often result in long prison terms or death sentences.

Faced with the government's denials, Egyptian human rights groups and activists have courageously sought to expose, document and campaign against enforced disappearances and other violations against the victims and their families. In August 2015, the Egyptian Commission for Rights and Freedoms (ECRF), a group formed a year earlier, launched a "stop enforced disappearance" campaign to mobilize Egyptian public opinion, draw international attention to the violations and advocate on behalf of victims and their right to effective remedy, including justice. The authorities subsequently arrested and detained the head of the ECRF and some of its staff. By April 2016, Egyptian human rights groups had named more than 1,000 victims of disappearance across the country, excluding North Sinai Governorate in the north-east of the country, which is effectively off-limits to human rights groups. The UN Working Group on Enforced or Involuntary Disappearances (WGEID) has also expressed concern. In its 2015 report, WGEID said that in the 12 months up to May 2015 it had communicated 79 cases to the Egyptian government that illustrated "a recent pattern of short-term disappearances" and that it had received a response from the Egyptian government on only six of the cases, all of which the government denied were cases of enforced disappearance.

Given this cycle of widespread abuse and government denial, the abduction and murder of Italian doctoral student Giulio Regeni in early 2016 raised suspicion that he may have been a victim of enforced disappearance who died under torture while detained by Egyptian state agents. His death and the suspicious circumstances surrounding it caused an international outcry and demands for a thorough investigation to reveal the truth, identify the perpetrators and deliver justice – demands that have yet to be met. For their part, the Egyptian authorities have continued to deny that any state agents were responsible or involved in Giulio Regeni's killing while offering changing, contradictory and seemingly implausible accounts that have been met with wide scepticism and contributed to a serious diplomatic rift between Italy and Egypt.

In March 2016, the European Parliament condemned Giulio Regeni's murder and expressed concern that it occurred against a background of torture, deaths in custody and enforced disappearances in Egypt. Italy apart, however, most European and other governments that greeted the popular uprising of 2011 with approval have appeared overly reluctant to criticize the deteriorating human rights conditions in Egypt. With Egypt seen as a key partner in combating "terrorism," the governments of France, Germany and the United Kingdom, as well as Russia and China have all received President al-Sisi on official visits in the past two years. Some governments have also provided direct support to the Egyptian government, despite its deteriorating human rights record. They include 12 member states of the EU and the United States of America that have transferred to Egypt security and police equipment of the type used by Egyptian security forces to commit or facilitate serious human rights violations.

Amnesty International is calling on President al-Sisi to both acknowledge and eradicate the use of enforced disappearances and torture, and to do so without delay. The President should establish an independent commission of inquiry to investigate these serious human rights violations and ensure that those responsible are brought to justice. As an immediate step, he should order all detaining authorities to give those currently subjected to enforced disappearance access to their family and lawyers, and release immediately and unconditionally all those held solely for peacefully exercising their rights, including their rights of freedom of expression and assembly.

All states should use whatever influence they can with the Egyptian authorities to end the use of enforced disappearances, torture and other serious human rights violations. In particular, states that have long maintained close diplomatic, trade and other ties with Egypt, including EU member states and the United States of America, should take the lead in pressing the Egyptian government to cease these human rights violations, including by barring any further transfers of security, policing and military equipment that could be used to commit or facilitate violations, at least until Egypt conducts full prompt, impartial and independent investigations into alleged violations and brings those responsible to justice.

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EGYPT:

'OFFICIALLY, YOU DO NOT EXIST'

DISAPPEARED AND TORTURED IN THE NAME OF COUNTER-TERRORISM EXECUTIVE SUMMARY

Over the last 18 months, hundreds of people have been abducted by Egypt's National Security Agency and held without access to their lawyers and families while officials deny any knowledge of their whereabouts. The National Security Agency is torturing victims of such enforced disappearances into "confessing" to serious criminal offences, including "terrorism". Prosecutors routinely ignore allegations of enforced disappearances, as well as evidence of torture and other ill-treatment.

The wave of enforced disappearances began in March 2015, with the appointment of Interior Minister Magdy Abdel Ghaffar – a long-serving officer in Egypt's state-security forces. Victims have ranged from members of the banned Muslim Brotherhood group to activists critical of Egypt's system of government; from retirees to boys as young as aged 14.

The report is based on over 70 interviews with lawyers, NGO workers, released detainees and family members of victims.

Amnesty International is calling on President al-Sisi to appoint an independent commission of inquiry to investigate all cases of enforced disappearances and torture and other ill-treatment.

States should press Egypt to end enforced disappearances and should also prohibit the transfer of arms and equipment which the country's security forces may use to commit human rights violations.