

AGENTS OF REPRESSION

EGYPT'S POLICE AND THE
CASE FOR REFORM

**AMNESTY
INTERNATIONAL**



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1. INTRODUCTION

‘Why did they do this to me? I did not hurt my country.’

Tarek Mohamed Amin Moussa, describing to Amnesty International what happened when police and security forces attacked protesters and a field hospital in Cairo on 20 November 2011

It was no surprise when police stations were attacked across Egypt during the 2011 uprising – they had long been the symbol of repression under the rule of Hosni Mubarak. It was no surprise too that the popular uprising that overthrew President Mubarak started on National Police Day, 25 January. Despite the dismal human rights record of Egypt's police, Hosni Mubarak had converted the day, which had originally commemorated the important role played by Egyptian police in the struggle against British colonial rule, into a public holiday to recognize the efforts of his police in maintaining security and public order, thereby changing a tribute to heroism to the consecration of oppression.

For decades Egypt's police and other security forces, empowered under emergency legislation, persistently committed serious human rights violations and did so with almost total impunity. The police were responsible for arbitrary arrests and detention, systematic torture and other ill-treatment, enforced disappearances and deaths in custody in suspicious circumstances. They also curtailed freedoms of expression, association and assembly by enforcing tight restrictions on political and human rights activists, putting them under surveillance, and assaulting and detaining peaceful protesters.

The brazen beating to death by police of a young man, Khaled Said, on a street in Alexandria in June 2010 led to unprecedented campaigning against police brutality and was widely seen as one of the main triggers of the “25 January Revolution”. On the “Friday of Anger”, three days after the uprising began, the once omnipotent wing of President Mubarak's repressive state machine lost its grip on the country as police officers fled from duty en masse and abandoned police stations. Today, the police force is still widely seen as a nasty remnant of the regime against which Egyptians rose up to demand the end of repression, social justice and dignity. Three main police forces have been the most visible tools of repression.

The **Central Security Forces (CSF)**, widely known as the riot police and under the control of the Interior Minister, are mandated to maintain public order. Comprising an estimated 325,000 personnel in 2010,¹ they are paramilitary forces combining police officers and conscript soldiers who can perform some of their military service with the CSF. They guard public buildings and institutions as well as other vital and strategic installations and carry out

special operations.² They are best known, however, for policing and violently dispersing protests. At times, they have also been used to forcibly evict slum-dwellers and police football matches and elections. Under Hosni Mubarak, they were a feared weapon of repression, attacking student demonstrations, strikes by workers and political protests.

From the time of the demonstrations in support of the second Palestinian intifada in 2000 and against the US-led war in Iraq in 2003, the CSF became an increasingly conspicuous force used to violently disperse protesters and arrest them. With the subsequent rise in protests with the Kefaya movement in 2005 and then the 6 April Movement in 2008, the CSF became notorious for violating the human rights of protesters.

Ample evidence of unlawful use of force by CSF officers, including photographs and video footage posted on the Internet, has rarely, if ever, resulted in official investigations into abuses by riot police, even in cases where their actions allegedly led to deaths.³ Violations by the CSF peaked during the “25 January Revolution”, when thousands of riot police were deployed to prevent protesters from gathering at key locations or to disperse protesters by using water cannons, tear gas, rubber bullets and live ammunition. This same pattern of excessive use of force was also seen in various incidents after the uprising in 2011 and 2012.

The **General Investigations Police**, Egypt's national police force, is responsible for detecting, preventing and investigating crimes.⁴ It is most visible in police stations and has for decades routinely tortured and ill-treated detainees to extract confessions or intimidate relatives, in some cases leading to deaths. It has also been responsible for abusive practices associated with criminal administrative detainees (those held in administrative detention on suspicion of involvement in ordinary criminal activity – as opposed to political or security detainees).⁵ It too has been able to violate human rights with almost total impunity.

The **State Security Investigation** (SSI) service, infamous for its contempt for human rights before it was abolished in March 2011 following the uprising, answered directly to the Interior Ministry and was subject to little or no judicial oversight. It was in charge of internal security and was one of the three main bodies responsible for investigating matters of national security (the two others being the General Intelligence Services, or Mukhabarat al-'Amma; and the Military Intelligence, or Mukhabarat al-Harbiya). The estimated 100,000-strong SSI⁶ benefited from sweeping powers of arrest and detention provided by the Emergency Law and constitutional amendments introduced in March 2007. The amendments allowed arrest and detention with limited judicial supervision, police searches without a warrant and sanctioned surveillance of telephone calls and other private communication.⁷ The SSI became synonymous with the worst abuses associated with the relentless crackdown on dissent, including arbitrary arrests and detention, intimidation and torture, and its powerful position meant that it effectively operated above the law.⁸

Any pretence that the security forces were deployed only to police and maintain public order was dashed during the brutal crackdown on the “25 January Revolution”. Some 840 people were killed and more than 6,000 were injured by the CSF and other security forces during the 18-day uprising.⁹

During the uprising and the protests that followed the assumption of power in February 2011

by the Supreme Council of the Army Forces (SCAF), SSI premises became sites of demonstrations and, later, break-ins following reports that SSI officers were destroying evidence of past human rights violations. On 15 March, in the wake of these protests, the Interior Ministry announced that the SSI had been dissolved and that an alternative national security body would replace it.¹⁰ In June 2011, the newly formed **National Security Agency** (NSA),¹¹ which later referred to itself as Homeland Security, invited civil society activists and public figures to a meeting during which it described its purpose as “preserving national security, co-operating with other state apparatus charged with protecting internal security, collecting information, and combating terrorism according to the constitution and the law and the principles of human rights and freedoms”.¹²

Conscious of the stigma attached to the police, the post-Mubarak authorities have repeatedly highlighted the commitment of the police to break with past practices and to respect human rights. However, there is little sign that Egypt's three main police forces have in practice fundamentally changed to match the demands and aspirations of the “25 January Revolution”.

Apart from ostensibly dissolving the SSI service, the authorities have taken no major steps to rein in the police or introduce the urgently needed reforms to ensure that the police are accountable, and respect and protect human rights when exercising the powers invested in them by law. Even the dismantling of the SSI was marred by a lack of transparency. It appears that no vetting system was put in place to guarantee that, pending investigation, police reasonably suspected of serious human rights violations did not remain or were not placed in positions where they could repeat such violations. Indeed, there are widespread fears that the NSA is simply the SSI under a different name.

In July 2011, following mounting public pressure, the then Minister of Interior, Ibrahim Eissawi, announced changes within the police force. These included the ending of service of 505 major-generals and 92 brigadier-generals, including 27 of those accused in relation to the killing of protesters during the “25 January Revolution”. In addition, 4,000 officers were moved to departments within the Ministry that do not have direct contact with the public.¹³ A month earlier, the Minister had told Amnesty International's Secretary General during a meeting in Egypt that the law did not allow him to dismiss police officers. In July 2012, the then Interior Minister, Mohamed Ibrahim, announced the ending of service of 454 major-generals, the appointment of six assistant-ministers and six heads of Security Directorates for the governorates of Wadi El-Guedid, Fayoum, Aswan, Matrouh, Sharqiya and Dumyat. A new head for the Elections Directorate was also announced.¹⁴

While these changes were presented as a way of cleansing the police force, neither of the Ministers provided information on whether any of the security officials whose service was ended, or who were promoted or moved to other posts had been cleared of any human rights abuses. Indeed, many considered the “retirement” of major-generals as a “safe exit”, making accountability for any human rights abuses they may have committed or ordered elusive. The changes were deemed piecemeal and in some cases officers were said to have been promoted, reinforcing the sense that police still enjoyed impunity for human rights violations. This sense of impunity has been heightened by the fact that, even as reforms were under discussion, members of the security forces implicated in the abuses of the “25 January Revolution” were being acquitted before courts, leaving families of victims of the uprising in

anguish.

The authorities' announcements of reforms of the security sector were immediately contradicted by new policies that appeared to sanction abuse, as well as repeated incidents of excessive use of force by the security forces when policing demonstrations.¹⁵ Since the uprising, police have continued to torture and ill-treat people in their custody, and the CSF, as well as the army and military police, have continued to use unnecessary and excessive force against people protesting, including against the slow pace of political and human rights reform. They have used tear gas recklessly as well as batons, rubber bullets and live ammunition to forcibly disperse protesters, and have driven armoured vehicles at speed into crowds, causing many deaths and injuries. There have also been consistent reports that the CSF and other security forces have used groups of armed men in civilian clothes (*baltagiya* or "thugs" believed to be linked to the police or supporters of the former ruling party) to attack and disperse demonstrators, a practice that was common under the rule of Hosni Mubarak.

Lack of trust in the police has been deepened by their response to key events since the uprising, notably the Mohamed Mahmoud Street clashes near the Interior Ministry in Cairo in November 2011, when police used live ammunition, shotguns and other excessive force during violence that left over 50 people dead; and following the Port Said tragedy during which 74 football fans from al-Ahly Club were killed and 254 injured in February 2012, when police were widely criticized for intentionally failing to prevent the fight or protect those attacked, and ensuing protests against police behaviour. These events, and the response of the security forces, are described in Chapter 2 below.

In the face of such incidents, the discourse of the authorities on reform has at times appeared hollow, and at other times to simply be a gesture to appease or pacify. It has not led to security forces that are accountable and not above the law.

So far, the authorities have ignored persistent demands for serious police reform proposed by civil society activists, academics and experts. Law 25 of 2012, which was adopted in June and removed the President as the head of the police, relied mainly on draft amendments proposed by the Ministry of Interior, and introduced provisions meant to improve the pay and working conditions for low-ranking members of the police.

Other reform initiatives have come from within the police. Police officers created unions to defend their rights, underline their commitment to serve Egypt, and distance themselves from higher ranking officers whom they allege were closely linked to the former government.¹⁶ In 2011, police staged numerous strikes to protest against their working conditions, with some success.

The parliament elected in February 2012 appeared to have taken some positive steps in terms of human rights. It discussed legislation to regulate freedom of association and access to information and passed legislation to combat torture. Local NGOs proposed draft legislation to amend the Police Act (Law 109 of 1971 as amended) and to establish a framework for transitional justice by creating revolutionary courts that would abide by internationally agreed standards for fair trials. However, these initiatives stalled when the SCAF, which ran Egypt for 16 months until the June 2012 election of President Mohamed Morsi, dissolved the parliament shortly before the final round of presidential elections, by

implementing a Supreme Constitutional Court ruling that the Parliamentary Election Law was unconstitutional.¹⁷ President Morsi cancelled the SCAF decision to dissolve the parliament, however, at the time of writing, parliament have not convened awaiting a decision by an administrative court.

Since he took office, President Morsi has stressed the importance of security, and paid tribute to the security force for “maintaining the safety and security of the homeland”.¹⁸ In addition to promising to secure public order and safety and to improve working conditions for the police, he has initiated a professional media campaign to restore trust between the people and the police.¹⁹ He has also promised to improve detention rooms in police stations, courts and prosecution offices. These are welcome pledges, if yet to be achieved. However, the President has so far made no moves to introduce the significant reforms needed to guarantee a framework that would ensure that police operate within the law and do not repeat the abuses of the past. Reform can only start with the political will to target abuse, to eradicate torture, and to ensure that no member of the security forces is above the law. Without such political will, reform will only scratch the surface.

In August, in a worrying development, Minister of Justice Ahmed Mekki announced that the Ministry was preparing a new emergency law to enable the President to deal with the continuing threat of “thuggery” and to ensure security. It appears that the draft law was subsequently withdrawn as Prime Minister Hesham Qandil declared that the authorities would not create a new emergency law. However, the attempt demonstrated that the authorities continue to operate in “emergency mode” when dealing with security and public order. A few weeks later the Interior Ministry presented a new draft law, entitled “the Law to Protect Society from Dangerous People”, seeking to use emergency-like powers to deal with “recurrent crimes”.²⁰ Indeed, police are still acting with the same disregard for human life and dignity as they have done for decades. In just one of several recent incidents, in August 2012 police opened fire on residents of Ramlet Bulaq slum in Cairo who were protesting against the killing of a resident by a Tourism Police officer (see Chapter 2).

In fact, since the “25 January Revolution”, Egypt's police and other security and military forces have killed more than 100 people and injured thousands of others when using unnecessary or excessive force, and torture and other ill-treatment of detainees continue to be reported in Egypt's police stations, prisons and detention centres (see Chapter 3). Unless significant and transparent steps are taken to reform the police and security apparatus, so that they respect the basic rights to life, liberty and security, these patterns of egregious human rights violations will continue.

While hopes for real reform were stalled by the dissolution of parliament, it is now critical for the Egyptian authorities to make the meaningful and much-needed changes that are urgently needed. Among other things, Amnesty International is calling on President Morsi and the Egyptian authorities to:

- address the legacy of past police abuses and initiate a fundamental overhaul of all law enforcement bodies, with a view to ensuring that no member of the security forces is above the law;
- bring Egyptian legislation in line with Egypt's obligations under international human

rights law and standards;

- issue clear instructions to the police and security forces on the use of force – including the use of firearms – that strictly adhere to international law and standards;
- make clear to all security forces that torture and other ill-treatment will not be tolerated;
- establish an oversight body that should have an independent, effective and impartial complaints mechanism that can deal with allegations about police or security forces' misconduct and human rights violations – the independent complaints mechanism should have independent investigation teams to deal specifically with complaints against or involving the police or security forces;
- as an immediate measure, and as an indication of the political will of the new Egyptian authorities to tackle police abuse, immediately facilitate the outstanding visits of the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the UN Special Rapporteur on extrajudicial summary or arbitrary executions, which have been unsuccessfully demanding access to Egypt since 1996 and 2008, respectively.

ABOUT THIS REPORT

Amnesty International has closely monitored the human rights situation in Egypt for decades, under former President Mubarak as well as under the 16-month transitional rule of the SCAF following the 2011 uprising.²¹ This report, finalized in early September 2012, focuses on the behaviour of the police forces, in particular the CSF, the General Investigations Police and the SSI/NSA.

By focusing on several incidents and individual cases, it highlights patterns of serious breaches of human rights by police in Egypt to underline the case for police reform in Egypt. Events linked to protests in Mohamed Mahmoud Street in Cairo, the aftermath of football clashes in Port Said, and an altercation by Nile City Towers involving Cairo slum-dwellers show the continuing violations by the CSF when dealing with demonstrations or public unrest. Cases of torture and other ill-treatment highlight the abuses committed by the other two police forces responsible for internal security. This report does not cover human rights violations by the military police or the army; these are documented in Amnesty International's report, *Brutality unpunished and unchecked: Egypt's military kill and torture protesters with impunity*, also published in October 2012.²²

Much of this report is based on interviews carried out in Egypt by Amnesty International delegates with victims of violations and their relatives, lawyers, doctors, human rights activists and organizations, and journalists as well as individuals who witnessed police violence. Amnesty International is grateful to all these people for the time and information they provided.

2. ABUSES DURING PROTESTS

“My generation and I have accepted to live in poverty, under repression and in difficult conditions in order to be able to raise our children, so why are the authorities killing them now?”

Mother of journalist Ahmed Mohamed Mohamed Abdelaziz, who was shot and injured by riot police in November 2011 while trying to film protests

With the gradual return of the police to their duties following their retreat on 28 January 2011, the CSF increasingly replaced the army and military police in dealing with protests. Since the uprising, protests have continued, including against the slow pace of reform, the perceived slowness of the trial of Hosni Mubarak and former Minister of Interior Habib el-Adly, and the acquittal of police officers accused of killing protesters during the “25 January Revolution”. Some of the protests called for an end to military rule and the resignation of the head of SCAF. One of the peaks of protest was in November 2011, when crowds headed to the Ministry of Interior to voice their anger at the dispersal of a sit-in in Tahrir Square by victims of abuses in the “25 January Revolution” and their families.

The police dealt with these protests, often assisted by the armed forces. Some involved confrontations between protesters and the CSF, particularly in Cairo in November 2011 and February 2012. On several occasions, it was clear that the authorities failed to rein in the police and security forces, who used unjustified force to disperse protesters, including disproportionate use of tear gas, shotgun pellets and, on several occasions, live ammunition. According to protesters, no warnings were given. Police and security forces also arrested and beat protesters. Such abuses took place in the context of continuing restrictions in Egyptian law on the right to freedom of assembly (see box below).

MOHAMED MAHMOUD STREET CLASHES

The CSF and other security forces used excessive force during six days of clashes with protesters in Cairo's Mohamed Mahmoud Street, near the Interior Ministry, in November 2011 on a scale not seen since the “25 January Revolution”. Such force included the use of live ammunition, shotgun pellets, tear gas and beatings. Amnesty International obtained in December a list of 51 people who had died as a result of the clashes in November. Many others were injured, including members of the security forces.

The confrontations began on 19 November, when the security forces violently dispersed a sit-in in Cairo's Tahrir Square by a group of around 200 relatives of those killed or injured during the uprising, and some of their supporters. The group had gathered to highlight their plight, protest against the authorities' neglect, and demand that an elected committee manage the health care fund of the families of "martyrs of the revolution".²³ The Ministry of Interior said that the protesters were blocking traffic passing through Tahrir Square as well as the functioning of the Tahrir Mugamaa Complex, which hosts a number of government administrative offices. The Ministry also stated that it warned that the sit-in would be dispersed and the tents dismantled.

During the operation, a CSF lorry was attacked and burned in Mohamed Mahmoud Street as it was heading towards the Ministry of Interior building.²⁴ Clashes erupted and images of dead bodies of protesters, left on a pile of refuse were aired on TV, prompting more people to come to Tahrir Square to protest against the way the sit-in had been dispersed and the treatment of protesters.

Soon a large demonstration filled Tahrir Square. People there told Amnesty International that the CSF tried to disperse the crowd by throwing tear gas and firing shotgun pellets from Mohamed Mahmoud Street into the square, while some protesters threw stones and lobbed back tear gas canisters towards the security forces. There were also reports that Molotov cocktails were thrown at the security forces by some protesters in the following days. The Ministry of Interior said that protesters fired shotgun pellets, injuring Major-General Maged Mostafa, according to a statement issued on 21 November 2011.

Protests also took place in front of the Security Directorates in other governorates, including Alexandria, Aswan, Beni Sweif, Daqahliya, Gharbiya, Giza, Ismailia, Luxor, Marsa Matrouh, Suez and Qena. Tear gas and rubber bullets were used in Alexandria to disperse protesters, leaving at least one person dead and many others injured.²⁵

UNLAWFUL USE OF FIREARMS

When attempting to disperse protesters, the police forces blatantly disregarded the provisions on the use of firearms in Egyptian law as well as in international human rights law that Egypt is bound by (see Chapter 4). In all the cases documented by Amnesty International, live ammunition and shotgun pellets were used in circumstances where those killed or injured posed no imminent risk to the life of the security forces or others. Many people told Amnesty International that shotgun pellets were fired towards protesters from a distance of just a few metres. This caused many injuries to the eyes, leading to loss of sight in many cases. A number of human rights organizations condemned the deliberate targeting of protesters' eyes and called for the trial of senior military and police officials.²⁶ One CSF officer, Mahmoud Sobhi Shannawi (known as the "eye-hunter" for targeting protesters' eyes), is the only officer known to have been charged for the killing and injuring of protesters in connection with Mohamed Mahmoud Street clashes in November 2011. His trial is ongoing.

Ahmed Harara, a 31-year-old dentist, had lost the sight in one of his eyes during the "Friday of Anger" on 28 January 2011 after an injury caused by shotgun pellet fired by the CSF personnel. Months later, on 20 November at 3am, he lost the sight in his other eye after he was hit by a pellet in Mohamed Mahmoud Street. ~~[DID HE LODGE A COMPLAINT?]~~ When Amnesty International spoke with him, he said:

"My right eye was hit on 28 January. I was on Qasr El Nile bridge, we had our hands up chanting 'peaceful peaceful'. We were confronted by Central Security, there were two armoured vehicles on top of them, there were two soldiers holding shotguns.

"A young guy from our side jumped on one of the armoured vehicles and closed the opening where the soldier was coming out, so the soldier on the other vehicle turned around to shoot the young guy. I ran towards him and I was injured.

"There are 64 pellet bullets in my head, 6 in my neck and 4 in my chest The retina in my right eye was burned, there was bleeding in my lungs and I was taken to the hospital. I was in a coma for three days.

"My left eye's injury happened on 19 November. the Ministry of Interior broke-up the sit-in a very aggressive way. I arrived at the square at 3pm and we were fighting with the Ministry of Interior until 3am in Mohamed Mahmoud Street.

"I was hit by a shotgun pellet again, but this time the pellet was much bigger, 5 times the size of a normal pellet, which completely destroyed my eye as it hit the optic nerve."

Malek Mustafa Mohamed Abdel Rahim, a blogger and a leading member of the youth of the "25 January Revolution", was also shot in the eye with shotgun pellets on 19 November. According to his medical report, seen by Amnesty International, the pellet ruptured the eye and caused loss of sight. Following his injury, he filed a complaint with Qasr Nil prosecution on 2 December (registered under No. 9793). No one was held to account for the eye injuries sustained by Malek Mustafa. The only officer to have been charged in connection to the Mohamed Street violence is CSF officer Mahmoud Sobhi Shannawi. Malek Mustafa and other injured also filed, with the help of NGOs, a case with the administrative court in order to stop the use of firearms by the security forces when dispersing protesters.

Sayed Gaber Mohamed Selim, aged 26 and an employee of a tourism company, was hit in the back with live ammunition at 9pm on 20 November while on his way back from work. According to a medical report issued by Zinhom morgue, and seen by Amnesty International, the bullet severed arteries and injured his stomach. On the same day, his brother received a phone call telling him that Sayed had been taken to Qasr Eini Hospital, where he was operated on to stop the bleeding, but he died on 24 November, having been in a coma for four days.

An Amnesty International delegate saw 15-year-old **Khaled Adel Nasser Abdel Rahim** lying in pain in Qasr Eini Hospital. His father, who sat helplessly holding his hand, said that Khaled was shot in the neck with a live bullet on 20 November in Tahrir Square. His injury had paralysed his left side and doctors were unsure of his future.

Maged Hisham Abdel Gawad, aged 17, was in Tahrir Square on 20 November. He saw security forces firing at his friends, and he was himself shot in the stomach at 8.30pm as he was about to hurl a stone from the other side of Mohamed Mahmoud Street. He lost consciousness and only awoke after surgery in Qasr Eini Hospital. Doctors had removed a bullet from his stomach, but when Amnesty International met him on 27 November, another one was still lodged in his stomach. His mother, who was with him in hospital, said that

Maged had gone to Tahrir Square to help his friends and because he was angered by the pictures of bodies left on the pile of rubbish.

Seventeen-year-old **Mohamed Abu Bakr**, a high school student, was hit with shotgun pellets in his stomach when he was near his school in Mohamed Mahmoud Street on 20 November and needed an operation to remove some of the pellets. He said the crowd was shot at when people were chanting "*silmiya, silmiya*" (peaceful, peaceful). He said protesters were shot at chest level from close range.

Tarek Mohamed Amin Moussa, a 33-year-old decorator from Helwan, told Amnesty International that he joined the protest in Tahrir Square and on 20 November was beaten by security forces when they attacked people in the field hospital. He said that in the chase, those who fell were arrested and beaten and had their belongings taken. Security forces then claimed that they were *baltagiya* ("thugs"). He said that afterwards, a group of people entered Mohamed Mahmoud Street shouting "*silmiya, silmiya*". At first, the security forces stopped firing, but then they started again. He was hit in his torso with live bullets on Mohamed Mahmoud Street. The bullets tore through his stomach, liver and diaphragm. One bullet had already hit someone else before him because the security forces were shooting at such close range. Another remained lodged in him; doctors told him that an operation to remove it could damage an artery leading to the brain. He underwent two operations, and one of his legs was left numb. He told Amnesty International:

"When I went back to Tahrir, I did not care whether I will come back or not; what was important for me is my son and what is next. Many people were hit in the head in front of me. I saw one person hit and part of his head was blown away with the bullets, because of this I cannot sleep. I have nightmares. The blood of the victim was splashed on me. Why did they [security forces] do this to me? I did not hurt my country. I will go back again to Tahrir [Square] to get my rights but also the rights of others. We cannot stop now, this [revolution] must be finished."

Gamal Sayed Khamis Mahmoud, aged 51 and a daily wage labourer from Omaraniya with three children, was on Mohamed Mahmoud Street during the protests helping people who were injured or suffering the effects of tear gas. On 20 November, he was hit with a stick on the head. He had his wound stitched in hospital and then returned to Tahrir Square. On 22 November, he said, he saw "atrocious scenes" in Mohamed Mahmoud Street, with police hitting protesters as if in revenge. He saw a member of the CSF dragging a woman by her hair so he went to defend her and punched the officer. He said that the CSF fired shotgun pellets at him as he was taking the woman away, followed by live ammunition. A bullet grazed his side. He fell to the ground, overwhelmed by tear gas, and remained there for around two hours. He was then taken to hospital as he had severe breathing difficulties because of the tear gas. Showing scans of his lungs, he told Amnesty International:

"We were hit in revenge. We remained on the floor for more than two hours and the ambulance was not able to enter Mohamed Mahmoud Street, so I inhaled a lot of tear gas."

Ibham Fawzi Mohamed Qotb, a 23-year-old mechanic from Imbaba, told Amnesty International that he was with five friends in Mohamed Mahmoud Street on 23 November. He said he was not involved in the clashes and that he was hit with shotgun pellets in the back

when he was walking near the front offices of the Ministry of Interior. He needed surgery and had part of his spleen removed.

UNNECESSARY AND DISPROPORTIONATE USE OF TEAR GAS

The CSF fired large quantities of tear gas into crowds without warning and when there was no security justification for doing so. On many occasions, they fired tear gas continuously and at a close range. Witnesses told Amnesty International that the CSF were firing tear gas as if in revenge as some protesters were hurling back tear gas canisters, as well as throwing stones. On one occasion, Molotov cocktails were reportedly thrown in the direction of the security forces. In other occasions, fireworks and empty bottles were also thrown. One witness said that the security forces were firing shotgun pellets to push back protesters so that they could fire tear gas at them. Tear gas was also fired at field hospitals, including one by the nearby Omar Makram Mosque. Describing the symptoms of those who reached the field hospital, one doctor told Amnesty International:

“Those who arrived at the hospital were semi-comatose or comatose with respiratory problems and distress and were completely paralysed. They were sprayed with yeast-based water or milk to stop the burning in the eyes and the skin. They were also treated with intravenous fluids, bronchodilators,²⁷ oxygen and hydrocortisone as well as cortisone drugs. Some patients improved. After 20 minutes ... they went into severe convulsions. They were given sedatives, anti-epileptic drugs and in some cases atropine after suspecting a toxic agent with organo-phosphorous components. Patients had pinpoint pupils when exposed to light – a sign of poisoning with organo-phosphorous gases. Some patients improved, others still complained of convulsions at intervals of 20-30 minutes. Some were transferred to main hospitals as they needed intensive care.”

Many of those with whom Amnesty International spoke described the tear gas used in Mohamed Mahmoud Street as more powerful and different to that used during the “25 January Revolution”. Those who were exposed to it displayed different symptoms to those affected by tear gas in January 2011. They said that the methods used to counter the effect of tear gas effects in January 2011 (such as cola drinks and vinegar) were not effective in November, and they started using instead milk, yeast mixed with water and other similar substances.

Another doctor told Amnesty International that the main injuries were from shotgun pellets, tear gas, rubber bullets and live ammunition. He said that most casualties arrived displaying symptoms such as muscle spasms, the burning of eyes, face and other parts of the body that had been exposed to tear gas, salivation and severe respiratory problems, coughing and headaches. Many fell unconscious when being treated at the field hospital and those requiring more intensive care were moved to hospitals.

A doctor at another field hospital told Amnesty International that the CSF fired tear gas at the doctors as they were treating injured people, causing doctors, including himself, to faint.

Tear gas canisters collected by protesters during the clashes were mostly US-made. Some canisters had an expiry date of 2008 or 1995; others were unmarked. Amnesty International also received information about new shipments of equipment, including tear gas, to the Egyptian authorities during this period.

THE ARMS SUPPLY CHAIN

Amnesty International has documented how deliveries of arms and equipment from abroad have continued to reach Egypt, despite violent crackdowns on protesters by the security forces and the army.²⁸ In one case, a US shipment believed to contain tear gas was dispatched on 13 October 2011, just four days after soldiers killed 27 protesters in Cairo,²⁹ and arrived on 26 November 2011, shortly after the crackdown in Mohamed Mahmoud Street.

Arms deliveries

Cyprus, Germany, India, Italy, Poland, Republic of Korea, Slovakia, Switzerland, Turkey and the USA supplied military weapons, non-military firearms, shotgun cartridges and tanks and other armoured fighting vehicles (AFV) to Egypt over a seven-year period, according to Comtrade data.³⁰

Total value of arms deliveries between 2005 and 2011

"Military weapons" (89112)

USA	\$111,141,850
Switzerland	\$1,175,643
Poland	\$786,162

"Non-military firearms"³¹ (89131)

Italy	\$5,714,703
USA	\$3,059,392
Turkey	\$2,891,460
Cyprus	\$1,738,493 ³²
Germany	\$1,237,419

"Cartridges for shotguns" (89122)

Republic of Korea	\$2,667,486
Italy	\$2,622,979
Cyprus	\$757,662
Turkey	\$456,629
USA	\$384,400

"Tanks and other AFV" (89111)

USA	\$1,127,114,242
Slovakia	\$20,777,839
India	\$7,007,680
Poland	\$4,909,899

US-made tear gas

Between 2006 and 2010, the USA authorized US\$2,446,683 under the category of toxic agents for tear gas and riot-control agents. Many of the tear gas canisters found in Egypt at scenes where the army and security police have unlawfully dispersed protesters were of US origin. Newly manufactured CS tear gas projectiles dated August 2011 were used by the CSF in Suez in February 2012.

Amnesty International reported an arms shipment for the Egyptian Ministry of Interior that arrived from the USA on 26 November 2011 carrying at least seven tons of "ammunition smoke", which includes chemical irritants and riot control agents such as tear gas. It was one of at least two deliveries during 2011 to Egypt by the US company Combined Systems, Inc. since the brutal crackdown of protesters during the "25 January Revolution".

This shipment was organized by the defence logistics company, Nico Shipping. The munitions were loaded at the US Military Ocean Terminal Sunny Point, North Carolina and left on 13 October 2011, according to shipping information tracked by Transarms for Amnesty International. Combined Systems, Inc., which is based in Jamestown in the USA, manufactures a range of munitions for military forces and law enforcement agencies, including impact munitions such as rubber batons and irritant munitions such as CS tear gas. On 1 December 2011, a US State Department spokesperson confirmed that "export licences were approved to two US companies for the export of tear gas and other non-lethal riot control agents to the Egyptian Government. And the most recent export licence approval occurred in July [2011]". An earlier shipment had also taken place in April 2011.

Other US-made tear gas projectiles manufactured in March 2011 were also found in Cairo after protests between 2 and 6 February 2012.

TORTURE AND OTHER ILL-TREATMENT

CSF personnel routinely kicked, stamped on, hit with sticks people they arrested during the protests. Those interviewed by Amnesty International said they were beaten continuously by CSF members while being dragged to a kiosk, a makeshift detention facility, near Mohamed Mahmoud Street. They said they were insulted and spat on. Some said the CSF members sexually groped them when trying to put spent shotgun cartridges in their pockets.

On 20 November, 23-year-old **Karim Damanhuri** tried to join protesters in Tahrir Square but CSF personnel were preventing people from entering the square by using tear gas and firing shotgun pellets and rubber bullets. His leg was injured with a rubber bullet and needed hospital treatment. He returned to the square and was arrested at around 4pm on 22 November. He was dragged for 500 metres while being beaten with sticks and whipped. He said he was sexually assaulted by soldiers using fingers and sticks. Soldiers also put spent shotgun cartridges in his pocket. He was taken to a kiosk and left in an area drenched in urine. He remained there from 6pm to 3am the next day. He said that 48 people were held there in total, 38 inside and 10, including himself, outside. He said that one injured man was left bleeding without medical assistance for nine hours. He said they were all taken to a detention centre in a CSF camp in Tora al-Balad and left there for four hours before being presented before the Zinhoum Public Prosecution. Karim showed his bruises to the Prosecutor, who wrote down what he saw. They left the Prosecution at 7am and were taken back to Tora al-Balad, where they were kept until 1pm without food inside a lorry under the sun. After protesting, they were given food and water and taken to the prison wing. They asked to see a doctor, who wrote a report but left it on the floor. Seven of them were taken to hospital. They were released from the prison at around 4pm on 24 November.

Ali Ahmed Sokorno Lotfi, aged 20 and from Giza, was arrested by military police officers on 22 November at 10pm from Youssef Gundi Street and then handed over to CSF personnel. The CSF dragged him along the ground for some 400 metres to Saad Zaghloul Square, where they held him in a kiosk for four hours. While being dragged, he was hit with sticks, and kicked and punched on his face and body. He said that five CSF personnel were hitting him at one time, and he lost consciousness. They took his belongings and put an empty shotgun cartridge in his pocket. He said that one officer sexually abused him with his finger and told him he was doing it to make sure he never forgot him. While he was in the kiosk, which he said held some 20 people aged between 19 and 35, CSF personnel threatened them with disappearance and mocked them, before taking away their identity cards. He said he heard

people outside screaming as they were dragged and hit with what he believed to be electric batons. He was released at 2am when his father found him.

Saleh Fikry Mohamed, aged 23, was arrested at 9pm on 22 November on Mohamed Mahmoud Street by CSF personnel, who beat him on the head, legs and all over his body. They pulled a scarf over his face and continued to beat his head until he felt faint. He was taken to a kiosk and given water to drink and wash. He said seven people were already being held there, and CSF personnel were constantly insulting, humiliating and hitting them. They were questioned about their identities and reason for going to Tahrir Square, and threatened with being charged with throwing Molotov cocktails. Saleh sustained wounds on his head that required stitches. He said that 17 of those who remained in the kiosk later on were taken to a CSF camp in the Maadi area and denied food and medication. At around 3.30am they were put in a lorry and taken to a detention centre in Maadi, where they were put in a large cell. Some were released shortly afterwards, others remained there until 7am on 23 November.

Following the violence against protesters in Cairo's Mohamed Mahmoud Street, the prosecution nominated a number of investigating judges to continue the investigations already started by the offices of the prosecution in Cairo, Alexandria, Mansoura, Ismailia and Qina. It also ordered the preventive detention of CSF officer Mahmoud Sobhi Shinnawi, pending investigation. No other police officer is known to be on trial in connection to the violence in Mohamed Mahmoud Street. At the time of writing 379 protesters were standing trials in connection to the Mohamed Mahmoud violence on charges of possession of firearms and white weapons, assault on the public officials, damage to public and private property, among other charges.

PROTESTS FOLLOWING AL-AHLY CLUB KILLINGS

Protests erupted on 2 February 2012, a day after the death of more than 70 fans of Al-Ahly Club during a football match against the al-Masry Club a day earlier in Port Said. Protesters accused the Ministry of Interior of failing to protect Al-Ahly fans. Others accused the Ministry of Interior as having orchestrated the violence. Quickly, protests spread in Cairo to near the Ministry of Interior building as well as to Suez, and lasted until 6 February. The CSF used excessive force, including firearms, to disperse angry protesters, killing at least 16 people and injuring hundreds of others.

In March 2012, the Public Prosecution referred 75 individuals, including the-then head of the Port Said Security Directorate, Essam Samak, and eight other police officials as well as three al-Masry Club executives, for trial on charges of murder in relation to the killing of the Al-Ahly fans. During the trial session on 25 August, the prosecution requested the death penalty for the defendants. On 5 September, the court suspended the session until a decision is taken in relation to the defence team's request for the case to be referred to another court, as they claim that their demands have been repeatedly ignored by the current court.³³

UNLAWFUL USE OF FIREARMS

Police forces used lethal force in Cairo and Suez without warning to disperse protesters who were, for the most part, peacefully demonstrating and chanting. Some protesters threw stones at the security forces and Amnesty International heard a few reports of protesters throwing Molotov cocktails at the riot police. In rare incidents, shotguns were fired and fireworks were

thrown at the riot police. While the police are justified to use lethal force to remove the threat to life that may be posed by the firing of shotguns, such action must be targeted to neutralize the individual causing the threat, minimizing the injury, rather than firing indiscriminately at crowds.

The Cairo University Hospitals alone admitted 269 injured people during the protests, as well as seven of the 11 people who died in the capital. Most of those injured were suffering from tear gas inhalation or shotgun pellet wounds which, in some cases, had damaged an eye. One protester died after a shotgun pellet entered his brain. Two others died from gunshot wounds to the head and one from a gunshot wound to the stomach.

In Suez, Amnesty International obtained a list of 85 people who were treated at the Suez General Hospital, most injured by shotgun pellets and live ammunition. Five people died from gunshot wounds to the chest, head or stomach. Among those injured were four members of the security forces, reported to have been hit by shotgun pellets.

Mohamed Ahmed Atta was shot dead in Suez in the evening of 2 February while throwing stones at riot police. Rami Mohamed, a 25-year-old member of the "Suez Youth Bloc", told Amnesty International that he saw security forces shooting at Mohamed Ahmed Atta without warning. Rami Mohamed was himself shot and injured in the pelvis the next day while throwing stones at riot police near the Security Directorate.

In the early hours of 3 February, **Mohamed Al-Sayed Ahmed Farrag**, a 28-year-old daily wage labourer, was killed in Suez, apparently by a sniper, after throwing stones at the riot police. Friends of his told Amnesty International that they saw the riot police using tear gas intensively near the Security Directorate and decided to climb to the top floor of a 12-storey residential building still under construction to escape the gas. The group said that from the roof they watched security forces shooting live ammunition at protesters and saw snipers on the top of the Security Directorate building and in buildings next to it. Every time the police pushed protesters out of the square, the group would throw stones at the riot police. At around 2am, Mohamed Al-Sayed Ahmed Farrag, who was standing with the group by a window, was shot in the head and died instantly.

On 5 February at around 11pm, 26-year-old **Salma Said Abdel Fattah**, an activist in the campaigning group No to Military Trials for Civilians and *Mosireen* (Determined),³⁴ was injured by shotgun pellets as she filmed the CSF's armoured vehicles attacking protesters towards Falaky Square in Cairo. She told Amnesty International that a hooded riot police officer on top of an armoured vehicle shot at her three times, at her face, chest and legs, and again when other protesters were carrying her away.

Twenty-four-year-old painter **Ahmed Hassan Ali**, a protester in Tahrir Square, was wounded in his right eye by a shotgun pellet during the "25 January Revolution", significantly affecting his sight. He told Amnesty International he was also injured by a rubber bullet in Mansur Street on 4 February at 6am. He sustained the injury as he went to tell other protesters to return to the square to avoid confrontations with the riot police. He said protesters were peacefully chanting against SCAF when police opened fire without warning.

On 5 February at around 1.30am, **Ahmed Maher**, General Co-ordinator of the "6 April Youth

Movement” pro-democracy group, sustained a serious head injury at the intersection of Mansur Street and Mohamed Mahmoud Street. He was on his way to warn protesters that barriers were going to be put in place in order to prevent clashes between the security force and protesters. His friend and member of the “6 April Youth Movement”, Ahmed Abdallah, told Amnesty International: “Ahmed [Maher] was hit as he was warning me against a danger he saw. Then I heard a clicking sound and when I turned, I saw Ahmed rolling his eyes, bleeding and then he fell on his back. I put him on a motorcycle to take him to the field hospital and then kept shouting to get his ambulance. I thought he was hit with a bullet”. As a result, Ahmed Maher sustained a fracture in the skull and internal bleeding.

UNJUSTIFIED AND DISPROPORTIONATE USE OF TEAR GAS

Amnesty International delegates witnessed riot police relentlessly firing tear gas at groups of anti-SCAF protesters standing in Mansur Street and Mohamed Mahmoud Street in Cairo during the clashes. Security forces used tear gas without warning and disproportionately when protesters were not posing an imminent threat to safety. Volunteer doctors and witnesses in both Cairo and Suez reported that riot police aimed tear gas directly at field hospitals that were providing first aid to protesters suffering from tear gas inhalation and other injuries. In Suez, some media workers for TV 25 were targeted directly with tear gas, causing respiratory difficulties.

In Suez, most clashes took place near the Security Directorate headquarters near Paradise Street and Al-Shohadaa Street between 2 and 4 February. The Security Directorate oversees a large square with a garden, from where protesters attempted to approach the building. Access to the building itself was barred by barbed wire.

Some US-made tear gas canisters in Suez bore a manufacture date of August 2011, suggesting that they were part of a recent US shipment of tear gas delivered to Egypt in November. In December 2011 Amnesty International called on global arms suppliers to halt the transfer of tear gas, small arms, ammunition and other repressive equipment to the Egyptian military and security forces.

PROTEST AT NILE CITY TOWERS

Since the election of Mohamed Morsi in June 2012, the security forces have continued to commit human rights violations. Clashes broke out between residents of the Ramlet Bulaq slum near Nile City Towers, on the Corniche in Cairo, and the police on 2 August 2012 after a Tourism Police officer reportedly shot dead a resident, Amr al-Bunni, a street vender, following an altercation about access to Nile City Towers, where he was going to demand an overdue wage.³⁵ He was shot with three bullets to the back. Residents said that police officers allege that Amr al-Bunni tried to steal the gun from the officer.

Residents told Amnesty International that the owners of Nile City Towers paid wages of 800 Egyptian pounds (approximately US\$130) to many of them in order to ensure the protection of businesses and clients of the Towers from theft and looting in the aftermath of the “25 January Revolution”. Following the progressive return of security in the area, a new head of security for the Towers decided to cancel these payments and denied residents coming to demand their wages access to the Towers.

According to testimonies gathered by Amnesty International, Anwar Ramadan Abdelatif, a

driver and resident of the Ramlet Bulaq, was shot in the right thigh, when he went to the Towers after he heard that Amr al-Bunni had been shot. He dragged Amr al-Bunni from the entrance of the towers to the other side of the road asking an ambulance passing by to take him to hospital. The medics told him then to return the body as al-Bunni was already dead. Upon returning the body where it was, he saw that an officer beating one of his relatives, Ahmed Saber Suleimna, while he was taking him away. He went and took him away from the officer, but was shot at as he was leaving. When Anwar's son, Mou'min aged 18, came with the car to take his injured father away, his car was shot by an automatic weapon and he, too, was injured in the above the right knee. Anwar Ramadan Abdelatif said that as a result of the random shooting, their car was full of bullet holes. Both father and son were taken to hospital by residents of the Ramlet Bulaq.

These incidents prompted other Ramlet Bulaq residents to gather in front of the Towers, smashing the windows. They said that the cars were set alight after the police fired tear gas and that some of the cars belonged to members of the security. They clashed with Ramlet Bulaq's police force and members of the CSF, who were firing tear gas, including in residential areas inside the slum. The police force was reported to have used excessive tear gas in populated areas of Ramlet Bulaq.

Sixteen people were arrested and charged on 3 August with possessing white weapons,³⁶ "thuggery", damaging a tourist establishment and resisting the authorities. The police officer who shot Amr al-Bunni was released after interrogation by the Public Prosecution. Amongst those arrested was 14-year-old Omar Ramadan Abdelatif. He was detained for three days, during which he was beaten up, causing him to lose four of his front teeth. He was then released without charge. He filed a complaint with the office of the Public Prosecutor, but no one was held to account for his torture at the time of writing.

On 8 August, police forces belonging to the CSF's Special Operations raided Ramlet Bulaq at dawn, breaking into houses and arresting 75 people. Many were released the next day apart from those against whom there was an arrest order. Many residents said they were beaten and insulted during arrest.

Sixty-three-year old taxi driver Gaber Youness Elsayyed was taken from his home. He said the officer fired in the air and others broke the door to his house. He was beaten by police in front of his wife and children, who were insulted. He was taken to Bulaq Police Station and released shortly afterwards after being told that he was mistaken for someone else.

Residents of Ramlet Bulaq are concerned that the raids and intimidation are being used to force them to leave the informal settlement, particularly following Decree No. 8993 of 2011, issued by Cairo's governor, concerning the temporary seizure of the land on which Ramlat Bulaq slum are located.³⁷ The Governor of Cairo's decision to "seize" properties in Ramlet Bulaq from its owners is based on the Law on Expropriation for General Interest, which provides for procedures of compensation to owners. Ramlet Bulaq is one of Greater Cairo's informal settlements targeted for clearance by the government by 2015. Residents were not consulted over such places nor were served with any eviction notice, which puts them at threat of forced eviction.

ASSAULT OF MEDICAL PROFESSIONALS

During the 2011 uprising, many medical professional and students volunteered to help people wounded by the security forces or during clashes, and established field hospitals around Tahrir Square. They continued to provide such assistance during subsequent incidents around Tahrir Square during 2011 and 2012. During these incidents, security forces attacked field hospitals in order to prevent protesters from going to them and, apparently, to punish the medics.

Ahmed Fayez, a volunteer doctor at the field hospital near the Kentucky Fried Chicken (KFC) outlet on Tahrir Square in November 2011, told Amnesty International that a CSF member pointed his gun at him and insulted him. He said that tear gas was thrown towards the field hospital on 20 November at a time when clashes had stopped, causing him and other doctors to faint. He said that the security forces appeared to be acting out of revenge rather than seeking to disperse protesters. A medical student, **Mohamed Iman**, said that he too was affected by the tear gas thrown at the field hospital that day. He said that doctors were insulted, humiliated and accused of being "thugs", and that the security forces fired tear gas in front of the hospital and in front of doctors. He added that colleagues in a nearby field hospital in Ebad Rahman Mosque, on a side street off Mohamed Mahmoud Street, were particularly targeted by security forces for attack by tear gas.

Tear gas canisters were also thrown at a field hospital at Omar Makrem Mosque, on the other side of the square from Mohamed Mahmoud Street, during the November 2011 protests. The attack forced doctors to move with their patients to the Biblical Church on the nearby Sheikh Rihan Street. **Dr Mohamed al-Minisy**, a surgeon who volunteered at the Biblical Church, told Amnesty International that one of his colleagues passed out because of the amount of tear gas thrown at Omar Makrem Mosque.

A report of the findings of the National Council for Human Rights (NCHR) into the Mohamed Mahmoud Street and the Cabinet Offices³⁸ incidents in November and December 2011, respectively, said that soldiers of the CSF severely beat **Amr Adel**, an ambulance staff member, on 23 November.

JOURNALISTS TARGETED

Police assaulted and arrested many journalists, and confiscated or destroyed their equipment, during the 2011 uprising, and have continued to target them since then. Several journalists told Amnesty International that they were targeted because they were seen as people who were documenting police abuses. Amnesty International watched a number of videos where police fire various weapons at the people holding the cameras or video recorders.

Several journalists were injured with rubber bullets and received first aid in the field hospitals near Tahrir Square during the events of Mohamed Mahmoud Streets in November 2011. Most Egyptian journalists covering protests do not have medical insurance – many are trainees so do not qualify for insurance – or insurance for their equipment. In November, journalists marched to the Prosecutor's Office to complain about the injuries they had sustained covering protests in Cairo and Alexandria. The Press Syndicate filed a case in November before the Prosecution covering all the journalists injured or assaulted. The prosecution took statements from journalists but it appears no action against any officer has

been taken.

Photojournalist **Ahmed Mohamed Mohamed Abdelaziz**, aged 24, who was working for *Al-Naba'* newspaper, went to take pictures of the violence on 20 November 2011 in a street behind the American University in Cairo. He told Amnesty International on 27 November from his hospital bed that he saw police firing shotgun pellets at a young man simply because he was videoing events. He approached the police to say that he was a journalist and that he wanted to help the injured man, but when he tried to move the man, he was shot at but luckily not injured. When he tried again to rescue the young man, a CSF member shot at him with shotgun pellets, and then a CSF officer shot him in the neck with a live bullet from a distance of less than 10 metres when Ahmed was on his knees. He was shot again when he repeated he was a journalist. He said:

"I was conscious of what was happening around me but could not do anything, as if paralysed. I was taken to hospital, bleeding heavily from the neck. They tied the wound to stop the bleeding, but doctors could not remove the live bullet."

He told Amnesty International that around 20 other journalists had been assaulted or shot during the November 2011 clashes on Mohamed Mahmoud Street. The Commission for the Protection of Journalists reported that some 35 journalists were attacked in Cairo and Alexandria between 19 and 24 November 2011.³⁹

Ahmed Abdel Fattah, a photojournalist for *al-Masry al-Youm's* website, was injured in his right eye by a shotgun pellet at 5.15pm on 19 November on Mohamed Mahmoud Street, as he was standing alongside protesters taking pictures of the violence. He said that five other *al-Masry al-Youm* journalists and 14 other photographers with other outlets were injured. He told Amnesty International that the security forces initially used tear gas and rubber bullets, then significantly increased the use of tear gas at around 3pm. When Amnesty International met him in December 2011, he had been told that he would regain his sight gradually. He told Amnesty International:

"I felt safer reporting during foreign assignments abroad because I was wearing a press badge. If I wear it during protests in Egypt, I will become a target for security forces. They see journalists as working against them because they have camera and their material could be used as evidence of abuse."

Ahmed Mohammed Al-Fiky, a radio reporter for the independent media organization Hoqook, was hit in his left eye by a shotgun pellet on 21 November on Mohamed Mahmoud Street where he was gathering material for his radio programme. On entering Mohamed Mahmoud Street, his left eye was hit by a shotgun pellet. He was given first aid at a field hospital before being taken to the International Eye Hospital. His medical report, seen by Amnesty International, shows that the pellet punctured the eyeball and lodged in the bone cavity, and his retina was displaced.

These and many other incidents reinforce the urgent need for the Egyptian authorities to respect the right to peaceful assembly and ensure that the police and security forces act in accordance with international standards for policing protests.

3. ABUSES ON ARREST AND IN CUSTODY

“The officer insulted me and said I should call him ‘*basha*’ because he could make me disappear. The officer and his brother then beat me... and then shot me in the leg.”

Ahmed Mohamed Abdel Hamid, speaking to his lawyer about an incident involving the police on 4 May 2012

Torture in police custody has been systematic and widespread in Egypt for decades.⁴⁰ Despite ample and well-documented evidence, the authorities have refused to acknowledge that torture and other ill-treatment are endemic, particularly in police stations and departments of the former SSI, insisting instead that there are only occasional individual cases of human rights abuses. In recent years, police have sometimes assaulted suspects openly and in public, or filmed their abuse and circulated it, as if entirely unconcerned about possible consequences. Often, police have threatened victims against lodging complaints.⁴¹ By denying the widespread nature of torture in Egypt, the authorities have failed to adequately address it or provide legislation to protect people from abuses in police custody. It is therefore imperative that the new authorities not only take urgent action to end this pattern of egregious abuse, but also ensure that past cases of torture are investigated, the perpetrators held to account, and the victims and their families given adequate redress.

Amnesty International has long been documenting torture and other ill-treatment in Egypt. One of many typical cases – a case that affected public opinion as it was captured on film and widely circulated – was that of **Emad Mohamed Ali Mohamed** (known as Emad al-Kabir), a 21-year-old taxi driver. Emad al-Kabir was arrested in January 2006 after trying to stop an argument between police officers and his cousin. He was accused of “resisting the authorities” and presented before the Public Prosecutor, who ordered his release on bail. However, police took him back to Bulaq Dakrur police station in Giza governorate and the next day, 20 January, they tortured him. Emad al-Kabir said officers tied his hands and feet and forced him to sit on the floor. They whipped him and ordered him to call himself degrading names. They then removed his trousers and raped him with a stick, recording the torture on a mobile phone. An officer told him that the video would be circulated in Emad al-Kabir’s neighbourhood (which it was) in order to humiliate him and intimidate others. Emad al-Kabir was subsequently sentenced to three months’ imprisonment. In November 2006, an

Egyptian blogger posted on the Internet a shocking video showing Egyptian police raping Emad al-Kabir. In a rare exception to the pattern of impunity, two officers from Bulaq Dakrur police station were then charged with the unlawful detention, torture and rape of Emad al-Kabir. In November 2007, they were sentenced to three years' imprisonment. They were released in March 2009 after serving three-quarters of their sentence. After their release, both men were returned to serve in the police force. An administrative court in January 2010 rejected the case filed by a number of lawyers against their reinstatement into the police force.

Such behaviour by police have been the norm because they were confident that in the vast majority of cases they could abuse people with impunity or, in the worst case scenario, would only receive light sentences and would not lose their jobs.

Most victims of torture or their relatives do not report the abuse because of fear that to do so would lead to further torture or other forms of retribution. Police officers have frequently harassed and intimidated people who have filed complaints.

The sense of being above the law was particularly strong among SSI officers. They detained people incommunicado for prolonged periods and denied their detention, effectively making them victims of enforced disappearance, and engaged in systematic torture of political dissidents or people suspected of security-related offences. Virtually no member of the SSI was ever charged under the rule of Hosni Mubarak, even when detainees died in their custody.

A conviction of an SSI officer for torture had to wait until after the "25 January Revolution", when one of five officers accused of torturing **Sayed Bilal** was sentenced to 15 years in prison in June 2012; the four others were tried in their absence and sentenced to life imprisonment. Sayed Bilal died while in custody the day after being arrested on 5 January 2011 by SSI officers. His family, which filed a complaint with the Public Prosecutor in Alexandria alleging that he was tortured to death, were reportedly threatened with detention and death by SSI officers.

Two police officers from Sidi Gaber police station were charged with unlawfully arresting and torturing **Khaled Said** in Alexandria on 6 June 2010 after a huge outcry and campaign following his killing (see Chapter 1), although they were not charged with direct responsibility for the young man's death. On 26 October 2011, they were sentenced to seven-year prison terms for manslaughter. The court ignored the finding of a second autopsy, which stated that Khaled Said died after a plastic roll of drugs was forced down his throat. In December 2011, the prosecution challenged the sentences and demanded a retrial. No date has yet been set for the retrial.

Many other cases of torture or ill-treatment by police have been reported. For instance, 32-year-old **Magdi Ahmed Abdel Rahman Hassan**, who was being treated for a medical condition that causes him to have intermittent fits, was arrested by police in Sharabiya on 12 May 2011 after an altercation with people who were being noisy near his home at night. During the altercation, he had a fit; the owners of cars in the street then called the police and alleged that he had damaged them. Magdi Ahmed Abdel Rahman Hassan was taken to Sharabiya Police Station and subsequently charged with drunken behaviour and damaging

private property. While held at Sharabiya Police Station pending trial, Magdi Ahmed Abdel Rahman Hassan had another fit and insulted police officers and everyone around him. The police responded by beating him with a stick and hitting his head against the wall, knocking him out, according to fellow inmates who spoke to Magdi Ahmed Abdel Rahman Hassan's lawyer. The head of the police station called for medical assistance, but the medics refused to transfer him to hospital without an official report of the incident. When his family arrived at the police station, they were told that someone had paid his bail and left with him. Later, an unknown person informed the family that after Magdi Ahmed Abdel Rahman Hassan was taken from the police station, he was found unconscious under Sahel Bridge and taken to Damerdash Hospital. His brothers went to the police station and were told by relatives of other detainees that Magdi Ahmed Abdel Rahman Hassan had been beaten by police officers and then taken away by a man in civilian clothes. A report was written in the police point of Damerdash Hospital and a complaint was filed with the Public Prosecutor. The case is still under investigation. Magdi Ahmed Abdel Rahman Hassan remained in a coma until he died on 16 March 2012 in Damerdash Hospital.

Despite numerous official pledges following the January 2011 uprising that police would respect human rights, videos of torture and other ill-treatment continue to emerge. In September 2011, a video that was allegedly filmed at a police station in El-Daqahliya governorate, north of Cairo, was uploaded on YouTube, showing three handcuffed men in a room surrounded by uniformed army and police officers. The officers are laughing and mocking two of the detainees while repeatedly beating them and giving them electric shocks with electric prods. A statement published on the Egyptian police force's website confirmed the identities of the two detainees and said they were illegal arms traffickers. According to the statement, the two men were arrested in July 2011 during a security raid. Mohammed Tantawi, then head of SCAF, ordered an investigation, according to Egypt's state news agency Middle East News Agency, but no member of the security forces was held to account.

In October 2011, pictures of the body of 23-year-old **Essam Ali Atta**, who had been serving a two-year sentence handed down by a military tribunal in Tora High Security Prison, south of Cairo, were circulated on the Internet. His family alleged that he was beaten two days earlier after prison guards⁴² discovered he had a mobile phone SIM card. After he complained about his treatment, guards reportedly tortured him by forcing water hoses into his mouth and anus. He was taken to hospital where he was reported to have died. According to an initial Qasr Eini Hospital report, Essam Ali Atta died of severe internal bleeding and poisoning. On 28 October 2011, the Ministry of Interior stated that Essam Ali Atta had been referred to hospital on suspicion of acute drug poisoning. An examination ordered by the prosecution, after the initial autopsy, concluded that Essam Ali Atta had no injuries consistent with torture and that he had died of poisoning after swallowing a plastic bag that may have contained drugs. Following the medical report and testimony of inmates who said they saw Essam Ali Atta swallow the plastic bag, the Public Prosecutor decided to close the case. El Nadim Center for the Rehabilitation of Victims of Violence and Torture said they would call on the Prosecution to re-open the case to consider the testimony of another detainee who said he witnessed the torture of Essam Ali Atta. In light of the contradictory reports about the circumstances of the death of Essam Ali Atta, Amnesty International regrets that no investigation in line with the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, as well as the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, was conducted. Following an

appeal by Essam Ali Atta's family and lawyers from El Nadeem Center for Management and Rehabilitation of victims of violence, the Public Prosecutor in September 2012 ordered the reopening of the case after a former chief forensic doctor concluded that the amount of drugs said to have been swallowed by Essam Ali Atta could not have caused poisoning that could lead to death.

Ashraf Fathi Mohamed Abdel Gawad, a 42-year-old taxi driver from Maghagha in Minya, was arrested from his home by the General Investigations Police in Maghagha on 9 October 2011 on suspicion of drug trafficking and "thuggery". As he was not presented before the prosecution within 24 hours, his family filed a complaint before the prosecution. He was then issued with an administrative detention order on 13 October. His family alleged that he was tortured because of personal problems he had with the head of the police station. He was then taken to Wadi Guedid Prison where he was held until his release on 10 June.

General Investigations Police officers from Sahel police station arrested **Abdel Ati Mahmoud Abdel Ati**, aged 47, on 4 November 2011 from his home in Zawiya Village in Asyut on suspicion of illegal arms trading. The arresting officers, who did not present an arrest or search warrant, then took him to Sahel police station. There, Abdel Ati Mahmoud Abdel Ati was issued with a detention order after the Committee of Dangerous Affairs in Asyut Security Directorate alleged that he had increased his criminal activities since the uprising. He was transferred to Wadi Guedid Prison, where he remained until 4 April 2012, when he was transferred to Istinaf Prison for three days before being moved to Wadi Natroun Prison. On 3 March, while in Wadi Guedid Prison, he was reportedly beaten with hoses and sticks by prison guards for demanding his release from administrative detention. Fellow inmates were similarly beaten. After a complaint by his lawyer to the Public Prosecution, he was presented for medical examination on 7 March in Asyut. The forensic medical examination of Abdel Ati Mahmoud Adel Ati and three other prisoners found that their injuries were consistent with their allegations. The examination said it found no evidence to support the allegation that one of the detainees, Sherif Omar Abbas, had been raped with an object, an allegation he had made before the prosecution.

People held under criminal administrative detention orders since the uprising have also alleged that they were tortured or otherwise ill-treated. **El-Sayyed Mohamed Ali El-Sayyed**, aged around 34, married with two children and a farmer from Markaz Isna, around 40km south of Luxor, was arrested on 20 December 2011. Police stopped him in Shaariya on suspicion of drug trafficking, but found nothing on him. He was nevertheless arrested and taken to a police station. He said he was beaten and kicked during arrest. The authorities did not inform his family of his arrest, nor was he allowed to phone his wife to tell her about his arrest and place of detention. He was never presented before the Public Prosecution. Ten days after his arrest he was issued with a detention order and held in Wadi Guedid Prison, from where he phoned his wife. On 27 March 2012, he obtained a release order but instead of being freed he was taken to the police station in Markaz Isna, where he remained for 10 days before being returned to Wadi Guedid Prison. He was finally released on 7 June from the Luxor Security Directorate, seven days after the state of emergency ended.

The start of a new year did not see an end to the allegations of police abuse. On 3 January 2012, according to a statement of the "6 April Movement", four members of the group who were arrested by officers of Old Cairo Police Station were beaten and insulted in police

custody.⁴³ **Sherif Mohamed, Mahmoud Zakariya, Mahmoud Hossam and Hassan Hafez** had been putting up posters against the SCAF. They were all released on 5 January. On 6 February, CSF police beat another member of the group, 22-year-old shopworker **George Ramzi Nakhla**, during his arrest on Mohamed Mahmoud Street in Cairo. He told Amnesty International that the riot police tied his arms and legs to the back of a CSF armoured vehicle and slowly dragged him along the road while others beat him with batons. After he was taken to the Interior Ministry, he said, an officer hit his back and head with a rifle, kicked him, and slapped his face. He and 13 other men were forced to squat for several hours. When he asked to be released or questioned, he was beaten again and given electric shocks to his leg. He added that the security forces also insulted him and made sexual gestures at him. He was taken to the nearby Abdeen Police Station, where his request for medical treatment was denied. He was then transferred to Tora Prison, south of Cairo, where on arrival he was beaten and dragged along the ground. He was held in a tiny and overcrowded cell, where he had to sleep on a wet floor during cold nights. He was eventually released on 25 March following a three-day hunger strike.

On 29 April 2012, **Hassan Shahata Abdelaziz** died in Qanater Prison, reportedly as a result of torture. His family said that he was put in the disciplinary wing for possessing a mobile phone and SIM card. He was beaten by prison guards and left to die before being transferred to Qanater Hospital. His family said that his body was covered with bruises and other injuries apparently caused by beatings when they saw him in hospital. On 30 April, an official from the Prison Sector Department said that Hassan Shahata Abdelaziz had suffered extreme exhaustion in the disciplinary wing and had lost consciousness apparently as a result of poisoning after swallowing an unknown substance. The official said that he died on the way to hospital.⁴⁴ The official added that a forensic examination found no traces of torture, but had detected two small foreign objects in Hassan Shahata Abdelaziz's stomach. The Public Prosecutor ordered the burying of the body. No further investigations are known to have been carried out, including in line with the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, or the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

President Morsi and the government need to send out a clear message to police and all security forces that torture and other ill-treatment will no longer be allowed to corrode Egypt's criminal justice system, and that anyone who orders, condones or commits such abuses will be held to account for their crimes. Without the clear political will to confront torture, any attempt to reform the security sector is bound to fail.

4. THE CASE FOR POLICE REFORM

‘The police, commanders, officers, soldiers, and individuals, are presenting to the nation a new doctrine... and pledge to... protect the security of the homeland and citizens abiding by legitimacy and the rule of law, to protect rights and freedoms, and respect for democratic values, human dignity, and human rights, in conformity with the Constitution and law.’

Letter by the then Minister of Interior Mohamed Ibrahim to the Egyptian people on 23 January 2012 for the first anniversary of the “25 January Revolution”

This laudable declaration reflects the aspirations of the Egyptian people who rose up against police brutality and other injustice in January 2011. It also captures the enormous challenges facing the authorities given the entrenched patterns of abusive behaviour by the police. To meet the pledges made, far-reaching reform of the police is required. Declarations without political will, minor changes to legislation, and a reshuffling of the police without overall reform will simply not ensure that Egypt's law enforcement agencies consistently operate in line with international human rights standards and in full respect of people's dignity.

As this report shows, Egyptian police have repeatedly violated human rights when policing demonstrations or arresting and detaining people. The violations are so endemic and persistent that they cannot be explained as resulting solely from the misconduct of individual police officers. They are foremost a reflection of the authorities' reluctance to challenge a deeply rooted culture of security forces operating above the law. The violations are also facilitated by long-standing deficiencies in Egyptian law, which, as described below, falls short of international human rights law and standards in important respects. The violations also result from a persistent failure to enforce even the inadequate laws that apply to freedom of assembly; the use of force and firearms by law enforcement officials; the treatment of detainees; and the prevention of torture and ill-treatment – and are aggravated by the authorities' failure to bring to justice officers who perpetrate serious violations.

The Ministry of Interior has through the years denied in official responses before UN human rights bodies, in meetings with Amnesty International,⁴⁵ or in statements to the media that abuses by its police force are widespread. In meetings with human rights NGOs, including Amnesty International, government officials have repeatedly rejected allegations that the police have been responsible for systematic torture and other abuses, admitting only to individual and isolated cases of abuse that do not reflect a government policy. They referred to ongoing trials of members of the police force for committing abuses, but regularly fail to provide any statistics as to the number of police officers tried for human rights violations or the category of other crimes for which they were brought to trial.

Officials of the Ministry of Interior as well as the Ministry of Foreign Affairs and the office of the Public Prosecutor, with whom Amnesty International met in the past, often highlighted the importance the government and Ministry of Interior allot to human rights, giving examples of training in human rights that police officers and members of the judiciary receive under a UN Development Programme Human Rights Capacity Building Project, known as Bena. ⁴⁶ The pilot project was launched in 2001, with a first phase in 2005. A second phase, which was scheduled for 2011, was delayed due to the uprising. The programme was limited to workshops and seminars on human rights international standards and thus failed to address the underlying problem, i.e. the absence of any measures and mechanisms that would effectively enforce the compliance with human rights of all police operations (such as through orders, operational procedures, supervision and control as well as independent oversight). It was also criticized for excluding human rights and civil society experts and those perceived as opposing the-then ruling National Democratic Party.⁴⁷

The failure of the authorities to punish police members for human rights abuses, and instead seeking to cover the abuses up, has reinforced the feeling that the police are indeed above the law, that they can arbitrarily arrest people, detain them, torture and ill-treat them and kill them with almost total impunity. The outcry by many Egyptians following the death of Khaled Said, who became known as the “martyr of the state of emergency”, was in fact a protest against the sweeping powers to arrest and detain granted to the police under the Emergency Law, which had then been in force since 1981, as well as the decades of abuse that had been committed with impunity.

States are responsible for maintaining order and security as these are essential conditions for people to enjoy their economic, social, cultural, civil and political rights. States must also ensure that their officials uphold human rights standards (i.e. do not abuse their powers) and protect human rights. Governments and citizens may not agree on what constitutes order or disorder, but whatever the interpretation, order must be based on the rule of law. Adherence to the rule of law means that the government and its agencies are bound by law, that there is equality before the law, that there are predictable and effective judicial rulings, and that human rights are integral. Law sets the framework within which police carry out their duties and policing priorities are set. Police must serve the public interest, not just one faction of society. To do this, they need operational independence, but must earn their right to this by being seen to act in the public interest and to respect and protect human rights.

Police forces' extensive powers can have a far-reaching effect on people's lives and, if abused, can result in serious human rights violations. For this reason international standards have set limits on these powers. For example, as outlined below, policing that respects

human rights involves officers trying to avoid using force, but being able to use force lawfully and proportionately when strictly necessary and to account for its use afterwards. Any use of force should be lawful and by properly trained police, particularly in situations involving large numbers of people. The rights to assemble peacefully and to associate are basic rights which police are obliged to facilitate. The crucial factor in policing demonstrations as well as other public events lies in the preparation in order to identify risks and causes of tensions before they escalate.

Another example of good police practice is that they should only arrest and detain people when necessary and in accordance with human rights principles, the most important of which are non-arbitrariness, the presumption of innocence, the right to a fair trial from the moment of arrest to appeal, and the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment. The period just following arrest and detention is when a detainee is most at risk from police abuse. It is for this reason that oversight by independent committees that regularly visit places of detention is considered an important preventive measure. It should be clear that arrest and detention are only lawful when these are carried out within the framework of law; police actions causing additional harm (such as the use of shackles) or that lead to additional punishment are prohibited as the person is still presumed to be innocent.⁴⁸

INTERNATIONAL STANDARDS AND EGYPTIAN LAW

FREEDOM OF ASSEMBLY AND STATES' OBLIGATIONS WHEN POLICING PROTESTS

States must respect the right to freedom of assembly. According to the International Covenant on Civil and Political Rights (ICCPR), to which Egypt is a state party, no restrictions may be placed on the right to peaceful assembly other than those which are in accordance with the law and "necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals, or the protection of the rights and freedoms of others".⁴⁹ Any such restrictions must be demonstrably necessary and proportionate to a specific need related to one of these grounds⁵⁰ and must be without discrimination, including on grounds of political opinion.⁵¹

While the relevant treaties only refer to "peaceful assemblies", a peaceful assembly does not automatically lose its peaceful character if there is sporadic or isolated violence or other unlawful behaviour by some within the crowd.⁵² The UN Special Rapporteur on the right to freedom of peaceful assembly and of association has stated that "the presumption in favour of holding peaceful assemblies" is considered best practice. He has further stated "that the exercise of fundamental freedoms should not be subject to previous authorization by the authorities ... but at the most to a prior notification procedure, whose rationale is to allow State authorities to facilitate the exercise of the right to freedom of peaceful assembly and to take measures to protect public safety and order and the rights and freedoms of others."⁵³

Any use of force in the policing of demonstrations (including those the government regards as illegal or that have become violent) must be carried out in accordance with international law. The international community has adopted standards for the use of force and firearms by law enforcement officials, intended to ensure respect for the rights to life, liberty and security of person.⁵⁴ Under these instruments, the use of force is prohibited except as strictly necessary and to the extent required for the performance of their duty. Firearms may only be used as a last resort – when strictly necessary in defence of self or others against the imminent threat

of death or serious injury. Intentional use of lethal force is permitted only when strictly unavoidable in order to protect life. In addition, when lethal or other possibly excessive force is used, the authorities must ensure that its use is fully and independently investigated and that any police or other officials responsible for misuse of force are held accountable.

UN standards also address the policing of assemblies, stating: "In the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary". They add: "In the dispersal of violent assemblies, law enforcement officials may use firearms only when less dangerous means are not practicable and only to the minimum extent necessary" and in no case may they use firearms other than as described above.⁵⁵

The UN Special Rapporteur on extrajudicial, summary or arbitrary executions has specified, "In principle shooting indiscriminately into a crowd is not allowed" and that use of firearms (and presumably any other forms of potentially lethal force) "may only be targeted at the person or persons constituting the threat of death or serious injury" invoked to justify the use of force.⁵⁶

Amnesty International considers that policing of assemblies should always be guided by human rights considerations. The fact that an assembly is illegal, or that minor violations of the law occur during a peaceful assembly, should not necessarily lead to a decision to disperse it. Similarly, where a small minority tries to turn a peaceful assembly into a violent one, police should ensure that those who are protesting peacefully are able to continue to do so, and not use the violent acts of a few as a pretext to restrict or impede the exercise of rights of a majority. Any decision to disperse an assembly should be taken only as a last resort and carefully in line with the principles of necessity and proportionality, i.e., only when there are no other means available to protect a legitimate aim and when the level of threat of violence outweighs the right of people to assemble. Police should prioritize peaceful settlement of disputes and the methods of persuasion, negotiation and mediation, both before and during assemblies, as a means of avoiding the escalation of disputes, recourse to restrictions or the use of force.

Egyptian law

On paper, Egyptian law provides a set of regulations that govern police conduct. The 1971 Constitution stated that the police will perform their duties "in service of the people, maintain peace and security for citizens, maintain order, public security and morality, and undertake the implementation of the duties imposed upon it by laws and regulations, in the manner prescribed by the law."⁵⁷ The March 2011 Constitutional Declaration (the provisional Constitution announced by SCAF following the uprising) states: "The police are a civil order body whose responsibility it is to serve the people. The police guarantee for the people tranquillity and security and provide for the maintenance of order, public security and morals, according to the law."⁵⁸

The Police Act⁵⁹ requires the Police Department, which is a civilian institution within the Ministry of Interior,⁶⁰ to maintain order and public security, prevent and control crime, and ensure the comfort and security of citizens.⁶¹ It also requires all members of the police to pledge before the Interior Minister to uphold the republican system, respect the Constitution and the law, safeguard the safety of the nation and carry out their duties with honesty and

sincerity.⁶² On 20 June 2012, a new law amended the Police Act to remove the President as supreme chief of the police.⁶³ The Police Department is now headed by the Minister of Interior and operates under the Minister's leadership.

Egyptian law has long restricted the right to freedom of peaceful assembly, in violation of Egypt's obligations under international human rights law. The Emergency Law gave the authorities the power to "restrict people's freedom of assembly, movement, residence, or passage in specific times and places; arrest suspects or [persons who are] dangerous to public security and order [and] detain them; allow searches of persons and places without being restricted by the provisions of the Criminal Procedure Code; and assign anyone to perform any of these tasks." Other legislation that severely constrains freedom of assembly includes Law No.10 of 1914 on gatherings, which prescribes imprisonment and fines for individuals refusing orders to disperse from public gatherings composed of more than five people with the purpose of endangering "public peace"; and Law No.14 of 1923 relating to public meetings and demonstrations, which gives unfettered powers to security forces to disperse any demonstration deemed to endanger "public order"; the Minister of Interior's Decree 139 of 1955 on the devising of special procedures for public gatherings and demonstrations; and the Minister of Interior's Decree 156 of 1964 relating to the use of live ammunition.

After the entry into force of the Police Act, which included guidelines on the use of armed force, the Interior Minister issued Decree 286 of 1972 stressing that the provisions of Decree 156 of 1964 still applied.

Rights to freedom of expression, association and assembly were further restricted by Law No. 97 of 1992, the Anti-Terrorism Law,⁶⁴ and by Decree-Law 34 of 2011,⁶⁵ issued by SCAF on 12 April 2011. The Decree-Law criminalized peaceful strikes, sit-ins and other actions deemed to obstruct the freedom to work or the working of public or private institutions.

In policing demonstrations and responding to gatherings and protests, Egypt's police have violated and continue to violate even these restrictive and repressive laws. For example, when dispersing demonstrations, police forces did not respect the limited safeguards provided by Article 2 of Decree 139. Among the provisions flouted have been:

- (c) Those gathered must be provided with a warning that force will be used. The warning must be audible, and can involve the use of a loudspeaker if necessary. The time granted for protesters or others gathered to disperse must be clearly indicated.
- (d) If those gathered do not respond to two clear warnings, the head of the security operation can order the use of tear gas; and the dispersal of protesters by batons.
- (e) The head of the security operation can order the use of live fire if those gathered did not disperse after two warnings, and after the use of weapons sanctioned under Article 2.4; if there has been an attack on members of the security forces; or if there has been an attack on lives, money or infrastructure.
- (f) The order to use live fire must be audible; and live fire must only be targeted at the feet in all cases.

- (g) It is absolutely prohibited to shoot in the air or above the heads in order to avoid the injury of those deemed "innocent".

Similar safeguards are provided by Article 1(3) of Decree 156, which stipulate that in dispersing public gatherings or demonstrations of more than five people that endanger "public security", the following must be applied:

- (a) The head of the security operation must provide audible verbal warnings to the gathering or the protesters ordering them to disperse giving them appropriate time to do so, and showing them the directions/roads they should take, warning them that he will be obliged to fire on them if they do not submit to such an order. The warning must be made in a way that is audible and by a means that allows it to reach protesters or the gatherings and to facilitate means for their dispersal within the time given.
- (b) If demonstrators refuse to disperse in spite of the warning and after the time given to them has elapsed, the force is allowed to fire at them, in an intermittent manner, to allow them to disperse.
- (c) When firing, shotguns with small pellets must be used first. If this did not succeed in dispersing the crowds, firearms with live ammunition should be used; then automatic rifles if needed.
- (d) The order to fire must be issued by the officer in charge. If no officer was appointed prior to the assignment, the order can be given by the oldest serving officers.

Article 2 of the Decree states that in all circumstances, officers must abide by the following:

- (a) That the use of firearms is proportionate to prevent resistance or escape or to disperse protesters, on condition that the firearms are the only means to achieve these ends.
- (b) Firearms should be resorted only after having used other means such as advice, batons, tear gas, according to the situation and whenever possible.
- (c) When firing in the air complete caution must be used in order not to injure innocent people and firing must be targeting legs, as long as that is feasible.

Article 102 of the Police Act reiterates the principle that firearms can only be used when strictly necessary to achieve a legitimate aim and such use is proportionate to the aim. It permits police officers to use firearms to apprehend a convicted or accused and wanted individual if they resist arrest and if their conviction or accusation can lead to a prison term exceeding three months, or when they are guarding prisoners. It also permits police officers to use firearms to disperse gatherings or demonstrations of at least five people when public order is under threat and after warning the protesters to disperse.

As described above, Egyptian legislation on the use of force and firearms allows Egyptian police forces to violate human rights with impunity. The high number of people killed or

injured during protests in Egypt is partly the result of the wide scope for the use of firearms in Egyptian regulations, and the use of firearms as a normal tool for public order management, when it should be an exceptional tool to be deployed in life-threatening situations. For instance, the possibility for security forces to use live fire for the purpose of dispersing a crowd, the protection of money and financial institutions as well as infrastructure is against the obligation to respect and preserve life. Also, the use of small pellets leads to a risk of causing indiscriminately serious injury (in particular to the eyes). It has been used disproportionately as a means to disperse crowds and has violated the obligation to minimize damage and to protect bystanders.

The Egyptian authorities, like all governments, are responsible for ensuring public safety and maintaining public order. It is clear, however, that Egyptian police have often gone far beyond what is permissible under international law and standards, and even under Egyptian legislation. They have routinely relied on the rhetoric of security to justify human rights violations, including lethal crackdowns on protests. This has resulted in violations of the right to life and of the right to liberty and security of person on a disturbing scale.

PROHIBITION OF TORTURE AND OTHER ILL-TREATMENT

The right to be free from torture and other cruel, inhuman, or degrading treatment or punishment, as provided for in Article 7 of the ICCPR and Article 5 of the African Charter, is absolute. Article 10 of the ICCPR further provides that anyone deprived of his or her liberty is to be “treated with humanity and with respect for the inherent dignity of the human person”. Article 5 of the African Charter also recognizes “the right to the respect of the dignity inherent in a human being”. The Convention on the Rights of the Child reaffirms these rights and provides for further protections for children (meaning for the purposes of the Convention anyone under the age of 18) who have been deprived of liberty.⁶⁶

Egypt was the first Arab state to become a party to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) in June 1986. The Convention defines torture as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”⁶⁷ The Convention requires that all persons responsible for acts of torture, attempted torture, or complicity or participation in torture, be brought to criminal justice;⁶⁸ the ICCPR requires the same in relation to similar cruel, inhuman or degrading treatment.⁶⁹ Article 4 of the Convention requests states to ensure that all acts of torture are offences under criminal law. The same applies to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture. Furthermore, states should make these offences punishable by appropriate penalties which take into account their grave nature. Both treaties – the Convention and the ICCPR – also require that a prompt and impartial investigation be conducted whenever there is an allegation or other reason to believe that an act of torture or other cruel, inhuman or degrading treatment or punishment has taken place.⁷⁰ In addition, “No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture” and,

"[a]n order from a superior officer or a public authority may not be invoked as a justification of torture".⁷¹

The Convention also requires states to take a range of measures for the better prevention of torture and other ill-treatment.⁷²

The requirement that any information obtained by torture be excluded as evidence from any kind of proceeding is expressly recognized by Article 15 of the Convention against Torture. The Human Rights Committee interprets the ICCPR as requiring in all circumstances the exclusion of information obtained by torture or other cruel, inhuman or degrading treatment.⁷³ The Convention also requires that each state party "ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible". In the event of the death of the victim as a result of an act of torture, the Convention provides that his or her dependants shall be entitled to compensation. These obligations have been held to apply as well in relation to other forms of cruel, inhuman or degrading treatment or punishment.⁷⁴

Egyptian law

Egyptian law also contains safeguards against torture and other ill-treatment.⁷⁵ Article 40 of the Code of Criminal Procedure (CCP) prohibits the "physical and moral harm" of detainees. Similar safeguards existed in Article 42 of the 1971 Constitution. Article 9 of the March 2011 Constitutional Declaration states: "Every citizen who is arrested or detained must be treated in a way that preserves his/her human dignity. It is forbidden for him/her to be abused in body or mind, as it is forbidden to detain him/her in places outside of those designated by the prisons law."

Egypt's police forces have persistently violated both international human rights standards and national law prohibiting torture and other ill-treatment. Indeed, UN human rights bodies have repeatedly expressed concern over the endemic nature of torture in Egypt.

The Egyptian authorities stated during the framework of the UN Universal Periodic Review in February 2010 that they were preparing legal reforms to render the definition of torture compatible with that in the CAT. No such reform has been proposed to date.

An amendment to the Penal Code in May 2012 increased the penalty to five years' imprisonment for a public employee who tortures a person, participates in torture or incites torture to extract a certain confession. The amendment also provides for a one-year prison sentence for anyone who learns about a crime of torture and does not report it to the concerned authorities.⁷⁶

Notwithstanding this amendment, Egyptian law remains in need of reform to combat torture in line with the requirements of Article 4 of the Convention. It still defines torture narrowly in the context of forcing an accused person to "confess". Death threats and physical torture are criminalized only when they happen following an unlawful arrest by someone purporting to be a government officer. Torture is defined under the section of the Penal Code entitled "Coercion and ill-treatment by civil servants against people".⁷⁷ The most severe penalties for torturers are up to 10 years' imprisonment for anyone "who ordered or committed torture to

force an accused to make a confession” or, when the victim dies, to “the same sentence stated for intentional killing” (an offence carrying a maximum punishment of the death penalty).

Torture, including death threats, can be punished by imprisonment under other provisions, including Article 282 of the Penal Code. However, this only applies when the victim has been arrested unlawfully, as specified in Article 282 of the Penal Code, by someone purporting to be a police officer or wearing police uniform. Article 280 stipulates: “Whoever arrests, confines or detains a person without an order from one of the concerned authorities, and in other than the cases wherein the law and statutes authorize the arrest of the suspects, shall be punished with detention or a fine not exceeding two hundred pounds.” The law therefore does not address a situation where a person is tortured to extract information or to intimidate, punish or degrade them, or when the victim is not accused of an offence. This shortcoming often explains why, even in the rare cases where police officers are tried for alleged acts of torture, defendants generally are found not guilty of committing torture or receive sentences which fail to reflect the gravity of the offence.

The law defines the framework within which police carry out their duties and functions. Like police in other countries, Egyptian police are bound to act within the law; however, a number of Egyptian laws do not themselves abide by Egypt's obligations under international human rights law. Many actions by the police are unlawful under Egyptian laws and the few actions that are lawful under Egyptian laws still violate international standards and facilitate human rights abuses. Egyptian and international human rights organizations have repeatedly called on the Egyptian authorities to bring their legislation into line with international human rights standards, in all instances where police may be involved, from arrest and detention to trial and imprisonment, from policing demonstrations to crowd control. Since the fall of President Mubarak, the only relevant reform introduced was to increase the penalty for public officials responsible for torture to five years. The torture definition itself, which falls far shorter of international obligations, remains unchanged.

A number of Egyptian laws and decrees need to be amended for them to abide by Egypt's obligations and to enable the police to carry out their duties with a framework that respects human rights and the rule of law. Legislation governing the use of force when arresting suspects or dealing with protesters, or that regulating police powers of arrest and detention, treatment and interrogation of suspects, and prison administration, for instance, must be amended. Clear penalties commensurate with the offences committed by police officers when breaking the law must be provided.

Police conduct in Egypt falls far short of the guiding principles of good policing such as those that are outlined in international standards.

INITIATIVES FOR REFORM

Since the fall of President Mubarak in February 2011, a number of conference and seminars have been organized by civil society activists, academics and police practitioners in Egypt to discuss the importance and urgent need to reform the police in order to ensure the demands of the “25 January Revolution” are met. Civil society and human rights activists, academics and experts have kept up the pressure on the authorities and come up with proposals to reform the police, including by addressing past abuses.

THE NATIONAL INITIATIVE FOR REBUILDING THE POLICE

The National Initiative for Rebuilding the Police (known as “Police for Egypt”) was launched by a number of individuals and civil society groups in October 2011 to prepare integrated principles for reform, as well as to propose legislative and structural amendments, to ensure the rebuilding of the police on sound grounds.⁷⁸ The aim is to restore lost confidence between the people and the police and establish a new doctrine within the Ministry of Interior that is based on securing safety and security with full commitment to the rule of law.

The initiative is based on six principles it considers key. These are: “cleansing”, accountability and oversight; a civilian police authority; a move from centralized to local administration of the police; management of the Ministry of Interior by political figures rather than security figures; moral and ethical responsibility; and the principle of rebuilding, not reforming, the Ministry of Interior.

The initiative proposes steps for immediate and longer-term reforms. Immediate measures to reform the police include the removal of the Directorate General for Elections from the Ministry of Interior and the separation of the SSI/NSA from the Ministry of Interior (to the Prime Minister’s office). It called on the Minister of Interior to suspend all police officers charged with killing protesters, and to refer members of the Supreme Council of the Police for the period 25 January to 6 March 2011 to disciplinary boards, and to bring those police responsible for human rights abuses to justice. It also called on the Minister to put police officers convicted of human rights violations and subsequently reinstated to their post on reserve. The initiative further proposed a major reshuffle of all members of the police force between governorates at all levels in order to ensure renewed trust from the public.

Among the immediate measures proposed, the initiative calls on the Minister of Interior to set up oversight and accountability mechanisms to allow for police actions to be scrutinized.

In terms of long-term measures, the initiative calls for a civilian to head the Ministry, rather than someone promoted from within the security apparatus, to move away from the centralized nature of the police into a local police for each governorate under the leadership of an elected governor. The initiative calls on the Minister to end the militarized nature of the police, including by ending military-like training at the police academy and institutes and the trials of police officers and students before military courts, ending the inclusion of conscripts within the Ministry’s personnel as part of the military service, and dissolving the CSF and replacing it with a rapid intervention unit for riot control. It also calls for enhanced scientific training of the police in fighting crimes and improved working and financial conditions.

In a meeting with Minister of Justice Ahmed Mekki in August 2012, the Forum of Independent Egyptian Human Right Organizations, a grouping of 22 NGOs, put forward a memorandum to the Ministry of Justice on “preserving security without prejudice to human rights”, highlighting the urgent need to reform the police in order to ensure security and respect for human rights, and warning against resorting to exceptional measures in order to combat crimes and the continuing insecurity in the country.⁷⁹ A copy of the memorandum of the National Initiative for Rebuilding the Police was also presented to the Minister.

OTHER INITIATIVES

Another initiative came from the Lawyers Syndicate in February 2012, calling for the

establishment of a civil police in order to fight the lack of security in Egypt. The initiative proposed to “cleanse” the Ministry of all figures associated with the previous regime, and to inject new blood into the Ministry through recruits drawn from law graduates and legal experts willing to serve in the police, stressing that the police department is a civilian institution whose role is to preserve security and respect human rights and fundamental freedoms.⁸⁰

Other initiatives have come from within the police. Police officers created unions to defend their rights, underline their commitment to serve Egypt, and distance themselves from higher ranking officers whom they allege were closely linked to the former government.⁸¹ In 2011, police staged numerous strikes to protest against their working conditions, with some success. Some of their demands were responded to by ministerial decisions in 2011 and others were incorporated into Law 25 of 2012 adopted in June and included provisions meant to improve the pay and working conditions for low-ranking members of the police. It also removed the President as head of the police.

Some of the demands of these initiatives were partially achieved. They include the ending of service of a number of senior officials as well as the reshuffle of members of the police at the level of various governorates, the improving of the working and financial conditions for lower-ranking members of the police, including changes to the wage system, and the establishment of a new rank of “honour officer”.

While these reforms are positive developments, they fail to respond to other more meaningful demands related to addressing the legacy of abuses by the security forces, such the ones proposed in the draft law on the Restructuring and Cleansing the Police Department.

DRAFT LAW ON RESTRUCTURING AND CLEANSING THE POLICE DEPARTMENT

In May-June 2012, Egyptian human rights NGOs and activists put together a draft on the reform of the police. This text, together with other drafts, was presented to members of the human rights and the defence and security committees of the People's Assembly, Egypt's lower house of parliament. The proposed legislation was entitled “the draft law on Restructuring and Cleansing the Police Department”. It was proposed as an amendment to the Police Act. It added that the police must carry out their duties with full commitment to respecting the dignity of citizens, including when taking the service oath. It includes provisions proposing the establishment of a central police force in charge of securing vital installations and government buildings, and a local police force at the level of the governorate and under the authority of the governor with oversight from the central administration.

In addition, the draft law proposes amendments to the composition of the Supreme Council of the Police (SCP) by including independent experts nominated by the President and subject to approval by the People's Assembly. It also charges the SCP with the supervision of the Police College and other police institutes and the putting together of the training and professional strategy for the police authority.

The draft law seeks to better regulate and limit the use of force by the police, removing the provisions allowing the use of firearms against protesters, and aligning it with international human rights standards on the use of firearms by law enforcement officials.

Additional proposals included the establishment of two new bodies. The Supreme Committee for Restructuring and Cleansing the Ministry of Interior would be formed of legal and institutional reform experts, charged with implementing the proposals of the draft and overseeing the transition within the Ministry of Interior. The other proposed body is a National Body for the Prevention of Torture, which would be tasked with inspecting prisons and detention centres, and presenting recommendations to the executive authorities with a view to combating torture. It would be formed of legal and human rights experts and psychiatric and forensic doctors. It would also be mandated to have access to all documents it needs regarding prisoners' registers and other detention-related documents.

This initiative has stalled following the dissolution of Parliament.

Despite government rhetoric about its commitment to reform of the police, no significant reform steps have so far been introduced. Indeed, the continuing violations by the police and the acquittals of police officers in relation to the "25 January Revolution" have reinforced a sense that police continue to enjoy impunity for human right abuses.

The real test for Egypt's newly elected civilian President will be whether he can take action to ensure that these violations do not continue under his rule. If the authorities want to restore public trust in the police, they must also demonstrate the political will to challenge impunity.

THE UNADDRESSED LEGACY OF PAST POLICE ABUSE

In order to restore and build trust between the police and the people, the authorities must address the legacy of police abuses by ending impunity and corruption within the police force. The Ministry of Interior has initiated various geographical and functional transfers of police forces, as well as ending the service and ordering the retirement of senior officials. While these actions are welcome as a way to rebuild relations between the police and the people in various governorates, they have drawn criticism from observers and activists demanding police reform. Such measures have been seen as a way of providing a safe exit for police, or rewarding others who committed human rights abuses in the past by promoting them to higher positions. These changes have been perceived in this way because the authorities have failed so far to establish any transparent vetting system. Nearly two years after the "25 January Revolution", many believe that police officials suspected of serious human rights violations remain in positions where they could repeat them, or in some instances have even been promoted.

After assuming power in June 2012, President Morsi ordered the establishment of two fact-finding committees. One committee was tasked with reviewing the cases of civilians tried before military courts, individuals detained by the Ministry of Interior and cases of "revolutionaries" in detention.⁸² Hundreds of civilians imprisoned by military tribunals were released following recommendations by the committee. The other committee was mandated to examine the cases of killings and injuries of protesters between 25 January 2011 and 30 June 2012 by collecting evidence and information and identifying perpetrators and accomplices.⁸³ The committee is also tasked with examining all incidents of abuses against protesters that were not investigated and to examine evidence in this regard. While such initiatives might help to establish the truth about abuses against protesters, they remain limited in scope. At the time of writing, there was no news about the report of this committee.

THE LEGACY OF MUBARAK

The Egyptian authorities have left the lid unopened on the legacy of abuses committed under President Mubarak. Nineteen months after the fall of Mubarak, no investigations have been carried out into the violations committed by the various police forces under his rule, compounding a feeling of impunity for the police.

The “25 January Revolution”

Mubarak and his Minister of Interior, Habib El-Adly, were both sentenced to life imprisonment in June for their complicity in the killing of protesters in the “25 January Revolution”. Six senior security officials, including the former head of the now-disbanded SSI, were acquitted in the same trial. The prosecution noted that it received little cooperation from the General Intelligence’s national security unit and the Ministry of Interior, complicating the process of gathering evidence.

This feeling has been reinforced by the various acquittals of police officers, including senior officials, of the killing of protesters during the uprising, most recently in September 2012 when a court in Shubra El Kheima acquitted former head of the Security Directorate of Qalyubiya, Farouq Lashin, and three of his assistants, of killing protesters during the uprising.

Many of the police officers accused in the killing of protesters before police stations were acquitted, including senior police officers, for lack of evidence. Others were acquitted because the court found that they were exercising their right to self-defence. Others received a one-year prison sentence for overstepping the right to self-defence by causing the death of protesters beyond the immediate area of the police station. The decision on whether one acted in self-defence or not (as defined in Article 61 of the Egyptian Penal Code)⁸⁴ was left at the discretion of the judge.

Others brought to trial for the killing of protesters, torture and other abuses were acquitted; their acquittal was in part due to the shortcomings in Egyptian legislation or inadequate investigations. In many cases, the failure of the Public Prosecution to adequately investigate has been highlighted.

State Security Investigations (SSI)

The former SSI was the example par excellence of a police force acting above the law. In early March 2011, following news that SSI officers were destroying evidence of human rights abuses, protesters forced their way into SSI premises in Alexandria, Nasr City and 6 October City and tried unsuccessfully to enter the SSI headquarters in Lazoghly Square in central Cairo.⁸⁵ Protesters who entered the SSI premises said they uncovered records of SSI intelligence activities, including surveillance networks, as well as evidence of torture and other ill-treatment. Documents and audiovisual material reportedly seized by protesters was quickly uploaded on the Internet, including onto social networking sites such as Facebook.⁸⁶ The material reinforced protesters’ calls for accountability, particularly for the SSI, and for detentions to be acknowledged and cases of torture and other ill-treatment committed by SSI officers to be investigated and for the perpetrators to be brought to justice.

Following the break-ins, the army secured SSI premises and SCAF requested that SSI documents seized by protesters be returned to the authorities.⁸⁷ Demonstrators reportedly

attempted to hand over material to the Public Prosecution.⁸⁸ Following the protests, a number of SSI members were said to have been detained on suspicion of destroying evidence. The Minister of Justice subsequently appointed a judge to investigate the allegations. In June 2012, following his acquittal in the trial of Hosni Mubarak in relation to the killing of protesters, Hassan Abdel Rahman, former head of the SSI, was remanded in custody to stand trial, together with some 40 officers, on charges of destroying SSI records. In March 2012, he admitted that he had ordered all SSI branches to burn top secret files in order to safeguard national security and said that the original documents were saved electronically.⁸⁹

The lack of transparency in the way in which the SSI was dismantled to give way to the National Security Agency in March 2011 only reinforced people's suspicion that SSI officers would continue to escape the reach of justice. The fact that the former SSI chief and other senior officials were cleared of all charges in relation to the killing of protesters during the 2011 uprising has left many Egyptian still waiting for full justice. More importantly, it highlighted that, without strong political will, the ending of impunity for human rights violations will remain out of reach.

THE ROLE OF PUBLIC INSTITUTIONS IN CONFRONTING ABUSE

OVERSIGHT BODIES

Police misconduct, from minor offences to serious human rights violations, should never go unpunished and effective measures should be put in place to avoid their recurrence. With little or no effective judicial or other institutional oversight, police in Egypt have been able to operate with confidence that their human rights abuses will go unpunished.

Amnesty International has repeatedly called on the new Egyptian authorities to pursue accountability for past human rights violations committed by all members of Egypt's police and security forces, including the CSF and General Investigations Police. The organization also called on the authorities to establish an oversight body that can hold the police force to account for abuses they may commit or failures to take action to protect abuses against others. These calls have so far remained unanswered.

Addressing the legacy of past police abuses and bringing police officers to justice for the human rights violation they committed in fair and transparent proceeding is no doubt an essential element of police reform. This should also lay the ground for a wider sense of accountability that would put in place effective mechanisms in order to avoid the repetition of human rights violations.

There is no doubt that police in Egypt have some form of accountability mechanism in order to be able to manage policing operations, but these remain internal to the police force. Members of the police appear to be only accountable internally to their senior officials, who in turn are accountable to the Minister of Interior. These mechanisms of internal accountability have been opaque, unknown to the public, and have failed to provide redress for victims of human rights violations. The Ministry of Interior has a committee that receives public complaints about the police but it is not clear how many of these complaints are in effect investigated or referred for criminal prosecution. The Ministry of Interior has never published any statistics about the offences for which its security forces have been disciplined or referred to criminal trials, but human rights activists and observers believe these punitive

actions are rarely linked to human rights violations.

In addition to making the existing Ministry of Interior's complaints committee more transparent and more accessible to the public, the authorities should establish an oversight body that has an independent, effective and impartial complaints mechanism that can deal with complaints about police or security forces' misconduct and human rights violations. The independent complaints mechanism should have independent investigation teams, to deal specifically with complaints against or involving the police or security forces.

THE PUBLIC PROSECUTION

The Public Prosecutor can play a key role in combating impunity. The Public Prosecution has judicial functions empowering it to initiate and proceed with criminal (and sometimes civil) cases by conducting investigations into offences.⁹⁰ It is entrusted with the powers to order arrests and detentions, to investigate, order releases, search homes, as well as indict and pursue cases in the court system until a final judgment is rendered and enforced.⁹¹ The Public Prosecution is also entrusted with administrative functions, including the oversight of the judicial police,⁹² and it can request a review of a matter concerning any officer of the judicial police, if such officer has violated his duties or was negligent in his work. Moreover, it has the right to initiate disciplinary action against them.⁹³ It has the power to inspect prisons and other places where sentences are being served or where detainees are held by visiting these places, examining their registers of detainees and communicating with them as well as ensuring no one is detained illegally, including by ordering their release.⁹⁴ Members of the prosecution are instructed to investigate in person all allegations levelled at police officers, whenever such accusations concern committing a felony or a misdemeanour, whether it was during or because of the performance of their duties or unrelated to their duties and functions.⁹⁵

MEDICAL FORENSICS AUTHORITY

The other public institution that can play an important role in helping addressing human rights violations is the medical forensics authority of the Ministry of Justice. This department has for many years been seen to be acting under order from the SSI and has in many cases issued reports that exonerate police officers from human right abuses, especially when it comes to death in police custody. As highlighted in the case of Khaled Said, many of its initial reports in such cases have confirmed the version of events of the police, pushing human rights activists and lawyers to request independent expertise.⁹⁶ Before the parliament was dissolved in June 2012, the legislative committee agreed in principle the restructuring of the Medical Forensics Authority. Members of parliament presented three proposals to reform the forensics department in order to ensure its independence from the Ministry of Justice and enable its officials to carry out their duties free from the influence and pressure of the executive authority.⁹⁷ This initiative has stalled with the dissolution of parliament.

Accountability goes hand in hand with transparency and with it comes legitimacy. The willingness of the police to be put under public scrutiny and held to account for its operations would yield legitimacy for the security forces and build trust with the community they police. As long as no real measures have been taken by the Egyptian authorities to ensure the establishment of comprehensive accountability mechanisms for the police force, legitimacy for the police and trust in their activities and operation will not be achieved in the near future.

To be able to restore legitimacy to the police, the authorities must undertake a fundamental overhaul of all the security and law enforcement bodies, and make public a clear structure of the various security branches with a clear chain of command and full accountability under the law. The authorities must also ensure that the police have clear and unambiguous standard operational procedures to guide them during their daily policing and receive adequate training on all force of policing operations.

RECRUITMENT AND TRAINING

Egypt's regular police are recruited according to their education and expected rank at graduation. Applicants must have Egyptian parents and no criminal record, and must not have been sacked from a government position as a result of disciplinary action. At the time of registration, they must also meet defined levels of physical fitness and not be married.⁹⁸ All candidates face a four-month probation before final admission to the Police College or other police institutes.

People wanting to be police officers go to the Police College of the Police Academy⁹⁹ and must have a high school degree. They graduate as officers after four years of study and training. The Police College also trains officers to work in specialized areas, such as medicine, engineering and foreign languages, according to the Ministry's needs.¹⁰⁰ They must be university graduates or holders of equivalent degrees. They graduate after one year of studying police sciences and law and military training. Female university graduates can only apply to specialize in areas such as passports, medical services, public relations, prisons and juvenile care. The blanket exclusion of women from some posts in the police is contrary to Egypt's obligations under international human rights law to prohibit discrimination and promote women's rights. It also places additional obstacles for women victims of sexual and gender based violence to obtain an adequate remedy

To be admitted to other police institutes, candidates must have a high school degree or equivalent to graduate as Police Trustee (*amin shurta*) or a certificate of basic education or equivalent to graduate as police delegate (*mandoub shurta*). The Police Act contains provisions allowing for the period of study in these institutes to be considered part of the compulsory military service, providing that the students complete a set number of years of study and police service.¹⁰¹

Article 14 of the law establishing the Police Academy and Article 77 of the Police Act provide for students of the Police Academy and other institutes to be disciplined before a military board and tried before a military court. Police trustees and other members of the police were also subject to the Military Justice Code and military courts. In June 2012, however, following strikes and sit-ins by the police, the new law amending the Police Act replaced all references to "military courts" with "disciplinary board", thereby ending the trial of police members before military tribunals. It is troubling that victims of human rights violations at the hands of the police may have to rely on disciplinary boards or military tribunals to obtain redress.

According to the Ministry of Interior's website, the training received by police students includes military disciplinary training; general physical fitness; police operations such as riot dispersal; protection of vital installations; combat skills; handling and using small weapons; and shooting. They also receive training on VIP protection, criminal evidence, public funds,

anti-narcotics and communications, among other things.

The website states that the "Police Academy attaches great importance to consolidating the concepts and principles of human rights in the hearts of police officers, enabling them to protect human rights and safeguarding fundamental freedoms in all stages and procedures for security work, especially when citizens are dealing with police departments to strengthen the relationship between the police and the public, and support the efforts of popular participation in the fight against crime and Prevention".¹⁰² The website does not, however, include information about whether police receive training in soft-skills such as negotiation, persuasion, mediation, and building trust with a view to enabling them to de-escalate situations and build a constructive relationship with the population.

However, as highlighted above, soldier-recruits may be incorporated into the security forces, in particular the CSF, in effect side-stepping or bypassing efforts for adequate training of police forces.

THE NEED TO ESTABLISH HUMAN RIGHTS-ORIENTED TRAINING AND RECRUITMENT

Creating a police force that upholds human rights begins with the selection of the right people to become officers and the exclusion of those who fail to respect human rights values. Acquiring the necessary skills, such as knowledge of the law and policing in accordance with human rights standards, should be taught. Recruitment policies should ensure representation for all groups in society, and targets should be set and maintained for the recruitment of religious and ethnic minorities and women.

Police should receive adequate training, guidelines and equipment to ensure they can carry out their duties professionally and in line with human rights standards. Training of police should comply with human rights principles in terms of theoretical knowledge and in practice. It should include the following:

- all police officers should receive basic police training;
- basic training should be long enough for cadets to absorb knowledge, skills and attitudes;
- training in laws and procedures should ensure that officers can relate to these in day-to-day police work once they have completed training;
- police training should cover issues such as gender and cultural awareness, non-discrimination, and the role of the police in society;
- police training should continue after basic training, and officers should be regularly assessed on their policing skills, especially in the use of force.

It is important to note too that police are entitled to the same rights as everyone else, including fair pay and working hours, and safe working conditions. Not only is this important in and of itself, but without such rights it becomes much more likely that police will fail to respect the rights of others. For example, conditions during the conscription period for CSF soldiers are reportedly extremely harsh, and conscripts are often ill-treated by officers. This has led to revolts, including in 1986, which involved some 20,000 soldiers nationwide;¹⁰³

and in January 2007, when some 2,000 soldiers went on hunger strike.¹⁰⁴ A video was widely circulated in 2007 on the Internet showing officers mocking a CSF member, and senior officials are reported to have used CSF recruits as servants.¹⁰⁵

5. CONCLUSIONS AND RECOMMENDATIONS

Police abuse was a central trigger for the 2011 uprising. Such abuse stripped people of their dignity, and mental and physical integrity, and left many people believing that Egypt's police are above the law and out of the reach of justice. This belief has been reinforced by the light sentences handed down to the very few police officers convicted of human rights abuses. Unfortunately, the sense of impunity among police has not ended, resulting in continuing and serious human rights violations by police since the "25 January Revolution", particularly in relation to protests.

To Amnesty International's knowledge, all officers tried in connection with the killing of protesters during the uprising have been acquitted or received one-year suspended sentences or very light sentences compared to their alleged offences on appeal. High-ranking police officials who were tried alongside Hosni Mubarak were acquitted, including Ahmed Ramzy, former head of the CSF; Adly Fayed, former head of General Security; and Hassan Abdel Rahman, former head of SSI. On 6 September 2012, a court cleared four former senior police officials of being involved in the killings of protesters on 28 January 2011 during the uprising, a day when some 27 people were killed.¹⁰⁶

Such acquittals undoubtedly fed into confidence among police that they could continue to violate human rights without fear of being held to account for their crimes. In addition, relatives of those killed, injured, tortured or otherwise ill-treated by police under Hosni Mubarak have failed to receive redress, but have also been targeted for repression when demanding accountability.

For many years, Egyptians viewed the police as a body to be avoided because of its record of human rights violations, rather than as an institution to resort to for protection. The Egyptian authorities today have a unique opportunity to rebuild the trust of the public in the police by ensuring significant and transparent reform is initiated. The election of the country's first civilian President raised hopes that real reform of the police and security forces would happen. Many inside and outside Egypt look to President Morsi to turn the page on the Mubarak era and reform the institutions that were used to repress people and deny them their rights. This is particularly so given how little significant reform had been initiated by the Interior Ministry since the uprising to improve police compliance with human rights law and standards. The few steps taken appeared to be measures designed to pacify people and to offer the appearance of reform, rather than a proper overhaul of the security forces.

President Morsi should ensure that Egypt's new constitution guarantees human rights, including, as a minimum, all those recognized and protected by international human rights treaties to which Egypt is a party. It must also ensure that the security forces most associated with abuse are revamped into accountable institutions serving everyone in Egypt without discrimination. Equally, mechanisms to obtain redress for human rights violations, including an independent judiciary, are essential to upholding the human rights of all Egyptians.

Amnesty International sent a detailed memorandum to President Morsi in July 2012 urging him, among other things, to put reform of the police and security institutions at the heart of his reform agenda, including by establishing transparency and oversight of the security forces, strengthening protection during detention, ensuring that the use of force meets international standards, and combating torture and other ill-treatment. Without such changes, the reform of the police will remain mere rhetoric.

Amnesty International is making the following recommendations to President Morsi and members of his government:

Reform the police

- Announce a firm commitment to reform the police and security apparatus and bring the legislation governing it and the activities for its forces in line with international human rights standards.
- Make public a clear structure of the various security branches with a clear chain of command.
- Establish a vetting system to ensure that, pending investigation, members of the police and others about whom there is evidence of serious human rights violations do not remain or are not placed in positions where they could repeat such violations.
- Review all standard operational procedures to be make them as clear and as unambiguous as possible and provide adequate training on them and other standards to the police force and make them public when possible.
- Ensure that police receive adequate training in soft-skills, such as negotiation, persuasion, mediation and trust building, to enable them to de-escalate situations and have a constructive relationship with the population.
- Establish an independent accountability and oversight body with authority over all aspects of police operations.. Such a body should have an independent, effective and impartial complaints mechanism that can deal with complaints about police or security forces' misconduct and human rights violations. The independent complaints mechanism should have independent investigation teams, to deal specifically with complaints against or involving the police or security forces.
- Ensure that the newly established National Security Agency does not have powers to arrest and detain people incommunicado and is firmly placed under judicial oversight.

Combat police abuses

- Issue clear instructions to all offices of the Public Prosecution that all allegations of abuses by the police are to be fully investigated and without undue delay.
- Ensure that all members of the police force suspected of unlawful killing and injuries in policing demonstrations or in prisons and other detention centres; or for torture or other ill-

treatment; including those who committed the violations and anyone who ordered others to commit them, are tried in proceedings that meet international standards of fair trial and with no possibility of the death penalty.

- Investigate all killings in line with the methods set out in the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. Ensure that the reports of such investigations are made public, and that those identified as responsible are brought to justice in fair trials and without recourse to the death penalty.
- Investigate all allegations of torture or other ill-treatment in line with the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, even when no official complaint has been made; bring all those responsible to justice; and provide full reparation to victims.
- Take all appropriate criminal or administrative measures against officials who fail to comply with safeguards against human rights abuses.

Rein in police use of force

- Uphold the right to freedom of peaceful assembly and repeal or review all laws that can be used to restrict on public assemblies, such as the Anti-Terrorism Law (Law No. 97 of 1992), Law No. 10 of 1914 on gatherings, and Law No. 14 of 1923 relating to public meetings and demonstrations...
- Repeal or amend Law 34 of 2011 on striking, as well as Article 124 and 124bis of the Penal Code and Article 192 of the Labour Law, to bring them into line with international law and standards, including the International Labour Organization principles concerning the right to strike.
- Publish and disseminate in a form that is readily accessible to the public the rules and regulations on the use of force by all police.
- Ensure that police and other state agencies that exercise law enforcement functions adhere to the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, by giving clear instructions that force may only be used when strictly necessary and only to the extent required for performance of their duty, and that lethal force may only be used when strictly unavoidable in order to protect their lives or the lives of others.
- Ensure that any legislation on the use of force, whether when policing demonstrations or carrying out arrest, has a clear provisions requiring police officers to seek to de-escalate situations and to minimize damage or serious injury in restoring public order.
- Prohibit the use of firearms as a means to disperse a crowd and to limit the use of firearms to the protection of life and against serious injury.

End arbitrary arrest and detention, torture and other ill-treatment

- Publicly condemn torture and other ill-treatment; ensure that these practices cease; and make clear to all officers involved in arrest, detention and interrogation that torture and other ill-treatment will not be tolerated under any circumstances.
- Establish a mechanism that provides for the mandatory conduct of independent, unrestricted and unannounced visits to any places where anyone may be deprived of their liberty (including the right to conduct confidential interviews with any detainees of the visiting body's choice without law enforcement officials present or otherwise listening), including any national security and military facilities.
- Bring the crime of torture in Egyptian law in conformity with the definition in Article 1(1) of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Explicitly prohibit all forms of cruel, inhuman or degrading treatment or punishment. Make clear that the prohibition of torture and other cruel, inhuman or degrading treatment or punishment is absolute and applies in all circumstances, including during a state of war or other public emergency.
- Ensure that individuals are only held in publicly listed places of detention under the oversight of judicial authorities, including military facilities and those of the National Security Agency. In this respect, amend Article 1bis of Law 396 of 1956 (the Law on Prison Regulations), which states that people can be held in places of detention specified in this Law as well as in places defined by decree by the Minister of Interior. In practice, this has led to detainees being held in state security detention centres and military camps, premises that are not open to inspection by the Public Prosecutor or any other judicial authority, as required by Article 42 of the Code of Criminal Procedure and Article 85 of the Law on Prison Regulations.
- End immediately the use of incommunicado detention.
- Ensure officers carrying out arrests identify themselves to those arrested and notify them in writing of the reasons for the arrest, the authority ordering the arrest, and the place where they will be detained.
- Ensure that the families of those detained are informed promptly of the place of detention of their relatives, and any subsequent transfers to other places of detention, without delay.
- Ensure that all detainees are able to exercise their right to be examined by an independent doctor as soon as they are arrested and after each period of questioning; and monitoring the quality of medical reporting.
- Ensure that all detainees are brought before a judge within 24 hours of arrest.
- Ensure that all detainees can exercise their right to consult a lawyer of their choice in private, and to have a lawyer present during questioning and the making of statements, from the outset of detention and throughout the period in custody.
- Ensure that the use in court of statements obtained under torture or other ill-treatment is

prohibited and prohibit by law the use or admissibility in judicial proceedings of statements or confessions obtained through torture or other ill-treatment”.

- Ratify the Optional Protocol on the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of all Persons from Enforced Disappearance, and the Rome Statute of the International Criminal Court.

Improve prison conditions

- Bring prison conditions in line with the Standard Minimum Rules for the Treatment of Prisoners and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.
- Ensure that prison administration is put under the supervision of the Ministry of Justice, rather than the Ministry of Interior

Amnesty International is also calling on governments exporting arms to Egypt to:

- Suspend and halt all transfers of small arms and light weapons and related ammunition and equipment that have been routinely misused in the policing of demonstrations by Egyptian security forces; the suspension should include shotguns, tear gas and armoured vehicles and should continue until adequate safeguards are put in place by the Egyptian authorities to prevent violations of international human rights law by security forces in policing protests.
- Support the negotiation of an effective Arms Trade Treaty (ATT) which includes:
 - strong human rights criteria requiring governments to prevent the transfer of conventional arms if it is clear those arms are likely to be used to commit or facilitate serious violations of international humanitarian and human rights law;
 - a comprehensive scope that encompasses all types of trade and international transfers of weapons, munitions, armaments and other equipment, parts and technologies, used for military and law enforcement operations; as well as brokering, transport and financial services for such transfers;
 - robust mechanisms for the implementation and enforcement of the treaty, including national authorization and licensing systems, post delivery verification mechanisms, criminal procedures for illicit trafficking, and transparent annual reporting by states on arms transfers under their jurisdiction.

As an immediate measure, and an indication of the political will of the new Egyptian authorities to tackle police abuse, immediately facilitate the outstanding visits of the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and UN Special Rapporteur on extrajudicial, summary or arbitrary executions,

which have been unsuccessfully demanding access to Egypt since 1996 and 2008 respectively. Facilitate also the visit of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and other UN experts who have outstanding requests to visit Egypt.

ENDNOTES

¹ International Institute for Strategic Studies, "The military balance 2010", 2010, p250.

² CSF also carry out guerrilla and gangs warfare operations and other combat missions requiring the involvement of the police force.

³ For example, during the December 2005 parliamentary elections, riot police fired live ammunition, rubber bullets and tear gas into crowds seeking to vote at polling stations that police had closed or cordoned off in al-Daqahliya, al-Sharqia, for instance. At least 11 people were reported to have been killed, but no official investigation was known to have been held and no police officers were known to have been prosecuted. In December 2005, police violently broke up a peaceful demonstration outside the UNHCR office in Cairo, killing at least 27 Sudanese nationals and injuring dozens of others. No one was held to account for these abuses.

⁴ The General Investigations Police operates under the General Department of Criminal Investigations of the Public Security Sector, which is headed by an assistant-minister and has its headquarters at the Police Academy in Abbaseya, north Cairo. It has offices in all governorates, with the headquarters being the Security Directorate in each governorate. Each Security Directorate controls a number of police stations as well as smaller police points, and has units from the specialized sectors of the Ministry of Interior, such as an anti-drugs unit.

⁵ See Amnesty International, *Time for justice: Egypt's corrosive system of detention* (MDE 12/029/2011).

⁶ No official figure was published on the size of the SSI, although 2011 estimates put it at around 100,000 personnel. See BBC, "Egypt: Protesters raid on Cairo state security HQ", 5 March 2011: www.bbc.co.uk/news/world-middle-east-12657464; *The New York Times*, "Egyptians Get View of Extent of Spying", 9 March 2011: www.nytimes.com/2011/03/10/world/middleeast/10cairo.html; and Agence France-Presse (AFP), "Egypte: suppression de l'impopulaire Sécurité de l'Etat", 15 March 2011.

⁷ In a constitutional referendum in March 2011, Egyptians voted to repeal Article 179, which had entrenched such abuses in the Constitution. See Amnesty International, *Egypt: Constitution proposals faltering first step to reform* (Index: MDE 12/023/2011), 28 February 2011. See Amnesty International, "Egypt: Proposed constitutional amendments greatest erosion of human rights in 26 years" (Index: MDE 12/008/2007), 18 March 2007: www.amnesty.org/en/library/info/MDE12/008/2007

⁸ The SSI was also involved, together with General Intelligence, in interrogating and torturing people illegally transferred to Egypt by the US authorities under the programme of rendition.

⁹ See Amnesty International, *Egypt rises: killings, detentions and torture in the '25 January Revolution'* (Index: MDE 12/027/2011), May 2011. See Al-Masry Al-Youm, "840 killed in Egypt's revolution, health ministry official says", 4 April 2011 at www.almasryalyoum.com/en/node/385973). Ministry of Health and Population, "Health: Preliminary report of the numbers of deaths and injuries in events of 25 Revolution", 22 February 2011 at www.mohp.gov.eg/mediacenter/bayena3lamy/Detail.aspx?id=535. A Ministry of Health and Population official reportedly said that based on counts from all hospitals, including private hospitals, and army and police hospitals, the death toll reached 840. It is unclear, however, whether this number includes prisoners killed inside prisons.

¹⁰ See Egypt State Information Service, *State Security Investigation Agency Abolished*, 16 March 2011: www.sis.gov.eg/En/Story.aspx?sid=54223.

¹¹ The only reference to the creation of the NSA is an undated code of conduct for the body stating that it was established by ministerial order 445 of 2011.

¹² During this meeting, the NSA was presented as “a sector of the Ministry of Interior established with the aim of preserving national security, co-operating with other state apparatus charged with protecting internal security, collecting information, combating terrorism according to the constitution and the law and the principles of human rights and freedoms. It is staffed with individuals nominated from the NSA.” No further information is available. A copy of the presentation by the NSA is available at: eipr.org/sites/default/files/pressreleases/pdf/nationalsecurity_presentation_15june2011.pdf.

¹³ Ahram, “With names, the Ahram publishes the promotions and movements of police officers”, 13 July 2011, <http://gate.ahram.org.eg/NewsContent/13/54/93909>.

¹⁴ *Al-Masry Al-Youm*, “Change at the Police Force end the service of 454 major-general” 30 July 2012, <http://today.almasryalyoum.com/article2.aspx?ArticleID=348262>

¹⁵ This fear was further reinforced in January 2012 when the then Minister of Interior, Mohamed Ibrahim, was reported to be offering bonuses to police officers who killed “thugs” who were armed and opened fire, apparently initiating a shoot-to-kill policy. See, for instance, EIPR, “The Interior Minister Must Immediately Retract the ‘Shoot to Kill Bonuses’ Decision”, 4 January 2012 at <http://eipr.org/en/pressrelease/2012/01/04/1338>

¹⁶ These unions include the “Officers But Honest Coalition” and the “Coalition of Trustees and Members of the Police”, both of which aim to improve working conditions of police and restore the public’s trust in the police.

¹⁷ The Supreme Constitutional Court deemed the Parliamentary Elections Law unconstitutional. It based its ruling that the law failed to ensure equal opportunities for independent and party election candidates. Political parties were allowed to run for all contested seats, while independent parliamentary candidates were restricted to one-third of the seats only.

¹⁸ See State Information Service, “Statement by President Mohammed Morsi after winning the post of the president”, 24 June 2012: <http://www.sis.gov.eg/En/Story.aspx?sid=62577>

¹⁹ The Ministry of Interior created a Facebook page to communicate this to the public and to showcase the achievements of police in fighting crime. It posted on its Facebook site news of arrests of criminals and operations against illegal drugs and arms trafficking, and established a complaints page. The Ministry joined Facebook on 28 February 2011 at: <https://www.facebook.com/MoiEgy>

²⁰ See Egyptian Organization for Human Rights, “Hidden emergency law”, 18 September 2012: en.eohr.org/2012/09/18/hidden-emergency-law and another joint statement by several NGOs on www.cihrs.org/?p=3956.

²¹ See, for instance, the following Amnesty International reports: *Egypt rises: Killings, detentions and torture in the '25 January Revolution'* (MDE 12/027/2011); *Broken promises: Egypt's military rulers erode human rights* (MDE 12/053/2011); *Time for justice: Egypt's corrosive system of detention* (MDE 12/029/2011); *Egypt: Systematic abuses in the name of security* (MDE 12/001/2007).

²² Amnesty International, *Brutality unpunished and unchecked: Egypt's military kill and torture*

protesters with impunity (MDE 12/017/2012), October 2012.

²³ See Cabinet statement on 19 November 2011: www.cabinet.gov.eg/Media/NewsDetails.aspx?id=2767.

²⁴ See Ministry of Interior on its Facebook page on 19 November 2011: www.facebook.com/MoiEgy.

²⁵ Al-Masry Al-Youm, "The uncle of the dead of Alexandria said Bahaa went to film the protest," 20 November 2011: www.almasryalyoum.com/node/516676.

²⁶ The organizations are the Arabic Network for Human Rights Information, the Cairo Institute for Human Rights Studies, the Egyptian Initiative for Personal Rights, the Hisham Mubarak Law Centre and El-Nadim Centre for the Rehabilitation of Victims of Violence and Torture. See "After Three Days of Brutal Violence against Demonstrators: Egyptian Rights Organizations Demand Indictment of Leading Security Officers," 22 November 2011: eipr.org/en/pressrelease/2011/11/22/1288.

²⁷ Medications that relax the respiratory airways.

²⁸ For example, see Amnesty International, "Arms Transfers to Middle East and North Africa: Lessons Learned for an Effective Arms Trade Treaty", 19 October 2011.

²⁹ Amnesty International, *Brutality unpunished and unchecked: Egypt's military kill and torture protesters with impunity* (Index: MDE 12/017/2012).

³⁰ Data from the UN customs database Comtrade includes arms deliveries over the value of \$100,000 for each year of the broad categories identified under the classification SITC Rev.4. Comtrade data only pertains to commercial sales so does not include government-to-government transfers, gifts, loans or otherwise. Data for exports to Egypt in 2011 is only available from the USA and data for exports to Egypt in 2010 is only available for the USA and the Republic of Korea.

³¹ This category includes sporting shotguns and rifles, muzzle-loading firearms, pistols for signal flares and captive bolt humane killers, which are used for killing livestock. Without further refinement, which is not available on the database, it is not known exactly what type of firearm from this broad category was actually supplied.

³² In 2011, Cyprus exported and re-exported \$1,738,493 under the category of non-military firearms, according to Comtrade data.

³³ *Al-Masry Al-Youm*, "Suspension of court session on 'Port Said massacre' pending decision on demand to refer the case to another court", 5 September 2012: www.egyptindependent.com/node/1093031.

³⁴ No to Military Trials for Civilians is a group of Egyptian activists who campaign against the widespread use of military tribunals to try civilians in Egypt, a practice which has resulted in the grossly unfair trials of thousands of people (see www.nomiltials.com) and *Mosireen* is a media group established to promote "citizen journalism and cultural activism" (see mosireen.org/?page_id=6).

³⁵ Egyptian Initiative for Personal Rights (EIPR), "In the events of Ramlet Boulak: officer accused of murder at large and the people of the region are victims of indiscriminate arrests and intimidation", 14 August 2012: eipr.org/pressrelease/2012/08/14/1466.

³⁶ Weapons that are not firearms, such as knives.

³⁷ As reported by the EIPR.

³⁸ A sit-in outside the Cabinet Offices in Cairo led to five days of violence between the military and

protesters, starting on 16 December, during which 17 protesters were killed by paratroopers firing live ammunition. Amnesty International, *Brutality unpunished and unchecked: Egypt's military kill and torture protesters with impunity* (Index: MDE 12/017/2012).

³⁹ See also the Committee to Protect Journalists (CPJ), "Egypt must investigate attacks on the press", 9 December 2011: cpj.org/2011/12/egypt-must-investigate-attacks-on-the-press.php as well as Reporters Without Borders, "More media personnel arrested, physically attacked", 24 November 2011: en.rsf.org/egypt-journalists-arrested-physically-23-11-2011,41439.html.

⁴⁰ This has been well-documented by Amnesty International, backed by Egyptian and international human rights organizations, interviews with victims and their relatives, medical examinations, and judgments by Egypt's criminal and civil courts. In May 1996 the Committee against Torture concluded that torture was systematic in Egypt. Among Amnesty International reports documenting torture are: *Egypt: Ten years of torture* (Index: MDE 12/18/91); *Egypt: Human rights defenders under threat* (Index: 12/15/94); *Egypt: Deaths in custody* (Index: MDE 12/18/95); *Egypt: Indefinite detention and systematic torture: the forgotten victims* (Index: MDE 12/13/96); *Egypt: Women targeted by association* (Index: MDE 12/11/97).

⁴¹ See, for instance, Amnesty International's following statements: *Egypt: protection of torture victim is key for justice to be done* (Index: MDE 12/003/2007), 10 January 2007; *Egypt: Sweeping measures against torture needed* (Index: MDE 12/034/2007), 5 November 2007; *Egypt: Brutal police killing of young man must be investigated*, 11 June 2010; and *Egyptian authorities must ensure new death in custody case is fully investigated* (Index: PRE01/376/2010), 16 November 2010.

⁴² The Prison sector in Egypt is under the supervision of the Ministry of Interior. Prison guards are serving members of the police in charge of prisons.

⁴³ *Al-Masry Al-Youm*, "April 6 movement accuses police of torturing detainees", 4 January 2012 <http://www.egyptindependent.com/news/april-6-movement-accuses-police-torturing-detainees>.

⁴⁴ *Shorouknews*, "Forensics: We found the foreign body in the stomach of the dead Qanater prisoner but no trace of torture", 30 April 2012, shorouknews.com/news/view.aspx?cdate=30042012&id=f58d814e-4ea6-4e43-9c3f-f5c662b7180e.

⁴⁵ For example, meeting of Amnesty International's Secretary General with then Minister of Interior Habib el-Adly in September 2006; and meeting of Amnesty International's Secretary General with then-Minister of Interior Ibrahim Eissawi in June 2011.

⁴⁶ Bena'a defines itself as "a groundbreaking human rights capacity building project in Egypt targeting the Community of Human Rights Practitioners. For the first time the Police Sector, the Law Enforcement Sector and the Judiciary Sector of the country have been exposed to systematic training in human rights." Participants from the police sector in the training, according to Bena'a website (www.bena-aundp.org) are Police Officers, Investigation Units, Prison Officers, Stations and Divisions Officers, State Security Police, Central Security officers, Media Personnel Police Officers, Police Academy students, Sergeants.

⁴⁷ In addition to the Bena'a, a former senior official of the Ministry of Interior established a new NGO initiative, People and the Police for Egypt, in September 2007 with a view to building trust between the police and the people. Among its main goals is to improve the relation between the police and the citizens, acknowledging that "some unacceptable behaviour takes place by individual members of the police" and to raise awareness about the rights and duties of each side through workshops and seminars.

However this actually the same standpoints on abuses as government officials and having amongst its members individuals closely linked to the previous regime as well as former government officials, the NGO seems to have failed to garner interest or co-operate with established NGOs working on human rights violations or political opponents independent legal experts with legal expertise. Its full name is the People and Police for Egypt for Cultural and Scientific Services: <http://people-police4egypt.org>

⁴⁸ For more information, see Anneke Osse, *Understanding Policing: A Resource for Human Rights Activists*, Amnesty International 2006.

⁴⁹ International Covenant on Civil and Political Rights (ICCPR), 999 UNTS 171, in force 23 March 1976, ratified by Egypt 14 Jan 1982. See also article 11 of the African Charter on Human and Peoples' Rights, OAU Doc CAB/LEG/67/3 rev. 5, in force 21 October 1986, ratified by Egypt 20 March 1984.

⁵⁰ See Human Rights Committee, General Comment no 34 on Freedoms of Opinion and Expression, UN Doc CCPR/C/GC/34 (12 September 2011), at paras 21-36 interpreting the parallel language in article 19(3) of the ICCPR. [Add discussion of state of emergency? See also article 4 of the ICCPR, and Human Rights Committee, General Comment no 29, States of Emergency, UN Doc CCPR/C/21/Rev.1/Add.11 (31 August 2001).

⁵¹ See articles 2(1), 3, and 26 of the ICCPR and articles 2 and 3 of the African Charter; Human Rights Committee, General Comment no 34, at para 26, interpreting parallel language in article 19(3) of the ICCPR, and Human Rights Committee, General Comment 29, States of Emergency (article 4), U.N. Doc. CCPR/C/21/Rev.1/Add.11 (2001).

⁵² Report of the UN Special Rapporteur on extrajudicial, l or arbitrary executions, UN Doc A/HRC/17/28 (23 May 2011), para 42.

⁵³ Report of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, UN Doc, A/HRC.20/27 (21 May 2012), paras 26 and 28.

⁵⁴ The two primary standards are the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990 ("UN Basic Principles on the Use of Force"), and the UN Code of Conduct for Law Enforcement Officials, adopted by General Assembly resolution 34/169 of 17 December 1979, article 3. The right to life is given legal protection by article 7 of the ICCPR and article 4 of the African Charter, the right to liberty and security of person by article 9 of the ICCPR and article 6 of the African Charter.

⁵⁵ Basic Principles on the Use of Force and Firearms, articles 12 to 14.

⁵⁶ Report of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, UN Doc A/HRC/17/28 (23 May 2011), para 61.

⁵⁷ Article 184 of the 1971 Constitution.

⁵⁸ Article 55 of the Constitutional Declaration.

⁵⁹ Law 109 of 1971 as amended.

⁶⁰ Article 1 of the Police Act.

⁶¹ Article 3 of the Police Act.

⁶² Article 7 of the Police Act.

⁶³ Law 25 of 2012.

⁶⁴ Amnesty International, *Egypt: Systematic abuses in the name of security* (MDE 12/001/2007).

⁶⁵ See Amnesty International, "Egypt urged to scrap draft law outlawing protests and strikes" (PRE01/171/2011), 31 March 2011: amnesty.org/en/for-media/press-releases/egypt-urged-scrap-draft-law-outlawing-protests-and-strikes-2011-03-31.

⁶⁶ Convention on the Rights of the Child, 1577 UNTS 3, in force 2 September 1990, ratified by Egypt 6 July 1990, articles 1, 3(1), 19(1), 37, 40.

⁶⁷ Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), 1465 UNTS 85, in force 26 June 1987, acceded to by Egypt 25 June 1986, article 1(1). While the article excludes "pain or suffering arising only from, inherent in or incidental to lawful sanctions" this is generally understood to encompass only any pain or suffering inherent in the very fact of detention of a person in conditions that fully comply with international standards, including the UN Standard Minimum Rules for the Treatment of Prisoners [See e.g. the precedent language in the UN Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by General Assembly resolution 3452 (XXX) of 9 December 1975, article 1(1). The "lawful sanctions" clause therefore has no application to any of the incidents covered by this report.

⁶⁸ UNCAT articles 4-7.

⁶⁹ Human Rights Committee, General Comment no 31 on The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, UN Doc CCPR/C/21/Rev.1/Add.13 (26 May 2004), para 18.

⁷⁰ UNCAT articles 12, 13 and 16; Human Rights Committee, General Comment no 31 on The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, UN Doc CCPR/C/21/Rev.1/Add.13 (26 May 2004), para 15.

⁷¹ UNCAT article 2; Human Rights Committee, General Comment no 31 on The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, UN Doc CCPR/C/21/Rev.1/Add.13 (26 May 2004), para 18; Human Rights Committee, General Comment no 20 on the Prohibition of torture and cruel treatment or punishment, 3 October 1992, para 3.

⁷² See UNCAT articles 2 and 16 and Committee against Torture, General Comment no 2 on Implementation of article 2 by States parties, UN Doc CAT/C/GC/2 (24 January 2008).

⁷³ UNCAT article 15; Human Rights Committee, General Comment no 32 on Right to equality before courts and tribunals and to a fair trial (article 14 ICCPR), UN doc CCPR/C/GC/32 (23 August 2007), para 6, interpreting ICCPR articles 7 (prohibition of torture and other ill-treatment) and 14 (fair trial).

⁷⁴ UNCAT article 14; Committee against Torture, General Comment no 2 on Implementation of article 2 by States parties, UN Doc CAT/C/GC/2 (24 January 2008), para 3. See also ICCPR article 2(3) and Human Rights Committee, General Comment no 31 on The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, UN Doc CCPR/C/21/Rev.1/Add.13 (26 May 2004), para 16.

⁷⁵ Articles 36 of the Code of Criminal Procedure (CCP) stipulates that a detainee must be brought before the office of the Public Prosecutor for questioning within 24 hours of arrest, after which the detention period can be extended or the detainee is to be released. Article 139 of the CCP provides protection against arbitrary detention, denial of access to lawyers and other abuses by stipulating that anyone

arrested or detained must be informed of the reasons for their arrest or detention and have the right to communicate with whomever they deem fit to inform and seek legal counsel. The same article also provides protection against prolonged detention without charge and denial of the right to challenge the detention by stipulating that detainees must be promptly charged and have the right to lodge an appeal to the courts against any measure taken to deprive them of their liberty.

⁷⁶ See *Egypt Independent*, "Penalties for torture amended", 7 May 2012: egyptindependent.com/news/parliament-committee-approves-harsher-penalties-torture-n1-hold.

⁷⁷ Articles 126-132.

⁷⁸ The Initiative is based on a working paper prepared by Dr Mohamed Mahfouz, a former police officer, which was presented in May 2011. A number of NGOs are part of the Initiative as organizations; these are: the Egyptian Initiative for Personal Rights, the Egyptian Organization for Human Rights and the Hisham Mubarak Law Centre. The Initiative has also the support on a number of political parties, groupings and individuals. For more information on the initiative, see: www.policeforegypt.org

⁷⁹ Cairo Institute for Human Right Studies, "Preserving security without prejudice to human rights", 29 August 2012: www.cihrs.org/wp-content/uploads/2012/08/.pdf.

⁸⁰ Al-Masry Al-Youm, "Ashour proposes 'civilian police' to tackle insecurity", 5 February 2012: today.almasryalyoum.com/article2.aspx?ArticleID=327235&IssueID=2402.

⁸¹ These unions include the "Officers but Honest Coalition" and "the Coalition of Trustees and Members of the Police", both of which aim to improve working conditions of police and restore the public's trust in the police.

⁸² Presidential decision number 5 of 2012, dated 4 July 2012.

⁸³ Presidential decision number 10 of 2012, dated 5 July 2012. The committee is headed by Counsellor Farid Fahmi Youssef Al-Gazairi, nine members, including the Public Prosecutor, the head of National Security Unit at the General Intelligence and the Assistant Minister of Interior for Public Security, as well as six members and representatives of the "families of the martyrs and injured of the revolution" and the "youth of the revolution", as observers.

⁸⁴ Article 61 of the Penal Code states that "No one must be punished for a crime he was obliged to commit in order to protect his or her life or other from a great and imminent danger to life, and there was no possible means to stop by other means."

⁸⁵ See Reuters, "Exposed: Egypt's spies dragged from shadows", 8 March 2011: reuters.com/article/2011/03/09/us-egypt-security-idUSTRE7280HJ20110309.

⁸⁶ See, for example, the Facebook group Amn Dawla Leaks: www.facebook.com/AmnDawlaLeaks?sk=wall.

⁸⁷ See SCAF's statement No. 27: www.sis.gov.eg/vr/arm/27.pdf.

⁸⁸ See, for example, Al Jazeera, "A first step towards prosecutions?", 6 March 2011: english.aljazeera.net/indepth/spotlight/anger-in-egypt/2011/03/2011368410372200.html and interview in *Al-Ahram Weekly*, "The night State Security fell", Issue No. 1038, 10-16 March 2011: weekly.ahram.org.eg/2011/1038/eg31.htm

⁸⁹ *Al-Masry Al-Youm*, "Former state security director admits order to burn top secret files," 5 March 2012.

⁹⁰ Article 21 of the Law on the Judiciary (Law No. 46 of 1972) and articles 1 and 2 of the Code of Criminal Procedures (Law No. 150 of 1952).

⁹¹ The relevant articles of the CCP are: Article 40 (arrest and detention) and 137 (preventive detention); 63-64 and 77-81 (investigations); 157 and 214 (indictment), 204 and 209 (release); 206 (home searches), 269 and 271-272 and 295 and 302 (trial), 362 and 374 (enforcement of sentence).

⁹² Article 22 of the Law on the Judiciary.

⁹³ Article 22 of the CCP as well as Article 10 (7) of the General Instructions in criminal matters.

⁹⁴ Article 42 and 43 of the CCP and Article 27 of the Law on the Judiciary.

⁹⁵ Article 125 of the General Instructions in criminal matters.

⁹⁶ See for instance the cases of Khaled Said and the case of Essam Ali Atta.

⁹⁷ Masrawy, "The Legislative Committee of the People's Assembly agrees in principle to restructure the Medical Forensics Authority", 6 May 2012: masrawy.com/news/egypt/politics/2012/june/5/5075242.aspx and Ahram Online, "Ending the subordination of the Medical Forensics Authority to the Ministry of Justice", 3 May 2012: digital.ahram.org.eg/articles.aspx?Serial=887738&eid=603.

⁹⁸ Article 10 of Law 91 of 1975 on the Police Academy, Article 3 of Minister of Interior's decision 1892 of 1969 establishing the Institute of Police Trustees.

⁹⁹ The Police Academy is headed by an assistant minister to the Minister of Interior. In addition to the Police College, it comprises the following: Post Graduate Studies College, Training and Development College, Police Research Centre and General Directorate of the Training the Security and Guarding Dogs.

¹⁰⁰ Article 22 of Law 91 of 1975. The specific needs are defined annually. For instance, for 2012/2013, the Ministry is accepting applicants for the following specialities: medicine, engineering, communication technologies, chemistry and physics.

¹⁰¹ For Police Trustees, the period of study and police service is set for 10 years (Article 78), while it is set at 13 year for Police Delegates (Article 87bis).

¹⁰² See, www.moiegypt.gov.eg/Arabic/Social+Studies/Human+Rights/hrwithacademy.htm

¹⁰³ The army intervened to break the uprising, leaving over 100 dead and 700 injured. See, Ibrahim al-Sahari, "The uprising of the Central Security soldiers in February 1986, How demonstrations are sieged," the Center for Socialist Studies, 3 March 2007, Revolutionary Socialism website, www.e-socialists.net/node/3391.

¹⁰⁴ See, Ibrahim al-Sahari, "The uprising of the Central Security soldiers in February 1986", as above.

¹⁰⁵ In April 2012, the Public Prosecutor referred former Interior Minister Habib Adly and his former training sector aide, Major General Hassan Abdel Hamid, and the head of Habib Adly's security guards, Colonel Ahmed Bassel, to a Cairo criminal court on charges of "forced labour, intentional damage and seizing of public funds" when they forced nearly 150 recruits to work on two farms owned by him and one owned by Ahmed Bassel over a three-year period. Habib Adly was ordered to pay the recruits nearly LE2.5 million in wages, after experts from the Justice Ministry calculated their wages in line with those received by workers at the Arab Contractors Company. See *Al-Masry Al-Youm*, "Adly referred to criminal court for forced labor of Interior Ministry recruits" 23 April 2012: www.egyptindependent.com/news/adli-

hameed-referred-criminal-court-forced-labor-moi-recruits

¹⁰⁶ BBC, "Egypt uprising: Senior police officials cleared of murder", 6 September 2012, accessed at:
<http://www.bbc.co.uk/news/world-middle-east-19512041#>



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