



EGYPT: 'OFFICIALLY, YOU DO NOT EXIST'

DISAPPEARED AND TORTURED IN THE NAME OF COUNTER-TERRORISM

AMNESTY
INTERNATIONAL



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GLOSSARY

SSI	State Security Investigations
NSA	National Security Agency
CSF	Central Security Forces (riot police)
MI	Military Intelligence
CCP	The Code of Criminal Procedures
MB	The Muslim Brotherhood
TELEGRAMS	These are postal messages sent by families from post offices across the country to the authorities to report on a disappeared relative after security forces have arrested them

1. EXECUTIVE SUMMARY

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

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

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

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

This report is based on more than 70 interviews with lawyers, NGO workers, released detainees and family members of victims of torture and enforced disappearance. It includes 17 detailed testimonies of some of the hundreds of victims of these human rights violations in 2015 and 2016, mostly men but also boys as young as 14 years old. Amnesty International has communicated its concerns to the authorities in 2014, 2015 and 2016 regarding the use of enforced disappearance, torture and other ill-treatment by the NSA and Military Intelligence (MI). However, the authorities have repeatedly denied these serious human rights violations and accused Amnesty International of spreading false rumours and supporting “terrorist” groups, including the MB. The authorities however did not provide factual evidence to corroborate their denials.

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

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

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

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

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

Some detainees were subjected to enforced disappearance for a few days, but others remained missing and were denied all the time contact with their families for weeks or months – up to seven months in the most extreme cases known to Amnesty International. The period of enforced disappearance ended in most cases when the detainee was taken before a prosecutor for questioning. While disappeared, detainees were held incommunicado, most of the time kept handcuffed and blindfolded. The NSA officers warned them that they would be hung by their limbs or beaten if they spoke to other detainees or tried to remove the handcuffs and blindfold.

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

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

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

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

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

Despite the mounting evidence of abuse, the Egyptian government continues to deny that its forces commit enforced disappearances, torture and other serious human rights violations. Instead of acknowledging and addressing these violations, the government prefers to dismiss the evidence as propaganda put out by the MB and its supporters. The government's denials, however, do not stand up to scrutiny, as the case

examples cited in this report illustrate. Given the number, range and diversity of victims; the broad consistency of their testimonies and of their families' accounts of their efforts to obtain official acknowledgement of detainees' arrests and learn where they were held, there can be no doubt that enforced disappearances are now being used as an element of state policy in Egypt, irrespective of the government's denials. The repeated failure of prosecutors to investigate detainees' allegations of torture together with their ready acceptance of allegedly coerced "confessions" and their failure to address the falsification of arrest dates by NSA officers to conceal the duration of detention indicates too that Egypt's judicial authorities are complicit in these serious human rights violations.

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

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

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

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

Amnesty International is calling on President al-Sisi to both acknowledge and eradicate the use of enforced disappearances and torture, and to do so without delay. The President should establish an independent commission of inquiry to investigate these serious human rights violations and ensure that those responsible are brought to justice. As an immediate step, he should order all detaining authorities to give those currently

subjected to enforced disappearance access to their family and lawyers, and release immediately and unconditionally all those held solely for peacefully exercising their rights, including their rights of freedom of expression and assembly.

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

2. METHODOLOGY

This report is based on research that Amnesty International conducted between November 2015 and March 2016, including some 70 interviews with former detainees, families and friends of detainees, lawyers, student activist leaders and organizers, human rights defenders, political activists and others. Some interviews were conducted by telephone or via the internet. The report provides details of 17 specific cases – including six of children under the age of 18 – that exemplify the pattern of enforced disappearances and torture that now prevails in Egypt under the government of President Abd el-Fattah al-Sisi. In 11 of these cases, Amnesty International was able to examine the official casefiles as well as other documentation. In the other six cases, lawyers representing victims of enforced disappearance provided key details of their clients' cases, including their actual dates of arrest (subsequently officially falsified) and enforced disappearance, allegations of torture and other ill-treatment and coerced “confessions,” complaints to prosecutors, and charges.

Amnesty International also reviewed the few available forensic medical reports of detainees and former detainees, all of which found injuries consistent with torture, and for most cases, official records of interrogations conducted by prosecutors, the NSA and military investigators. Also, Amnesty International examined records of communications sent by families and lawyers to the Egyptian authorities to report the disappearance of their relatives in detention. These records included postal telegram messages sent to the Ministry of Interior as part of the process of corroborating actual arrest dates and confirming testimonies of detainees and others that the NSA subsequently falsified these dates to make it appear that detainees were arrested only shortly before they were referred to prosecutors for questioning.

The report also draws on a range of public information sources, including international and national media reports; reports and other documentation, including statistical information obtained from Egyptian NGOs engaged in monitoring and campaigning against enforced disappearances and torture; and statements by Egyptian government officials denying the pattern of torture and enforced disappearance published in the local media, on Youtube or on the official Facebook pages of the Ministry of the Interior and other government ministries. Such official postings include videos showing detainees “confessing” to serious crimes while held incommunicado and without access to their lawyers and families (who believe that such “confessions” were coerced through torture).

Amnesty International has repeatedly communicated its human rights concerns to the Egyptian government and urged the government to take prompt and effective measures to cease and prevent arbitrary arrests and detentions, enforced disappearances, torture and other ill-treatment and unfair trials of detainees. Amnesty International has also called for an end to impunity, including prompt independent investigation of torture and other serious human rights violations and criminal prosecutions of those who order, perpetrate or condone them. In response, however, the Egyptian government has repeatedly denied that its forces commit enforced disappearances, torture and other violations and accused Amnesty International of publicizing false information in support of the banned MB and supporters of former President Morsi. In a press release from May 2014, Amnesty International expressed concern about cases of enforced disappearance and torture at

al-Azouly military prison in Ismailia Governorate. Amnesty International's concerns were further communicated to the authorities in June 2014, in a memorandum sent to the Ministries of Foreign Affairs and Defence, and the National Council for Human Rights. This elicited an outright denial on the part of the authorities saying that no detainees other than military prisoners were being held at the prison. Similarly, when Amnesty International expressed concern in December 2015 regarding the alleged torture, including the use of rape and electric shocks, of a 14-year-old boy subjected to enforced disappearance, the Ministry of Interior used its official Facebook page to deny these allegations and assert that the boy had been arrested lawfully, promptly taken before a prosecutor and not subjected to torture (see below, case of Mazen Mohamed Abdallah). In another six of the 17 cases cited, the authorities specifically denied enforced disappearance in responses to Amnesty International or local NGOs, asserting that the authorities had disclosed their places of detention.

Amnesty International expresses its gratitude to all those who contributed information to this report, including those whose identity, places and dates of interviews have been withheld to protect their personal safety in a context where human rights monitors and defenders continue to be targeted for repression by Egypt's security authorities.

3. BACKGROUND

On 25 January 2011, mass popular protests broke out in Egypt against the 30-year emergency rule of President Hosni Mubarak, which the authorities sought but failed to suppress by force. Eighteen days later, after police and other security forces had killed around 840 protesters and wounded more than 6,000 others, President Mubarak was forced to hand power to the Supreme Council of the Armed Forces (SCAF). The SCAF then appointed a new interim government, suspended the 1971 Constitution, dissolved parliament, issued a Constitutional Declaration guaranteeing certain rights, and released hundreds of administrative detainees held without charge or trial, while maintaining the state of emergency. In March, the SCAF eased curbs on freedom of association, notably the registration of political parties, enabling the MB and other long banned political organizations to legally register political parties. In the same month, the Interior Ministry said it was disbanding the State Security Investigations (SSI), the secret police force that had become notorious under Mubarak for arbitrary detentions, torture and other serious human rights violations. The disbanding was announced after protesters, enraged by reports that SSI officers were destroying evidence of their crimes, attacked the SSI headquarters in Cairo and other SSI offices across Egypt. The SCAF also ordered the arrest of the SSI's director, Hassan Abdel-Rahman, for alleged involvement in the killings of protesters in January-February 2011 and for ordering the destruction of evidence.¹ However, the authorities immediately created a new security force, the National Security Agency (NSA), to replace the SSI, including many former SSI officers within its ranks without conducting effective vetting to weed out those who had committed serious human rights violations.

In March 2012, a new parliament that took office after elections held between November 2011 and January 2012, appointed a Constituent Assembly dominated by the MB and other pro-MB parties to draft a new constitution, but this was soon mired in political and judicial disputes. A second assembly was formed in June 2012, shortly before the SCAF dissolved the parliament after the Supreme Constitutional Court declared the 2011-2012 elections unconstitutional. Meanwhile, new presidential elections held in May and June 2012 saw Mohamed Morsi, the candidate of the MB-aligned Freedom and Justice Party, become Egypt's first democratically elected president and sworn in on 30 June 2012. Within weeks, Morsi reinstated the parliament which was dominated by his supporters, overturned new powers that the SCAF had taken for itself shortly before his election victory, "retired" leading members of the SCAF and replaced the head of the armed forces with, General Abd el-Fattah al-Sisi, the former head of the Military Intelligence, who he also appointed Defence Minister.

President Morsi faced growing opposition particularly after he issued a controversial decree in November 2012 declaring his actions temporarily immune from legal challenge before the Constitutional Court. This sparked new mass protests in Cairo and elsewhere. Demonstrations continued in December 2012 when a

¹ Hassan Abdel-Rahman faced trial on charges of killing of protesters during the 2011 uprising. He stood trial alongside former President Mubarak, former Minister of Interior Habib al-Adly and other senior officials from the Interior Ministry. On 2 June 2012, the Cairo Criminal Court acquitted Hassan Abdel-Rahman and five other senior officials from the Interior Ministry. The court sentenced Hosni Mubarak and Habib al-Adly to life in prison (a 25-year prison term). The Public Prosecutor appealed the court's decision to acquit Hassan Abdel-Rahman, but the verdict was upheld by the Cairo Court of Appeals in November 2014 and subsequently by Egypt's highest court, the Court of Cassation, in June 2015.

new constitution, widely seen as favourable to the MB, was adopted by a national referendum, and escalated further in the first half of 2013 amid repeated violent clashes between pro- and anti-Morsi protesters as well as sectarian violence. As the situation deteriorated, the armed forces again intervened decisively in the name of restoring order. On 3 July 2013, General al-Sisi ousted President Morsi from office on the grounds that he had to “prevent bloodshed after Morsi failed to meet the demands of the Egyptian people and unify them”.² He also suspended the 2012 Constitution and appointed the President of the Supreme Constitutional Court, Adly Mansour, as interim President until the election of a new president. Mohamed Morsi was detained and removed to an undisclosed location.

The army’s action was apparently welcomed by millions of Egyptians but bitterly denounced by others as a coup d’état overthrowing a democratically elected president. Supporters of Mohamed Morsi, the MB and some activist and human rights groups set up protests and sit-ins in Cairo mainly in Rabaa al-Adawiya and al-Nahda squares. General al-Sisi called for a nationwide show of support for the army and police to give them a mandate to crack down on “terrorism” leading to nationwide mass demonstrations on 26 July 2013. On 14 August 2013, the security forces used excessive force, including lethal fire, to clear the sit-ins that members of the MB and other supporters of Mohamed Morsi had established in the two Cairo squares; the security forces killed more than 900 protesters and wounded thousands more. The incidents sparked further widespread violence, including attacks on police stations and Coptic Christian churches by some Morsi and MB supporters. In response, the army-appointed interim government, declared a month-long nationwide state of emergency that suspended fair trial and other rights, and imposed a dusk to dawn curfew in many areas. The security forces began rounding up MB leaders and other Morsi supporters, thousands of whom were later charged with capital and other serious offences. Hundreds – including Mohamed Morsi and other MB leaders – subsequently were sentenced to death after unfair mass trials. In September 2013, a court banned the activities of the MB and declared its assets forfeit.

In November 2013, the new authorities moved to outlaw any further protests against their rule. The interim President signed Law No. 107 of 2013 Regulating Public Gatherings, Processions and Peaceful Protests, handing security forces sweeping powers to use lethal force to disperse protests not authorized by the authorities and providing for heavy sentences reaching up to five years.

In December 2013, the interim government declared the MB a “terrorist” organization following a bomb attack on the al-Dakahlia Security Directorate in the city of Mansoura that the authorities attributed to the MB, although without providing concrete evidence.³ Membership of the MB can incur the death penalty under the revised Penal Code and the Counter-Terrorism Law (see below).⁴

Having resigned from the armed forces in March 2014, Abd el-Fattah al-Sisi became President in June 2014 after he defeated his sole opponent in presidential elections held the previous month. Since then, his government has maintained a relentless crackdown against the MB and Morsi supporters, detaining thousands and referring them to unfair mass trials in which hundreds have been sentenced to death. Furthermore, hundreds of perceived liberal activists, including prominent activists, human rights defenders and lawyers were also arrested for criticizing the government or the president. In August 2015, President al-Sisi signed a draconian new “Counter-Terrorism” law that arbitrarily restricts the rights to freedom of expression, peaceful assembly and association while granting the president powers that previously could only be invoked during a state of emergency, taking the country back to a position similar to the 30 years emergency rule of Hosni Mubarak.

2 Abd el-Fattah al-Sisi announced that the army was removing President Mohamed Morsi from power in a televised address to the nation on 3 July 2013. His address is widely available online, for example: at www.youtube.com/watch?v=wnjozX0tSPE

3 BBC, “Egypt’s Muslim Brotherhood declared ‘terrorist group’”, 25 December 2013, available at www.bbc.co.uk/news/world-middle-east-25515932; Ahram Online, “15 dead, 134 injured in Egypt’s Mansoura explosion”, 24 December 2013, available at english.ahram.org.eg/NewsContent/1/64/89902/Egypt/Politics-/UPDATE--At-least--dead--injured-in-Egypt-Mansour.aspx

4 Article 86 and 86(bis) of Law No. 58 of 1937 (Promulgating the Penal Code; and Articles 12, 13 and 14 of Law No. 94 of 2015 Promulgating The Counter-Terrorism).

In the first half of 2016, the authorities have intensified their repression campaign even further by targeting Egypt's independent civil society and media workers. In an unprecedented crackdown, many NGO workers, including those working against enforced disappearances, have been detained, ill-treated and charged with "terrorism" offences. Others have faced travel bans, asset freezes and questioning by state officials. Journalists have also been arrested, detained and subjected to unfair trials for merely doing their job. In May 2016, armed security forces raided the Egyptian Press Syndicate. This was the first attack on the Syndicate since it was established in 1941. The head and other senior members of the Press Syndicate were questioned, detained briefly and referred to trial on trumped-up charges including publicizing false news.

The same period has seen an unprecedented security threat with violent attacks by armed groups, particularly in North Sinai Governorate, targeting ordinary residents, members of the judiciary, as well as security forces.⁵ The victims include the more than 220 passengers and crew of a Russian airliner blown up over North Sinai Governorate in October 2015, and the Public Prosecutor Hisham Barakat, assassinated in Cairo in June 2015, as well as three judges shot dead in North Sinai Governorate in May 2015. At least 700 police and army officers have been killed in attacks across the country since 3 July 2013. In one attack in Helwan, south Cairo, on 8 May 2016, armed gunmen ambushed a white microbus – a vehicle frequently used by NSA officers and Criminal Investigation officers – killing all of its eight passengers, who were plain-clothed police officers belonging to the Helwan Criminal Investigation Unit. The armed group Sinai Province, affiliated to the Iraq and Syria-based armed group that calls itself Islamic State (IS), among other armed groups, claimed that it carried out the above mentioned attacks. The Egyptian Government has used security threats like this as a pretext to clampdown on human rights while maintaining to the world that it is combatting terrorism, both domestically and in the region, in order to restore security after years of turmoil in the country.

⁵ Amnesty International unreservedly condemns all attacks targeting civilians and calls for those responsible for such attacks to be brought to justice.

4. OVERVIEW

WHAT IS AN ENFORCED DISAPPEARANCE?

The International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) sets out three core elements for an enforced disappearance:

- There is an arrest, detention, abduction or any other form of deprivation of liberty;
- That conduct is carried out by agents of the state or by persons or groups of persons acting with the authorization, support or acquiescence of the state; and
- The conduct is followed either by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which places such a person outside the protection of the law.

Although the word “disappearance” might imply an innocuous or non-violent act, in reality, enforced disappearances are particularly cruel and violent human rights violations. Enforced disappearances affect not only the disappeared, who are cut off from the outside world and made vulnerable to human rights abuses such as torture, sexual violence and even murder, but also their families and friends, who are often forced to wait years before they find out the fate of the abducted person.

4.1 FROM MUBARAK’S SSI TO AL-SISI’S NSA: NEW NAME, CONTINUED VIOLATIONS

Egypt’s armed forces, headed by then General al-Sisi, led the brutal crackdown that accompanied and followed the ousting of Mohamed Morsi from the presidency in July 2013. Initially, as the successor to the widely feared, and publicly reviled SSI,⁶ the NSA maintained a low profile. Since early 2015, however, it has played a key role in the continued clampdown on political protests and other opposition and has been the primary agency responsible for the rise of enforced disappearances across Egypt.

As one of its first acts, the interim government that took office following the removal of President Mubarak announced in March 2011 that it was dismantling the SSI. Mansour el-Essawy, the Minister of Interior, said that the authorities aimed to maintain an internal security apparatus but wished to absorb popular anger against the SSI, which had become notorious for arbitrary detentions, torture and abuses under Mubarak.⁷ The announcement followed the storming and burning of SSI premises in Cairo, Alexandria and other governorates by angry protesters, who found torture rooms and equipment and hastily shredded records of past SSI abuses when they gained entry.⁸ The Minister said that a new National Security Agency (NSA)

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

7 Al Kahera Wal Nas, “Major General Mansour el-Essawy reveals the secrets of the State Security apparatus in the ‘black box’ [original in Arabic]”, 4 December 2013, available at www.youtube.com/watch?v=a4f1Bw7Lu_o

8 BBC, “History’s lessons: Dismantling Egypt’s security agency”, 9 March 2011, available at www.bbc.co.uk/news/world-middle-east-12679632

would replace the SSI and would include former SSI officers within its ranks⁹. He did not say whether the authorities would establish any vetting system to weed out those responsible for torture and other crimes and barred them from service in the NSA and no such vetting is known to have taken place. The Minister said in a TV interview:

“The names of the SSI officers were posted on Facebook with their addresses after the storming of the SSI premises in different governorates; I had to protect them and accordingly announced the dismantling of the SSI and I only changed the name of the SSI to NSA to calm down the people but kept almost the same SSI officers.”¹⁰

In its early days, the NSA maintained a low profile, possibly because of continued public animosity towards its predecessor body and because many names and addresses of SSI officers were published on social media and some faced the threat of violent retaliation for the SSI’s violations under Mubarak. Once the armed forces had removed President Morsi from power, however, the NSA became more prominent. In July 2013, for example, Amnesty International documented the involvement of NSA officers in detaining, blindfolding and interrogating protesters after they were arrested from the Rabaa al-Adawiya sit-in.¹¹ NSA officers were then reported to be participating in police interrogations of suspected government opponents, such as members of the MB and Morsi supporters. Since March 2015, the NSA has appeared to be the lead agency responsible for arresting, detaining and building criminal cases against political suspects, holding many in incommunicado detention and subjecting them to enforced disappearance and torture. Those subjected to enforced disappearance eventually reappear after their interrogation is completed and they are to be formally questioned by prosecutors, who either charge them and order their pre-trial detention in a prison or police station or order their release.

The NSA has emerged as the main agency responsible for unlawful or arbitrary arrests, detentions and enforced disappearances since President al-Sisi’s appointment of Magdy Abd el-Gaffar, a former senior officer of both the SSI and NSA, as Minister of Interior in March 2015.¹² According to lawyers of victims of enforced disappearance and others, since Magdy Abd el-Gaffar’s appointment, the Interior Ministry has exhibited an “NSA mentality”, meaning that the NSA appears free to target virtually anyone they suspect of links with the MB, Mohamed Morsi, or of planning protests or other actions against the government or the law.

The NSA’s main mandate, however, according to Ministerial Decree No. 445 of 2011, the unpublished secret decree which dismantled the SSI and created the new NSA, is to “maintain internal stability of the Egyptian State, information collection and counter terrorism”. This includes targeting members of armed groups including Sinai Province which has claimed responsibility for most of the armed attacks since July 2013. The NSA does this in close co-ordination with the General Intelligence Services, which is responsible for collecting information about internal and external threats against the country.

4.2 ARREST AND DETENTION STATISTICS

Thousands of people in Egypt are currently detained without trial or serving lengthy prison sentences imposed after unfair trials on account of their real or perceived opposition to the government of President al-Sisi. Supporters of ousted president Mohamed Morsi as well as leaders and members of the MB continue to be particularly targeted.

9 Al Kahera Wal Nas, “Major General Mansour el-Essawy reveals the secrets”.

10 Al Kahera Wal Nas, “Major General Mansour el-Essawy reveals the secrets” (at 11:25).

11 Amnesty International, *Egypt: Arrests of Muslim Brotherhood Members and Supporters* (Index: MDE 12/035/2013).

12 CNN, “Who is Magdy Abdel Ghaffar, Egypt’s new Minister of Interior? [original in Arabic]”, 5 March 2015, available at arabic.cnn.com/middleeast/2015/03/05/egypt-new-interior-minister-bio

According to the government, its security forces arrested almost 22,000 suspects in 2013 and 2014,¹³ including some 3,000 top and middle-level MB leaders and members.¹⁴ In 2015, according to the Ministry of Interior, the security forces arrested almost 12,000 further suspects,¹⁵ mostly MB members and supporters of Mohamed Morsi, including students, academics, engineers, medical professionals. Hundreds more are held under sentence of death, including former President Mohamed Morsi, his supporters and leaders of the MB.

Some rights groups estimate that as many as 60,000 people have been detained for political reasons since July 2013.¹⁶ Ten new prisons are reported to have been built or planned between 2013 and 2016 to accommodate the rising numbers of detainees.¹⁷

4.3 SCALE OF ENFORCED DISAPPEARANCES

Amnesty International is not able to say precisely how many people have been subjected to enforced disappearance by the Egyptian authorities since the beginning of 2015 or to specify the current number. By their nature, cases of enforced disappearance are particularly difficult to identify and document due to the official secrecy that surrounds them and some families' fears that they might inadvertently place detainees in greater jeopardy if they report their enforced disappearance to human rights NGOs, the media or others.

However, through documentation and figures provided by different Egyptian NGOs and rights groups, it is evident that at least several hundred Egyptians were disappeared since the beginning of 2015 with a reported average of three or four people subjected to enforced disappearance each day since the beginning of 2015. Three criteria were used by Egyptian NGOs to determine whether an individual was subjected to enforced disappearance: they were arrested by state agents; they were held in an undisclosed location for a period exceeding 48 hours without referral to the Public Prosecution, and outside of the oversight of the judiciary; and the authorities denied that the individual was in their custody when the family inquired about them.

In June 2015, the "Freedom for the Brave" campaign¹⁸ reported that it had documented 163 cases of enforced disappearance in April and May 2015 alone.¹⁹ The Egyptian Commission for Rights and Freedoms reported in April 2016 that it documented 544 cases of enforced disappearance over an eight-month period, between August 2015 and March 2016, making it an average of two or three persons forcibly disappeared each day.²⁰ The Egyptian Co-ordination for Rights and Freedoms reported in January 2016 that it had documented 1,023 cases of enforced disappearance during the first eight months of 2015, and in total 1,840 cases were reported to them by the end of 2015, this was an average of four to five persons each day.²¹ The Egyptian Co-ordination for Rights and Freedoms also told Amnesty International in May 2016 that between January and 15 May 2016, it had documented 630 cases of enforced disappearance, an average of three to four persons forcibly disappeared each day.

13 Egyptian Initiative for Personal Rights, "The Executive Summary Of The Fact-Finding Commission's Report: [sic] Falls Short Of Expectations", 4 December 2014, available at eipr.org/en/pressrelease/2014/12/04/2293

14 AP, "Egypt crackdown brings most arrests in decades", 16 March 2014, available at www.bigstory.ap.org/Article/egypt-crackdown-brings-most-arrests-decades

15 Mada Masr, "Almost 12,000 people arrested for terrorism in 2015: Interior Ministry", 30 October 2015, available at www.madamasr.com/news/almost-12000-people-arrested-terrorism-2015-interior-ministry

16 The claim was made, for example, by the Executive Director of the Arabic Network for Human Rights Information on his Twitter account on 13 January 2016. The post is available at [www.twitter.com/gamaleid/status/687374746086957056](https://twitter.com/gamaleid/status/687374746086957056).

17 Huffington Post Arabic, "Egypt is building a new prison, in Giza, and the numbers [of new prisons] will reach 16 in the era of al-Sisi" [original in Arabic], 14 January 2016, available at www.huffpostarabi.com/2016/01/14/story_n_8976396.html

18 "Freedom for the Brave" is a campaign started by Egyptian activists in late 2013 to promote the rights of prisoners and detainees.

19 "Freedom for the Brave", "Documented cases of 'enforced disappearances and detention without investigation' in Egypt since April 2015", 7 June 2015, available at www.facebook.com/Al7orialgd3an/posts/695600770551785

20 See Egyptian Commission for Rights and Freedoms, *The forcibly disappeared, awaiting justice*, 22 December 2015 available at <https://drive.google.com/file/d/0B5rFCEjP5e6YenltcFk2VnZlQ2c/view>; and Egyptian Commission for Rights and Freedoms, Report on monitored cases of enforced disappearance in the period from 1 December 2015 to 31 March 2016, 11 April 2016, available at www.ecrf.org/?p=1403

21 See Egyptian Co-ordination for Rights and Freedoms [sic], *Human Rights in Egypt ... where to? [sic] The annual report of 2015*, January 2016, available at www.slideshare.net/ecrf/the-annual-report-of-2015-human-rights-in-egypt

The UN Working Group on Enforced or Involuntary Disappearances (WGEID) has also expressed concern. In its 2015 report, WGEID said that in the 12 months up to May 2015, it had communicated 79 cases to the Egyptian government that illustrated “a recent pattern of short-term disappearances” and that it had received a response from the Egyptian government on only six of the cases, all of which the government denied were cases of enforced disappearance.

4.4 PROFILES OF PEOPLE TARGETED

In most cases known to Amnesty International, those subjected to enforced disappearance by the NSA were perceived supporters of Mohamed Morsi and/or the MB. They were mostly males ranging from adults in their fifties to boys aged 14. They include students, academics and other activists, peaceful critics and protesters, and family members of perceived government critics. According to lawyers involved in their cases, around 90% of those who are subjected to enforced disappearance are subsequently processed through the criminal justice system on charges such as planning or participating in unauthorized protests or attacking members of the security forces.

4.5 DURATION AND PLACES OF DETENTIONS

In the cases known to Amnesty International, victims of enforced disappearance were held for periods ranging from four days to seven months. During their enforced disappearance, they were detained in police stations, Central Security Forces (CSF) camps intended for training and accommodation of riot police and in NSA offices. Those who were held longest, were usually detained in NSA premises. Egyptian law prohibits holding detainees in unofficial places of detention to which the judiciary has no access and so is unable to conduct inspection visits and investigate suspected cases of arbitrary detention without a judicial order. Egyptian law and regulations consider police stations and prisons to be official places of detention to which the judiciary have access. Central Security Forces camps were not considered official places of detention until 2013 when former Minister of Interior, Mohamed Ibrahim, issued a decree designating CSF camps official places of detention, informing the Public Prosecutor that these are now included among the list of official places of detention.

NSA offices across the country are still not official places of detention. Therefore, no judge or prosecutor has the authority to inspect NSA offices and in almost all cases documented by Amnesty International, families or lawyers were not able to learn the whereabouts of their relatives while they were held incommunicado in such offices. Families and lawyers repeatedly told Amnesty International that “officially, you do not exist”, and the only way for them to know the whereabouts of detainees would be through released detainees who had been in NSA offices.

Amnesty International is not in a position to list all unofficial and official places of detention. This report documents cases of detention in a number of locations across the country.

NSA LAZOUGHLY OFFICE HEADQUARTERS OF THE MINISTRY OF INTERIOR



The Lazoughly NSA Office is located inside the headquarters of the Ministry of Interior in downtown Cairo. It is the most common place of detention in Cairo and, according to detainees, the most notorious one. The Lazoughly NSA Office is located just a few metres from the Tahrir Square, the symbolic square of the 2011 January uprising that overthrew former President Mubarak.

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The 6th October NSA Office is another detention centre. It is located in the 6th October Governorate in Greater Cairo. There are also numerous police stations across Cairo that are used by NSA officers to detain people incommunicado, including First and Second Nasr City Police Stations, Dar al-Salam Police Station, and Basateen Police Station.

NSA OFFICES IN ALEXANDRIA ALEXANDRIA SECURITY DIRECTORATE



In Alexandria, detainees are usually held in the NSA offices inside the Alexandria Security Directorate on the fourth and seventh floor. This office is located in New Semouha district on the Alexandria-Cairo Agricultural Highway.

© Google Earth and DigitalGlobe Inc.

Another Alexandria NSA Office is located in the district of Abees, also on the Alexandria-Cairo Agricultural Highway.

NSA OFFICE IN TANTA, GHARBEYA CENTRAL SECURITY FORCES CAMP



Detainees told Amnesty International that they were held in the Central Security Forces camp in the city of Tanta in Gharbeya Governorate. The camp has NSA sub-offices that are used by NSA officers to disappear people and subject them to torture and other ill-treatment. These are typically training camps for the riot police control.

© Google Earth and CNES/Astrium.

In Gharbeya Governorate, in the north of the country, detainees are typically held also in the main NSA Office located in the city of Tanta.

5. ARBITRARY ARRESTS, DETENTIONS AND ENFORCED DISAPPEARANCES

“All I wanted to know was whether my son was dead or alive.”

The father of a victim of enforced disappearance, speaking to Amnesty International

According to victims and witnesses, a typical enforced disappearance starts with NSA officers in plain clothes, supported by heavily armed black-clad special forces with their faces concealed (known as the “Counter-Terrorism – Special Forces Police”) and other police forces from a nearby police stations, arriving at a suspect’s home at night or in the early hours of the morning, forcing their way in at gunpoint. These forces usually come in a convoy of armoured and other vehicles, led by NSA officers in a white microbus without a license plates. They divide into three groups, positioning one group in the street to deter onlookers and a second on the stairs or other points of entry to the target residence while the third, including NSA officers, demands or uses force to gain entry. Once inside, the NSA officers detain, handcuff and blindfold their suspect, search the premises for weapons or other incriminatory material and seize mobile phones, computers and other possessions before taking the suspect away.

Egyptian law requires that all arrests and searches must be authorized by a judicial order but in all of the cases that Amnesty International has documented, NSA officers failed to produce judicial arrest and search warrants.²² Some family members said they asked to see such warrants; others said they felt too intimidated to ask. One said an NSA officer told him: “We are a sovereign authority and we do not require such warrants to arrest people.” Others said officers threatened to arrest or assault them for asking to see arrest or search warrants.

²² Articles 54 and 58 of The Constitution of the Arab Republic of Egypt (the Constitution), available at: www.sis.gov.eg/Newvr/Dustor-en001.pdf; and Articles 40 and 91 of the CCP. These provisions strictly prohibit the arbitrary arrest of people without a judicial order, or the search, monitoring or entering of houses without a reasoned judicial order stating the exact time, date, and reason behind the search. International law also prohibits arrests without judicial warrants. See, for example, Article 17 of the International Covenant on Civil and Political Rights, Article 6 of the African Charter on Human and Peoples’ Rights and Article 14 of the Arab Charter on Human Rights. Egypt has ratified all of these treaties and is and thereby committed to uphold and enforce them.

NSA officers did not tell families the reason why or to where they were taking those they detained. They mostly warned families against trying to locate the detainee although in a few cases they falsely told families that they were taking the detainee to a particular police station.

Those detained by the NSA were held incommunicado – for between four days and seven months in NSA premises or police stations, or CSF camps and denied access to lawyers or any contact with their families.²³ They were held in conditions of enforced disappearance; the authorities did not acknowledge their arrest and detention and their families were unable to obtain any information about them when they inquired at police stations and approached the Ministries of Interior and Justice and the Public Prosecution.

The authorities' refusal to acknowledge detentions persisted even after detainees' enforced disappearance ended. Once the NSA had completed their interrogation and took them to a Public Prosecutor for questioning and to lay charges, the NSA provided false dates of arrest in official documents to conceal how long they had held the detainee and make it appear that they had been arrested lawfully and in conformity with the constitutional requirements. Article 54 stated that police must transfer everyone they arrest to a competent prosecutor within 24 hours.²⁴ Failure to meet this requirement, lawyers say, may lead to a court dismissing a case on procedural grounds.

Most detainees were not permitted to contact their families or have access to legal counsel during their enforced disappearance and until after the prosecutor had questioned and charged them. Most detainees allege that they were subjected to torture and other ill-treatment by NSA interrogators and low-ranking police officers to extract “confessions” or other incriminatory information for use in future trials and prosecutions.²⁵ Some victims of enforced disappearance were detained in police stations, from which NSA officers took them out to identify other suspects, including people listed in their phone or social media records, while others were held mostly in NSA premises in which they were interrogated and tortured. The following cases illustrate this broad pattern of violations.

23 Some detainees never appeared again after they were believed to be abducted by the security forces. The most well-known cases are those of Ashraf Shehata and Mostafa Masouny. Egyptian Chronicles, “nobody wants to tell us where #shehata and #massouny are”, 4 November 2015, available at www.egyptianchronicles.blogspot.co.uk/2015/11/nobody-wants-to-tell-us-where-shehata.html

24 Article 54 of the Constitution states: “Every person whose freedom is restricted shall be immediately notified of the reasons therefore; shall be informed of his/her rights in writing; shall be immediately enabled to contact his/her relatives and lawyer; and shall be brought before the investigation authority within twenty four (24) hours as of the time of restricting his/her freedom.”

25 In Arabic, such low-ranking officers are known as “*ameen shorta*”. The term refers to an officer who holds a high-school diploma and has graduated from one of the police institutions, rather than the Police Academy where police officers train. Their mandate is to assist police officers in their work, including arrests, investigations, collecting evidence, traffic control, and other areas of work. They do not receive any human-rights training.

KARIM ABD EL-MOEZ DISAPPEARED FOR ALMOST FOUR MONTHS



Karim Abd el-Moez, aged 22, was tortured with electric shocks and forced to confess to belonging to the armed group that calls itself the Islamic State. His father was not able to locate him for the period of his enforced disappearance of almost four months and told Amnesty International:

“All I wanted to know was whether my son was dead or alive”, and that the uncertainty had devastated and anguished him.

© Amnesty International obtained in November 2015

Karim Abd el-Moez, an engineering student aged 22, was subjected to enforced disappearance for almost four months. NSA officers took him from his family’s home in the Dar al-Salam district of Cairo at around 2:30am on 6 August 2015. His father, Abd el-Moez Mohamed, told Amnesty International that a group of heavily armed security forces arrived outside the family’s home in two pick-up trucks and an armoured vehicle, saying they had come to arrest a “terrorist”. Some of the security forces took position outside of neighbouring homes, threatening to assault anyone who should emerge, while a group of about 10 plain-clothed NSA officers and men in black uniform carrying automatic weapons, with their faces covered, forced their way into the home and seized, handcuffed, blindfolded and gagged Karim. They searched the house, taking away Karim’s phone, laptop and identity card, as well as some papers and books. They did not produce a judicial warrant authorizing their search or arrest or gave a reason for detaining him. One NSA officer told Karim’s father: “You did not raise your son well. We are taking him to teach him some manners.”

The family sought to find out where Karim had been taken by asking about their son at several Cairo police stations. The authorities all denied holding him. The family also filed a complaint with the Dar al-Salam Public Prosecution Office in Cairo, which proved unsuccessful.

It was not until more than three months later that Karim’s family were able to locate him. He remained a victim of enforced disappearance until his family learnt on 18 November 2015, from someone who had visited another prisoner there, that Karim was then held at Tora Istiqbal Prison, accused of belonging to the armed group that calls itself Islamic State. Abd el-Moez Mohamed told Amnesty International that until then, the family had been in anguish about Karim: “All I wanted to know was whether my son was dead or alive.” The family sought to visit Karim at the prison, whose authorities confirmed that he was held there, but were told that they must wait 15 days before they could see him. As of 1 July 2016, Karim remained at Tora Istiqbal Prison facing trial on charges that could result in the death penalty.²⁶

In some cases, those detained included not only the NSA’s main suspect but also other members of their family, apparently to pressurise them into “confessing” to crimes.

26 Case No. 672 of 2015, Supreme State Security.

THE KHALIL FAMILY DISAPPEARED FOR UP TO 122 DAYS



Nour Khalil, aged 22, a political activist, was detained alongside his father and brother by security forces. Nour Khalil was the principal target of the security forces but it is believed that his father and brother were arrested to put pressure on him to co-operate with the NSA.

When Nour Khalil asked to see his brother and father, the NSA officers told him that they were held downstairs in the same building, and that they could arrest his mother and sisters if he failed to provide them with the information they wanted.

© Amnesty International obtained in May 2016

Nour Khalil, a 22-year old law student and activist, perceived to advocate a secular state, was previously acquitted of participating in illegal protests in 2014. On 24 May 2015, NSA officers and other heavily armed security forces raided his family's home in al-Santa, Gharbeya Governorate and detained him together with his father, el-Said Khalil, a retired armed-forces officer, and brother, Islam Khalil, a salesman aged 26. Nour said it was the eighth time the security forces had raided his family home but on the previous occasions, he had been absent and the security forces had told his family that he should hand himself over to the police as they wanted to question him about his political activities but he had not done so.

Nour was asleep when the security forces, carrying automatic weapons and led by plain-clothed NSA officers, broke in to his family home in the early hours of the morning. He awoke as several armed men stormed into his room. They pulled him from his bed and forced him to kneel. An NSA officer carrying a pistol then entered the room, pulled Nour's T-shirt over his face and handcuffed his wrists behind his back, while another man pointed a gun at Nour's head, threatening to shoot him if he moved.

Nour's parents asked to see a judicial warrant but were told by the NSA officers that they did not have or needed them and that anyone who resisted them would be at risk. The officers seized Nour's laptop and phone, and over 60 of his books, removed the T-shirt from his face, blindfolded him with another cloth and took him away in his pyjamas. As he was walked out, he was surprised to hear an officer order: "Bring his brother as well", as he knew that Islam disliked politics, had no "political affiliation" and had been present but not arrested during previous security forces' raids on their home. Nour Khalil described his arrest to Amnesty International:

"The security agents took me to the police vehicle parked outside the house... They [security forces] stayed in the house for around 20 minutes and I was in the police vehicle outside... Whoever from the neighbours tried to even open the windows to look at what was happening, the security agents would shout and threaten them saying: 'We will shoot you', and would order them to close the windows. Then the police vehicles started to move and there were around seven police pick-up trucks [Toyota double-cabin pick-up trucks]. I was able to

know because I could see through the cloth over my eyes given it was a little transparent... I thought they did not arrest my brother Islam and that they had let him go, however I discovered later that they arrested my brother Islam and my father.”

The security officials took Nour Khalil to the NSA offices in Tanta, pulling him by his hair from the vehicle. He heard an officer say: “Take him to the fourth floor”, known as “hell” by local people as a place used to torture detainees. After removing his handcuffs, an NSA officer interrogated Nour Khalil about his political activities and beliefs for about six hours, periodically removing his blindfold to show him photographs of MB activists that he did not know. The officer told him that his father and brother had also been detained and threatened to detain his mother and sister unless he co-operated. After the interrogation, he was held in one of four solitary confinement cells in a nearby building, given bread and water and then beaten with batons on his arms and shoulders by three guards when he told them he would go on hunger strike unless he was taken before a prosecutor.

He remained in the cell for four days being taken out twice a day for questioning, and managed to speak briefly to his brother Islam, who said he had been questioned about “terrorist” activities (NSA officers apparently confused him with another man, Islam Gamal, also known as Islam Abu Tereka, who they sought for alleged involvement in violent attacks on the security forces).

The NSA released Nour Khalil after four days, on 28 May 2015, dropping him at the side of a road after warning him not to disclose his detention and enforced disappearance to the media and human rights groups as this could harm his father and brother, who were both still in NSA detention.

After her husband and sons were detained, Nour Khalil’s mother immediately contacted Tanta’s Attorney General, who referred her on to the al-Santa Prosecution Office, who referred her to a local police station where she was held for two hours, had her bag and phone searched, and was told not to file further reports. She persisted nevertheless, sending telegrams inquiring about her husband and two sons to the Public Prosecutor, Minister of Interior and NSA director for Gharbeya Governorate – all without any response.

The NSA released Nour’s father on 8 June 2015, after 15 days of enforced disappearance. He had apparently been held to put pressure on Nour and Islam. He was not interrogated and was released without charge.



The picture to the right shows Islam Khalil before he disappeared, the one on the left shows him after 122 days of enforced disappearance, still in the clothes he wore on his arrest. The picture was taken after he appeared before the East Alexandria Public Prosecution Office for questioning on 21 September 2015.

Islam Khalil disappeared for 122 days in NSA offices in Tanta and Cairo. He was tortured including with electric shocks and was suspended from his limbs, while naked, for days.

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Islam Khalil, however, was not released. As of 1 July 2016, he remained in detention at Borg al-Arab Prison in Alexandria awaiting trial on charges of belonging to the banned MB, inciting violence and attacking the security forces. If convicted, he could face the death penalty. His official case file gives his date of arrest as 20 September 2015 whereas in reality, the NSA detained him almost four months earlier, on 24 May 2015. This falsification of his arrest date appears intended to cover up the unlawful nature of his arrest and the almost four months during which the NSA held him in conditions of enforced disappearance.

Islam Khalil had not been politically active, according to his brother Nour, yet the Ministry of Interior denied that he was in detention for 122 days, even though other released detainees said they had seen him at the Central Security Forces (CSF)²⁷ camp in Tanta, apparently ill and suffering from the effects of torture.

During his enforced disappearance, Islam Khalil was first held at the NSA's Tanta office, where he alleges he was tortured into making a "confession" before being transferred to the NSA's Cairo headquarters where he was tortured again. His family only learnt of his whereabouts when the authorities informed them on 24 September 2015 that he was held at Alexandria's Karmouz Prison awaiting trial.

At Tanta, Islam was held in a tiny cell on whose walls previous detainees had scribbled messages dating back to the late 1980s, a time before he was born. Islam Khalil also said that a guard hit and threatened to whip him after he called out to his brother Nour to ask if he was all right.

²⁷ The CSF are riot-control police and they have their own training camps across the country. However, these camps are sometimes used to detain people when prisons and police stations are overwhelmed by numbers of detainees. The NSA has offices in some of these camps and uses them to hold detainees incommunicado.

THE FARAG FAMILY DISAPPEARED FOR OVER 150 DAYS



Atef Farag (to the right) and his son Yehia Farag (to the left). Both men were held in the NSA Lazoughly office inside the headquarters of the Ministry of Interior in Cairo for 159 days under conditions of enforced disappearance. The father was singled out for torture and the son was arrested to pressurize the father to confess to fabricated offences.

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Security forces detained Atef Mohamed Farag, a trader aged 48, and his son, Yehia Farag, aged 22, after raiding their apartment in the six-storey building they own in Cairo's Mansheyet Nasr district at around 4:00am on 28 July 2015. According to Abu Bakr Farag, a son of Atef Farag who was present, the raid was conducted by several NSA officers, backed up by some 30 security forces carrying automatic weapons. They searched the family's and some of their neighbours' apartments and detained Atef and Yehia Farag without producing any judicial warrant. Abu Bakr told Amnesty International:

“After they stormed the building, [the security forces] smashed the doors of our flats and the neighbours' flats and searched them and seized a large amount of money that belonged to my father and all the family's phones, which they checked to see what calls and messages had been made or received, computers, and various papers.”

The NSA officers blindfolded and handcuffed Atef Farag and his four sons, questioning the sons about their religious beliefs and activities, including which mosques they attended, before driving Atef and Yehia away in an unlicensed white micro-bus to a destination they refused to disclose. The family assumed that Atef had been detained because he had participated in the sit-in protest at Rabaa al-Adawiya Square in Cairo against Mohamed Morsi's ousting and that Yehia, who has a disability, had been taken in order to put pressure on his father.

Abu Bakr went to Mansheyet Nasr Police Station a few hours after they were taken away to inquire about his father and brother. An officer there confirmed that they were held by the NSA but told him not to file a report with the local prosecutor. However, he did file a report which the prosecutor followed up more than three months later, resulting in a communication from the police to the prosecutor dated 16 November 2015. In this, the police confirmed that Atef and Yehia Farag were held by the NSA. However, the NSA investigation report submitted to the State Security Prosecutor, when the two men first appeared before him on 3 January 2016, gives their date of arrest as 2 January 2016. By claiming that the two men had spent no more than 24 hours in detention, the NSA report seeks to conceal their more than 150 days of enforced disappearance, incommunicado detention and torture. After questioning Atef and Yehia Farag, the prosecutor charged them with membership of the banned MB and authorized their continued detention. As of 1 July 2016, both men were still at Tora Istiqbal Prison awaiting trial.



THE EL-HAMID FAMILY HELD INCOMMUNICADO FOR TWO WEEKS, FOLLOWED BY PRE- TRIAL DETENTION

Security forces detained Yehia Abd el-Hamid and his son, Mahmoud Abd el-Hamid, aged 22, on 19 October 2015 in a late night raid on their home in Alexandria, apparently because they suspected them of participating in protests and supporting Mohamed Morsi and the MB.

Yehia Abd el-Hamid's daughter told Amnesty International that she returned home and found the street "completely blocked with security forces, heavily armed and covering their faces". By then, the security forces were preparing to leave. She found they had smashed through both an iron outer door and a wooden inner door to gain entry to the family's apartment, whose contents, some broken, had been strewn about as officers searched the home. They had taken away the family's computers and 8,000 EGP (around USD1,020) in cash was missing. Neighbours told her that the security forces had taken her father and brother from the apartment "blindfolded and handcuffed on the back."

For two weeks, the family could not obtain any information about the two detained men. They inquired at police stations, prosecutors' offices and the Alexandria Security Directorate without any result. Then, they learnt from a low rank police officer, after paying him, that Yehia and Mahmoud were being held in the NSA's Alexandria Security Directorate on the fourth floor which belongs to the NSA.

The Ministry of Interior said on 6 November²⁸ that they had arrested the two men with 15 other MB members and accused them of blocking Alexandria sewerage and drainage system causing floods in the city following heavy rain on 2 and 3 November – by which time the two men had already been in detention for two weeks under conditions of enforced disappearance.

As of 1 June 2016, both men remained in pre-trial detention on charges of belonging to a banned organization, disturbing public order and harming national interests. They could face lengthy prison terms or the death penalty.

Some victims of enforced disappearance were detained in public places, sometimes together with friends, by security officials who searched their phones looking for images – such as the four-finger 'Rabaa' salute signifying opposition to Mohamed Morsi's overthrow – or messages about protests or other opposition activity.

²⁸ The Ministry of Interior, "The Ministry's efforts to hunt down terrorist outposts [original in Arabic]", 6 November 2015, available at www.facebook.com/MoiEgy/photos/?tab=album&album_id=981095145267482 ; and The Ministry of Interior, "The arrest of members of a terrorist cell of the Brotherhood terrorist organization that committed acts of sabotage in Alexandria [original in Arabic]", 7 November 2015, available at www.youtube.com/watch?v=57ozDOR6uZ4

SOHAIB SAAD, ISRAA AL-TAWEEL & OMAR MOHAMED ALI THREE FRIENDS DISAPPEARED FOR 16 DAYS



Sohaib Saad, to the left, Omar Mohamed Ali, in the middle, and Israa al-Taweel, to the right.

The three friends were abducted in the street on 1 June 2015 by Egypt's security forces and disappeared for 16 days. The Ministry of Interior kept denying that they were holding them. After 16 days, they appeared in Cairo prisons charged with belonging to "terrorist" groups.

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NSA officials detained Sohaib Saad, aged 22, Israa al-Taweel, aged 23, and Omar Mohamed Ali, aged 23, on 1 June 2015 as they left a restaurant in Cairo's affluent Zamalek district. Sohaib Saad, a photojournalist, had then been on bail while facing trial along with three Al Jazeera journalists and required to report to the police each day. Omar Mohamed Ali is an engineering student working as a civil employee in a military factory. He was arrested only because he was with Sohaib. Their friend Israa al-Taweel had ceased her former activism after becoming wheelchair-bound as a result of a gunshot wound, which she sustained during a protest in 2014. She appears to have been detained for a total of over six months simply because she was in the presence of Sohaib Saad, who was the principal target of the NSA. For part of this time, she was forcibly disappeared.

Following her release in December 2015, Israa al-Taweel told Amnesty International that she had been taken to the Cairo headquarters of the NSA in Lazoughly Square, blindfolded and held incommunicado for 15 days. She was questioned about her links with the MB and the two friends detained with her. NSA officers told her that they would detain her parents and sisters unless she gave them the information they required. She heard screams in another room at one point during her questioning, leading her to believe her two friends were being tortured. Her NSA interrogators warned her that she would experience the same fate as her friends unless she co-operated.

Israa al-Taweel was kept blindfolded throughout the 16 days that she spent detained by the NSA, except when sleeping at night. She was then referred to the State Security Prosecutor's office in Cairo, where she was questioned for 18 hours, without the presence of her lawyer, and accused of "belonging to a banned group" and "broadcasting false news" (she had been carrying a camera when arrested). The prosecutor then authorized her detention for 15 days, subsequently renewed, and she was moved to al-Qanater Women's Prison in Cairo until a judge ordered her release on medical grounds in December 2015, following many international expressions of concern about her case.

Sohaib Saad and Omar Mohamed Ali, however, were charged with planning attacks against the military and leaking classified military information. In September 2015, they stood trial before a military court.

They were convicted on 28 May 2016 and sentenced to life imprisonment (25 years). They have submitted an appeal before the Supreme Military court and a date is to be set by the Court.

For 16 days, after the NSA had detained the three friends, and held incommunicado – Israa al-Taweel at the NSA offices in Cairo's Lazoughly Square, and the others at the headquarters of Military Intelligence in Cairo – they allege they were tortured.

Israa al-Taweel's family told Amnesty International that they made strenuous efforts to locate her during this time, inquiring at various police stations, courts and prisons. They filed a complaint about her disappearance with the Public Prosecution Office, after which a group of around 25 armed security forces came to their house at 1:30am on 18 June 2015 and searched it without producing a search warrant, and took away their laptops.

6. ENFORCED DISAPPEARANCES OF CHILDREN

“I do not speak to you as a police officer, but as a father, and I ask you to feel the pain of a mother who cannot find her child.”

Mother of a “disappeared” child speaking to a police officer after he repeatedly denied that her son was in their custody

Amnesty International has found that the treatment of children arrested by the NSA was similar to that of adults. Children have faced the same pattern of arbitrary arrests, detentions and enforced disappearances. They were held for periods ranging between seven and 50 days without being allowed to contact their families or access to their lawyers. While in incommunicado detention, they were tortured to obtain “confessions” or statements incriminating others. The authorities also repeatedly denied that they were in their custody when their families inquired about them and sent telegrams to the Ministry of Interior, Ministry of Justice and the Public Prosecution.



MAZEN MOHAMED ABDALLAH FOURTEEN-YEAR-OLD STUDENT, DISAPPEARED AND RAPED IN DETENTION

NSA officers detained Mazen Mohamed Abdallah, a 14-year-old school student, after raiding his family home in the Nasr City district of Cairo in the early hours of 30 September 2015, and subjected him to enforced disappearance and torture in detention (See below).

Mazen Abdallah’s mother, told Amnesty International that she was awoken at around 3:00am by violent banging on the door of the family’s apartment. When she opened the door she found herself confronted by about 30 heavily armed security forces, some with their faces concealed, carrying automatic weapons. They demanded to know whether her son, Mazen, was in the apartment. NSA officers in plain clothes accompanying the armed men said they wished to ask Mazen two questions and then leave, so his mother took them to the room where the boy was sleeping. The NSA officers woke him, searched his and another room, and took his mobile phone. They did not produce a search warrant or other official

documentation. They named several people and asked Mazen if he knew them. Mazen said he did not, but then the security forces found some references to protests in messages on his phone sent by his friends, whereupon they told his mother they had to take Mazen to a police station to question him further but would then return him to his home after couple of hours. The mother told Amnesty International: “I tried to ask where they will be taking him but they refused to disclose any information. Then, they blindfolded my 14-year-old child and handcuffed him from behind as they do with criminals, and took him downstairs... I did not know whether this was reality or I was dreaming”. The NSA officers then took the boy away in a white micro-bus accompanied by two police pick-up trucks.

The security officers took Mazen to the First Nasr City Police Station in Cairo but concealed this from his family. When they looked for him at the police station in the days following his arrest, the authorities at the police station said he was not there and that they could provide no information about him. So, the family inquired at other police stations, also without obtaining any information as to Mazen’s whereabouts or how he was being treated. They also sought information about their disappeared son directly from the Ministry of Interior; officials there also denied that the Ministry was holding the boy. The family also sent postal telegrams to the Public Prosecution office on 30 September and 4 October. It was not until 8 October, more than a week after Mazen’s disappearance, when his family learnt of his whereabouts – through a chance encounter with a lawyer who reported having seen him in custody at the office of the State Security Prosecutor in new Cairo’s Fifth Settlement– and were able to gain access to him.

Mazen told his family that he had been held at the First Nasr City Police Station for the first seven days, then moved on 7 October to the Second Nasr City Police Station, without any contact with a lawyer or his family,²⁹ and that interrogators at both police stations had subjected him to rape and other forms of torture (see below). When presenting Mazen to the State Security Prosecutor on 8 October 2015 (in contravention of Egypt’s Child Law,³⁰ according to which he should have been referred to the Child Prosecution), the official NSA report on his case gave his arrest date as the previous day, 7 October, apparently to make it appear that the NSA had complied with Article 54 of Egypt’s Constitution, and had brought Mazen Abdallah to a prosecutor within 24 hours of his arrest.³¹ The NSA documentation made no reference to his prior seven days of detention during which, Mazen alleges, NSA officials held him in isolation and subjected him to torture and other ill-treatment. According to Mazen, he told the prosecutor – before whom he appeared on 8 October without the presence of a lawyer – that he had been detained for over a week and tortured and threatened that his parents would be arrested if he did not confess. The prosecutor, however, failed to investigate the allegations of torture, enforced disappearance and the falsification of date of arrest.

In December 2015, the Ministry of Interior used its Facebook page to respond to an Amnesty International’s statement about Mazen Abdallah’s case which had received wide international attention asserting: “Mazen was arrested on 7 October based on an arrest warrant issued by a prosecutor and he is charged in relation to violent acts, including attacking national institutions and burning police vehicles. He was sent to the prosecutor the next day who questioned him and ordered his detention for 15 days.³² He

29 Article 125 of Law No. 12 of 1996 Promulgating The Child Law (the Child Law, as amended) states: “The child has the right to legal assistance; he shall be represented in criminal and misdemeanor cases where the penalty is to place him in custody by a lawyer to defend him in both the investigation and trial phases. If no lawyer has been selected by the child, the Public Prosecution or the Court shall appoint one, in accordance with the rules and regulation of the Criminal Procedure Code.” The law is available at www.africanchildforum.org/cfr/Legislation%20Per%20Country/Egypt/egypt_children_2008_en.pdf

30 Article 122 of the Child Law states: “The Child Court shall exclusively deal with issues concerning the child when accused of a crime or in case of his delinquency. The Court shall also be entitled to pass judgments regarding criminal cases set forth in Articles 113 to 116 and in Article 119 of this Law. As an exception to the provision of the previous paragraph, the Criminal Court or the Supreme State Security Court, according to each case, shall have jurisdiction over criminal cases where the accused – at the time of committing the crime – is a child above fifteen (15) years of age while the accomplice is not a child and the case necessitated bringing the criminal action against the accomplice jointly with the child. In this case, the Court – prior to passing its judgment – shall examine the circumstances of the child from all aspects and may seek the assistance of experts if it so wishes.”

31 Article 54 of the Constitution.

32 Case No. 699 of 2015, State Security.

was referred to the Forensic Authority on 12 October 2015 who confirmed that Mazen never faced torture in custody.”³³

The prosecutor charged Mazen Abdallah with inciting and participating in illegal protests and he remained in detention for four months under successive renewals of his pre-trial detention by the State Security Prosecutor, in violation of Egypt’s Child Law that prohibits pre-trial detention of children under 15 years.³⁴ Following international protests and public pressure about his continued detention, the prosecutor ordered his release on 31 January 2016 while still charged. As of 1 July 2016, the case had still to be referred to a court. Prior to his release and although he is a child, Mazen Abdallah spent the first 10 weeks of his detention confined in an overcrowded cell containing adult prisoners at First and Second Nasr City Police Stations in contravention of Article 112 of Egypt’s Child Law;³⁵ he was moved to Giza Child Centre only on 13 December 2015, following Amnesty International’s statement about his case, by which time he had contracted a skin ailment apparently because of poor hygiene conditions at First Nasr City Police Station.

ASER MOHAMED, AGED 14, DISAPPEARED FOR 34 DAYS



Aser Mohamed, 14-year-old student.

“We searched in Cairo’s Bulaq al-Dakroul, Omraneya, Talbeya, Haram and Giza Police Stations; they all denied that Aser was in their custody”, Aser’s family told Amnesty International.

When Aser Mohamed appeared before the Public Prosecution Office, a senior state security prosecutor told him: “It seems that you want to go back to the electric shocks again”, indicating he knew Aser Mohamed had been tortured in NSA detention to obtain “confessions”.

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A mixed force of armed police and NSA officers in plain clothes detained Aser Mohamed, in an early morning raid on his home in the 6th October district of Cairo on 12 January 2016. The officers, who failed to produce an arrest or search warrant, said they intended to take Aser away for questioning only briefly, although they refused to say where, and would return him after two hours or so. But they did not return

33 Response of Ministry of Interior on their Facebook page to Amnesty International Press Release, 16 December 2015, available at m.facebook.com/story.php?story_fbid=998277660215897&substory_index=0&id=181662475210757&__mref=message_bubble

34 Article 119 of the Child Law Article states: “A child who has not reached fifteen (15) years of age shall not be placed in temporary custody. The Public Prosecution may place him in one of the observation centers, for a period not exceeding one (1) week, and shall make him available upon each request if the circumstances of the case necessitate keeping him in custody. However, the period for keeping the child in custody shall not exceed one (1) week unless the Court decides to extend the period according to the regulations for temporary custody as stipulated in the Criminal Procedure Code [CCP]. As an alternative to the procedure of the previous paragraph, an order may be issued to deliver the child to one of his parents, or to his guardian, and make him available upon each request. Any person violating this duty shall be penalized with a fine not exceeding one hundred (100) Egyptian pounds”.

35 Article 112 of the Child Law Article states: “Children may not be detained, placed in custody, or imprisoned with adults in one place . In detention, it should be observed that children are to be classified according to their age, sex, and nature of their crime”.

him, and for the next 34 days his family did not know where he was, they had no contact with or news about him.

Aser's family made frantic efforts to locate him: "We searched in Cairo's Bulaq al-Dakrou, Omraneya, Talbeya, Haram and Giza Police Stations; they all denied that Aser was in their custody", Aser's family, told Amnesty International. The family also reported and sent postal telegrams to the Public Prosecutor, Ministry of Interior and Attorney General, all without obtaining any information or getting any response. They heard nothing until 15 February, when Aser Mohamed was able to telephone them as he was being transferred to the Giza Central Security Forces (CSF) camp located 10.5km north of Cairo on the Cairo-Alexandria highway. In the call, Aser told his family that he had already been taken before and questioned by the State Security Prosecutor in contravention of Egyptian laws as he should have been referred to Child Prosecution. Once they knew his whereabouts, Aser Mohamed's parents went to the CSF camp to try and see him and find out if he was in good health and how he had been treated, but the authorities at the camp denied them access to Aser and said that they could only visit after he had been there for nine days. When they did get to see him, Aser told his parents that he had throughout his enforced disappearance been held at the NSA offices in the 6th October district of Cairo alongside adults, and that NSA officers had tortured him during the first three days of his detention to force him to "confess" to participating in an apparent attack on 7 January 2016 on the Three Pyramids hotel in Giza, Cairo, and to implicate others in committing crimes.

The official investigation report submitted by the NSA to the State Security Prosecutor on 15 February 2016, when Aser Mohamed appeared before the prosecutor, falsely suggests that the boy was arrested only earlier that day, giving 15 February as his arrest date. The report makes no reference to his previous 34 days of incommunicado detention. Aser Mohamed was charged with belonging to the banned MB and participating in the 7 January hotel attack. When he denied the charges, he alleges that the prosecutor responded: "It seems that you want to go back to the electric shocks again", indicating that he knew Aser Mohamed had been subjected to electric-shocks torture in detention by the NSA. The torture allegations were confirmed by Aser who told the prosecutor about his torture. However, the prosecutor took no action to investigate or hold those responsible for torture to account. The prosecutor formally charged Aser Mohamed and authorized his further detention under a renewable 15 day detention order. The Public Prosecution referred the case of Aser Mohamed to the Cairo Criminal Court (terrorism circuit) in April 2016 and he is due to stand trial on 12 July 2016 on charges that could lead to his imprisonment for 15 years.³⁶ As of 1 July 2016, Aser Mohamed was still held at the CSF camp near Cairo/Alexandria highway along with adults.

³⁶ Article 111 of the Child Law states: "No accused person shall be sentenced to death, life imprisonment, or forced labor if, at the time of committing the crime, he did not reach the age of eighteen (18) years. Without prejudice to the provision of Article 17 of the Penal Code, if the child who has reached the age of fifteen (15) years commits a crime punishable by a death sentence, or life imprisonment, or forced labor, he shall be sentenced to imprisonment".

OMAR AYMAN MOHAMED MAHMOUD, AGED 17, DISAPPEARANED FOR 44 DAYS



←  Omar Ayman Mohamed Mahmoud, 17-year-old student.

“We were suffering because we did not know where our son was held”, Omar’s mother said. “Lawyers and other people told us that probably he is held in the headquarters of the NSA [in Cairo] and we should not ask about him there as it will be risky for us.”

The family heard informally from a released detainee that he had seen Omar Mahmoud inside the NSA building in Lazoughly Square, Cairo.

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The mother of Omar Ayman Mohamed Mahmoud, a student aged 17, told Amnesty International that a group of around 15 armed security officials in plain clothes forced their way into the family home at 1:30am on 2 August 2015 and detained her son.

The men woke her son and searched the home, apparently for weapons although they found none, and seized and removed the family’s computer and Omar’s phone and that of his sister. They also took Omar, who had been ill and at home for the previous three days, saying they would take him to Dar al-Salam Police Station in Cairo. They did not produce an arrest or search warrant. Omar’s father tried to accompany his son, but the security officials pushed him back and told him not to follow.

That evening, Omar’s father went to Dar al-Salam Police Station but the police denied that Omar was held there. He returned to the same police station the next day, however, and was allowed informally by some police guarding detainees to see, but not speak, to Omar although the police maintained the official line that Omar was not held there. On 4 August, Omar’s father again went to the police station to ask after his son. This time, the police checked his ID, again denied that they were holding Omar and sent Omar’s father away threatening to arrest him if he returned.

Omar’s mother told Amnesty International that the family was unable to obtain confirmation of Omar’s detention or any information from the authorities until 15 September, more than six weeks (44 days) after he was taken from his home, although they had sent urgent inquiries and postal telegrams to the Minister of Interior, the Minister of Justice and the Public Prosecutor who provided no information about Omar’s place of detention. “We were suffering because we did not know where our son was held”, Omar’s mother said. “Lawyers and other people told us that probably he is held in the headquarters of the NSA [in Cairo] and we should not ask about him there as it will be risky for us.” The family heard informally from a released detainee that he had seen Omar Mahmoud inside the NSA building in Lazoughly Square, Cairo.

When Omar Mahmoud appeared before the Zenhom (South Cairo) Prosecutor on 15 September 2015, the official NSA investigation report that accused him of belonging to the banned MB group, engaging in unauthorized protests and attacking the security forces gave his date of arrest as 14 September; the report made no reference to his more than six weeks of detention and enforced disappearance by the NSA. The prosecutor questioned him without the presence of his lawyer, and authorized his continued

detention under a renewable 15-45 days order although, according to Omar's father, the prosecutor acknowledged that there was a lack of evidence against Omar. It appears that Omar Mahmoud was detained simply because the NSA found his name or photograph on one of his friends' mobile phone. He is jointly accused with more than two dozen others, most of them children.

When he turned 18, he was transferred to Tora Istiqbal Prison in Cairo. Official documents continue to give his arrest date as 14 September 2015, not 2 August 2015. His lawyer raised this with the prosecutor during one of the hearings to consider the renewal of Omar Mahmoud's 15 day detention order but the prosecutor reportedly failed to investigate the "missing" six weeks of detention or Omar Mahmoud's allegations of torture.

On 11 May 2016, the prosecutor finally ordered the release of Omar Mohamed Ayman and he was sent to Basateen Police Station to be released from there. However, he was released only on 1 June, almost 20 days after the prosecutor ordered his release. As of 1 July 2016, Omar was still awaiting trial and if convicted he could face up to 15 years of imprisonment.

6.1 CHILDREN SUBJECTED TO ENFORCED DISAPPEARANCE FOR A SECOND TIME

Some children were subjected to enforced disappearance for a second time by NSA officers after Public Prosecutors had ordered their release. In such cases, after being forcibly disappeared again, they reappeared only when they were brought before prosecutors to face questioning and charges in relation to new alleged offences. As the wording of prosecutors' release orders is qualified in all cases, providing that detainees should be released "unless they are wanted for questioning in relation to other offences," NSA officers are able to re-arrest released detainees and subject them to renewed enforced disappearance, interrogation and torture to force "confessions" that provide a basis for new charges when they are again brought before the Public Prosecution. Such practices completely subvert the protection of the law. And it is particularly deplorable that they are being used against children.



EBADA AHMED GOMAA FIFTEEN-YEAR-OLD SCHOOL BOY, DISAPPEARED FOR MORE THAN 50 DAYS

On 17 July 2015, armed men in plain clothes believed to be NSA officers, detained Ebada Ahmed Gomaa, 15, and others as they played soccer at a playground near their homes in the Nasr City district of Cairo. This occurred after the security forces detained another youth, Anas Mounir, and examined his mobile phone to identify those with whom he had been in contact. They then took Anas Mounir to the playground to identify Ebada Gomaa and a few others who they then detained. The NSA officers took Ebada Gomaa away in a white micro-bus, witnesses told his family. According to Ammar, Ebada Gomaa's older brother, the officers took him to the empty flat in which his family previously lived, broke down the door and searched the flat without finding anything incriminating, and forced him under torture to "confess" on videotape that he had manufactured weapons and was using the flat to store them. The officers then took Ebada Gomaa to First Nasr City Police Station and prevented him from calling his family or lawyer.

When he did not return home and his family learnt from his friends that armed men had taken him away, Ebada Gomaa's family urgently sought to locate him and find out why and where he was being detained. They visited the First and Second Nasr City Police Stations but the police denied holding him. However, one of the youths taken at the same time as Ebada but held only briefly told the family that he had seen

Ebada in First Nasr City Police Station and heard him screaming and denying that he knew the people with whom interrogators were seeking to link him. The family then sent urgent inquiries and telegrams to the Ministry of Interior and Public Prosecutor, but did not receive any response.

On 19 July 2015, two days after he was detained, Egyptian news media reported his arrest and said the authorities accused him of being an expert in manufacturing firearms; some reports were accompanied by photographs showing Ebada Gomaa standing behind a table covered in firearms that the authorities said he had manufactured.³⁷

Despite the publicity, the authorities did not permit Ebada Gomaa to contact his family until the next day, when he was taken before the 7th Settlement Public Prosecutor in Nasr City who formally charged Ebada Gomaa with belonging to the banned MB and illegally manufacturing and storing weapons.³⁸ Ebada Gomaa denied all of the charges but the prosecutor authorized his detention for renewable periods of 15 days until 20 September 2015, when the prosecutor ordered his release on payment of bail of 15,000 EGP (USD1,688). Ebada Gomaa's family paid his bail the next day but when they went to pick him up at First Nasr City Police Station they were told that he was no longer there.

For almost eight weeks, until 10 November 2015, Ebada Gomaa was subjected to enforced disappearance. The authorities neither acknowledged his detention nor revealed any information about him, while holding him incommunicado and denying him access to legal counsel. His family reported his disappearance and sent telegrams to the Ministry of Interior and the Public Prosecutor, but they did not open any investigations. Subsequently, Ebada Gomaa's family received information from a released detainee that the NSA was holding Ebada Gomaa at its Cairo headquarters in Lazoughly Square in downtown which is located inside the headquarters of the Ministry of Interior.

Ebada Gomaa's enforced disappearance ended on 10 November 2015, when he was taken before the State Security Prosecutor for questioning in connection with a new case involving further alleged offences.³⁹ His lawyer was permitted to attend his questioning by the State Security Prosecutor, after which Ebada Gomaa was detained at First Nasr City Police Station along with adults until 18 December 2015 and was then released. His family reported that he told them he "did not see the sun for 50 days" during his incommunicado detention at the headquarters of the NSA.

As of 1 June 2016, Ebada Gomaa remained at liberty awaiting trial in two separate cases on charges that included belonging to the banned MB, manufacturing weapons, inciting violence against the government institutions, and participating in illegal protests, if tried and convicted he could face up to 15 years imprisonment. The Egyptian authorities have failed to conduct an independent investigation into his allegations of enforced disappearance in breach of their obligations under international law and Egyptian laws. He was also held in detention all the time alongside adults in contravention of Egyptian laws.

37 Al-Youm al-Saba', "The arrest of a student majoring in the manufacturing of arms [original in Arabic]", 19 July 2015, available at <http://bit.ly/29b9FT5>

38 Case No. 31807 of 2015, Nasr City.

39 Case No. 699 of 2015, Nasr City.

ABD EL-RAHMAN OSAMA, AGED 17, SUBJECTED TO ENFORCED DISAPPEARANCE TWICE



←  Abd el-Rahman Osama, a 17-year-old.

“I do not speak to you as a police officer, but as a father, and I ask you to feel the pain of a mother who cannot find her child.”

Mother of Abd el-Rahman Osama speaking to a police officer after he repeatedly denied that her son was in their custody.

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Security forces detained Abd el-Rahman Osama, aged 17, from his home in Cairo at round 6:00am on 11 July 2015, his mother, told Amnesty International. They appeared to be looking for Abd el-Rahman because they were already holding his older brother, Mohamed Osama, detained since beginning of 2015.

Five men in plain clothes who were believed to be agents from the NSA and several others in uniform, whose faces were concealed and who were armed with automatic weapons, came to the family's house. They did not produce a judicial warrant of any kind but when challenged by Abd el-Rahman's mother, they told her they suspected Abd el-Rahman of making and possessing weapons at his home. “I told the security forces to search our home and if they found anything they can arrest Abd el-Rahman”, the mother said. Although no weapons were found at the house, the security officers took Abd el-Rahman away after seizing his mobile phone and some study books, telling his mother that they were taking him to the Dar al-Salam Police Station in Cairo.

Abd el-Rahman's mother told Amnesty International:

“I wanted to go immediately to the police station but my neighbours calmed me down and said to give it two hours because the security forces were conducting an arrest campaign in the neighbourhood... I waited for a couple of hours then went to the Dar al-Salam Police Station. The authorities denied that he was in their custody and told me to ask in the Lazougly NSA office. I then saw one of the police officers who arrested Abd el-Rahman and tried to enter the police station but the guards prevented me from doing so. I then found another police officer and he told me informally that Abd el-Rahman was in their custody. I stayed outside the police station until 17:00, for almost eight hours.”

His mother then obtained the assistance of a lawyer who went with her to the police station but they were told that Abd el-Rahman was being held under NSA authority and no one should “see him or ask about him.”

On 14 July, after paying bribes to low-ranking police officers, Abd el-Rahman's mother learnt that he was about to be taken for questioning by the Maadi Prosecutor, so arranged for his lawyer to attend the hearing. At the hearing, Abd el-Rahman told the prosecutor that he believed he had been detained because his brother was already in custody and denied the NSA allegations that he had been involved in making and storing firearms. He said he had been forced to “confess” to these and other offences after three days of torture (see below) but the prosecutor failed to note his allegations or order an investigation or refer him to a forensic authority. Initially, the prosecutor ordered Abd el-Rahman Osama's detention for

four days but subsequently authorized his continuing detention under three successive 15 day orders, during which Abd el-Rahman Osama was held at Dar al-Salam Police Station. His mother was able to visit him there every day until officials of the Public Prosecutor's Office told her that they had ordered his release pending trial. However, when she went to the police station to pick him up, the police said they were no longer holding Abd el-Rahman and threatened her before eventually a senior officer told her that Abd el-Rahman had been released and if she wished to find him she should "rent a car with a mic and drive around and chant where is my child", or "look for him with your relatives or maybe look in protests". The senior officer then threatened her and warned her that if she or anyone else asked about Abd el-Rahman again they would be arrested.

Abd el-Rahman had not been released. While being escorted from the police station, his mother was told "informally" by another police officer that although the prosecutor ordered that he be freed, "the National Security Agency did not approve of his release."

Abd el-Rahman's mother said: "I was scared. Why are they hiding my child? I thought, they will kill him." Although the police continued to deny holding Abd el-Rahman, he was able to telephone his mother several days later. He said he was held in a hallway, not a cell, at Dar al-Salam Police Station together with around 15 children who had been moved there from Basateen Police Station after a prosecutor also authorized their release. However, the National Security Agency refused to release them and transferred them to Dar al-Salam Police Station under conditions of enforced disappearance, according to the mother. The police did not allow her to see Abd el-Rahman during the month he remained at Dar Al Salam, denying that he was there. She made an emotional appeal to the officer in command, telling him: "I do not speak to you as a police officer, but as a father, and I ask you to feel the pain of a mother who cannot find her child." She learned that Abd el-Rahman had been moved to Basateen Police Station. She was able to visit him there. He told her that although the original case against him had been dropped, the NSA had prevented his release in order to investigate other allegations and had now charged him and others with separate offences in a new case (the "Maadi cells" case).⁴⁰

On 11 May, however, the prosecutor ordered the release of Abd el-Rahman Osama and sent him to Basateen Police Station to be released from there. The police only released Abd el-Rahman Osama on 1 June, more than 20 days after the prosecutor's release order.

As of 1 July 2016, Abd el-Rahman Osama remained charged and awaiting trial on charges that included belonging to the banned MB and participating in unauthorized protests as well as possessing weapons. If convicted, he could face up to 15 years in prison.

The Egyptian authorities have taken no steps to investigate his enforced disappearance and allegations of torture and other ill-treatment.

40 Case No. 1119 of 2015, Misdemeanors.

7. TORTURE AND OTHER ILL-TREATMENT OF DETAINEES

“Do you think that you have a price? We can kill you and put you in a blanket and throw you in any trash bin and no one will ask about you.”

An NSA officer to a detainee he was interrogating.

In almost all of the cases documented by Amnesty International, detainees allege that during their enforced disappearance NSA officers tortured and otherwise ill-treated them in order to obtain “confessions”⁴¹ that could be used at trial to convict them or others, including friends and relatives who oppose or protest against the government.

The NSA’s own actions – notably, their falsification of detainees’ arrest dates in official documents, apparently to conceal the unlawfulness of their arrest and the duration of their detention as an enforced disappearance victim liable to torture – lend obvious credence to these allegations. Likewise, the authorities’ refusal to allow lawyers access to forensic medical examinations of detainees in the rare cases when these are ordered by prosecutors, suggests that the authorities wish to withhold possible evidence of torture or other ill-treatment.

In some cases, the NSA has filmed detainees “confessing” to serious crimes or photographed them next to piles of guns, grenades and Molotov cocktails, which they are alleged to have possessed. Some of these images have then been posted on the Ministry of Interior’s Facebook and YouTube pages or published in the local media as evidence that supporters of the MB and former President Morsi are engaged in “terrorism” and that the authorities are successful in combatting them.⁴² Such “confessions” and images, which detainees allege were made under duress, raise serious due process concerns when they are published in advance of detainees’ trials.

41 The fabricated offences include, for example, “belonging to the banned MB”, “protesting without authorization”, “inciting protests” and “attacking security forces, their institutions and check-points”.

42 *El-Watan*, “Military Spokesman published a video about the arrest of one of the most dangerous terrorist cells that threatens national security [original in Arabic]”, 11 July 2015: www.youtube.com/watch?v=qj7PIhC7s7o. See also *Al-Youm al-Saba’*, “The arrest of a student majoring in the manufacturing of arms”.

7.1 METHODS OF TORTURE

The most common methods of torture used by the NSA, according to former detainees, their families and lawyers, are beating; prolonged suspension by the limbs from a ceiling or door while handcuffed and blindfolded; and the application of electric shocks, mostly using electro-shock weapons, to the genitals and other sensitive areas of the body and face. Some detainees allege that they were subjected to the “grill”, a method in which the victim is rotated over a rod inserted between his tied hands and legs and balanced between two chairs. Some detainees say that while detained in NSA premises, they were handcuffed to another detainee and on the other side, to a high wall to prevent them from sleeping, damaging their wrists, arms and shoulders.⁴³

Former detainees said they were tortured while being interrogated, usually in their first two weeks of incommunicado detention, in sessions that lasted for up to six or seven hours. After their interrogation, detainees continued to be detained incommunicado until any visible signs of torture had faded but faced a threat of further torture or the arrest of family members if they sought to retract their “confessions” when questioned by a Public Prosecutor. Consequently, some detainees say, they felt obliged to repeated their “confessions” to the prosecutor.

Detainees told Amnesty International they were handcuffed and blindfolded throughout their incommunicado detention, and beaten or suspended by their arms or legs if they tried to remove these restraints or were caught speaking to other detainees.

7.2 CASES

The following case examples, all from 2015 and 2016, reflect a much broader number of allegations that Amnesty International continues to receive from victims of enforced disappearance, including children, who are often confined in the same detention facilities as adults.

Some detainees say that when they were eventually taken before prosecutors for questioning they told them that they had been in detention since before the arrest dates cited by the NSA and tortured to force a “confession” but that the prosecutors failed to investigate – for example, by sending them for independent medical examination or noting the torture allegation. When, at a later stage and in rare cases, detainees were referred by the Public Prosecutors to independent medical examination, their lawyers were not permitted to see the resulting reports. In this regard, the prosecutors involved in these cases appear to have failed to carry out their statutory duties under Egyptian law to protect all persons against arbitrary arrest and detention, torture and other ill-treatment, and to investigate alleged abuses by police and other public officials, including NSA officers.

Nour Khalil (see above) said that he had been interrogated over four days during his enforced disappearance in May 2015 by security officials who threatened him with torture, killing and criminal prosecution on fabricated charges. He said:

“I was questioned twice a day and asked the same questions. I was threatened with sexual assault and that I would be killed. The officers threatened me with electric shocks and they used electric Tasers close to my ears to threaten me during the questioning. I was also threatened with fabricated charges that would result in sentencing me to life imprisonment.”

When he went on hunger strike to protest against his detention and ill-treatment, he was assaulted by three officers wielding batons who entered his cell: “They started to beat me on my arms and shoulders, and so I said that I will eat. They responded saying that they don’t care about my life and they only care about the information I have and when they get the information, they can end my life.”

⁴³ In February 2011, protesters entered the premises of the SSI in Cairo and some activists photographed or filmed what they saw there, including equipment they said state security forces used to suspend detainees. See, for example: www.youtube.com/watch?v=0x8I3-e4aHA

Islam Khalil (see above) told Amnesty international that during his 122 days of enforced disappearance in 2015, he was blindfolded and handcuffed all the time and subjected to beatings, electric-shock torture on his genitals, and suspended naked by his wrists and ankles for hours by NSA interrogators in Tanta: “The security agents took me... to an interrogation room while I was still handcuffed and blindfolded. An officer asked me why I was arrested and I responded by saying that I didn’t know why. I had not even completed the sentence when I was beaten with batons on my back many times while the officer was telling me that I knew exactly why I was here and what I had done. The beatings with batons and hands continued and the officer would say, ‘you still don’t want to speak?’ From time to time he would go silent, the beatings would stop and again the officer would ask me: ‘You don’t want to speak? Well, I will beat you until you are not able to spell a word.’”

“The beatings continued, by hands on my face and with the batons on my body, and they beat me with a wire on my head. The officer questioning me was not the same as the one beating me. The beatings continued until the night, stopping for few minutes and then they would continue again. Then, I was taken back to my cell. My mouth and nose were bleeding, so I removed the blindfold and wiped the blood using my T-shirt”.

Over the following days, Islam Khalil says he was mostly kept blindfolded, repeatedly beaten, denied access to toilet facilities and deprived of sleep to the extent that he lost track of time and began to hallucinate. One morning he thought he was about to be released when officers took him from his cell but, instead, officers handcuffed him, struck him on his legs causing him to fall and secured his arms and hands to an iron rod which they hoisted to the ceiling so that he was hanging upside down with his head to the floor. “I felt my head was going to explode and started to feel like I was suffocating.” He called out: “Why are you doing this to me?” One of the officers said: “Rescue yourself and say what you know. No one will rescue you.” Islam Khalil said he knew nothing, nor why he was detained to which one of his torturers replied: “When you know or when you remember what you did, give us a shout. If you don’t remember, the *basha* [a senior NSA officer] will make you confess to everything.” He heard another officer say: “You should say your last prayers [*Al Shehada*].”

Islam Khalil passed out and was lying on his back on the floor when he regained consciousness. Water had been used to revive him. His interrogation and torture then resumed. One interrogator beat the soles of his feet and another shocked him with an electro-shock weapon:

“There was a current that I felt across my body and I screamed. Then they put it in my side and I screamed again and then a third time and I screamed again. Then the officer told me: ‘You had better speak’.”

Their repeated questioning of his identity led Islam to believe that his interrogators had detained him because they thought he was another man whom they sought, named Islam Gamal. He said an officer threatened: “Do you think that you have a price? We can kill you, put you in a blanket and throw you in any trash bin, and no one will ask about you.”

During a brief respite, a guard who gave Islam water told him that he should tell his interrogator everything, warning: “Anyone who comes to the NSA eventually confesses to everything and that if I died here no one will ask about me.” The interrogation and torture then resumed. Islam was made to strip naked, he was handcuffed and his legs were secured, he was beaten, forced onto his back and one interrogator stood on his chest and stomach and kicking him. He passed out and when he regained consciousness, found he had been returned to his detention cell.

After this ordeal at Tanta, Islam was moved to the NSA’s Cairo headquarters in Lazoughly on 9 July, which he described as “the hell.” He was taken to a room on the third floor, handcuffed and wearing a blindfold that he was able to move sufficiently to see that many other detainees were present, also blindfolded and handcuffed and bearing what Islam took to be marks caused by torture. He spent over 60 days at the NSA headquarters and was interrogated twice. Officers subjected him to electric shocks, including on his lips, genitals and anus, using an electro-shock weapon. They asked him how he was trained to use weapons and

make electric circuits for bombs, again referring to “Islam Gamal, known as Islam Abu Tereka.” Rather than face further torture. “I told them to write whatever they want me to say and I will sign it”, Islam said.

Conditions for detainees within the NSA headquarters in Lazoughly were harsh. According to Islam, “The typical day in Lazoughly was as follows: blindfolded and handcuffed for the whole day and night. We were taken to the toilet twice a day, in the morning and in the evening. Each detainee is allowed 60 seconds in the toilets. The soldier would count from one to 30 and I had to get done otherwise I would be beaten. One time, I was desperate to go to the toilet and I begged them because I felt my bladder would explode but they refused to allow me to go to the toilet... I used a bottle to urinate in... the security officers found out that I urinated in the bottle and the result was that I was suspended from my wrists on a door for two days.”

NSA officers woke detainees at night, forced them to stand and frequently beat them, particularly if they caught them speaking to other detainees or adjusting their blindfolds or handcuffs, and suspended them in stress positions. Detainees who were sick were denied any medication and not transferred to see a doctor or to receive hospital treatment. When one detainee appeared to be dying, NSA officers asked another detainee, who was a doctor, to treat him while refusing to allow his transfer to hospital.

In another case, Abu Bakr Farag told Amnesty International that NSA officers tortured his father, Atef Mohamed Farag, but not his brother, Yehia Farag, when they held the two of them in incommunicado detention for over 150 days at the Lazoughly NSA’s Cairo headquarters in 2015 and 2016. He said that Yehia Farag told him that the torture occurred during his father’s first four days in detention. He was stripped naked and given electric shocks on his body and genitals by NSA interrogators, who showed him a series of photographs and demanded to know if he knew those pictured. They tortured him further when he denied any knowledge of them. According to Abu Bakr, his father also told him that his NSA interrogators threatened to kill his detained son, Yehia, if he refused to “confess.” When he still refused to do so, they made his son Yehia listen to his father’s screams as he was tortured to pressure Yehia into providing any information on his father, just to stop the torture of his father. Yehia, however, was not tortured. But he was kept blindfolded most of the time and said that if he tried to speak to other detainees he would be beaten.

In a different case, when the family of Karim Abdel Moez were able to visit him after he was charged and moved to Tora Istiqbal Prison (see above), he told them that he was first held at Dar el-Salam Police Station for two days, then taken to the NSA’s headquarters in Lazoughly Square in Cairo and tortured. According to his friend Mohamed Magdy who visited him in prison, Karim told him that interrogators handcuffed and blindfolded him, beat him with batons and used electric shocks, with both electro-shock weapons and wires, including to his genitals, to force him to “confess” that he had planned to join the armed group IS. In repeated interrogation sessions during his more than 100 days of incommunicado detention, interrogators also wanted him to implicate others. He and other detainees held there, were not allowed to speak to one another under threat of beatings by guards or suspension in stress positions.

7.3 TORTURE AND OTHER ILL-TREATMENT OF CHILDREN

SEXUAL VIOLENCE AND RAPE

Amnesty International has documented repeated incidents of rape of men in custody by security forces under the rule of Hosni Mubarak and Abd el-Fattah al-Sisi, including cases where NSA officers used rape to extract “confessions”. In 2014, Omar al-Showeikh⁴⁴ and M.R.S⁴⁵ were raped by NSA officers in the Second Nasr City Police Station – the same location where 14-year-old Mazen Mohamed Abdallah says he was raped (see below). Furthermore, in 2011, the military admitted that they conducted virginity tests on 17

44 Amnesty International, “Egypt”, Amnesty International report entry 2014/15: The state of the world’s human rights (Index: POL 10/0001/2015), p. 139.

45 Amnesty International, “Egypt: Rampant torture, arbitrary arrests and detentions signal catastrophic decline in human rights one year after ousting of Morsi”, 3 July 2014, available at www.amnesty.org/en/latest/news/2014/07/egypt-anniversary-morsi-ousting/

women, one of them was Samira Ibrahim.⁴⁶ In 2007, under the rule of Hosni Mubarak, Emad al-Kabir was raped with a wooden stick in Bulaq al-Dakroul Police Station.⁴⁷ However, the case of 14-year-old student Mazen Mohamed Abdalla is the first the organization has documented in Egypt of the rape of a child, during NSA interrogation, to extract a “confession”.

The mother of Mazen Mohamed Abdallah (see above) told Amnesty International that her 14-year-old son told her that NSA officers beat him, applied electric shocks to his genitals and repeatedly raped him with a wooden stick as they wanted him to memorize a false “confession”, which they had forced him to make before taking him for questioning before a State Security Prosecutor. Mazen told her that he had become “willing to confess to anything just to stop the torture” and so had “confessed” to membership of the banned MB; publicizing and participating in protests; and attacking the security forces; and to implicating others. NSA officers videotaped his “confession”.

Mazen Mohamed Abdallah’s mother said that her son was again tortured after the NSA moved him to the Second Nasr City Police Station on 7 October 2015. NSA interrogators there repeatedly forced a stick into his anus, causing bleeding, applied electric shocks to his genitals and other parts of his body, and threatened to arrest his parents if he retracted his “confession” when questioned by the prosecutor.

SUSPENSION BY THE LIMBS AND ELECTRIC SHOCKS, INCLUDING TO THE GENITALS

When the family of Aser Mohamed, the 14-years old boy (see above), was able to visit him for the first time since his arrest several weeks earlier, he told them that he had been tortured over three days at the NSA’s offices in the 6th October district of Greater Cairo, his family told Amnesty International. NSA interrogators had shown him photographs of people. When he denied knowing them, the interrogators tortured. They suspended him from a ceiling so that his whole weight rested on his arms and shoulders, and applied electric shocks to his tongue, lips, ears, chest and arms. Aser suffered from displaced shoulders as a result of suspension. He also showed his family marks on his arms that he said were caused by electric shocks, his family said. Aser told his family that the torture ceased only when he agreed to say whatever the NSA asked him to “confess”, after which the officers allowed him to be medically treated by another detainee, who was a doctor.

The mother of 17 year-old Omar Ayman Mohamed Mahmoud (see above), told Amnesty International that when she was allowed to see him for the first time, on 16 September 2015, more than six weeks after the NSA detained him, “his condition was very bad and [he] looked sick. I was able to see him for only two minutes and I was not able to ask him about torture details. The skin under his eyes was black and he was very thin.”

Omar told his mother that he had been held at Dar al-Salam Police Station for three days then moved to the NSA headquarters in Lazoughly Square, Cairo, and detained incommunicado there for 44 days during which NSA interrogators repeatedly beat and otherwise tortured him, including with electric shocks, when he denied knowing people they asked about. He had been kept blindfolded and handcuffed and was not permitted to speak to other detainees. He told his mother that he still had pain in his arms and hands as a result of being suspended by his limbs by NSA interrogators.

VIDEOTAPED AND PHOTOGRAPHED CONFESSIONS

Ebada Ahmed Gomaa’s (see above) family and lawyer gained access to him for the first time after he was taken from the street on 17 July, when he was taken before the Public Prosecutor in Nasr City on 20 July.

46 Amnesty International, “Egypt: A year after ‘virginity tests’, women victims of army violence still seek justice”, 9 March 2012, available at www.amnesty.org/en/press-releases/2007/11/egypt-sweeping-measures-against-torture-needed-20071105/

47 Amnesty International, “Egypt: Sweeping measures against torture needed”, 5 November 2007, available at www.amnesty.org/en/press-releases/2007/11/egypt-sweeping-measures-against-torture-needed-20071105/

Ebada, aged 15, had bruises and injuries to his head that he said were caused by torture – beatings and electric shocks – inflicted against him by NSA officers at First Nasr City Police Station, his family told Amnesty International.

His family and lawyer saw him at the Prosecutor’s Office; he had bruises and other injuries on his body and head, and told them that NSA interrogators at First Nasr City Police Station had beaten him and applied electric shocks to his genitals and other parts of his body to force him to “confess” to serious offences. His family reported that he told them, after his release, that he “did not see the sun for 50 days,” during the period of his second enforced disappearance.

He said officers had twice photographed him with weapons, first at the former family home and later at the police station, and had taken him out in an NSA vehicle to point out the addresses of his mobile phone contacts and people whom he had implicated in his forced “confession.” The photographs of Ebada were later published in the media, portraying him as a “terrorist” who manufactures weapons.⁴⁸

Ebada Goma also told the prosecutor that he had been tortured in detention, but the prosecutor made no note of his visible injuries and did not order a medical examination by the forensic authorities.

The mother of 17-year-old Abd el-Rahman Osama told Amnesty International that when Abd el-Rahman was taken before the Maadi Public Prosecution Office on 14 July 2015 he told the prosecutor that he had been taken to the “fridge,” a room on the third floor of Dar al-Salam Police Station, where interrogators applied electric shocks to his ears and body to make him “confess” that his detained brother Mohamed had possessed weapons and used them against the security forces. Abd el-Rahman reportedly told the prosecutor that the pain from the electric shocks was so severe that he agreed “to say whatever they want” and was then filmed or photographed by NSA officers “confessing” that his brother belonged to the MB and had financed protests and distributed weapons to be used in protests.

⁴⁸ Al-Youm al-Sabe', “The arrest of a student majoring in the manufacturing of arms [original in Arabic]”, 19 July 2015.

8. OFFICIAL DENIALS

“There is no enforced disappearance in Egypt, and the security forces operate within the legal framework”

Magdy Abd el-Ghaffar, Egypt’s Minister of Interior

To date, Egypt’s Ministry of Interior has continued to deny the use of enforced disappearances and torture, despite the mounting evidence of such abuses and the NSA’s blatant falsification of detainee arrest dates. In March 2016, Minister of Interior Magdy Abd el-Ghaffar declared “there is no enforced disappearance in Egypt” and said no detainees were held incommunicado, beyond judicial oversight or in contravention of Egyptian law. Rather, he insisted, the Ministry of Interior’s forces operated within a framework established by Egyptian law and did not violate its provisions. He dismissed human rights groups’ expressions of concern about the pattern of enforced disappearance as MB-inspired propaganda intended to obstruct his ministry’s efforts to combat MB “terrorism.”⁴⁹ This followed his claim, which he made in a TV interview in January 2016, that those reported as disappeared would later be found having joined IS or armed groups in Sinai, or to have left their families due to financial or other disputes, although he provided no evidence to support his assertion.⁵⁰

49 Al-Shorouk, “Magdi Abd el-Ghaffar: There are no enforced disappearances in Egypt [original in Arabic]”, at 6 March 2016, available at www.shorouknews.com/news/view.aspx?cdate=06032016&id=08b1106b-a225-4913-ae8a-975c5b4b5e7c ; and see also televised interview with the Minister of Interior, available at www.youtube.com/watch?v=NOAIPKw4k8 (accessed 1 July 2016)

50 Interview with Ministry of Interior, Magdy Abd el-Ghaffar, 24 January 2016, available at www.youtube.com/watch?v=mgNc0hc9nCw

MAGDY ABD EL-GHAFFAR EGYPT'S INTERIOR MINISTER



Egypt's Interior Minister, General Magdi Abd el-Ghaffar, at a news conference in Cairo, Egypt, 6 March 2016.

Since the appointment of Major General Magdy Abd el-Ghaffar in March 2015, Egypt has seen a rise in the pattern of enforced disappearances. He has served all his career with the former SSI and the current NSA after it was formed in 2011. Both agencies have a notorious reputation for torture and disappearances.

He has repeatedly denied that enforced disappearances are taking place in Egypt and that torture cases are only isolated cases and do not represent a wide pattern.

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Contrary to the Interior Minister's denials, the semi-official National Council for Human Rights (NCHR) reported in March 2016 that it had received and communicated 240 complaints to the Ministry from families of people who remained "absent" after security forces detained them between 1 January 2015 and 31 March 2016.⁵¹ In response, the Ministry of Interior confirmed that a majority of the 240 "absent" individuals were or until recently had been in police custody.⁵²

Egyptian human rights groups have also challenged the Interior Ministry's denials with hundreds of documented cases of enforced disappearance. The al-Nadeem Center for Rehabilitation of Victims of Torture said in January 2016 that across Egypt, around 700 people were tortured and 464 had disappeared since 2015. Another rights group campaign, the Freedom for the Brave campaign said it documented 163 cases of enforced disappearance in April-May 2015. In August 2015, the Egyptian Commission for Rights and Freedoms (ECFR) launched a campaign called "Stop Enforced Disappearances".

In virtually all cases documented by NGOs, those reported to be victims of enforced disappearance subsequently reappeared in prisons awaiting trial on serious charges arising from their real or perceived opposition to the government. The cases of Israa al-Taweel, Sohaib Saad, and Omar Mohamed Ali (see above) particularly illustrated this. Ministry of Interior officials repeatedly denied their detention in media interviews during their 16 days of enforced disappearance⁵³ before they were found in custody in two Cairo prisons.

51 See NCHR, "Cases submitted by the National Council for Human Rights with the response of the Ministry of Interior on cases", 17 January 2016, available at www.nchregypt.org/media/ftp/Hasr123456.pdf

52 The table of cases in the NCHR's statement includes 240 names. The majority of them were either in the custody of the security forces or had been recently released, available at www.nchregypt.org/media/ftp/Hasr123456.pdf.

53 Mada Masr, "Missing student allegedly seen at Qanater prison", 17 June 2015, available at www.madamasr.com/news/missing-student-allegedly-seen-qanater-prison

Egyptian NGOs that document enforced disappearances and torture do so at some risk. In the early hours of 25 April 2016, security forces detained Dr. Ahmed Abdallah, co-founder and head of the ECRF, at his home. They also detained Mina Thabet, an ECRF researcher, and charged both men apparently on trumped-up charges under the Counter-Terrorism Law. In February 2016, the government ordered the closure of the al-Nadeem Center on the ground that it is not licensed to do human rights work and to report on cases of torture.

ITALIAN STUDENT GIULIO REGENI INTERNATIONAL OUTCRY OVER TORTURE AND ENFORCED DISAPPEARANCE IN EGYPT



←  Giulio Regeni.

Italian doctoral student disappeared on 25 January 2016. His body was found seven days later in a ditch near the Cairo-Alexandria Highway. His body bore marks of torture and his mother told international media that she only recognized the tip of his nose and that the rest of his body was not her Giulio.

© Private

Given this background of official denial in the face of evidence of widespread abuse, the abduction, torture and murder of Italian doctoral student Giulio Regeni in early 2016 has raised suspicion that he may have been a victim of enforced disappearance who died under torture while detained by Egyptian state agents. The Egyptian authorities deny this but their accounts of the circumstances of Giulio Regeni's death have been met with wide scepticism, not least from Giulio Regeni's family and the Italian government. When he went missing on 25 January 2016, Giulio Regeni was engaged in research on trade unions in Egypt as part of his doctoral studies at the University of Cambridge in the United Kingdom. Nine days later, his mutilated corpse was found in a ditch beside the main Cairo-Alexandria highway.⁵⁴

Initially, General Khaled Shalaby of the Ministry of Interior said that Giulio Regeni had died as the result of a car accident.⁵⁵ Subsequently, photographic and autopsy evidence emerged indicating that he had been tortured repeatedly for several days prior to his death.⁵⁶ Then, media reports said to be based on leaked information from security officials claiming that Giulio Regeni had been taken into custody because he was "rude" to police officers who stopped and questioned him, which the Ministry of Interior denied.⁵⁷ The Egyptian authorities then announced that following investigations, police had raided a flat occupied by members of a gang that specialized in kidnapping and robbing foreigners and that they had found Giulio Regeni's passport and student ID card in the flat. The authorities said that all of the gang members had been shot dead by police.⁵⁸ Media reports citing unofficial sources, including some reportedly within

⁵⁴ The New York Times, "An Italian's brutal death in Egypt chills relations", 4 February 2016, available at <http://www.nytimes.com/2016/02/05/world/middleeast/italian-student-egypt-torture.html>

⁵⁵ Al-Youm Al-Sabe', "The disappeared Italian died in a car accident and his body will be transferred to the Italian embassy [original in Arabic]", 4 February 2016, available at <http://bit.ly/2996beW>

⁵⁶ The Independent, "Giulio Regeni: Egyptian police say Italian student found in road-side ditch was killed in car accident despite signs of torture", 4 February 2016, available at <http://www.independent.co.uk/news/world/africa/giulio-regeni-egyptian-police-say-italian-student-found-in-road-side-ditch-was-killed-in-car-a6854221.html>

⁵⁷ The New York Times, "Death of student, Giulio Regeni, highlights perils for Egyptians, too", 12 February 2016, available at <http://www.nytimes.com/2016/02/13/world/middleeast/giulio-regeni-egypt-killing.html>

⁵⁸ The Guardian, "Egyptian police claim to shoot dead gang that killed Giulio Regeni", 25 March 2016, available at <https://www.theguardian.com/world/2016/mar/25/egypt-police-shoot-dead-suspects-giulio-regeni>

Egypt's Intelligence community, however, said that police detained Giulio Regeni together with an unidentified Egyptian man on 25 January close to Cairo's Gamal Abd el-Nasser metro station and that police took both men to Azbakiya Police Station in a white microbus.⁵⁹ the government denies this and that any state agents were responsible for Giulio Regeni's abduction and death.

The abduction and killing of Giulio Regeni, and particularly the suspicion about State involvement, caused a serious diplomatic rift between Italy and Egypt, and led the European Parliament to adopt a strongly worded resolution in March on his case and enforced disappearance in Egypt.⁶⁰

Amnesty International currently has insufficient information to be able to determine whether or not Giulio Regeni's abduction and killing resulted from the actions of Egyptian state agents, persons opposed to the Egyptian government, members of a criminal gang or others. However, the circumstances in which Giulio Regeni went missing and the apparent similarity between the injuries evident on his body and those that result from the methods of torture that Egyptian security forces use when interrogating suspects points to possible state culpability in his case. The Egyptian authorities' apparent reluctance to conduct a thorough independent investigation into the abduction and killing of Giulio Regeni continues to fuel this suspicion.

Following international expressions of concern following the student's death, the Egyptian authorities announced that they had opened an investigation. However, the investigations were headed by a police officer who was convicted in 2003 of torturing a man to death,⁶¹ and who has been accused of torturing activists, fabricating charges against them and killing protesters during the January uprising.

The Egyptian authorities' failure to acknowledge the enforced disappearance of hundreds of Egyptian citizens, to conduct independent investigations into allegations of torture of detainees in the custody of the NSA and police, and to hold those responsible for torture of detainees criminally liable, also puts in question the government's bona fides, and its commitment to establishing beyond reasonable doubt who was responsible for the abduction, torture and killing of Giulio Regeni.

⁵⁹ Reuters, "Exclusive: Egyptian police detained Italian student before his murder, Reuters", 21 April 2016, available at <http://www.reuters.com/article/us-egypt-regeni-exclusive-idUSKCN0XI1YU>

⁶⁰ The resolution, which was adopted by a large majority of members of the European Parliament, but which has no binding effect, called for a full investigation into Giulio Regeni's abduction and killing, condemned the human rights record of President al-Sisi's government and called for EU states to cease security co-operation with Egypt. It also criticized three EU member states – France, Germany and the UK – for agreeing to arms transfers to Egypt. See European Parliament, *European Parliament resolution of 10 March 2016 on Egypt, notably the case of Giulio Regeni (2016/2608(RSP))*, 10 March 2016, available at www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P8-TA-2016-0084&language=EN&ring=B8-2016-0338

⁶¹ AP, "Egypt investigator in Italy death convicted of past torture", 15 February 2016, available at <https://uk.news.yahoo.com/egypt-says-italian-student-not-arrested-death-095735636.html>

9. COMPLICITY OF PROSECUTORS

“It seems that you want to go back to the electric shocks again.”

A senior State Security Prosecutor speaking to 14-year-old student Aser Mohamed after he retracted his “confessions”

9.1 THE PUBLIC PROSECUTION

Egypt’s Constitution and CCP establish the Public Prosecution as an independent judicial body under the administration of the Ministry of Justice⁶² with sole authority to prosecute cases and bring criminal actions before Egypt’s criminal courts.⁶³ The Public Prosecution is empowered to file a criminal action even if a plaintiff withdraws his civil complaint for compensation.⁶⁴ The Public Prosecutor, who heads the Public Prosecution, is selected by the Supreme Judicial Council from the ranks of senior judges (including senior Public Prosecution officials) and is appointed by Egypt’s President for a non-renewable term of four years.⁶⁵ The Public Prosecutor is assisted by deputy prosecutors, attorneys general with responsibility within governorates for different geographical areas, and district prosecutors in the districts of each governorate,⁶⁶ and those are also appointed by a Presidential decree.⁶⁷

The Public Prosecution’s powers include investigating cases to determine whether or not there is evidence to pursue a criminal prosecution before the courts, as well as prosecuting cases where such evidence is deemed to exist.⁶⁸ These powers extend to investigating alleged criminal acts or other wrongdoing by public servants, including the police and other state employees and agents, except members of the armed forces, who are subject to a military code of justice presided over by military prosecutors and courts.⁶⁹ Article 77 of the 1971 Police Authority Law makes the Public Prosecution responsible for investigating alleged criminal acts and corruption violations by the police and public officials.⁷⁰

When conducting such investigations, prosecutors are empowered to enter and search police stations and other official places of detention without advanced notification, review and check registers of places of

62 Article 125 of the Judicial Authority Law.

63 Article 189 of the Constitution and Article 1 of the Law No. 150 of 1950 Issuing The Code of Criminal Procedures (the CCP).

64 Article 189 of the Constitution and Article 1 of the CCP.

65 Article 189 of the Constitution.

66 Articles 116, 117, 118, and 119 of the Judicial Authority Law.

67 Article 119 (para. 2) of the Judicial Authority Law.

68 Articles 21-29 of the CCP.

69 Articles 4-8(bis) of Law No. 25 of 1966 on the Code of Military Justice.

70 Article 77(bis) of Law No. 109 of 1971 on the Police Authority Law.

detention and ascertain whether all detainees are held lawfully, and are not arbitrarily detained. If they find that the police have violated a detainee's rights, they must investigate the alleged violation.⁷¹ Prosecutors are also empowered to formally charge police officers accused of criminal acts and authorize their pre-trial detention and refer them to criminal courts for trial.

Several Articles of Egypt's Penal Code, Law No. 58 of 1937, seek to protect individuals from abusive acts by police and other public officials, make police officers and other public officials criminally liable for certain acts and set out penalties for those acts. Thus, under Article 126, any police officer or other security official responsible for the torture of a detainee is liable for imprisonment for three to 10 years, or life imprisonment (25 years) if the torture resulted in the death of the detainee; Article 128 prescribes a penalty of up to three years of imprisonment for any police or other official who forcibly enters a private place without first obtaining a reasoned judicial order; Article 129 provides a penalty of up to one year in prison if a police officer or other official harms an individual's "honour", physically or psychologically; and Article 280 punishes arbitrary arrests without a judicial order with a sentence of up to three years of imprisonment.

In practice, as this report shows, these Penal Code provisions are systematically flouted by police and other security officials who routinely raid and search homes and subject individuals to arbitrary arrest, detention, enforced disappearance and torture. The same provisions are also routinely flouted by prosecutors who disregard their legal responsibility to record and investigate such abuses and to hold perpetrators to account. In many reported cases, prosecutors clearly opted to "look the other way" when confronted with detainees' allegations of torture, NSA-falsified arrest dates and other evidence of unlawful detention and enforced disappearance rather than take on the seemingly all-powerful security authorities – and so became complicit in these violations and NSA efforts to conceal them.

For example, according to Islam Khalil's family (see above), when taken before the East Alexandria prosecutor on 21 September 2015, Islam pointed to injuries he had sustained under torture but the prosecutor refused to send him to hospital or order an independent medical examination. He took no action to investigate his four months of enforced disappearance or the NSA's falsification of the arrest date – his NSA case file says he was arrested on 20 September 2015 at a flat in Cairo although he had been detained since security forces removed him and his father and brother from their home in Tanta the previous May. The prosecutor failed to correct his arrest date although the family submitted copies of inquiry telegrams they had sent to the Interior Ministry and Public Prosecution between May and September.⁷²

Such failures by prosecutors underscore the lack of independence of the Public Prosecution and ordinary prosecutors' susceptibility to pressure from the security forces and State Security Prosecutors (see below). Lawyers engaged in "terrorism"-related cases report that district prosecutors frequently feel obliged to consult their superiors and the State Security Prosecution when considering whether to allow a detainee's release or to dismiss a case because of a lack of evidence although they are supposed to decide solely based on their assessment of the detainee's response to the evidence set out by the NSA.⁷³

9.2 THE SUPREME STATE SECURITY PROSECUTION

Cases deemed to involve matters of state security and terrorism fall under the remit of the Supreme State Security Prosecution, who operates under the authority of the Public Prosecutor. Created under a Ministry of

71 Article 56 of the Constitution, Article 42 of the CCP and Article 27 of Law No. 46 of 1972 on the Judiciary (the Judicial Authority Law).

72 In October 2015, Assistant Minister for Human Rights, Major-General Salah Fouad, denied that Islam Khalil had been subjected to an enforced disappearance but gave his place of arrest as Tanta, whereas the NSA-investigation report continues to claim that he was arrested in Cairo. Al-Shorouk, "Assistant Minister of Interior for Human Rights: 'Enforced disappearances' are Brotherhood lies [original in Arabic]", 14 October 2015, available at www.shorouknews.com/news/view.aspx?cdate=14102015&id=f2bedcbb-399f-4be1-8d61-ccce5f997215

73 According to at least seventeen lawyers interviewed by Amnesty International, district prosecutors must to check with their superiors, either the Attorney General or the Public Prosecutor, before they issue their decision in "terrorism"-related offences. For instance, in Islam Khalil's case, the prosecutor told Islam Khalil and his lawyers during the detention-renewal sessions that "...if it had been in my hands I would have released you and others in the case because there is no evidence against the defendants... however, I have to check with the Attorney General or the State Security Prosecution Office before dismissing the case or releasing any of the defendants in the case, including Islam."

Justice decree of 8 March 1953,⁷⁴ prior to the amendment of the Judicial Authority Law in 2006,⁷⁵ the Supreme State Security Prosecutor is a special prosecutor with jurisdiction over “crimes affecting national security and national unity, crimes related to publications about government officials, crimes related to strikes... crimes related to harming the government internally or externally.”⁷⁶

This broad definition enables State Security Prosecutors to assert jurisdiction over cases that would otherwise be investigated by ordinary prosecutors involving matters such as rights to freedom of expression, peaceful assembly and association – such as publishing information about the military or the Ministry of Interior or participating in unauthorized protests or labour strikes. According to lawyers who have represented detainees before both ordinary and State Security Prosecutors, the latter appear to work hand in glove with the NSA and police, in some cases questioning accused detainees while they remain blindfolded or warning detainees against seeking to retract “confessions”, telling them they will be sent back for further NSA detention, interrogation and torture. Lawyers also complain that State Security Prosecutors often first question detainees without their lawyers present to advise them, refuse to allow detainees to have their families attend and prevent or hinder lawyers’ access to detainees’ official case files setting out the state’s case against them.

According to the lawyer of Karim Abd el-Moez (see above), his client had bruises on his face and body when he first appeared before a State Security Prosecutor on 17 November 2015 at a hearing the lawyer was able to attend. The NSA investigation report accused Karim Abd el-Moez of belonging to the armed group calling itself Islamic State and gave his arrest date as 17 November 2015 although, he told the prosecutor that he had been detained by the NSA since early August, in conditions of enforced disappearance, tortured and forced to “confess.” The prosecutor failed, however, to consider and investigate his allegations or why the NSA has provided a false arrest date and used the NSA report as a basis to charge Karim Abd el-Moez and authorize his continued detention to await trial.⁷⁷ In May 2016, his lawyer was still denied access to his casefile.

Abu Bakr Farag told Amnesty International that his father Atef Mohamed Farag and brother Yehia Farag (see above) were detained incommunicado at the NSA’s headquarters in Lazoughly Square, Cairo, and subjected to enforced disappearance for 159 days after security forces raided their home on 28 July 2015. He filed a report on their disappearance with a Mansheyet Nasr prosecutor who, three months later, received a response from the police stating that Atef and Yehia Farag were being held by the NSA. The communication was dated 16 November 2015. Yet, when both men were taken before a State Security Prosecutor on 3 January 2016, the NSA investigation report gave 2 January as their date of arrest, suggesting that they had been in custody for no more than a few hours. In fact, they had by then been held for almost six months. Although the earlier police communication, dated 16 November 2015, was brought to the attention of the State Security Prosecutor, he failed to order an investigation or take any action with regard to the detainees’ prolonged incommunicado detention and enforced disappearance or the falsification of their arrest dates by NSA officers. Nor did the prosecutor order an investigation after Atef Farag reported that security officials had stripped him naked and tortured him with electric shocks, including to his genitals. The prosecutor did not refer him for an independent medical examination as a means of assessing his allegations or take any other action. The prosecutor, who questioned both men without allowing them to have their lawyers or family members present, formally charged them with offences based on the NSA investigation report that accused them of belonging to the MB and authorized their continued detention pending trial.

9.3 CRIMINAL PROCEEDINGS FOR CHILDREN AND THE CHILD PROSECUTION

The Child Prosecution and courts were established by the Child Law and they exclusively deal with issues concerning children accused of a crime or “delinquency”.⁷⁸ They assume the role of the Public Prosecution

74 Minister of Justice Decree of 8 March 1953, published in Official Gazette No. 22 on 12 March 1953.

75 Law No. 142 of 2006 On Amending Some Provisions of the Judicial Authority Law No. 46 of 1972.

76 Judicial Instructions to the Public Prosecution, Chapter 17, Article 1588.

77 Case No. “672/2015”, State Security.

78 A felony, misdemeanor or misdeed committed by a child under the age of 18.

and ordinary courts in relation to children under the age of 18.⁷⁹ Exceptionally, however, children can be prosecuted before criminal courts under the remit of the Public Prosecution or State Security Prosecution if they are accused of having an adult accomplice.

The Child Law prohibits prosecutors from authorizing the pre-trial detention of children under 15, specifying alternatives such as placing the child in an “observation centre” for no more than one week or returning the child to its parents.⁸⁰ Yet, as this report shows, prosecutors have authorized the pre-trial detention of children aged under 15 for renewable periods of 15 days at the behest of the NSA and ignored the Child Law’s Article 112, which prohibits the detention of children with adults. As reported here, children have been detained in police stations in the same cells as adults despite their families’ complaints to prosecutors, although the Child Law prescribes a penalty of three years of imprisonment for officials who detain children together with adults (see below).

According to the family of Aser Mohamed, he was aged 14 when arrested (see above), yet a senior State Security Prosecutor who questioned him on 15 October 2015 commented “It seems you want to go back to the electric shocks again” when Aser denied the NSA’s accusations against him and failed to investigate his alleged torture, instead charging him on the basis of the NSA report and his torture-coerced “confession.”

The prosecutor then authorized his continued detention pending trial along with adults in contravention of Article 119 which prohibits pre-trial detention of children under Article 15 and Article 112 that prohibits the detention of children alongside adults. The prosecutor also did not refer the case of Aser Mohamed to a child prosecutor in contravention of Articles 120 and 122 of the Child Law.

According to his mother, Abd el-Rahman Osama (see above), aged 17, told the ordinary prosecutor who questioned him on 14 July that following his arrest he had been taken to a third floor room in Dar al-Salam Police Station known as the “fridge” and tortured with electric shocks until he implicated himself and Mohamed Osama, his brother who was also detained, in possessing weapons and using them against the security forces. The prosecutor took no action; he did not refer Abd el-Rahman for an independent medical examination or take any other steps to investigate his alleged torture and other ill-treatment; instead based on the “confessions” and the NSA’s investigation reports formally charged Abd el-Rahman with financing anti-government protests, distributing weapons to protesters and membership of the banned MB, and authorized his continued detention. The prosecutor also did not note that Abd el-Rahman was held in a police station alongside adults in the same cell.

Mazen Mohamed Abdallah (see above), aged 14, was interrogated by the NSA in First and Second Nasr City Police Stations in Cairo about his membership of the MB, his participation in protests and the names of other protesters and activists found on his phone. After denying the claims, Mazen Mohamed Abdallah described being repeatedly beaten, raped with a wooden stick and given electric shocks, including on his genitals, until he was willing to “confess” to “anything just to stop the torture”.

According to his mother when Mazen Mohamed Abdallah was taken before a State Security Prosecutor for the first time on 8 October 2015 the NSA investigation report said he had been arrested the previous day, 7 October. In fact, he had been detained continuously since NSA officials took him from his home on 30 September 2015. He told the prosecutor that he had been detained incommunicado, subjected to rape and other torture and ill-treatment until he made a “confession” and was threatened by NSA officers that he would face further torture and his parents would be arrested if he retracted his confessions. Mazen Abdallah’s lawyer, who was only allowed to attend the last few minutes of the questioning, informed the prosecutor that his client had been detained on 30 September, not 7 October, but the prosecutor failed to address this falsification of the arrest date by the NSA and Mazen Abdallah’s allegations of torture.⁸¹ The prosecutor formally charged Mazen Abdallah with the accusations set out in the NSA report and reportedly asked “how are you denying the charges now when I can see that you have already confessed?”, when Mazen Abdallah retracted his “confession.” The prosecutor authorized his continued detention under a

79 Articles 120 and 122 of the Child Law.

80 An “observation centre” is a place where government psychosocial workers observe the behavior of the child and report back to the judiciary on their behaviour, including on whether the child should remain in custody or be released. The Public Prosecution has powers to place a child in such a center under Article 119 of the Child Law.

81 Egypt’s Constitution requires the police to refer a detainee to a prosecutor within 24 hours after their arrest, which did not happen in Mazen Abdallah’s case. When the security forces referred Mazen Abdallah to the State Security Prosecutor on 8 October 2015, they reported that he had been arrested on 7 October, 24 hours earlier, in an attempt to show the arrest was legal.

renewable 15-day order in contravention of Article 119. On 31 January 2016, Mazen Abdallah was released from custody to await trial.

9.4 LACK OF INDEPENDENCE OF THE PUBLIC PROSECUTION FROM THE EXECUTIVE AUTHORITY

Several factors undermine the independence of the Public Prosecution. In particular, it falls under the administrative responsibility of the Ministry of Justice, which is responsible for assessing the performance of Public Prosecutors and reporting on them to the Supreme Judicial Council.⁸² The Ministry of Justice is also empowered to investigate alleged misconduct by Public Prosecutors and take disciplinary measures against them.⁸³ This may have the effect of deterring Public Prosecutors from pursuing complaints against the police, given they can face disciplinary measures by the Ministry of Justice which is part of the executive authority. In other words, if the prosecutors held police officers to account for the abuses they commit, the Ministry of Justice, which is under the executive authority, has the power to take disciplinary measures against them and can retaliate against prosecutors who act against police abuse through negative assessments of prosecutors' performance. This can prevent promotion or even lead to being sacked from the Public Prosecution. Some legal experts have portrayed the Ministry of Justice as a "sword directed at the neck of the Public Prosecution and the judiciary".

Further, many Public Prosecutors are reported to be graduates of Egypt's Police Academy (police university), who receive a law degree (LLB) when they graduate but are generally not trained or instructed in international human rights law. No official figures are available for the number of police academy graduates currently employed as Public Prosecutors; according to one recent media report, at least 400 of the 797 Public Prosecutors appointed in 2015 were police academy graduates, with the others recruited from law schools.⁸⁴

International standards provide that prosecutors should be able to conduct their role independently and impartially, without interference. The United Nations Guidelines on the Role of Prosecutors stipulates that "States shall ensure that prosecutors are able to perform their professional functions without intimidation, hindrance, harassment, improper interference or unjustified exposure to civil, penal or other liability".⁸⁵ Also the International Association of Prosecutors' Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors states: "The use of prosecutorial discretion, when permitted in a particular jurisdiction, should be exercised independently and be free from political interference".⁸⁶

82 Article 78 of the Judicial Authority Law.

83 Articles 78, 79 and 93 of the Judicial Authority Law.

84 Al-Mesreyoon, "Widespread controversy after the appointment of 400 police officers to the Public Prosecution", 23 December 2015, available at <http://bit.ly/29mrNq6>

85 Principle 4 of the *UN Guidelines on the Roles of Prosecutors*, available at www.ohchr.org/EN/ProfessionalInterest/Pages/RoleOfProsecutors.aspx

86 International Association for Prosecutors (IAP), *Standards of professional responsibility and statement of the essential duties and rights of prosecutors*, 23 April 1999, available at www.iap-association.org/getattachment/34e49dfe-d5db-4598-91da-16183bb12418/Standards_English.aspx

10. EGYPT'S LEGAL OBLIGATIONS

10.1 INTERNATIONAL LAW

Egypt is a party to several international treaties that commit the government to respect, protect and fulfil human rights, including by conducting independent investigations into alleged violations and holding those who perpetrate torture and other human rights violations to account through criminal prosecutions. In particular, Egypt has ratified the International Covenants on Civil and Political Rights (ICCPR) and on Economic, Social and Cultural Rights (ICESCR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).⁸⁷ These international treaties oblige the Egyptian government to ensure, among other things, that no individual is subject to arbitrary arrest or imprisonment, that every individual's right to due process and fair trial is respected, and that all persons are protected against torture or other ill-treatment by state authorities. Article 7 of the ICCPR, for example, declares that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."⁸⁸ Article 9 of the ICCPR sets out key guarantees against arbitrary detention and unfair trial, including the right to liberty and security of the person, the right not to be subjected to arbitrary arrest and detention (Article 9(1)); and the right to challenge the lawfulness of their detention before a court of law (Article 9(4)). The UN Human Rights Committee, the body of independent experts that monitors States Parties' compliance with the ICCPR, has stated: "Enforced disappearances violate numerous substantive and procedural provisions of the Covenant and constitute a particularly aggravated form of arbitrary detention."⁸⁹

The CAT – which defines torture as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person ...at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity" – requires that States party to the treaty "take effective, legislative, administrative, judicial or other measures to prevent acts of torture" in areas within their jurisdiction (Article 2). It also obliges all states parties to "ensure that all acts of torture are offences under its criminal law" including acts that constitute "complicity or participation in torture" (Article 4), to undertake a "prompt and impartial investigation" whenever there is "reasonable ground to believe that an act of torture has been committed" (Article 12), and that victims of torture obtain redress and have an "enforceable right to fair and adequate compensation" (Article 14).⁹⁰

⁸⁷ Egypt signed the ICCPR and ICESCR on 4 August 1967 and ratified them on 14 January 1982. Egypt ratified the Convention Against Torture (CAT) in 1986.

⁸⁸ Although Egypt entered reservations against certain articles of the ICCPR when it ratified the treaty, it entered no reservations against the articles cited here, indicating that Egypt committed to uphold the provisions without reservation.

⁸⁹ Human Rights Committee, *General Comment No. 35, Article 9 (Liberty and security of person)* (UN Doc: CCPR/C/GC/35), 16 December 2014, para. 17.

⁹⁰ Egypt has neither signed nor ratified the *First Optional Protocol to the ICCPR*, nor has it signed or ratified the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. The former establishes a right of individual complaint to the Human Rights Committee, the ICCPR-treaty-monitoring body, against violations by a state party to the ICCPR; the latter establishes a system of independent international monitoring of places of detention to ensure the protection of those at risk of torture.

Egypt is also a state party to two regional human rights instruments, the African Charter on Human and Peoples' Rights and the Arab Charter on Human Rights.⁹¹ These treaties also prohibit torture in all circumstances, and guarantee rights to due process and fair trial, and to liberty and freedom from arbitrary arrest, search and detention.⁹²

Egypt is also party to the Convention on the Rights of the Child,⁹³ Article 37 which requires the government to ensure that no child is "subjected to torture or other cruel, inhuman or degrading treatment or punishment" or "deprived of his or her liberty unlawfully or arbitrarily". Article 37 also requires that every child who is deprived of their liberty is treated humanely and in a manner that takes account of their age, and has "the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action."

Egypt has not signed or ratified the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED),⁹⁴ which requires States Parties to criminalise enforced disappearances (Article 3), investigate and bring to justice any person who "commits, orders, solicits or induces" or attempts to commit an enforced disappearance (Article 6), and notes that "The widespread or systematic practice of enforced disappearance constitutes a crime against humanity as defined in applicable international law" (Article 5). However, every enforced disappearance violates a range of human rights, many of which are non-derogable. Treaty bodies, human rights courts and other human rights bodies have repeatedly found that enforced disappearances violate the right to liberty and security of the person,⁹⁵ the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment,⁹⁶ the right to a remedy,⁹⁷ and the right to life.⁹⁸ Thus, the fact that Egypt is not a party to the ICPPED does not release the Egyptian government from the obligation not to subject anyone to enforced disappearance. Because enforced disappearances can violate several human rights simultaneously, they are referred to as "multiple" or "cumulative" human rights violations. An enforced disappearance is also a "continuing crime", which takes place so long as the disappeared person remains missing and information about his or her fate or whereabouts has not been provided by the state responsible.

10.2 EGYPTIAN CONSTITUTION AND LAW

Although enforced disappearances are not specifically criminalized under Egyptian law, Egypt's Constitution (adopted and endorsed by national referendum in January 2014), CCP, Child Law, other criminal laws and laws regulating the police contain many human rights protections and safeguards relevant to the prevention of enforced disappearances. In particular, various provisions of Egyptian law specifically prohibit arrests and house searches without reasoned judicial warrants, detention outside judicial authority and in unofficial places of detention, denial of access by detainees to families and legal counsel, and torture and other ill-treatment by state authorities, as briefly set out below.

91 Egypt signed the African Charter on Human and People's Rights in 1981 and ratified it in 1984; it signed the Arab Charter on Human Rights in 2004 but has not yet ratified it.

92 Articles 5, 7 and 6 of the African Charter on Human and People's Rights; Articles 8, 13 and 14 of the Arab Charter for Human Rights.

93 Egypt signed and ratified the Convention on the Rights of the Child in 1990.

94 By May 2016, 51 States had ratified and 95 States were signatories to this treaty, which came into force on 23 December 2010 and requires all States Parties to adopt legislation criminalizing "enforced disappearance."

95 European Court of Human Rights (ECtHR), *Kurt v Turkey Judgment*, 25 May 1998; Inter-American Court of Human Rights (IACtHR), *Velasquez Rodriguez v Honduras Judgment*, 29 July 1988.

96 African Commission on Human and Peoples' Rights, *Amnesty International and others v Sudan, Communications 48/90, 50/91, 52/91 and 89/93*, 15 November 1999; UN Human Rights Committee, *Mojica v Dominican Republic, Communication 449/1991, Views*, 10 August 1994.

97 IACtHR, *Blake v Guatemala Judgment*, 24 January 1998; ECtHR, *Tas v Turkey Judgment*, 14 November 2000.

98 ECtHR, *Demiray v Turkey Judgment*, 21 November 2000; IACtHR, *Bamaca Velasquez v Guatemala Judgment*, 25 November 2000.

10.2.1 ARREST AND DETENTION

Egypt's Constitution provides a series of guarantees against arbitrary arrest and detention, restricting the powers of the security forces to arrest individuals without reason. However, as shown in this report security forces arrest people without possessing a judicial arrest warrant and falsify their dates of arrest to conceal the period they spent in enforced disappearance. According to Article 54 of the Constitution,⁹⁹

"[I]t is not permissible to arrest, search, detain, or restrict the freedom of anyone in any way except by virtue of a reasoned judicial order that was required in the context of an investigation."

The same Article requires that anyone arrested is immediately notified in writing of the reasons for their arrest and allowed to contact their relatives and a lawyer.¹⁰⁰

Article 40 of the CCP also prohibits the arrest and detention of any person without judicial order¹⁰¹ except in cases where the person is apprehended while "caught in the act". Article 139¹⁰² requires that anyone arrested or held in "preventive detention" is immediately told the reason for their arrest and allowed to contact whoever they consider appropriate to inform about it and a lawyer.

Egypt's new Counter-terrorism Law (Law No. 94 of 2015), decreed by President al-Sisi in August 2015, has eroded these fundamental safeguards against arbitrary arrest and detention. Articles 40 and 41 of the law empower the authorities to arrest and detain people suspected of committing or preparing to commit "terrorism" without judicial warrant and detain them without access to their families or lawyers for up to eight days, although they must notify the Public Prosecution.¹⁰³ This clearly breaches the Constitution, the fundamental source of Egyptian law that guarantees all arrested persons the right to contact their family and lawyers immediately.

Egyptian law criminalizes arbitrary arrests and detentions. Article 280 of the Penal Code prescribes a penalty of up to three years or a fine for any convicted of carrying out arrests arbitrarily, without a judicial order.¹⁰⁴ In practice, however, as this report shows, the authorities routinely fail to uphold the law in this regard and hold to account members of the security forces who carry out arbitrary arrests and detentions.

10.2.2 SEARCH POWERS

Police search powers are limited by the Constitution and the CCP. According to Article 58 of the Constitution:

"Privacy of homes is inviolable. Except for cases of danger or call for help, homes may not be entered, inspected, monitored or eavesdropped except by a reasoned judicial warrant specifying the place, the time and the purpose thereof... Upon entering or inspection, the residents of houses must be apprised and have access to the warrant issued in this regard."

Articles 91 and 92 of the CCP require that all searches of homes fall under the authority of the judiciary and can only be carried out by a reasoned judicial order and on the basis of an official charge directed to the person whose property is to be searched, who must be present or have a representative present when the search is carried out.

Egyptian law criminalizes illegal searches of property conducted by state officials. Article 128 of the Penal Code (58/1937) prescribes a penalty of up to three years or fine for State officials who arbitrarily enter the

99 Article 54 of the Constitution.

100 "Every person whose freedom is restricted shall be immediately notified of the reasons therefore; shall be informed of his/her rights in writing; shall be immediately enabled to contact his/her relatives and lawyer."

101 Article 40 of the CCP.

102 Article 139 of the CCP.

103 Articles 40 and 41 of the Counter-Terrorism Law.

104 "Whoever arrests, confines or, detains a person without an order from one of the concerned judges, and in other than the cases wherein the laws and statutes authorize the arrest of suspects, shall be punished with detention or fine not exceeding 200 Egyptian pounds."

house of an individual without their consent, with the exception of cases set forth under law. In practice, security forces have little reason to fear that they will be held accountable under the law.

10.2.3 REFERRAL TO PROSECUTORS FOLLOWING ARREST AND ACCESS TO LEGAL COUNSEL

Both Egypt's Constitution and the CCP require that security forces present detainees before a prosecutor promptly following arrest and grant them access to lawyers. The Constitution, under Article 54, similarly provides:

“Every person whose freedom is restricted shall be brought before the investigation authority within twenty four (24) hours as of the time of restricting his/her freedom. Investigations may not start with the person unless his/her lawyer is present. A lawyer shall be seconded for persons who do not have one.”

Article 36 of the CCP also requires the police to refer all persons they arrest to the Public Prosecution within 24 hours and that a lawyer should be present to represent the arrested person during their questioning by the prosecutor.¹⁰⁵

10.2.4 RIGHT OF APPEAL AGAINST DETENTION

The Constitution upholds the rights of detainees to challenge the legality of their detention before a court, widely recognized as a key safeguard against arbitrary detention and enforced disappearance. Article 54 of the Constitution provides every person deprived of their liberty with a right of appeal to the courts against their detention, which must decide within a week on whether the detention is lawful:

“Every person whose freedom is restricted, as well as others, shall have the right to file grievance before the court against this action. A decision shall be made on such grievance within one (1) week as of the date of action; otherwise, the person must be immediately released”.

Individuals detained by Egyptian security forces in conditions that amount to enforced disappearances are deprived of this fundamental right, enshrined in both international law and Egypt's Constitution.

10.2.5 PROHIBITION OF INCOMMUNICADO DETENTION OR DETENTION IN UNOFFICIAL PLACES OF DETENTION

Under Egyptian law, all individuals deprived of their liberty must be held in official places of detention, which are subject to judicial oversight. In practice, these laws have been powerless to protect detainees from enforced disappearances.

Article 56 of the Constitution states:

“Prisons and places of detention shall be subject to judiciary supervision, where actions inconsistent with human dignity or which endanger human health shall be prohibited.”

CCP Article 41 requires that all detainees are held in officially designated places of detention: “no one should be detained except in prisons specified for detention purposes, and prison heads must not accept any person in their prisons unless with an order from the competent authority. [that is, the Public Prosecution].”¹⁰⁶ Police stations and Central Security forces camps are considered official places of detention if the Public Prosecutor has been informed by the Ministry of Interior that they are to be used as places of detention and the names of detainees are recorded. The law gives the Minister of Interior the powers to issue decrees considering camps, police stations or other places as official places of detention, however the minister has to inform the Public Prosecutor and the judiciary about the new place of detention.

¹⁰⁵ Article 36 of the CCP.

¹⁰⁶ Article 41 of the CCP.

The prosecutors and judges have the powers to inspect these new places of detention at any time and without advanced notice as prescribed in the law.

Both the Constitution in Article 56 and the CCP in Article 42 provide for judicial oversight of all official places of detention, including powers to enter and conduct inspections of places of detention without advance notice and to review each detainee's case, to ensure that their detention is pursuant to a judicial order. These safeguards under the Constitution and the CCP aim to prohibit incommunicado detention outside of the judicial oversight where people are vulnerable to torture and other ill-treatment.

In practice, as the cases cited above illustrate, these constitutional and legal safeguards are currently ineffective and flouted due to the authorities' failure to uphold and enforce them. In particular, the authorities currently maintain many unofficial places of detention in which they hold detainees in conditions that do not conform to either the Constitution or the CCP and which are not open to inspection by the judiciary. These include the NSA headquarters in Lazoughly Square, Cairo, and NSA premises in other cities and towns across Egypt; police stations in which detainees are held without their names being recorded in official registers at arrival, apparently on the authority of the NSA; Riot Police Control camps; and detention facilities operated by the armed forces, including Military Intelligence offices and military prisons.

10.2.6 PROHIBITION OF TORTURE AND OTHER ILL-TREATMENT

Although Egypt has ratified the CAT, it has not incorporated the definition of torture contained in the convention in Egyptian national law. Hence, it was left to Egyptian courts to define torture. They did this in 1986 in a case known as felony number 3856 of 1986, stating:¹⁰⁷

"...in the opinion of the court torture is a form of violence, assault or coercion. Physical torture includes beating, injuring, tying the limbs, detention, humiliation, deprivation of food or sleep or any other forms of physical harm and prevention. For an act to be termed as physical torture it does not require any degree of intensity or gravity....Moral torture, however, aims to humiliate a person to force a confession..."

Constitutional safeguards against torture include Article 51, which declares that

"Dignity is the right of every human being and may not be violated. The State shall respect and protect human dignity," and Article 52, which states: "Torture in all forms and types is a crime that is not subject to prescription."

The reference to torture as a crime "not subject to prescription" means that the right to file a criminal case concerning torture does not lapse due to the passage of time and is not affected by the general rule under Egyptian law, encapsulated in CCP Article 15, that requires anyone filing a criminal case to do so within 20 years of its commission if a felony, within three years if a misdemeanor, and one year if an "infraction," or violation.¹⁰⁸ Both the Constitution and the CCP, therefore, hold that torture is so grave an offence that there should be no time limit on the right of a victim of torture to file a criminal case against those allegedly responsible for their torture.

Article 55 of the Constitution also relates to the treatment of those detained, declaring

"Every person who is either arrested, detained, or his freedom is restricted shall be treated in a manner that maintains his dignity. He/she may not be tortured, intimidated, coerced, or physically or morally harmed."

The same Article prohibits the use of confessions obtained through torture in trial proceedings, declares such confessions unreliable, and states:¹⁰⁹

¹⁰⁷ Case number 3856 of 1986, Zagazig felonies, session of 17 March 1987.

¹⁰⁸ Article 15 of the CCP.

¹⁰⁹ Article 55 of the Constitution.

“An accused has the right to remain silent. Every statement proved to be made by a detainee under any of the foregoing actions, or threat thereof, shall be disregarded and not be relied upon.”

The CCP, in Article 40, also prohibits both physical and psychological torture and declares that statements made under duress or threat must be considered null and void. Every detainee, according to CCP Article 40, “should be treated humanely and with respect for his inherent dignity and should be not physically or psychologically abused.”

Article 126 of the Penal Code makes torture punishable by up to 10 years of imprisonment, or longer if the torture results in death but fails to address complicity, where a public official fails to intervene to prevent the use of torture by officials or others under his authority.¹¹⁰ The Court of Cassation, however, has addressed this, confirming in its precedents that the superior will be held accountable if he fails to restrain his subordinates from using torture that he knows to be occurring even if he did not order the torture:

“When torture becomes a usual act, such as when a superior refrains from prohibiting his subordinates the torture of defendants to forcibly extract a confession, it shall be considered in itself an order to torture defendants.”¹¹¹

Article 129 of the Penal Code prescribes a sentence up to one year of imprisonment and a fine for any “civil servant, public employee or any person in charge of public office who, relying on his position, uses cruelty with people and causes dishonour to them or physical pain,” while Penal Code Article 282 (2) prescribes a sentence of “harsh imprisonment” for “anyone who unlawfully arrests a person and threatens to kill him or subjects him to physical torture.”¹¹²

In practice, the failure of prosecutors to effectively, independently and impartially investigate torture allegations or conditions in detention has meant that Egyptian law has proved powerless to protect detainees.

10.2.7 CHILDREN UNDER THE LAW

The Egyptian Constitution and national laws provide special protection for children (persons under the age of 18), enumerating particular provisions and safeguards for children who come into contact with the justice system.

Article 80 of the Constitution states that:

“Anyone under the age of 18 shall be considered a child.... The State shall provide children with care and protection from all forms of violence, abuse, mistreatment and commercial and sexual exploitation... Children may not be held criminally accountable or detained save as provided in the Law and for the period of time specified therein. In such a case, they shall be provided with legal assistance and detained in appropriate locations separate from those allocated for the detention of adults. The State shall endeavour to achieve the best interest of children in all measures taken against them.”

The Child Law also provides further protection to children in criminal proceedings and puts in place safeguards for their safety. Article 112 of this law prohibits their detention alongside adults, it states:

“Children may not be detained, placed in custody, or imprisoned with adults in one place. In detention, it should be observed that children are to be classified according to their age, sex, and nature of their crime.”

¹¹⁰ “Any public servant or official who orders, or participates in the torture of an accused person with a view to inducing the said person to make a confession shall be punished by imprisonment for a period of three to ten years. If the victim dies, the penalty shall be that prescribed for premeditated murder”.

¹¹¹ Challenge No. 2460 of Judicial Year 49, session of 13 November 1980; Challenge 294 of Judicial Year 50, session of 29 May 1980.

¹¹² “Harsh imprisonment” under Articles 14 and 16 of the Penal Code is imprisonment of between three to fifteen years.

The law proscribes penalties for violating this Article and states in the second part of Article 112 that children:

“Shall be sentenced to jail for a period not less than three (3) months, and not exceeding two (2) years, and a fine not less than one thousand (1,000) Egyptian pounds (100 USD), and not more than five thousand (5,000) Egyptian pounds (500 USD), or by one of the two penalties, any public official or in charge of a public service who detains, places in custody, or imprisons a child with one or more adults in one place.”

Article 119 of the same law also prohibits the pre-trial detention of children under the age of 15 years old. It states:

“A child who has not reached fifteen (15) years of age shall not be placed in temporary custody. The Public Prosecution may place him in one of the observation centers, for a period not exceeding one (1) week, and shall make him available upon each request if the circumstances of the case necessitate keeping him in custody”.

“As an alternative to the procedure of the previous paragraph, an order may be issued to deliver the child to one of his parents, or to his guardian, and make him available upon each request.”

Article 125 of the same law requires that children facing criminal proceedings have access to legal representation whether they are accused of felonies or misdemeanours. The Article states:

“The child has the right to legal assistance; he shall be represented in criminal and misdemeanour cases whose penalty is placing him in custody by a lawyer to defend him in both the investigation and trial phases. If no lawyer has been selected by the child, the Public Prosecution or the Court shall appoint one, in accordance with the rules and regulation of the Criminal Procedure Code”.

As this report showed, the law has provided children with little protection. Children have been arbitrarily arrested by security forces from their homes; held incommunicado without access to their families or lawyers; tortured, including by rape and suspension by their limbs, to force them to “confess” to offences. They have been questioned and charged by ordinary or State Security Prosecutors instead of child prosecutors, without access to lawyers; and prosecutors have ordered the pre-trial detention of children under 15 years, who have been detained alongside adults.

In conclusion, Egypt’s laws safeguards the rights of the people and protect them from arbitrary arrests, incommunicado detention and enforced disappearances, as well as torture and other ill-treatment. However, the core problem falls on the government institutions including the Ministry of Interior and the Public Prosecution that fail to enforce these laws and instead flout the provisions of the Constitution and national laws to pursue their objectives and yet escape accountability.

11. CONCLUSION AND RECOMMENDATIONS

As the cases above indicate, the Egyptian authorities, notably the NSA, now use enforced disappearance to detain suspects without acknowledgement, as well as to deny them access to their families, lawyers and judicial oversight. As Amnesty International's research and documentation of such human rights violations over many years has shown,¹¹³ enforced disappearances create conditions that facilitate torture and other ill-treatment of detainees, as well as unfair trials in which courts rely on torture-tainted "confessions" to sentence government critics and opponents to lengthy prison terms or death.

Enforced disappearances also aim to deter opposition to the government and send a message that the security agencies who use them, such as the NSA, are allowed to violate basic rights with impunity, just as the former SSI enjoyed immunity for its crimes during the Mubarak era.

The Egyptian government faces a serious security threat, as it has repeatedly made clear, but this does not justify the serious human rights violations – enforced disappearances, torture and other ill-treatment and grossly unfair trials – which have increasingly become the norm. Such gross violations of human rights do not and will not enhance Egypt's security and directly contravene the state's obligations under international law.

The USA, EU member states and others appear to see the Egyptian government as an important ally in the fight against "terrorism" and a bulwark of regional security. They continue to approve the sales of arms and other supplies, including surveillance equipment, which have been used to commit or facilitate serious human rights violations. Although the EU decided in 2013 to suspend arms transfers that could be used for what it called "internal repression", such as small arms and armoured vehicles of the type used by Egyptian security forces when raiding homes and detaining subjects under conditions of enforced disappearance, 12 EU states have failed to comply. Meanwhile, the USA remains Egypt's principle military supplier while Russia, Brazil and Turkey have also transferred arms to Egypt, despite the risk that they will be used by the government to commit or facilitate serious human rights violations.

¹¹³ See Amnesty International, *China: No end in sight – Torture and forced confessions in China* (Index: ASA 17/2730/2015); Amnesty International, *Yemen: 'Where is my father?': Detention and disappearance in Huthi-controlled Yemen* (Index: MDE 31/4006/2016); Amnesty International, *Between the prison and the grave – enforced disappearances in Syria* (Index: MDE 24/2579/2015).

11.1 CALLS ON THE EGYPTIAN GOVERNMENT

Amnesty International urges President al-Sisi to take the following steps without delay to stem the gross and systematic human rights violations described in this report:

11.1.1 ESTABLISH A COMMISSION OF INQUIRY

Promptly establish an independent commission of inquiry to conduct a thorough investigation into allegations of enforced disappearances, torture and other ill-treatment of detainees by the NSA and other civilian and military, security, intelligence and law enforcement agencies.

ENSURE THAT THE COMMISSION OF INQUIRY IS ABLE TO CONDUCT ITS WORK EFFECTIVELY, INDEPENDENTLY AND IMPARTIALLY

- Ensure that the Commission of Inquiry is comprised of individuals chosen for their recognized impartiality and competence, as well as their independence of any institution, agency or person that may be the subject of, or otherwise involved in the inquiry;
- Further ensure that the Commission is comprised of individuals with proven expertise, knowledge and experience in the promotion and protection of human rights, including expertise of international human rights law and Egyptian law. In this respect, Amnesty International further recommends that the Commission includes international experts, who can draw on the experience of other states in ending and remedying enforced disappearances;
- Ensure that the Commission, while conducting investigations, is free to benefit from the expertise of the United Nations Office of High Commissioner for Human Rights, as well as to seek the advice of the offices of the relevant special procedures and independent experts, including the Special Rapporteurs on torture and other cruel, inhuman or degrading treatment or punishment; and on terrorism and counter-terrorism; and the Working Groups on Enforced or Involuntary Disappearances and on Arbitrary Detention;
- Ensure that Egyptian civil society organizations, including non-governmental organizations involved in the promotion and protection of human rights, may fully participate in the selection and appointment process of the Commission; and
- Ensure that similar criteria to those ensuring the competence, impartiality and independence of the commissioners are used for the appointment of professional administrative staff.

GIVE THE COMMISSION OF INQUIRY A FULL MANDATE TO INVESTIGATE ENFORCED DISAPPEARANCES AND TORTURE AND OTHER ILL-TREATMENT

- Mandate the Commission of Inquiry to fully investigate enforced disappearances, as well as torture and other ill-treatment in custody by the NSA and other security and law-enforcement agencies, including the military, since August 2013;
- Mandate the Commission to assess the information collected in light of relevant provisions of international human rights law, as well as relevant Egyptian laws, with the aim of identifying the perpetrators of these crimes and ensuring they are referred to proper judicial authorities for criminal investigation, prosecution and fair trials; identifying all victims of enforced disappearance, torture and other ill-treatment and affording them appropriate reparation; and strengthening safeguards in arrest and detention to prevent further use of torture, enforced disappearance and arbitrary detention; and

- Mandate the Commission to investigate the involvement of prosecutors in covering up abuses, including a critical analysis of all factors which have led to or facilitated these violations, such as institutional structures, policies and practices, and other factors.

GRANT THE COMMISSION THE NECESSARY POWERS TO CARRY OUT ITS WORK

- Grant the Commission the necessary powers to carry out its work and fulfil its mandate, including the power to obtain all the information necessary to the inquiry. This would include the power to compel attendance and co-operation of witnesses, including state officials, while fully safeguarding their rights;
- Ensure the Commission is able to interview Ministry of Interior officials, including NSA agents, as well as Public Prosecutors, State Security and Child Prosecutors, officials of the Forensic Authority and any such person whose testimony is considered necessary for the fulfilment of the Committee's mandate;
- Grant the Commission the powers to order the production of documents, including governmental and other official records. This should include prosecutors' casefiles, arrest and search warrants, prosecutors' questioning records, investigation reports compiled by the NSA which allegedly have the falsified dates of arrest; forensic reports, if any, sent to prosecutors by the Forensic Authority; and pre-trial detention orders, as well as any footage or pictures of detainees confessing to offences;
- Grant the Commission the power to impose penalties for non-compliance with such orders;
- Ensure that all information that the Commission considers to be relevant is provided to it; and
- Grant the Commission unhindered access to all relevant locations, including all places of detention, including access to NSA offices, police stations, camps under the control of the Central Security Forces, State Security Prosecutors' Offices, Child Prosecutors' Offices and other Public Prosecution Offices across the country.

ENSURE THAT THE COMMISSION'S WORK IS TRANSPARENT AND THAT VICTIMS AND WITNESSES ARE PROTECTED

- Ensure that, as a matter of principle, all aspects of the work of the Commission of Inquiry are public. So far as possible, the media and public should be given access to the proceedings and to the evidence on which the Commission bases its findings. However, the openness of the investigation and of the information it obtains needs to be balanced against the confidentiality of personal information;
- Guarantee that complainants, witnesses, those conducting the investigation and others involved with it in any way will be protected from violence, threats of violence and any other forms of intimidation;
- Grant the Commission of Inquiry all the necessary human and material resources to devise and implement a victims and witnesses protection programme; and
- Hold to account officials and others who threaten or intimidate witnesses.

ENSURE THE COMMISSION OF INQUIRY'S FINDINGS ARE MADE PUBLIC AND THAT THOSE RESPONSIBLE FOR ENFORCED DISAPPEARANCES, TORTURE AND OTHER ILL-TREATMENT ARE BROUGHT TO JUSTICE

- Ensure that, at the conclusion of the inquiry, the Commission must publish a summary of its findings;
- Ensure that the Commission gives its report to the appropriate judicial authorities; and
- Given the evidence of involvement of Public Prosecutors in covering up violations, Amnesty International recommends that the Supreme Judicial Council exercises its authority to appoint judges from the Court of Appeals to serve as investigative judges to take charge of the criminal investigation and the prosecution of anyone against whom there is sufficient admissible evidence of responsibility for enforced disappearance, torture and other ill-treatment, arbitrary detention and other offences.

PARTICIPANTS IN COMMISSIONS OF INQUIRY

Amnesty International believes that all witnesses, alleged perpetrators and other individuals involved in the Commission of Inquiry should be guaranteed the following rights, amongst others, at all stages of the procedures:

- The right not to be discriminated against;
- The right to a fair and public hearing by a competent, independent and impartial body;
- The right not to be compelled to testify against themselves or to confess guilt;
- The right not to be subjected to any form of coercion, duress or threat, to torture or to any other cruel, inhuman or degrading treatment or punishment;
- The right to be informed promptly and in detail of any allegations made against them;
- The right to defend themselves, and where appropriate, the right to have legal assistance;
- The right to be presumed innocent until proved guilty according to law; and
- If adversely affected by a commission decision, the right to seek judicial review.

Furthermore, in the case of children, the procedures should take account of their age.

11.1.2 ACKNOWLEDGE AND STOP THE USE OF ENFORCED DISAPPEARANCE AND TORTURE

- Order the NSA and other Egyptian military and civilian security, intelligence and law enforcement agencies to immediately cease subjecting individuals to enforced disappearance and torture and other forms of ill-treatment, and instruct all security personnel and other state officials that they will face criminal prosecution and imprisonment if they order, commit or acquiesce in cases of enforced disappearances;
- Give all individuals who are currently held under conditions of enforced disappearance immediate access to their families and lawyers;
- Ensure that all such individuals are released without delay, unless they are promptly charged with recognized criminal offences and tried in full conformity with international fair trial standards, which exclude coerced “confessions” and other torture-tainted evidence;
- Ensure that anyone detained solely for exercising their rights to freedom of expression, peaceful assembly or association is released immediately and unconditionally;
- Ensure that children are treated in accordance with the rules of juvenile justice, which require that detention should only be used as a measure of last resort and for the shortest appropriate period of time;
- Ensure that all those detained are registered, have access to their lawyers, can challenge the legality of their detention before an independent court, are provided access to medical care, are held in official places of detention and are allowed regular visits by their families;
- Ensure that those involved in the search for victims of enforced disappearance, notably the relatives of disappeared detainees, are protected against ill-treatment, intimidation, reprisal, arrests and enforced disappearance; and establish an independent vetting authority empowered to remove from the NSA any officers who ordered, committed or acquiesced in torture or other serious human rights violations during previous service with the SSI. The authority should be required to publish the results of its vetting investigations.

- Urgently establish an independent vetting authority empowered to remove from the NSA any officers who ordered, committed or acquiesced in torture or other serious human rights violations during previous service with the SSI. The authority should be required to publish the results of its vetting investigations.

11.1.3 RATIFY INTERNATIONAL INSTRUMENTS TO STOP ENFORCED DISAPPEARANCES AND TORTURE AND OTHER FORMS OF ILL-TREATMENT

- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention Against Torture and rapidly institute a system of independent national monitoring of all places of detention, including unannounced visits to places of detention and powers to search and to check the detainee registers of these places;
- Invite (early) visits by relevant UN human rights mechanisms, notably the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; as well as the Special Rapporteurs on freedom of expression, and on freedom of peaceful assembly and of association;
- Invite and grant access to the European Union Special Representative for Human Rights and afford the Special Representative access to meet in confidence with detainees, victims, families and independent human rights groups; and

Ensure that everyone who meets with or contacts the UN experts or treaty bodies and the EU Special Representative is protected from possible reprisals, including detention, harassment, threats, acts of intimidation, or ill-treatment.

11.1.4 REFORM THE PUBLIC PROSECUTION

- Reform the Public Prosecution to ensure its independence from the executive authorities, NSA and other security, intelligence and police agencies, and make it effective as a judicial authority responsible for upholding the law and safeguarding detainees' rights;
- Ensure that prosecutors have appropriate education and training and are made aware of the ideals and ethical duties of their office, the constitutional and statutory protections for the rights of the suspect and the victim, and the human rights and fundamental freedoms recognized by national and international law; and ensure that these criteria are used in selecting candidates for appointment as prosecutors and applied to all applicants, including graduates of the Police Academy; and
- Invite the Office of the UN High Commissioner for Human Rights, the UN Special Rapporteur on the Independence of Judges and Lawyers and other appropriately qualified independent international authorities to advise the Egyptian government on legal and other measures needed to reform the Public Prosecution to become an effective independent judiciary body, one committed to ensuring that all arrested persons and detainees are treated in full conformity with the law and that their rights to due process and protection against enforced disappearance, torture and other ill-treatment are fully respected and upheld at all times.

11.1.5 REPEAL OR SUBSTANTIALLY AMEND REPRESSIVE LAWS

- Immediately repeal or substantially amend the Counter-Terrorism Law and Law No. 107 of 2013, Regulating the Right to Public Gatherings, Processions and Peaceful Protests to bring them in line with relevant international human rights law and standards and the provisions of the Egyptian Constitution.

11.2 CALLS ON THE INTERNATIONAL COMMUNITY

All states that enjoy diplomatic, trading or other relations with Egypt should take steps to make clear to the Egyptian government their concern regarding the continued pattern of enforced disappearances, torture and other ill-treatment, unfair trials and other serious human rights violations and apply all appropriate influence and pressure to achieve an immediate end to these violations. In particular, such states should:

11.2.1 URGE EGYPT TO END ENFORCED DISAPPEARANCES

- Urge the Egyptian authorities to respect their international treaty obligations to uphold and protect human rights without discrimination or distinction and press the Egyptian authorities to promptly and independently investigate all allegations of enforced disappearance and torture and bring to justice those responsible for perpetrating these violations of human rights;
- Press the Egyptian authorities to take these steps both bilaterally and multilaterally through relevant international forums such as the UN Human Rights Council and regional mechanisms such as the African Commission on Human and Peoples' Rights and the League of Arab States; and
- Engage with the Egyptian authorities to provide technical advice and training on the independence of the judiciary and the reform of the Public Prosecution; as well as on the reform of the NSA and the establishment of a fair, effective and transparent vetting system.

11.2.2 STOP THE TRANSFER OF ARMS AND EQUIPMENT THAT FACILITATE HUMAN RIGHTS VIOLATIONS

- Impose a binding cessation on exports of equipment of the type that has been used, and is likely to be used, by the Egyptian security forces to commit or facilitate serious violations of human rights. The scope of the cessation should include at a minimum all small arms, including shotguns, and light weapons and related ammunition falling under ML1, ML2 ML3 of the EU Military List;¹¹⁴ as well as all items of less lethal equipment, such as tear gas, riot control projectiles and launchers; and all armoured vehicles, military helicopters and surveillance technologies;
- Further impose a “presumption of denial” policy on the export of other arms in the EU Military List to Egypt intended for the Egyptian army and air force because of the reports of some aerial and ground attacks which resulted in fatalities and serious injuries and which have not been effectively, independently and impartially investigated. There is the risk that such weapons and associated military equipment could also be deployed to suppress legitimate and peaceful protests;

114 “Common military list of the European Union”, *Official Journal of the European Union*, 22 March 2012, available at eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:085:0001:0036:EN:PDF

- Ensure that any potential export to Egypt of such items may not be authorized unless a thorough human rights risk assessment demonstrates that the Egyptian security forces' recipient will use the equipment lawfully as specified in a legally binding guarantee agreed with the Egyptian government. The item under consideration must not be used in contravention of Egypt's obligations under the CAT and the ICCPR, but only in line with the UN Basic Principles on the Use of Force and Firearms for Law Enforcement Officials; and
- Further maintain this cessation of arms and 'presumption of denial' policy until the Egyptian authorities put in place effective safeguards to prevent further serious human rights violations by security forces, and carry out full, prompt, independent and impartial investigations into violations presented in this report with the aim of prosecuting those responsible for these violations and bringing them to justice.

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EGYPT:

'OFFICIALLY, YOU DO NOT EXIST'

DISAPPEARED AND TORTURED IN THE NAME OF COUNTER-TERRORISM

Over the last 18 months, hundreds of people have been abducted by Egypt's National Security Agency and held without access to their lawyers and families while officials deny any knowledge of their whereabouts. The National Security Agency is torturing victims of such enforced disappearances into "confessing" to serious criminal offences, including "terrorism". Prosecutors routinely ignore allegations of enforced disappearances, as well as evidence of torture and other ill-treatment. The wave of enforced disappearances began in March 2015, with the appointment of Interior Minister Magdy Abdel Ghaffar – a long-serving officer in Egypt's state-security forces. Victims have ranged from members of the banned Muslim Brotherhood group to activists critical of Egypt's system of government; from retirees to boys as young as aged 14.

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

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

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