

HUMAN RIGHTS WATCH

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Appendix I: Letter to General Magdy Abd al-Ghaffar

www.hrw.org

May 23, 2017

General Magdy Abd al-Ghaffar
Minister of Interior
Arab Republic of Egypt

Dear General Magdy Abd al-Ghaffar,

I am writing to you on behalf of Human Rights Watch to request information in regard to a report we are preparing for publication regarding the practices of police and National Security officers during investigations and interrogations. We look forward to hearing from you regarding our findings, detailed below, to ensure that we reflect the official point of view accurately and transparently.

Human Rights Watch is an international human rights organization dedicated to investigating and exposing human rights abuses in more than 90 countries. We urge governments to curtail human rights violations and implement policies that protect human rights. Human Rights Watch has conducted investigations and published reports on the human rights situation in Egypt since 1991.

We will issue our report in the near future and would be very grateful if you could respond to this letter by June 13, 2017. Any responses beyond that date will be posted on the Egypt page of the Human Rights Watch website: <https://www.hrw.org/middle-east/n-africa/egypt>.

Please forward your response via e-mail at [REDACTED] or via fax at [REDACTED].

We thank you in advance for your time taken to address our findings and to provide us with information at your earliest convenience.

Respectfully,

Sarah Leah Whitson

Executive Director

Middle East and North Africa

Human Rights Watch

Questions

- How many complaints of torture and mistreatment has the Interior Ministry received since July 2013?
- How many of these complaints did the Interior Ministry investigate itself, and how many did it refer to prosecutors or other agencies for investigation?
- What were the results of these investigations?
- How many officers have been disciplined in any way for torture since 2013? In what ways have these officers been disciplined (reduction in pay, suspension, sent to reserves, termination)?
- How many detainees are currently held in Interior Ministry police stations, in particular in police custody and national security offices? Does the Interior Ministry use National Security offices or Central Security Forces camps to detain individuals? Does it allow members of the public prosecution to visit and inspect these places? Are lawyers allowed to attend with detainees in these facilities?
- What policies or procedures are in place within the Interior Ministry to prevent torture? Has the interior minister issued any internal communications regarding torture since 2013?

Overview

Our report shows how police and National Security officers use torture systematically during investigations to force detainees to confess or divulge information, or to punish them. It also shows how only a small number of the hundreds of allegations of torture since 2013 have resulted in prosecutors taking investigations to court and winning verdicts against Interior Ministry officers – verdicts that, at time of writing, are all on appeal.

The former detainees interviewed by Human Rights Watch said that their experiences typically began with a dawn raid on their home or a targeted arrest from the street near their home, university, or place of work. Police or National Security officers did not show any of the suspects a warrant or tell them why they were being arrested. In some cases, they arrested the suspects' family members as well. Immediately after arrest, the officers transported the suspects to a police station or National Security office, including the National Security Agency headquarters inside the Interior Ministry in downtown Cairo.

The former detainees interviewed for this report described being arbitrarily arrested and tortured during periods of enforced disappearance, after which they were presented before a prosecutor, who often pressured detainees to confirm their confessions and referred them to trial without taking any measures to investigate the violations against them.

Our findings show that torture methods used by both police and National Security officers are systematic and include:

- Electrocution with a stun gun or wires
- Painful stress positions of two kinds:
 - Hanging: Suspects are handcuffed behind their back and their arms are pulled upward from behind. Their handcuffs are placed over the top edge of a door and they are hung by their body weight, causing excruciating pain in their back and shoulder muscles and sometimes dislocating shoulders.
 - The “grill”: Suspects are laid on their back and a stick or bar placed behind their raised knees. Their arms are wrapped around the bar from the other side so that the bar lies between the crook of their elbows and the back of their knees. Their hands are tied together above their shins to secure them. The bar is then raised, suspending the suspect and placing excruciating pain on their shoulders, knees and arms.
- Beatings with fists, wooden sticks, or metal bars
- Forcibly removing fingernails
- Threats to torture family members
- Stripping detainees naked or to their underwear
- Rape and the threat of rape

These acts are in direct violation of the Egyptian constitution, which prohibits warrantless arrests, enforced disappearances without access to a lawyer or presentation before a prosecutor, and the torture, intimidation, coercion, or physical or moral harming of detainees. The constitution specifies that torture is a crime without statute of limitations.

Accountability for Torture

Our findings show that prosecutors have failed to investigate, in a thorough, impartial, and timely manner, all torture allegations against law enforcement officials, regardless of rank and whether the victim or family has formally filed a complaint.

Only nine of hundreds of publicly reported torture allegations against the Interior Ministry since 2013 have proceeded to prosecution and resulted in court verdicts. Successive administrations have not released figures regarding police abuse since the 2011 uprising.

Human Rights Watch has consulted with lawyers and found that the Egyptian legal framework criminalizing torture is inadequate and has helped police and National Security officers evade punishment for torture, especially as it is difficult for victims' lawyers to prove that officers inflicted pain or suffering specifically to force confessions.

Human Rights Watch has found in the past and for this report that prosecutors, who can make the final decision to refer a case against a public official or law enforcement officer to trial or to send the case for internal ministry discipline, almost never exercise the prerogative to launch such investigations in the first place.

Human Rights Watch's analysis of Law 109 of 1971 for the Police Authority, which regulates the Egyptian police force, finds it as lax in disciplining police conduct and that it instead helps prevent accountability for abuses and allow officers to evade punishment. Instead of holding officers accountable, the law allows the practice of internal disciplinary trials initiated by interior ministry decision and overseen mainly by senior officers (also appointed by the minister), meaning Interior Ministry employees investigate their colleagues. Article 71 of this law gives convicted officers the opportunity to return to their jobs.

We recommend that the order prosecutors at all levels to regularly conduct unannounced inspections of detention sites; suspected unofficial detention sites; investigate all

allegations of torture and ill-treatment; and reassign prosecutors who are found to have ignored allegations of torture or used threats to pressure detainees to confess.

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Appendix II: Letter to Prosecutor General Nabil Sadek

www.hrw.org

May 23, 2017

Nabil Sadek
Prosecutor General
Arab Republic of Egypt

Your Excellency,

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Respectfully,

Sarah Leah Whitson

Executive Director

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Human Rights Watch

Questions

- How many complaints of torture and mistreatment by police and National Security officers has the public prosecution received since July 2013?
- How many of these complaints did the public prosecution investigate? How many did the public prosecution refer to court? How many resulted in convictions and how many in acquittals?
- How many investigations into torture and mistreatment did the public prosecution initiate on its own since July 2013? What were the results of these investigations?
- How many times have members of the public prosecution conducted inspection visits to police stations since July 2013? How many times have prosecutors conducted inspection visits to National Security offices? Are there instructions from the prosecutor general's office regarding these inspections? Why doesn't the public prosecution allow lawyers to attend investigations with defendants during sessions of the Supreme State Security Prosecution?
- What are the current policies in place in the public prosecution regarding the investigation of abuses committed by police or National Security officers?

Overview

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