



HUMAN
RIGHTS
WATCH

“We Do Unreasonable Things Here”

Torture and National Security in al-Sisi’s Egypt



“We Do Unreasonable Things Here”

Torture and National Security in al-Sisi’s Egypt

Copyright © 2017 Human Rights Watch

All rights reserved.

Printed in the United States of America

ISBN: 978-1-6231-35096

Cover design by Rafael Jimenez

Human Rights Watch defends the rights of people worldwide. We scrupulously investigate abuses, expose the facts widely, and pressure those with power to respect rights and secure justice. Human Rights Watch is an independent, international organization that works as part of a vibrant movement to uphold human dignity and advance the cause of human rights for all.

Human Rights Watch is an international organization with staff in more than 40 countries, and offices in Amsterdam, Beirut, Berlin, Brussels, Chicago, Geneva, Goma, Johannesburg, London, Los Angeles, Moscow, Nairobi, New York, Paris, San Francisco, Sydney, Tokyo, Toronto, Tunis, Washington DC, and Zurich.

For more information, please visit our website: <http://www.hrw.org>



SEPTEMBER 2017

ISBN: 978-1-6231-35096

“We Do Unreasonable Things Here”

Torture and National Security in al-Sisi’s Egypt

Summary	1
Recommendations.....	9
To President Abdel Fattah al-Sisi.....	9
To Prosecutor General Nabil Sadek	9
To Interior Minister Magdy Abd al-Ghaffar	10
To the Egyptian Parliament	10
To United Nations Member States	10
Methodology	11
I. Background.....	12
II. The Torture Assembly Line.....	21
Arrest, Disappearance, and Torture	21
The Prosecutor	42
III. Legal Analysis	55
Inadequate Domestic Framework	57
Problematic Internal Regulations	60
Acknowledgments.....	63
Appendix I: Letter to General Magdy Abd al-Ghaffar.....	64
Appendix II: Letter to Prosecutor General Nabil Sadek	69

Summary

Since July 2013, when Egypt's military overthrew the country's first freely elected president, torture has returned as the calling card of the security services, and the lack of punishment for its routine practice has helped define the authoritarianism of President Abdel Fattah al-Sisi's administration.

Al-Sisi's pursuit of political stability at any cost has granted the country's chief domestic security institution, the Interior Ministry, a free hand, perpetuating the same abuses that fueled the 2011 uprising.

The Interior Ministry's regular police and its National Security Agency have used widespread arbitrary arrests, enforced disappearances, and torture against perceived dissidents, many of them alleged members or sympathizers of the Muslim Brotherhood, al-Sisi's primary political opposition. The Egyptian Coordination for Rights and Freedoms (ECRF), an independent human rights group, has identified 30 people who died from torture while being held in police stations and other Interior Ministry detention sites between August 2013 and December 2015. In 2016, the ECRF reported that its lawyers received 830 torture complaints, and that another 14 people had died from torture in custody.

This report, based on interviews with 19 former detainees and the family of a 20th detainee who were tortured between 2014 and 2016, shows how police and officers of the National Security Agency regularly use torture during their investigations to force perceived dissidents to confess or divulge information, or to punish them.

The former detainees interviewed for this report described what amounted to an assembly line of abuse aimed at preparing fabricated cases against suspected dissidents, beginning at the point of arbitrary arrest, progressing to torture and interrogation during periods of enforced disappearance, and concluding with presentation before prosecutors, who often pressure detainees to confirm their confessions and take no measures to investigate the violations against them. In several cases documented by Human Rights Watch, prosecutors abetted abuse by affirming fraudulent arrest dates provided by National Security officers who falsely claimed to have arrested suspects the day before their presentation to the prosecutor, effectively erasing the official record of the enforced

disappearance. One prosecutor threatened to return a detainee to torture. Two participated in beatings themselves, according to former detainees and their families.

Each of these steps violated the Egyptian constitution, which clearly prohibits warrantless arrests and interrogations without a lawyer present and requires that detainees be allowed to remain silent, be presented to a prosecutor within 24 hours, and be immediately informed of the reason for their arrest and allowed to contact a lawyer and family member. The constitution prohibits the torture, intimidation, coercion, and “physical or moral harming” of detainees and specifies that torture is a crime without statute of limitations. It provides that any statement made under torture or threat of torture should be disregarded. These standards reflect Egypt’s commitments under the most basic rules of international human rights law, which strictly prohibit torture in all circumstances. But Egypt has failed to meet them.

The former detainees interviewed for this report said that their experiences typically began with a dawn raid on their home or a targeted arrest from the street near a place they were known to frequent, such as their home, university, or place of work. In none of the cases documented by Human Rights Watch did police or National Security officers show suspects a warrant or tell them why they were being arrested. In some cases, they arrested family members at the same time. The officers then transported the suspects to police stations or National Security offices.

Of the 20 cases documented by Human Rights Watch, 13 detainees were tortured in National Security offices, five in police stations, and two in both places. Six men were tortured at the National Security Agency headquarters inside the Interior Ministry near Cairo’s Lazoghly Square, a place where detainees have alleged torture for decades. In five cases, security officers used torture to force suspects to read prewritten confessions on video, which the Interior Ministry then sometimes published on social media channels.

The accounts presented this report represent only some of the many torture cases Human Rights Watch has documented during the al-Sisi administration, cases which have included children tortured in Alexandria after being arrested for protesting; men tortured by National Security and Military Intelligence agents after a bombing in Kafr al-Sheikh; and a former Finance Ministry advisor and his brother, whom National Security officers tortured with electric shocks to force the advisor to confess to being a Muslim Brotherhood

member. Journalists and other nongovernmental groups have recorded scores of additional cases since 2013.

According to detainees, a typical torture session begins with security officers shocking a blindfolded, stripped, and handcuffed suspect with a handheld electric stun gun, often in sensitive places such as the ears or head. At the same time, they slap or punch the suspect or beat him with sticks and metal bars. If detainees do not provide satisfactory answers to their initial questions, officers increase the duration of electric shocks and use a stun gun on other parts of the suspect's body, almost always including his genitals. Sometimes, interrogators use electrified wires as well.

After electric shocks, officers use two basic types of stress positions to inflict severe pain on suspects. In one position, officers handcuff suspects' arms behind their back, pull up their arms, place their handcuffs over the top edge of a door, and hang them above the floor, an unnatural position that causes excruciating pain in the back and shoulders, sometimes dislocating them. Some officers pull on suspects' legs to increase the pain. A variation of this position sometimes involves hanging suspects by their handcuffs, again raised unnaturally from behind, from a hook in the ceiling. The second stress position, called the "chicken" or "grill," involves laying suspects on their back, placing their knees over a stick or bar, wrapping their arms around the bar from the other side so that the bar lays between the crook of their elbows and the back of their knees, and tying their hands together above their shins to secure the position. When the officers lift the bar and suspend suspects in the air, resembling a chicken on a rotisserie spit, the suspects' weight causes excruciating pain in their shoulders, knees, and arms.

Officers keep suspects in these stress positions for periods of time that range from minutes to hours and often beat and shock them with electricity while they are hanging and defenseless.

In several cases, security officers went beyond even these standard methods of torture. One former detainee told Human Rights Watch that police officers in a Cairo police station repeatedly raped him by inserting a stick into his anus. Another said that National Security officers at the Interior Ministry threatened to rape him. A former detainee held by National Security officers in a facility in Giza governorate said they pulled out one of his fingernails and bit off part of another. Another detainee held in the Interior Ministry said that a

National Security officer there penetrated his arm with a metal nail wrapped in an electrified wire to increase the pain of the electric shocks. A lawyer held by National Security officers in a facility in Gharbiya governorate said that they wrapped a wire around his penis to shock him with electricity. Three former detainees told Human Rights Watch that security officers threatened to torture their family members if they did not confess.

In most cases, police and National Security officers stopped using torture once they obtained confessions or the names of suspects' friends and acquaintances. But this did not mean that their ordeal had come to an end. In nearly every case, the torture and interrogations served as prelude to prosecutorial proceedings, some of which ended in trial.

Only one of the 19 former detainees interviewed by Human Rights Watch, a student who police officers beat, electrocuted, hung from the ceiling, and anally raped with a stick, said that officers took him to a prosecutor within 24 hours of his arrest, as Egyptian law requires. Ten detainees said that officers illegally detained them for more than a week before presenting them to a prosecutor. Eight of these men waited at least a month to see a prosecutor. None were allowed to contact lawyers or relatives beforehand. Among the ten detainees who saw a prosecutor within a week of their arrest, the majority were not allowed to have a lawyer present even during their questioning.

International law requires that detainees be brought speedily before a judge, usually within 48 hours, to review their detention, but Egyptian law provides no such protection. Egypt's criminal procedure code gives prosecutors, not judges, the power to renew pretrial detention in nearly all serious cases involving political or national security offenses, allowing prosecutors to hold detainees in such temporary detention for up to 18 months and, if the crime is punishable with a sentence of death or life in prison, for up to two years. Though judges eventually must review a suspect's detention during this time, the decision to renew the detention is made by a prosecutor.

All but one of the former detainees interviewed by Human Rights Watch said that they told prosecutors about their torture and, in each case, saw no evidence that prosecutors took any action to investigate their allegations, as required by international law. This contradicts claims repeatedly made by Egypt in international forums that prosecutors investigate all claims of abuse.

The regularity of torture and impunity for its practice has created a climate in which those who are abused see no chance to hold their abusers to account. Most of the detainees interviewed by Human Rights Watch made no attempt to seek accountability after prosecutors ignored their claims of torture. Most also found themselves wanted by National Security officers in new cases after their release and believed that any further contact with the criminal justice system would ensnare them in another months-long ordeal of abuse and disappearance.

The specific practices documented in this report are far from new, and Human Rights Watch first recorded their use as early as 1992, writing at the time that the Interior Ministry's State Security Investigations Service (SSI), renamed the National Security Agency in 2011, appeared to have a "a system ... in place to train SSI personnel in torture techniques." In 1996, the United Nations Committee against Torture concluded that "torture is systematically practiced by the security forces in Egypt, in particular by State Security Intelligence." A second inquiry into Egypt by the Committee against Torture, published in June 2017, found that "perpetrators of torture almost universally enjoy impunity," and that the facts gathered by the committee "lead to the inescapable conclusion that torture is a systematic practice in Egypt."

This report, along with others published over the past 25 years by various nongovernmental organizations, shows that police and National Security officers have for decades committed essentially identical types of torture in police stations, security directorates, and National Security offices across the country, indicating that the practice was then and remains now systematic and widespread. Under international law, torture can be considered a crime against humanity, prosecutable at the International Criminal Court when that court has jurisdiction, if it is "committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack." Human Rights Watch believes that the torture epidemic in Egypt likely constitutes a crime against humanity.

Despite a nationwide uprising in 2011 fueled in large part by the brutality of the security forces, torture has persisted through four successive changes in government. This outcome was not foreordained. After the uprising, security sector reform stood near the top of nearly every political group and protest movement's agenda. The time seemed ripe for the reconstruction of the Interior Ministry, the institution that represented the heart of

state terror for thousands of Egyptians. Yet from the beginning, both military and civilian governments stifled reform and failed to launch a comprehensive investigation into the years of Interior Ministry abuses that preceded and triggered the uprising.

Since the military unseated former President Mohamed Morsy in 2013, the authorities have reconstituted and expanded the repressive instruments that defined the nearly 30-year rule of President Hosni Mubarak that preceded the uprising. Enforced disappearances, mistreatment in prison, torture, and extrajudicial killings notably increased after March 2015, when al-Sisi appointed Interior Minister Magdy Abd al-Ghaffar, a three-decade veteran of the SSI and National Security Agency. On April 9, 2017, following Islamic State (also known as ISIS) suicide bombings at two churches that killed 45 people, al-Sisi declared a state of emergency, cementing in law the already unrestrained powers of arrest, surveillance, and detention exercised by police and National Security officers. This state of emergency was still in place at the time this report was being prepared.

Even before the state of emergency, the security forces operated with near total impunity. In a review of publicly available information, Human Rights Watch found only six cases in which prosecutors won guilty verdicts against Interior Ministry officers charged with torturing detainees since July 2013, out of hundreds of such allegations. None of these verdicts appeared to have been confirmed by an appeals court at the time this report was being prepared for publication. To date, no court in modern Egyptian history has issued a final guilty verdict against an SSI or National Security officer for committing abuse.

In an environment defined by emergency rule, law enforcement officers enjoy a free hand, and their actions are almost never questioned by the judges and prosecutors empowered to do so. At the same time, the authorities have actively stifled efforts within Egypt to counter torture, by shutting down the Nadeem Center for the Rehabilitation of Victims of Violence and Torture, the country's most prominent organization dedicated to documenting and treating victims, and by opening investigations against judges and lawyers who have drafted anti-torture legislation. The effects of a July 3, 2017, ruling by the Supreme Administrative Court ordering the Interior Ministry to investigate and disclose the whereabouts of all citizens reported missing, including those alleged to be forcibly disappeared, remain to be seen. In the past, the Interior Ministry has repeatedly and flagrantly ignored such rulings.

Meanwhile, government officials at the highest level continue to deny the seriousness of the torture epidemic, mimicking the Mubarak administration's position that torture is perpetrated occasionally and only by lone officers. Al-Sisi and Abd al-Ghaffar, when asked about torture in Egypt, have made specifically worded denials that torture does not take place in prisons, a seeming attempt to avoid discussing the rampant torture committed elsewhere, in police stations and National Security offices. Despite the overwhelming evidence to the contrary, Egypt's delegation to the UN Human Rights Council stated during the country's Universal Periodic Review in late 2014 that "all allegations of torture and ill-treatment are investigated, and perpetrators are brought to justice," and that "the Office of the Public Prosecutor investigates all cases brought to its attention on claims of torture or harsh treatment."

This report makes it clear that these statements are not true. It also reiterates the findings of years of work by Human Rights Watch and other organizations that the legal framework criminalizing torture in Egypt remains inadequate and falls far short of Egypt's basic obligations under international law, allowing abusive officers to escape justice. It further documents how members of the public prosecution — the authority specifically empowered to investigate the abuses of the Interior Ministry — regularly ignore complaints of torture, explicitly or implicitly endorse its use by police or National Security agents, rarely exercise their lawful power to make unannounced inspection visits to police stations, and never make such visits to National Security offices. The National Council for Human Rights, the only other body authorized by law to make detention visits, can do so only after obtaining permission from the relevant police or National Security officials, rendering that authority effectively meaningless.

Human Rights Watch recommends that President al-Sisi immediately direct the Justice Ministry to create a special prosecutor or inspector general's office to investigate complaints of abuse by Interior Ministry officers, prosecute these complaints in court, and maintain a publicly available record of complaints received and the outcome of investigations. Meanwhile, we urge parliament to amend the definition of torture in article 126 of the penal code to bring it in line with the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, increase the penalties in article 129 regarding the use of cruelty by officials, and increase the penalties in article 282 regarding torture used during illegal detentions in order to make these penalties commensurate with the seriousness of the offenses.

Under international law, torture is treated as a crime of universal jurisdiction, meaning it can be prosecuted anywhere. States are required to arrest and investigate anyone on their territory suspected of involvement in torture and to prosecute them if there is sufficient evidence of their culpability. Though it is preferable for victims of torture to hold their abusers accountable in the country where the torture occurred, universal jurisdiction can act as a safety net when states, such as Egypt, are unwilling or unable to properly investigate and try torture suspects.

Failing a serious effort by the Sisi administration to confront the torture epidemic, we urge UN member states to investigate and, if appropriate, prosecute in their own courts Egyptian security officers and other officials accused of committing torture or allowing it to occur, under the principle of universal jurisdiction.

Recommendations

To President Abdel Fattah al-Sisi

- Direct the Justice Ministry to create a special prosecutor or inspector general's office — consistent with the national mechanism provided in the Optional Protocol to the Convention Against Torture — staffed by independent professionals and empowered to make unannounced inspections of known and suspected detention sites, formal and informal, investigate complaints of abuse by the security services, prosecute these complaints in court, and maintain a publicly available record of complaints received, investigations, and outcomes.
- Direct the Interior Ministry to forbid the detention of any person inside National Security offices or other facilities other than officially registered police stations and prisons.
- Accept without further delay all pending visit requests by the United Nations special rapporteurs on torture and other cruel, inhuman or degrading treatment or punishment and on the promotion and protection of human rights while countering terrorism, and all similar requests by the Working Groups on Arbitrary Detention and Enforced or Involuntary Disappearances.

To Prosecutor General Nabil Sadek

- 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.
- Order prosecutors at all levels to regularly conduct unannounced inspections of known and suspected detention sites, including National Security offices, and to investigate all allegations of torture and ill-treatment.
- Order prosecutors not to use confessions and other evidence that may have been obtained by torture, except in cases against the alleged torturers.
- Investigate and if necessary discipline prosecutors found to have ignored allegations of torture or to have used threats of torture or abuse to pressure detainees to confess.
- Drop any investigations into lawyers, judges, or others that are motivated by their advocacy against torture.

To Interior Minister Magdy Abd al-Ghaffar

- Order the National Security Agency to halt the practice of detaining suspects in its offices and to immediately transfer all detainees in its custody to registered, legal detention sites.
- State publicly that the interior minister will not tolerate torture and ill-treatment in police stations, security directorates, the offices of the National Security Agency, or prisons and will punish those responsible.
- Immediately suspend any law enforcement official when there is credible evidence that they ordered, carried out, supervised, or acquiesced to acts of torture or ill-treatment.

To the Egyptian Parliament

- Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which requires both state and international monitoring of detention sites in order to prevent abuse.
- Amend the definition of torture in article 126 of the penal code to bring it in line with the Convention against Torture and increase the penalties in article 129 on the use of cruelty by officials and article 282 on torture in connection with illegal detention to make the penalties commensurate with the seriousness of the offenses. Ensure that the law on torture criminalizes command responsibility for any political or military commander responsible for torture committed by their subordinates.
- Amend Law 94 of 2003 regulating the National Council for Human Rights to allow the council to make unannounced visits to detention sites, intervene in lawsuits and file complaints directly with the public prosecution.

To United Nations Member States

- Under the principle of universal jurisdiction, investigate and, where appropriate and feasible, prosecute Egyptian security officers accused of committing torture, as well as officials who knew, or had reason to know, that subordinates were about to commit or were committing torture and did not take all necessary and reasonable measures in their power to prevent their commission or to punish the persons responsible.

Methodology

Human Rights Watch interviewed 19 Egyptian torture victims and two family members of another torture victim in February and April 2016 and February 2017. A Human Rights Watch researcher conducted the interviews in Egypt, in-person and in Arabic, with English translation when necessary. Interviewees who did not wish to be named in the report have been given pseudonyms, and Human Rights Watch has omitted certain details, such as the exact date or place of arrest, to further protect the identities of certain interviewees who requested this. A Human Rights Watch researcher and assistant researcher conducted follow-up interviews by telephone with several lawyers in Egypt throughout 2017.

Human Rights Watch informed each interviewee of the purpose of the interview and the way their information would be used. No interviewee received any direct or indirect remuneration for their participation.

Because of the Egyptian authorities' intimidation, arrest, and prosecution of many political opponents, human rights lawyers and activists — prosecutions that have included travel bans, asset freezes, and charges that could carry 25-year prison sentences — Human Rights Watch has not published the name of any person or group who assisted with this report.

On May 23, 2017, Human Rights Watch sent letters to the Prosecutor General and Interior Minister summarizing this report's findings and inquiring about the number of torture complaints received and investigated since 2013, the results of those investigations, the number of detainees held in police stations and National Security facilities, and the policies in place to prevent torture. Human Rights Watch did not receive any response by the time this report was prepared for publication.

I. Background

Egypt's torture epidemic has been widely documented for decades by international and local nongovernmental organizations (NGOs), as well as Egyptian legal groups, the quasi-governmental National Council for Human Rights, and the United Nations Committee against Torture.

In *Behind Closed Doors*, published in 1992, Human Rights Watch showed how torture by Interior Ministry officers had become “a pattern of abuse, not isolated cases of aberrant behavior.”¹ The report traced the institutionalization of torture in modern Egypt to the State Security Investigations Service (SSI) within the Interior Ministry, created under President Anwar al-Sadat. According to Egyptian lawyers who spoke with Human Rights Watch in the early 1990s, torture surged after Sadat's 1981 assassination at the hands of Egyptian Islamic Jihad, then known only as Al Jihad.²

Under Hosni Mubarak, the vice president who took power after Sadat's assassination, torture became a regular practice of the SSI, which launched a brutal campaign against suspected Islamists and other dissidents.³ The state of emergency put in place after Sadat's assassination, which the government kept in force continuously until June 2012, enabled the SSI to act unchecked.

“The virtually absolute powers vested in the security bodies during the past ten years of the operation of the emergency law have given them an exceptional status, effectively placing them above the law and the judicial system itself,” the Egyptian Organization for Human Rights wrote in 1991, calling torture “an officially sanctioned policy.”⁴

Human Rights Watch described the methods of torture used by the SSI in those years as “rigorous yet predictable,” indicating that “a system appears to be in place to train SSI

¹ Middle East Watch (now Human Rights Watch/Middle East and North Africa), *Egypt – Behind Closed Doors: Torture and Detention in Egypt*, <https://www.hrw.org/report/1992/07/01/behind-closed-doors/torture-and-detention-egypt>, July 1992, p. 2.

² *Ibid.*, p. 3.

³ Carlyle Murphy, *Passion for Islam, Shaping the Modern Middle East: The Egyptian Experience*, *Scribner*, July 1, 2007, p. 100.

⁴ Egyptian Organization for Human Rights press release, December 10, 1991, quoted in Middle East Watch (now Human Rights Watch/Middle East and North Africa), <https://www.hrw.org/report/1992/07/01/behind-closed-doors/torture-and-detention-egypt>, *Egypt – Behind Closed Doors: Torture and Detention in Egypt*.

personnel in torture techniques and that the use of torture is directed and supervised by officers in the SSI.”⁵ The apparent sanctioning of SSI torture at a high level caused a “sub-culture of violence” to “pervade even ordinary police work.”⁶

In November 1991, the UN Committee against Torture opened a confidential inquiry into Egypt under article 20 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which allows the committee to do so when it receives “reliable information which appears to it to contain well-founded indications that torture is being systematically practiced in the territory of a State Party.”⁷ Over the following four years of the committee’s investigation, Egypt declined to allow members of the committee to visit the country.⁸

In June 1995, as the committee prepared its findings, the Egyptian government pressured the committee not to publish a summary of its inquiry.

“If a summary account of the results of the confidential proceedings concerning Egypt were published in the Committee’s annual report, this might be interpreted as signifying support for terrorist groups and would encourage the latter to proceed with their terrorist schemes and to defend their criminal members who engage in acts of terrorism by resorting to false accusations of torture,” Egypt wrote. “In other words, it might ultimately be interpreted as signifying that the Committee is indirectly encouraging terrorist groups not only in Egypt but worldwide.”⁹

Despite this pressure, the committee published the summary in July 1996, concluding that “torture is systematically practiced by the security forces in Egypt, in particular by State Security Intelligence.”¹⁰ The committee found that “judicial remedies are often a slow process leading to the impunity of the perpetrators of torture” and that “most of the allegations of torture received from NGOs are directed against members of State Security

⁵ Middle East Watch (now Human Rights Watch/Middle East), *Egypt – Behind Closed Doors: Torture and Detention in Egypt*, p. 9.

⁶ *Ibid.*, p. 1.

⁷ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), adopted December 10, 1984, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987.

⁸ United Nations General Assembly, Report of the Committee against Torture, A/51/44, July 9, 1996, p. 30, 33.

⁹ *Ibid.*, p. 32, 33.

¹⁰ *Ibid.*, p. 36.

Intelligence ... [and] that no investigation has ever been made and no legal action been brought against members of State Security Intelligence.”¹¹

The committee recommended that Egypt “set up an independent investigation machinery, including in its composition judges, lawyers and medical doctors, that should efficiently examine all the allegations of torture, in order to bring them expeditiously before the courts.” The investigative body should have access to all places where torture was alleged to have occurred, the committee wrote, and Egypt should “undertake expeditiously a thorough investigation into the conduct of the police forces” in order to hold perpetrators of torture accountable.¹²

Egypt took action on none of these recommendations. A subsequent Human Rights Watch report on torture published in the midst of the 2011 uprising, 15 years later, stated that:

Egypt’s government is failing abysmally in its duty to properly investigate, prosecute, and punish those responsible for the vast majority of cases of torture at the hands of law enforcement officers. This is due to many factors, including the ability of the SSI to operate outside the law with impunity, failure to protect victims and witnesses of torture from retaliation and further torture if they pursue complaints, an inadequate legal framework, poor prosecution policies, and the [prosecution’s] limited resources and lack of independence.¹³

During and after the 2011 uprising that led to the ouster of President Mubarak, journalists, and Egyptian and international human rights groups put unprecedented scrutiny on the abuses of the Interior Ministry, which in turn pledged to reform the SSI, review personnel files, and retrain officers.¹⁴ The time seemed ripe for the complete reconstruction of the institution that, for thousands of Egyptians, represented the heart of state terror. Yet after 2011, successive military and civilian governments launched no

¹¹ Ibid., p. 34.

¹² Ibid., p. 36.

¹³ Human Rights Watch, *Egypt-Work On Him Until He Confesses: Impunity for Torture in Egypt*, <https://www.hrw.org/report/2011/01/30/work-him-until-he-confesses/impunity-torture-egypt>, January 2011, p. 84.

¹⁴ Hossam Bahgat, “On my first visit to the National Security Agency (formerly State Security-Nasr City?),” *Egyptian Initiative for Personal Rights*, June 15, 2011, <https://goo.gl/W4LcnW>, (accessed May 24, 2017).

comprehensive investigation into the years of Interior Ministry abuses that preceded and triggered the uprising.¹⁵

Under intense political pressure generated by the uprising and its aftermath, prosecutors charged former Interior Minister Habib al-Adly and several top aides for the deaths of at least 846 protesters during the uprising and belatedly added former President Mubarak to the case, but prosecutorial missteps and the security agencies' resistance to the investigation led to all of the defendants' eventual acquittals.¹⁶ Only two police officers served prison time for killing protesters during the uprising.¹⁷ In 2011 and 2012, during which a council of generals governed the country, the military used excessive force to break up demonstrations and tortured detainees with impunity.¹⁸

After Mohamed Morsy, a top Muslim Brotherhood official, was elected president in June 2012, many assumed that the movement that had suffered more than five decades of great abuse at the hands of the Interior Ministry would follow through on reforming it. Instead, the Brotherhood sought to accommodate the military and police. President Morsy shelved a fact-finding report he had ordered into abuses committed by the authorities in 2011 and 2012, choosing not to initiate any prosecutions despite evidence of disappearances, torture, and killings perpetrated by both the military and the Interior Ministry.¹⁹

The Brotherhood's conservative strategy appeared aimed at accommodating security agencies for the sake of the Brotherhood's ability to remain in power. The movement also faced suspicion, from non-Islamist Egyptian political actors, that it planned to bring

¹⁵ Yezid Sayigh, "Missed Opportunity: The Politics of Police Reform in Egypt and Tunisia," *Carnegie Middle East Center*, March 2015, <http://carnegie-mec.org/2015/03/17/missed-opportunity-politics-of-police-reform-in-egypt-and-tunisia-pub-59391>, (accessed May 31, 2017).

¹⁶ "Egypt: Mubarak Conviction a Message for Next President," Human Rights Watch news release, June 2, 2012, <https://www.hrw.org/news/2012/06/02/egypt-mubarak-conviction-message-next-president>.

¹⁷ "Egypt: Publish Fact-Finding Committee Report," Human Rights Watch news release, January 24, 2013, <https://www.hrw.org/news/2013/01/24/egypt-publish-fact-finding-committee-report>.

¹⁸ "Egypt: Widespread Military Torture of Protesters Arrested in May," Human Rights Watch news release, May 19, 2012, <https://www.hrw.org/news/2012/05/19/egypt-widespread-military-torture-protesters-arrested-may>; "Egypt: End Torture, Military Trials of Civilians," Human Rights Watch news release, March 11, 2011, <https://www.hrw.org/news/2011/03/11/egypt-end-torture-military-trials-civilians>.

¹⁹ "Egypt: Release Report on Abuse of Protesters," Human Rights Watch news release, April 12, 2013, <https://www.hrw.org/news/2013/04/12/egypt-release-report-abuse-protesters>.

security agencies, and even the military, under its own control.²⁰ This sensitivity was on full display in March 2013, when the movement's Freedom and Justice Party vehemently denied that top Brotherhood official Mohamed al-Beltagy planned to "restructure and reform" the Interior Ministry.²¹

The nadir of the Brotherhood's failed approach toward the Interior Ministry came in December 2012, after Morsy and his allies pushed through a draft constitution following a rushed and highly contentious debate.²² Mass street violence erupted on December 5, 2012, around the presidential palace between Morsy's supporters and opponents. Central Security Forces stationed nearby to protect the palace failed to separate the clashing groups. Gunfire killed at least eight Morsy supporters, but other pro-Morsy partisans detained opposition protesters, turned many over to the police, and held several dozen outside the palace gates, where they beat and mistreated them.²³ In a speech the next day, Morsy disturbingly suggested that the protesters arrested by his backers had "confessed" to being "hired thugs."²⁴

The Brotherhood's indulgence of the security forces failed to pay off. In July and August 2013, the Interior Ministry abetted the military's removal of Morsy, using deadly force to disperse two mass sit-ins in Cairo opposing Morsy's removal. The brutal dispersals killed at least 817 people in Rab'a al-Adawiya Square and at least 87 people in al-Nahda Square in one day.²⁵

Since March 2015, the interior minister has been Magdy Abd al-Ghaffar, a national security veteran who worked in the SSI from 1977 to 2008.²⁶ Abd al-Ghaffar returned as deputy

²⁰ Mohamed Abdu Hassanein, "Egypt fears 'Ikhwanization' of military," *Al-Sharq al-Awset*, March 20, 2013, <http://english.aawsat.com/mohamedhassanein/news-middle-east/egypt-fears-ikhwanization-of-military>, (accessed May 24, 2017).

²¹ Eric Trager, "In Power, But Not In Control," *Foreign Policy*, March 21, 2013, <http://foreignpolicy.com/2013/03/21/in-power-but-not-in-control/>, (accessed May 3, 2017).

²² Kareem Fahim and Mayy el-Sheikh, "First Round of Voting Spurs Dispute in Egypt," *New York Times*, December 16, 2012, <http://www.nytimes.com/2012/12/17/world/middleeast/egypt-constitution-vote-results.html>, (accessed July 12, 2017).

²³ "Egypt: Investigate Brotherhood's Abuse of Protesters," Human Rights Watch news release, December 12, 2012, <https://www.hrw.org/news/2012/12/12/egypt-investigate-brotherhoods-abuse-protesters>.

²⁴ *Ibid.*

²⁵ Human Rights Watch, Egypt-All According to Plan: The Rab'a Massacre and Mass Killings of Protesters in Egypt, August 12, 2014, <https://www.hrw.org/report/2014/08/12/all-according-plan/raba-massacre-and-mass-killings-protesters-egypt>.

²⁶ Khaled Dawoud, "The New Face of Egypt's Interior Ministry," *Atlantic Council*, post to MENASource (blog), March 12, 2015, <http://www.atlanticcouncil.org/blogs/menasource/the-new-face-of-egypt-s-interior-ministry>, (accessed July 17, 2017).

chief of the SSI in March 2011, after it had been renamed the National Security Agency, and gave a televised interview admitting the “many mistakes and excesses carried out by the former State Security Department, including lack of respect for human rights and the privacy of citizens.”²⁷ He assumed the agency’s leadership in December of that year but retired in August 2012, shortly after Morsy became president. Nearly three years later, al-Sisi brought Abd al-Ghaffar back and named him interior minister.²⁸

According to information provided to Human Rights Watch by the Egyptian Coordination for Rights and Freedoms, an independent legal and human rights group, at least 30 people died from torture while being held in Interior Ministry detention sites — the vast majority of them police stations — between August 2013 and December 2015.²⁹ In 2016, the ECRF reported that its lawyers received 830 torture complaints, and that another 14 people had died from torture in custody.³⁰ Enforced disappearances also notably increased after Abd al-Ghaffar took office.³¹ The disappearance, brutal torture, and death of Italian PhD student Giulio Regeni in February 2016, after he had been the subject of police surveillance, brought worldwide attention to the fatal consequences of Egypt’s internal security service run amok.³² But as with the many Egyptians who have died from police torture, no one has been brought to justice for his killing.

Since 2013, the authorities have actively stifled efforts to document and counter torture. In February 2016, authorities shuttered the offices of the Nadeem Center for the Rehabilitation of Victims of Violence and Torture, which since 1994 had provided clinical assistance to victims and documented police torture.³³ On November 23, 2016, authorities

²⁷ Ibid.

²⁸ The National Security Agency has, since the 2011 uprising, been led by veterans of the SSI, including Maj. Gen. Khaled Tharwat, Maj. Gen. Salah Hegazy and, most recently, Maj. Gen. Mahmoud Sharawy, who once worked for the SSI’s Anti-Extremist Activities Department, the division most often accused of perpetrating abuses against suspected Islamists.

²⁹ “Torture in stations” spreadsheet, *Egyptian Coordination for Rights and Freedoms*, unpublished document, May 2017.

³⁰ “The Siege: Human Rights in Egypt, the Events of 2016,” *Egyptian Coordination for Rights and Freedoms*, 2017, (accessed August 30, 2017).

³¹ “‘Officially, you do not exist’ – Disappeared and tortured in the name of counter-terrorism,” *Amnesty International*, AI Index: MDE 12/4368/2016, July 13, 2016, <https://www.amnesty.org/en/documents/mde12/4368/2016/en/>, (accessed July 17, 2017).

³² Nour Youssef, “Giulio Regeni, Italian Student, Was Under Investigation in Egypt Before His Death,” *New York Times*, September 9, 2016, <https://www.nytimes.com/2016/09/10/world/middleeast/egypt-italy-giulio-regeni.html>, (accessed July 17, 2017).

³³ The government claimed that the Nadeem Center had violated the terms of its license as a health clinic. “Egypt: Order to Shut Clinic for Torture Victims,” Human Rights Watch news release, February 17, 2016, <https://www.hrw.org/news/2016/02/17/egypt-order-shut-clinic-torture-victims>,

banned Aida Seif al-Dawla, a co-founder of the Nadeem Center, from travel in connection with a wide-ranging judicial investigation into independent nongovernmental groups regarding their alleged receipt of illegal foreign funding, a charge that could carry 25 years in prison.³⁴ The investigation remained open at the time this report was published.

On March 30, 2017, the Justice Ministry referred two judges, Assem Abd al-Gabbar and Hesham Raouf, to disciplinary proceedings for their participation in the drafting of a proposed anti-torture law.³⁵ The judges had worked with Negad al-Borai, a prominent human rights lawyer, on the draft law, which would have expanded the definition of torture in Egypt's penal code to meet the definition contained in the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It would also have required prosecutors to open investigations when they are informed of an alleged torture incident.³⁶ The complaint against the judges accused them of "engaging in politics" in violation of the Judicial Authority Law, which could result in their dismissal from the judiciary if they are found guilty.³⁷

Al-Borai himself has been under investigation since May 2015, when investigative Judge Abd al-Shafi Othman called him for questioning on charges of "inciting resistance to the authorities, engaging in human rights activities without a license, and deliberately spreading false information with the purpose of harming public order or public interest."³⁸ Judge Othman has called al-Borai for interrogation at least six times, and on January 27, 2017, authorities banned al-Borai from travel.³⁹

³⁴ "Egypt: Travel ban against Aida Seif El-Dawla, Director of El Nadeem Center for the Rehabilitation of Victims of Torture and Violence," *International Federation for Human Rights* urgent appeal, EGY 005 / 1116 / OBS 102, November 24, 2016, <https://www.fidh.org/en/issues/human-rights-defenders/egypt-travel-ban-against-aida-seif-el-dawla-director-of-el-nadeem>, (accessed May 4, 2017).

³⁵ "Egypt: Disciplinary harassment of Judges Assem Abel Gabbar and Hesham Raouf within the anti-torture bill case," *World Organization Against Torture* urgent appeal, EGY 002 / 0516 / OBS 042.3, April 7, 2017, <http://www.omct.org/human-rights-defenders/urgent-interventions/egypt/2017/04/d24287/>, (accessed May 4, 2017).

³⁶ "Draft Law for the Prevention of Torture," *United Group*, unpublished document, 2015.

³⁷ "Egypt: Disciplinary harassment of Judges Assem Abel Gabbar and Hesham Raouf within the anti-torture bill case," *World Organization Against Torture* urgent appeal, EGY 002 / 0516 / OBS 042.3, April 7, 2017, <http://www.omct.org/human-rights-defenders/urgent-interventions/egypt/2017/04/d24287/>, (accessed May 4, 2017).

³⁸ Email from (name withheld), attorney, *United Group*, October 2016.

³⁹ "Egypt: travel ban issued against Mr. Negad El-Borai," *International Federation for Human Rights* urgent appeal, EGY 002 / 0516 / OBS 042.2, January 27, 2017, <https://www.fidh.org/en/issues/human-rights-defenders/egypt-travel-ban-issued-against-mr-negad-el-borai>, (accessed May 4, 2017).

The active opposition to addressing the ingrained deficiencies of Egypt's criminal justice system has created a climate of near total impunity such that no officer of the SSI or National Security Agency has ever received a final conviction for torture or ill-treatment.⁴⁰ Members of the regular police are almost as immune: Between 2006 and 2009, according to government figures, prosecutors indicted and successfully prosecuted only six police officers for torture.⁴¹

For nearly a decade since, successive governments have not released figures regarding accountability for police abuse, but a Human Rights Watch review of reports by media outlets and NGOs found that of the hundreds of abuse allegations made against Interior Ministry officers since July 2013, prosecutors officially investigated around 40 cases, of which only seven proceeded all the way to a verdict. In six of these seven cases, involving 13 police officers, criminal courts found the defendants guilty. None of these verdicts appeared to have been confirmed by an appeals court at the time this report was being prepared for publication. To date, no court in modern Egyptian history has issued a final guilty verdict against an SSI or National Security officer for committing abuse.

Successful prosecutions are exceedingly rare. A September 2014 report by the United Group law firm stated that between October 2013 and August 2014, the group's lawyers provided assistance to 465 torture victims and filed 163 torture complaints to prosecutors, of which prosecutors referred only seven to court.⁴²

Government officials at the highest level continue to deny the seriousness of the torture epidemic, mimicking the Mubarak administration's position that torture is only perpetrated occasionally by lone officers. Al-Sisi and Abd al-Ghaffar, when asked about torture in Egypt, have denied that torture takes place in prisons, specifically wording their statements in a seeming attempt to avoid discussing the rampant torture committed outside prisons, in police stations and National Security offices.⁴³ Despite the

⁴⁰ Human Rights Watch, *Egypt-Work On Him Until He Confesses: Impunity for Torture in Egypt*, January 30, 2011, <https://www.hrw.org/report/2011/01/30/work-him-until-he-confesses/impunity-torture-egypt>, p. 68.

⁴¹ *Ibid.*, p. 2.

⁴² "Road Blocks to Justice: An Account of a Two-year Futile Effort to Gain Access to Justice," *United Group*, September 2014, <http://www.ug-law.com/downloads/road-blocks-to-justice-en.pdf>, (accessed May 4, 2017).

⁴³ Mahmoud Mehdi, "Interior Minister: We have no torture or enforced disappearance or physical liquidations," *Masr al-Arabiya*, February 8, 2016, <http://www.masralarabia.com/%D8%AA%D9%88%D9%83-%D8%B4%D9%88/918765-%D9%88%D8%B2%D9%8A%D8%B1-%D8%A7%D9%84%D8%AF%D8%A7%D8%AE%D9%84%D9%8A%D8%A9-%D9%84%D8%A7-%D9%8A%D9%88%D8%AC%D8%AF-%D9%84%D8%AF%D9%8A%D9%86%D8%A7-%D8%AA%D8%B9%>

overwhelming evidence to the contrary, Egypt’s delegation to the UN Human Rights Council stated during the country’s Universal Periodic Review, in late 2014, that “all allegations of torture and ill-treatment are investigated, and perpetrators are brought to justice,” and that “the Office of the Public Prosecutor investigates all cases brought to its attention on claims of torture or harsh treatment.”⁴⁴ Decades of research by Human Rights Watch and many other groups show that these statements are not true.

In June 2017, the Committee against Torture published the results of second inquiry into Egypt, the only time in the committee’s thirty-year history in which a country has been the subject of more than one public, published inquiry.⁴⁵ The committee found that torture is often carried out to obtain confessions or “to punish and threaten political dissenters” and that it takes place in Interior Ministry facilities throughout the country. Perpetrators of torture “almost universally enjoy impunity,” the committee found, due to the failure of prosecutors and other authorities to stop it or act on complaints. The facts gathered by the committee, it wrote, “lead to the inescapable conclusion that torture is a systematic practice in Egypt.”⁴⁶

D8%B0%D9%8A%D8%A8-%D8%A3%D9%88-%D8%A5%D8%AE%D9%81%D8%A7%D8%A1-%D9%82%D8%B3%D8%B1%D9%8A-%D8%A3%D9%88-%D8%AA%D8%B5%D9%81%D9%8A%D8%A9-%D8%AC%D8%B3%D8%AF%D9%8A%D8%A9, and Fadi al-Sawi, “Video... al-Sisi: There is no torture in prisons.. And the Egyptian judiciary is just,” *Al-Wafd*, November 22, 2016, <https://alwafd.org/%D9%85%D9%8A%D9%80%D8%AF%D9%8A%D8%A7/1413894-%D9%81%D9%8A%D8%AF%D9%8A%D9%88-%D8%A7%D9%84%D8%B3%D9%8A%D8%B3%D9%8A-%D9%84%D8%A7-%D9%8A%D9%88%D8%AC%D8%AF-%D8%AA%D8%B9%D8%B0%D9%8A%D8%A8-%D9%81%D9%89-%D8%A7%D9%84%D8%B3%D8%AC%D9%88%D9%86-%D9%88%D8%A7%D9%84%D9%82%D8%B6%D8%A7%D8%A1-%D8%A7%D9%84%D9%85%D8%B5%D8%B1%D9%8A-%D8%B9%D8%A7%D8%AF%D9%84>, (accessed June 2, 2017).

⁴⁴ United Nations General Assembly, Report of the Working Group on the Universal Periodic Review—Egypt, A/HRC/28/16, December 24, 2014, paragraph 119.

⁴⁵ United Nations General Assembly, Report of the Committee against Torture, A/72/44, May 12, 2017, p. 14.

⁴⁶ *Ibid.*

II. The Torture Assembly Line

Arrest, Disappearance, and Torture

Under Egypt’s constitution, unless officers catch individuals in the act of committing a crime, they may not “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.”⁴⁷ The constitution also states that “every person whose freedom is restricted shall be immediately notified of the reasons therefore” and be informed of their rights in writing.⁴⁸

Of the 19 former detainees interviewed for this report, security forces arrested 15 in early-morning raids on their home or in targeted arrests from the street near their home, workplace, or university. Others were arrested during or on their way home from protests, and police arrested one man near a metro station after apparently obtaining information that the suspect had a meeting in the area at the time. In none of these cases did security forces present the suspect with a judicial warrant or inform him about the reason for his arrest.

The arresting officers rarely wore identifying uniforms, except sometimes the black-clothed members of the Central Security Forces, and none wore insignia or name badges. In most cases, they wore civilian clothes. Often, officers told the suspect or their family members that they would take the person for a short time and return him shortly.

Egypt’s constitution states that suspects have a right to remain silent, that investigations may not begin unless their lawyer is present, and that every person who is arrested “shall be treated in a manner that maintains their dignity.”⁴⁹ The constitution outlaws torture, intimidation, coercion or “physical or moral harm” to detainees and states that torture “in all forms and types” is a crime with no statute of limitations.⁵⁰ It also states that

⁴⁷ Constitution of the Arab Republic of Egypt, article 54, <http://www.sis.gov.eg/Newvr/Dustor-en001.pdf>.

⁴⁸ Ibid.

⁴⁹ Ibid. Article 55.

⁵⁰ Ibid. Article 52.

individuals cannot be detained “except in places designated for that purpose, which shall be adequate on human and health levels.”⁵¹

In each case documented in this report, police and National Security officers violated these constitutional protections by beginning investigations immediately while denying suspects access to lawyers, torturing and threatening suspects, and instructing suspects to confess in order to end the torture and be released.

Of the 19 former detainees, 13 were tortured in National Security offices, five in police stations, and one in both places. Six men were tortured at the headquarters of the National Security Agency inside the Interior Ministry near Cairo’s Lazoghly Square.⁵² In five cases, security officers used torture to force suspects to read confessions prepared by the officers that they recorded on video and sometimes published on government social media channels.

The 19 victims were tortured in police stations and National Security offices across the country, including Alexandria, Aswan, and cities in the Nile Delta. The process of torture they described to Human Rights Watch, which was aimed at forcing them to confess and identify their friends and acquaintances or simply to punish them, was systematic.

After transporting a bound and blindfolded suspect to a detention site, security officers stripped him to his underwear, and sometimes naked, and questioned him briefly about his identity and the basic facts of his alleged crime, which typically included being a member of the Muslim Brotherhood, participating in illegal protests, or attacking police or government property. If the suspect denied any element of the accusations, the torture began.

The basic tools of torture were electrocution and stress positions, accompanied by beatings with fists, wooden sticks or metal bars. Security officers typically started by shocking a suspect with a handheld electric stun gun, often in sensitive places such as the ear or head. At the same time, they slapped or punched the suspect. If the suspect did not provide satisfactory answers, security officers increased the duration of the electric shocks

⁵¹ Ibid. Article 55.

⁵² According to multiple Egyptian human rights lawyers and activists, the National Security headquarters has since moved to the police academy in Cairo’s Abbasiya neighborhood. (Human Rights Watch email correspondence with the Egyptian Coordination for Rights and Freedoms, May 25, 2017).

and used the stun gun on other parts of the suspect's body, almost always including his genitals. Interrogators in some cases substituted electrified wires for stun guns.

Sometimes, security officers stopped the abuse here, but in most cases they escalated their torture and forced suspects into painful stress positions, of which there were two types.

In one, they handcuffed suspects arms behind their back, pulled up their arms, placed their handcuffs over the top edge of a door, and hung them above the floor, an unnatural position that caused excruciating pain in the back and shoulders, sometimes dislocating them. Some officers pulled suspects' legs downward to increase the pain.⁵³ A variation of this position sometimes involved hanging suspects by their handcuffs, again raised unnaturally from behind, from a hook in the ceiling. In the other position, called the "chicken" or "grill," officers placed a stick or bar behind the suspects' knees, wrapped their arms around the bar from the other side so that the bar laid between the crook of their elbows and the back of their knees, and tied their hands together above their shins to secure them in the position.⁵⁴ When the officers lifted the bar and suspended the suspects in the air, resembling a chicken on a rotisserie spit, the position put excruciating pain on their shoulders, knees, and arms. Officers kept suspects in these stress positions for periods that ranged from minutes to hours and often beat and shocked suspects with electricity while they were suspended and defenseless.

Security officers used electric shocks and stress positions repeatedly on suspects throughout long interrogation sessions that lasted for hours at a time. These torture sessions ended, often after days, only when the suspects agreed to confess to a crime or to name friends and acquaintances.

In several cases, security officers went beyond these standard methods of torture. One former detainee told Human Rights Watch that police officers in Cairo repeatedly raped him by inserting a stick into his anus.⁵⁵ Another said that National Security officers in Lazoghly threatened to rape him.⁵⁶ A former detainee held by National Security officers in a

⁵³ Human Rights Watch interview with Omar al-Shuweikh, Cairo, February 9, 2017.

⁵⁴ Human Rights Watch interview with "Salem," Cairo, February 8, 2016.

⁵⁵ Human Rights Watch interview with Omar al-Shuweikh, Cairo, February 9, 2017.

⁵⁶ Human Rights Watch interview with "Mahmoud," Cairo, February 8, 2016.

facility in Giza said they pulled out one of his fingernails and bit off part of another.⁵⁷ Another detainee held in Lazoghly said that a National Security officer pushed a sharp metal nail wrapped in an electrified wire into his arm to increase the pain of electrocution.⁵⁸ A lawyer held by National Security officers in Gharbiya governorate said that they wrapped a wire around his penis to shock him with electricity.⁵⁹ Three former detainees told Human Rights Watch that security officers threatened to torture their family members if they did not confess.⁶⁰

All of the former detainees interviewed by Human Rights Watch said that police and National Security officers prevented them from contacting anyone, including lawyers and relatives, for periods that ranged from a few days to nearly three months.

Typically, police and National Security Agency officers stopped using torture once they concluded their interrogations, but this did not mean that the suspect's ordeal had come to an end. In nearly every case, torture and interrogations served as prelude to further detention and prosecutorial investigations, of which four ended in trials. Judges or prosecutors eventually released 13 of the 19 detainees on bail or after closing their investigations. In two cases, National Security agents drove detainees to random locations in Cairo and released them onto the street. Most found themselves accused in new cases after their release.

“Khaled”

National Security agents arrested Khaled (not his real name), a 29-year-old accountant, on January 30, 2015, after he finished work in Hadara, a neighborhood in central Alexandria, and was preparing to drive home. They took him in a microbus to the Alexandria Security Directorate.⁶¹

As soon as he arrived, officers subjected him to a “welcoming party,” a term Egyptians use for collective beatings administered by police to new detainees. Khaled said it felt like they

⁵⁷ Human Rights Watch interview with “Karim,” Cairo, April 26, 2016.

⁵⁸ Human Rights Watch interview with “Ibrahim,” Cairo, February 13, 2017.

⁵⁹ Human Rights Watch interview with “Mustafa,” Cairo, February 12, 2017.

⁶⁰ Human Rights Watch interviews in Cairo with Ahmad Abu Zeid, February 11, 2017; “Gamal,” April 27, 2016; and Abd al-Rahman Mohamed Abd al-Galil, April 26, 2017.

⁶¹ Human Rights Watch interview with “Khaled,” Cairo, February 12, 2017.

were hitting him with sticks and metal bars. Then they took him to the fourth floor of the directorate, a place that he said was known among Alexandria residents for torture. They put Khaled in a room, blindfolded him, and cuffed his hands behind his back. A man came into the room and began asking Khaled about a series of police car burnings that had occurred in Alexandria in 2014.

“He told me, ‘Are you going to admit on your own, or do we have to use force?’ So I said, ‘I don’t know anything about what you’re talking about,’” Khaled recalled.

Someone stripped off Khaled’s clothes and began to shock him with an electric stun gun, beginning at the top of his body and moving down to his genitals and legs. Khaled continued to deny the allegations, so they began to shock him with electricity from live wires. Khaled could hear the crackling of electricity as someone touched the wires to each other.

The interrogations and torture continued for 11 days, during which National Security officers kept Khaled with other detainees on the fourth floor. During some interrogations, they brought other individuals into the room and asked Khaled if he knew them. The officers allowed the detainees to wear pants but not shirts and kept an air conditioner running in their detention room, which in January made the temperature extremely cold.

On the fifth or sixth day, guards took Khaled and other detainees out of the room and led them down a long hallway. The officers told Khaled that they were going to videotape his confession. He refused, so they took him back to what Khaled called the “torture room,” shocked him with electricity for around 30 minutes, and kicked him and beat him with fists. Then they led him back to the previous room and took off his blindfold. A man in civilian clothes was holding a camera, and another man held a paper next to it on which the officers had written a confession. The interrogator tried to get Khaled to memorize the confession.

The paper stated: “My name is such and such, and I’m responsible for this and that, and all of these were based on orders given by the Muslim Brotherhood,” Khaled said. “At first we did not want to do the video ... They tried to have us memorize [it], but unfortunately we couldn’t.”

On the tenth day, guards brought Khaled into a room and put him in a chair. Khaled was still blindfolded, and his hands were tied behind his back. A man with a voice Khaled did not recognize began to speak.

“Forget everything that’s happened,” the man said. He told Khaled he was aware that Khaled knew nothing about the police car burnings and did not know the other men detained in connection with the case but that he was going to formally accuse Khaled nonetheless. The man asked a guard to bring juice for Khaled. “Tomorrow you’ll be presented to the prosecution,” he said. “You have to state that you have committed all these accusations.”

“I won’t admit anything or sign anything, because I didn’t do anything,” Khaled responded.

The man threw the juice in Khaled’s face. Other men lifted him up and led him to another room.

“You’re going to sign, one way or another,” the man said.

The men lifted Khaled’s arms up from behind him and hung him from the top edge of a door in a stress position, putting excruciating pressure on his shoulders. They tied his legs together, and someone began to shock him with an electric stun gun on his head, armpits, and genitals. Others beat him with wooden sticks and metal bars.

During the beating, Khaled said, “he has [my] whole body in front of him and he can do whatever he wants.” Khaled lost consciousness, but the police threw hot water on him to wake him up.

At around 10 or 11am the next day, 11 days after his arrest, a chief prosecutor and four assistant prosecutors came to the fourth floor of the security directorate to question him for the first time.

“Karim”

On October 16, 2015, Karim, an 18-year-old university student, had just stepped out of a microbus in al-Badrasheen, his village on the rural outskirts of greater Cairo, after

attending a protest. He felt a man hug him tightly from behind. Karim turned and recognized a man he had seen in the protest march, whom he had believed was a police officer and would later find out was Amr Dibawi, the deputy chief of investigations at al-Badrasheen Police Station. Dibawi told Karim to come with him.⁶²

When Karim arrived at al-Badrasheen Police Station, the arresting officer took him to the chief of investigations, Ahmad Attiya. Karim acknowledged that he had been at the protest. Attiya asked him who had been with him, and Karim claimed that he had been alone.

“He said, ‘No, we watched your phone, we know who was with you,’ and he mentioned some names,” Karim said. The names were those of friends who had attended the march with him. Attiya ordered a policeman to take Karim out of the room, where they blindfolded him and handcuffed his hands behind his back. They brought Karim back inside, and Attiya began asking the same questions again. When Karim denied knowing anyone at the protest, Attiya said: “Take him and come.” They entered another room where they stripped Karim to his underwear and started shocking him with a stun gun. Then they raised his handcuffed arms upward behind his back and hung him from the ceiling with his feet unable to touch the floor.

“The pain was in my shoulders. I felt like they were coming out,” Karim said. “They put ropes around my wrists and pulled them up.”

The interrogator asked Karim about his father and uncle, who his friends were, and which of them used weapons. The officers alternated ten minutes of hanging with ten-minute breaks. After a while, a new interrogator began asking whether Karim knew who supplied protesters with weapons. They shocked him with electricity and beat him on his head and body. His interrogator asked him if he was a member of the Muslim Brotherhood.

“Who made you be with religious people? When did you start praying? How many parts of the Quran have you memorized? Who teaches you?” the man asked.

When Karim’s answers did not satisfy the officers, the second interrogator said, “This won’t work, he needs to go there.”

⁶² Human Rights Watch interview with “Karim,” Cairo, April 26, 2017.

The police took Karim, blindfolded but not handcuffed, around 10 miles north to what he believed was a main National Security office in Abu Nomros, a village in Giza. They led him up a flight of stairs into an office, then stripped him to his underwear and asked him the same questions. When Karim refused to answer, he heard a man snap his fingers. Someone grabbed Karim by his shirt, pulled him into a hallway and tied his hands behind his back with a cloth. They pulled Karim back into the room. Someone fired an electric stun gun near his ear. When he refused to answer their questions, they began to shock him with the gun. They replaced the cloth binding his hands with handcuffs, made him stand on a chair, and pulled his hands up behind his back and hung him from the top edge of a door.

“I was thinking of only two things: The pain I felt in my arms and how will I come down from the door. At the same time they were electrocuting me, but I didn’t feel it, I just felt the pain in my arms,” Karim said.

“You need to speak to us!” a man yelled.

At around 1 or 2pm the next day, a man came to take Karim for another interrogation. At one point, the interrogator told a policeman to take off Karim’s handcuffs. They tied his right arm to his right thigh and laid him on the floor. To restrain him further, a man sat on his chest while other men pinned his left arm and left leg.

“I told them that I was in al-Badrasheen [that day],” Karim said. “And they asked me if I was in a march, and I said I was in a march, but other than that, I have nothing to say.”

As Karim was restrained, a man used what felt like pliers to pull out the nail on the index finger of Karim’s left hand.⁶³ Karim could feel his finger bleeding.

“They got spray and put it on the nail,” Karim said. “The pain was worse than when they pulled it out.”

“If you’re not going to speak, we’ll do something more to you,” the man said.

Karim felt himself losing consciousness.

⁶³ A Human Right Watch researcher viewed the scars on Karim’s finger.

“Take him back to the room,” the man said.

Around 8 pm they brought him out for another interrogation. A man used the stun gun to shock Karim on his lower lip, which began to bleed, then shocked Karim in his head. They named someone and asked Karim if he knew him. Karim said yes, and they moved him to another room, where he spent the night.

Karim slept most of the third day with his hands cuffed behind him. At around 5 pm, a man came in and told Karim he would take off the handcuffs to let him eat and drink, which they had not allowed him to do until that point. Karim said he did not have the strength to raise his hands. After a while, a man came back and gave Karim a cup of water, then cuffed his hands behind his back and took him to another interrogation. There, they named more individuals and asked Karim if he knew them. When he said no, someone shocked the finger where they had pulled out the nail. They asked him again if he knew the individuals they had named, and he said no. Someone touched wires to his head and shocked him.

“If they had left it longer, I would’ve died,” Karim said.

At one point, a man picked up one of Karim’s hands, bit onto a nail and ripped part of it off with his teeth, causing the finger to bleed. At around 6pm, Karim heard the call for the sunset prayer and asked if he could pray, and the men let him go.

On the fourth day, they brought Karim for a similar interrogation and began asking him questions in a calmer manner than before. Then Karim heard someone snap his fingers, and they took him into another office.

“They said, ‘You won’t talk?’ and I said, ‘No, sir, I have nothing to say,’” Karim recalled. A man began to shock Karim in his genitals with an electric stun gun. Karim finally admitted that one of the men they had been asking about was his relative.

National Security officers kept Karim in his cell for three or four more days before taking him out again. They asked him questions about where his friends lived and told him he would accompany officers to point out the homes of his friends. Karim claimed that he could not remember where they lived and said he would not help the police find them.

“Fine, OK,” a man said. “Take him to the fridge.”

The police put Karim in a small room where it sounded as though two air conditioners were running. It was very cold, and the police kept Karim there for around a day wearing only his underwear. Afterward, they returned Karim to his cell, which measured around 1.5 by 3 meters, for around 15 days.

Ten days later, a man took Karim from his cell shortly after the dawn prayer, at around 5 am. He removed Karim’s blindfold and told him not to say anything, then led Karim into a room where a cousin of his was being held, blindfolded. They asked Karim if the man was his cousin. Karim began to cry and admitted he was. They asked if his cousin had attended the protest, and Karim said that he had been in the area but only because he was running errands.

On December 8, around a month and a half after his arrest, the police sent Karim back to al-Badrasheen Police Station and held him overnight. Before dawn the following day, they took him to the office of the head prosecutor in al-Badrasheen.

Omar al-Shuweikh

Omar al-Shuweikh, 23, was arrested at around noon on March 24, 2014, as he walked down a sidewalk in Cairo’s Medinat Nasr neighborhood after leaving Al Azhar University, where he was a student in Islamic and Arabic studies and a well-known chant leader at protests. Since December 9, 2013, there had been a warrant for al-Shuweikh’s arrest, accusing him of stealing a policeman’s handgun and belonging to the Muslim Brotherhood. Al-Shuweikh had also attended the sit-in opposing former President Morsy’s ouster in Rab’a al-Adawiya Square in 2013 before it was dispersed.⁶⁴

“All I used to do was direct chants, I never held a weapon,” al-Shuweikh told Human Rights Watch. “I’m against that idea.”

⁶⁴ Human Rights Watch interview with Omar al-Shuweikh, Cairo, February 9, 2017.

The police drove al-Shuweikh to the Second Police Station in Medinat Nasr and took him upstairs to the National Security offices. There, they stripped him, ripped his undershirt in half, and blindfolded him with it. Then they handcuffed his hands behind his back.

“They started beating me from everywhere,” al-Shuweikh said, “At first I wanted to be hard-headed and I wasn’t going to talk. They started beating me with the wooden sticks and started cursing my mother. And then they started saying, ‘We’ll do X, Y and Z if you don’t talk.’” They shocked him with an electric stun gun and put him into another room for half an hour. Afterward, they brought him into the office of the head of investigations. Inside the office, they hung al-Shuweikh from the ceiling and suspended him so that his feet did not touch the floor, dislocating his right shoulder.

After confirming al-Shuweikh’s identity, the interrogators asked him whether he belonged to the Muslim Brotherhood and to give them the identities of those they claimed helped organize activism in the university and paid him to protest. Al-Shuweikh tried to give the interrogator answers that would not incriminate his friends, but it seemed as though the police did not believe him. The interrogator began to squeeze his testicles.

“I started answering the questions because I was in a lot of pain,” al-Shuweikh said. “At first, I didn’t want to give them names, and then I started creating fake names and giving them to them.”

The interrogator said that al-Shuweikh was not being truthful, and the men threw him into another room. They soon pulled him out and put him into an office with a different interrogator.

“This was a different situation,” al-Shuweikh said. “It was as if there was personal rivalry between us.”

The men in this room forced al-Shuweikh to the floor, pulled down his pants and underwear, and inserted their fingers in his anus. Then they inserted what felt like a wooden stick.

“Now look at what we're doing to you,” one of the men said. “You were acting like a man outside, you were taking your shirt off and saying the Interior Ministry are thugs. Here we are and we're fucking you. We'll make you pregnant.”

This initial experience lasted for about six minutes, after which the officers continued the interrogation for around three hours, al-Shuweikh said. The officers hung him in a stress position, shocked his testicles, hands, and his handcuffs with electricity, raped him with a stick, and squeezed his testicles.

During the interrogation, one officer led the torture, while a different officer tried to persuade al-Shuweikh to talk.

“My son, we want to help you, don't worry, we'll get you out, just help us,” the second officer said, according to al-Shuweikh.

He told al-Shuweikh he knew there were people paying them to protest.

“Who is fooling you with the money? We know that you have nothing to do with it, but we know someone is paying you,” he said.

When al-Shuweikh did not answer, they would torture him again.

Al-Shuweikh believed that the National Security officers at this station had a special interest in him. He could hear them speaking on radios or mobile phones to other people whom he assumed to be police officers, telling them that al-Shuweikh was “theirs” and they would be “dealing with him” at the station, not transferring him.

At one point, an officer asked him if he wanted anything to eat or drink or to “freshen up” before he would be filmed making a confession. He said no. A man entered the room with a video camera and turned it on. An officer asked al-Shuweikh questions, telling him to admit to being a Brotherhood member. Al-Shuweikh responded that he did not know what the officer was talking about, and the man with the camera told the officer, “It's not going to work, pasha.” The officer told the man to proceed and that they would edit the footage later.

“They would say, ‘Say that a certain person was with you, we’ll ask you about this and you will answer you were at this place,’ So I said OK, [but then] they would start and I would say, ‘I don’t know,’” al-Shuweikh said.

The officer attempted to film his confession two or three times before stopping. After the first day’s interrogation ended, they put al-Shuweikh in a room by himself. They would not allow him to sleep and did not give him food or let him pray or use the bathroom. At around 9:30am the following day, they took him to a prosecutor’s office in a courthouse in the Seventh District area of Madinat Nasr.

Around five days later, al-Shuweikh’s mother, Hoda Abd al-Hamid Mohamed, visited him at the police station. She told Human Rights Watch that al-Shuweikh was limping badly, and the left side of his face was swollen, nearly closing his left eye. She visited again the next day, and al-Shuweikh smuggled notes to her detailing his torture.⁶⁵

“Mustafa”

At around 3am one morning in March 2016 in Gharbiya, a governorate in the Nile Delta, security forces raided the home of Mustafa, a lawyer, without a warrant. The agents knocked, but before Mustafa (not his real name) could open the door, they broke it down, and more than a dozen men entered his apartment wearing balaclavas and civilian clothes. They carried weapons and identified themselves as the police.⁶⁶

“I asked them, ‘Do you have an arrest warrant?’” Mustafa said. “They told me, ‘Don’t worry about the paper, we’ll figure it out later.’ I said, ‘You know I’m a lawyer,’ They said, ‘It’ll just take ten minutes and you’ll be back home.’”

The police blindfolded Mustafa and drove him to an unknown location. They put Mustafa into a room with another detainee, who told Mustafa that they were in the National Security headquarters in Tanta, the capital of Gharbiya, and that he had been held there for 50 days without being allowed to contact anyone.

⁶⁵ Human Rights Watch interview with Hoda Abd al-Hamid Mohamed, Cairo, February 9, 2016.

⁶⁶ Human Rights Watch interview with “Mustafa,” Cairo, February 12, 2017.

An officer took Mustafa up three or four flights of stairs and made him stand next to a door for around 30 minutes before someone called him inside for interrogation, which began at around 9am.

“Until around 12pm, it was normal conversation,” Mustafa said. “What do you have to do with the January 25, [2011,] revolution, what was your role in the revolution, what was your role in the elections.”

The National Security interrogator asked Mustafa what he thought of the “June 30 revolution,” the mass anti-Morsy protests that preceded the military’s removal of Morsy in 2013. He asked what role Mustafa had played in the sit-ins protesting Morsy’s removal from July to August 2013 and what he thought of the August 14, 2013, police dispersal of the Raba’ al-Adawayia sit-in, which killed at least 817 protesters in one day.

The interrogator asked Mustafa about some of the men he had represented in court, including Muslim Brotherhood members, liberals, and farmers, Mustafa said. Mustafa told the man that he represented them as a lawyer, but the man did not believe him.

The interrogator wrapped what felt like wires around the little fingers on Mustafa’s right and left hands and shocked him with electricity intermittently for around 30 minutes. Then the men removed Mustafa’s pants and underwear and made Mustafa sit on the floor and spread his legs on either side of a chair. Someone wrapped other wires around the little toes on Mustafa’s left and right feet and shocked him again with what felt like a stronger and more painful current of electricity. Someone removed one of the wires and wrapped it around Mustafa’s penis and shocked him again. When Mustafa lost consciousness, an officer woke him by punching him in the face.

“They would electrocute me to get answers out of me, like, ‘Why are you visiting this person in prison, what’s your relationship with this person,’” Mustafa recalled. Mustafa yelled at the security agents that he was just a lawyer, “until the very end, when I wanted them to stop the torture, I said, ‘What do you want me to say?’ I said, ‘Bring me a paper and say what you want me to say and videotape it and put it on television ... I’ll go on TV and say I killed Sadat, even though I was born after he was killed.’”

At around 4pm, they put Mustafa back into the first room but did not allow him to put his clothes back on.

“All my nerves were shaking, I wasn’t in control of them,” he said. “Every time I tried to get up I felt dizzy. I fell down in the cell. The guard came and brought me an orange. I wasn’t able to eat it, but he forced me to eat it.”

At around 8pm, a policeman brought Mustafa back to the office where the torture had taken place, and the same interrogator began asking him the same questions. The questions did not concern crimes Mustafa was alleged to have committed but instead focused on politics. He asked Mustafa about human rights and election monitoring work Mustafa had performed in the 2005 and 2010 parliamentary elections and about the 2008 municipal elections.

“He asked me, ‘What was your role exactly in monitoring these kinds of things, who were you communicating with,’ et cetera,” Mustafa said.

The interrogation continued until around 1am, Mustafa said. The man seemed to be double-checking the things that Mustafa had told him in the first interrogation, and he asked Mustafa why he had been “hiding” recently. Mustafa told the man that he had been attending court sessions, meeting with prosecutors, and living at home, not hiding.

“Because I feel like what I’ve done is not a crime that I should be punished for. This is just an opinion and I didn’t think that this opinion would have me jailed at the end of the day,” Mustafa said.

At around 1am, they put Mustafa back in the other room and kept him there for five days. On March 20, they sent him to a prosecutor.

“Ammar”

Security officers arrested Ammar (not his real name) in Alexandria on December 28, 2014, as he returned to his father’s home after praying at a nearby mosque. They took him to the

Alexandria Security Directorate, where they blindfolded him, tied his hands behind his back, and took his money and mobile phone before taking him by elevator to the fourth floor.⁶⁷

“I heard screaming and whatnot, and beatings, the kind of things we see in films,” Ammar said.

The men put Ammar in a hallway, where they kept him all night until moving him to a room the next morning. He heard the sounds of many other people in the room. Around half an hour later, they called Ammar out and took him to a different room.

“Do you know where you are,” a man asked.

“I don’t know, once I left the car they blindfolded me,” Ammar responded.

“You’re in National Security offices. The oppressive infidels, don’t you say that about us?” the man said.

An interrogator accused Ammar of being a Muslim Brotherhood member and said he knew where Ammar worked and that he led prayers at Hozaifa Mosque in al-Muhajireen, a village outside Alexandria. According to Ammar, Hozaifa Mosque was known to be used by the Muslim Brotherhood, and in the two weeks before Ammar’s arrest, security forces had conducted arrest sweeps in the village and raided the mosque, claiming to be searching for Brotherhood members.⁶⁸ At one point, unknown gunmen had opened fire on a police station in the area from a passing vehicle.⁶⁹

“Go and tell me everything you’ve done, where do you get the weapons from,” the man asked. “You were driving the car. Who brought you the weapons?”

“I don’t know, I just go between my work and my home,” Ammar responded.

⁶⁷ Human Rights Watch interview with “Ammar,” Cairo, February 12, 2017.

⁶⁸ “Investigation: Security forces storming of al-Muhajireen village in Alexandria,” *Al-Jazeera Mubasher*, <https://www.youtube.com/watch?v=Y-tnjY1sG2Y>, December 24, 2014 and “Dawn of the coup: Coup security forces’ violation and destruction of Hozaifa Mosque in al-Muhajireen village,” *Egypt Window*, December 14, 2014, https://old.egyptwindow.net/news_Details.aspx?News_ID=66727, (accessed May 22, 2017).

⁶⁹ Human Rights Watch interview with “Ammar,” Cairo, February 12, 2017.

“So what’s your relationship to the Muslim Brotherhood?” the man asked.

“I don’t know anyone from the Muslim Brotherhood except my sheikh, who had me memorize the Quran,” Ammar responded.

“How come you lead prayers at the Muslim Brotherhood mosque?” the man said.

Ammar explained that there were five mosques in his area, and as a local who’d memorized the Quran, circulated among them giving recitations.

“It looks like you’re not going to cooperate with us,” the man responded.

He called another person into the room and ordered him to tie Ammar’s ankles together and take off his clothes. Ammar tried to hold up his underwear with his hands, which were tied behind him, but the man pulled his underwear down. The men in the room began beating Ammar and shocking him with an electric stun gun in his head, ears, and genitals. One poured water over him to increase the pain of the shocks.

“I’m going to make you kiss my feet and say, ‘I’ll talk,’ and still I won’t let you talk,” the interrogator told Ammar.

“I was shouting and saying, ‘Oh lord,’” Ammar recalled. “And he’d say, ‘Don’t shout for God.’”

After about an hour, Ammar heard the call for afternoon prayer, and soon afterward, the torture stopped. The officers allowed him to put his clothes back on and left him sitting in a chair, but after around 40 minutes they returned and resumed the same torture.

“Sometimes I’d lose consciousness. He kept my clothes on this time. They would pour water and start electrocuting,” Ammar said.

The interrogator asked him where he obtained money and weapons and who was responsible for repeated acts of sabotage committed against government infrastructure. After around three hours, a guard took Ammar to the bathroom. Then he put Ammar in a room with other detainees, where Ammar stayed for another two to three hours before he

was taken back for interrogation with a new officer. This man asked Ammar for his personal details, brought him a snack, and chatted casually with him for another two or three hours.

Then the man told Ammar: “OK, let’s go, tell me what you’ve done and who you know.”

“Pasha, all I know I said earlier today, and you’ll find it there,” Ammar responded, referring to the notes he assumed the first interrogator had taken.

“Don’t tell me it’s written there!” the man yelled.

He began whipping Ammar with a cable and shocking him with electricity. The torture and interrogation lasted until around dawn, when he let Ammar rest. Later, when he returned to the room, he told Ammar that he had seen videos that showed Ammar committing the crimes of which he was accused.

“This is the last thing I’ll say to you: I’ll be able to make it less painful for you if you confess, but this way you’ll stay here for 25 or 30 years,” the man said. “And if you don’t confess, we’ll bring your wife here and we’ll make you confess.”

“I told him, ‘OK, bring me the videos and show me,’” Ammar said. “‘I’m sure I didn’t do anything, and I wasn’t videotaped whatsoever.’”

They put Ammar back into a room that felt cold and breezy, as if he were standing next to an air conditioner or open window. At one point, a man poured cold water on him. In the morning, they moved him back into the room with other detainees. The next day, guards took Ammar for interrogation again. While someone shocked him with electricity, a man asked Ammar to give him the work and home addresses of certain individuals. The shocks felt stronger than the electric stun gun and left marks on Ammar’s body that he saw later, he said.

These torture and interrogation sessions lasted for around eight days. Each morning and night, Ammar would be put through interrogations and torture, each lasting for around two hours.

“You’re my work,” an interrogator told him sarcastically one day. “I work here 12 hours and I earn money for what I’m doing to you, so you don’t want me to earn money?”

On the seventh day, a man called Ammar into a room and took off his blindfold. Ammar saw that he was in a room with seven other people standing next to a large table arranged with weapons, petrol bombs and gloves. Officers punched Ammar and the other detainees, telling them to stand at attention and not to look at the table. A man in civilian clothes wearing a balaclava began videotaping them. Later, they took the men individually into a room and tried to force them to read a prepared confession. When Ammar refused, they beat him. Ammar later saw that the authorities published a video to the Interior Ministry’s Facebook and YouTube pages containing the clips of them standing next to the table and confessions from at least two of the men.

The next day, police took the eight men downstairs and removed their blindfolds.

“Now you’re normal prisoners,” a man said.

“Kamal,” “Hassan,” and “Ahmad”

Late at night on November 23, 2014, Hassan (not his real name), a 19-year-old student, was sitting at home in Hosh Eissa, a small town in Beheira governorate, when security forces wearing black uniforms burst in and held him at gunpoint. After searching the house, they handcuffed him, put him into a police riot van, and cursed him and beat him. They took Hassan, blindfolded, to the Hosh Eissa Police Department.

Hours later, at around 6am, police arrested two other students in Hosh Eissa: Kamal, 18, and Ahmad, 17 (not their real names). Police wearing civilian clothes and black uniforms, some wearing masks, entered Kamal’s home and arrested Kamal, his father, and his brother. The police took the men to al-Kom al-Akhdar Police Station in a smaller village outside Hosh Eissa. Another group of police arrested Ahmad from the home of a relative, where Ahmad was staying, and arrested Ahmad, his relative, and his relative’s father and brother. The police took Ahmad and his relatives to Hosh Eissa Police Station, where they electrocuted him with stun guns and beat him.

A story published that day by *Al-Bawaba*, a news outlet sympathetic to the government, quoted members of the security services who said they had arrested 10 local Muslim Brotherhood members whom they had found in possession of weapons and flags of the extremist group Islamic State.⁷⁰

Inside al-Kom al-Akhdar Police Station in Hosh Eissa, police blindfolded Kamal, his father and brother, handcuffed them from behind, insulted them and punched them. Around two hours later, they sent Kamal and his relatives to a camp used by the Central Security Forces in Damanhour, the capital of Beheira governorate, around 25 miles away.⁷¹

Police moved Hassan and Ahmad from Hosh Eissa Police Station to another location. Hassan speculated that one of the reasons for his arrest might have been that his father, a Muslim Brotherhood member who had fled the country, was accused alongside scores of co-defendants in a case connected to a previous attack on the police station. Because Ahmad and Hassan were blindfolded, they did not know where they were, but the interrogation continued in the second location for four days, and they believed that they were also in the Damanhour Central Security Forces camp. The police kept the detainees in one room and interrogated and tortured them in another, Ahmad said.⁷²

Hassan said that police hung him from the ceiling by his feet, poured water on him, and electrocuted him with what felt like wires. As they electrocuted him, including on his genitals, the police told Hassan to name the accomplices whom they claimed had helped him burn police cars and kill policemen.

After three or four hours, the police let Hassan down. They handcuffed his hands behind his back, pushed his face into a soaked sponge, covered him in a wet blanket, and electrocuted him again. At one point, Hassan threw up blood. The police then took Hassan into another room and continued interrogating him.

⁷⁰ Ayman Abd al-Aziz, "Arrest of a terrorist cell in possession of weapons and ISIS flags in Giza," *Al-Bawaba*, November 26, 2014, <http://www.albawabhnews.com/926513>, (accessed May 25, 2017).

⁷¹ Human Rights Watch interview with "Kamal," Cairo, February 7, 2016.

⁷² Human Rights Watch interviews with "Ahmad" and "Hassan," Cairo, February 7, 2016. Human Rights Watch interviewed "Kamal," "Ahmad" and "Hassan" separately.

“There were a lot of voices, they would kind of take shifts on me, someone would write something down and they’d go check it, and then another person would continue torturing me,” he said.

Ahmad said that police ordered him to strip naked and sit in a chair. They put what felt like bracelets around both wrists as well as rings on his little fingers on both hands and big toes on both feet. They also wrapped something around his genitals.

“It was like a wire connected to an electrical device,” Ahmad said.

The police interrogated Ahmad about the police car burnings and killings of policemen and shocked him with electricity throughout the sessions, which lasted between two and three hours each. They accused Ahmad of participating in the killing of a policeman on the day of his arrest. Ahmad told Human Rights Watch that he had been wearing a full cast on his left leg at the time and had been hospitalized until the day of his arrest, as he had broken bones in his foot and ankle.

Kamal said National Security agents interrogated him multiple times while he was held in the Central Security Forces camp.

“They were assaulting us physically and assaulting my father and brother in front of us,” Kamal said. “They would beat us with sticks and electrocute us.”

Kamal’s interrogators wrapped what felt like wires around different parts of his body, including his toes, and electrocuted him during the interrogations, Kamal said. Most of their questions focused on protests: “How much money do you get to go to a protest, who’s in charge of organizing the marches, who tells you about the timing of the protest, do you communicate with one another, how do you communicate with the guys?” The interrogators accused him of burning police cars and attacking police officers.

“I admitted to protesting after they pressured me, so most of the questions, I gave them the answers they wanted to hear, because the electrocution was too much for me to bear,” Kamal recalled. “For example, he would tell me, ‘You burned this police car in this area,’ and I would say, ‘Yes, I did,’ even if you don’t know the police car or you don’t know the place. And there might never have been a police car in that place to begin with.”

Kamal said officers interrogated him, his father, and his brother around 10 times during the next four days. Occasionally, the officers made new allegations against them. After each interrogation, Kamal and the others would be returned to their cell and forced through a beating “welcoming party.”

Around four days after their arrests, prosecutors came to the Central Security Forces camp to interrogate them.

The Prosecutor

Egypt’s constitution states that detainees must be brought before prosecutors within 24 hours of their arrest, and that “every statement proved to be made by a detainee” under torture or the threat of torture “shall be disregarded and not be relied upon.” In practice, Human Rights Watch found, police and National Security officers almost always violated the requirement to present detainees to prosecutors within 24 hours, and prosecutors ignored detainees’ claims of torture and enforced disappearance, instead relying entirely on falsified National Security memos and in some cases threatening to return detainees to torture if they did not confess.

Only one of the 19 former detainees interviewed by Human Rights Watch, a student whom police officers beat, electrocuted, hung from the ceiling, and anally raped with a stick, said that officers took him to a prosecutor within 24 hours of his arrest, as Egyptian law requires. Ten detainees said that officers illegally detained them for more than a week before presenting them to a prosecutor. Eight of these men waited at least a month to see a prosecutor. None were allowed to contact lawyers or relatives beforehand. Among the ten detainees who saw a prosecutor within a week of their arrest, the majority were not allowed to have a lawyer present even during their questioning.

International law requires that detainees be brought speedily before a judge, usually within 48 hours, to review their detention, but Egyptian law provides no such protection.

The Egyptian criminal procedure code requires prosecutors to present a detainee to a judge within four days of arrest, thereafter every 15 days, and after 45 days to a minor offenses court to review his detention. But when detainees are accused of any offense punishable under chapters one, two, and four of the second section of the penal code –

which cover all political and national security crimes, such as protesting, seeking to overturn the government, and terrorism – articles 143 and 206 of the criminal procedure code delegates this power of judicial review to prosecutors.

Nevertheless, in all cases, detainees can appeal prosecutors' detention decisions to a court and request to be released every 30 days, and after five months must be presented to a criminal court judge every 45 days. But if a judge orders a detainee's release, prosecutors can appeal, and in practice, Human Rights Watch found that judges typically bow to prosecutors' wishes, rejecting multiple initial release requests by detainees before only sometimes eventually granting release.

Prosecutors are allowed to request that detainees accused of serious offenses be held in temporary detention for up to 18 months, and up to two years if the alleged offense is punishable by death or life in prison. But human rights groups have documented how prosecutors have held detainees beyond the legal limit in multiple cases involving hundreds of defendants.⁷³

These binding time limits only begin once a prosecutor officially recognizes that someone has been detained. In practice, police and National Security officers routinely hold individuals in conditions of enforced disappearance for weeks or months at a time before presenting them to prosecutors, further elongating a suspect's detention.

All but one of the former detainees interviewed by Human Rights Watch said that once they were finally presented to a prosecutor, they told the prosecutor about their torture. In each case, they said, they saw no evidence that prosecutors took action to investigate.

“Khaled”

At around 10 or 11am on the 11th day of Khaled's detention in the Alexandria Security Directorate in February 2015, a chief prosecutor and four assistant prosecutors came to the fourth floor of the directorate to interrogate Khaled and other detainees.

⁷³ “Detention without end: How pretrial detention became a tool for political punishment in the absence of emergency,” *Egyptian Initiative for Personal Rights*, April 2016, p. 24, http://eipr.org/sites/default/files/reports/pdf/endless_imprisonment_o.pdf

The chief prosecutor was a man named Mohamed al-Nawishi, who was responsible for Alexandria's eastern Montaza district.⁷⁴

“When we first saw them, we were all a mess, we had signs of torture all over us,” Khaled said. “We told them, ‘You first have to state the torture we were subjected to and then interrogate us.’ [Al-Nawishi] said, ‘I don’t see any signs of torture, you’re in perfect health,’ and he refused.”

Al-Nawishi asked Khaled if he was a member of the Muslim Brotherhood, and when Khaled said no, asked Khaled to step outside. The prosecutors then separated the seven oldest detainees of the group, including Khaled, and accused them of leading the group that had burned police cars. They told the men that they had viewed the videos of their confessions. Khaled and others told the prosecutors that the videos had been made under torture.

“[Al-Nawishi] said it’s none of my business, and if you don’t state what you said in the video again, I’ll let you go back to the fourth floor again and be tortured,” Khaled recalled. “I told him, ‘You’re not supposed to take his side or mine.’ He cursed my mother and he said, ‘We’re one thing.’”

One of the prosecutors slapped Khaled in the face and ordered him to sign a paper confirming his confession, Khaled said.

Afterward, the authorities transferred Khaled and the other detainees to Borg al-Arab Prison in Alexandria, where Khaled was held for around 15 months before he successfully appealed his pretrial detention and a judge ordered his release after he paid a bail of 25,000 pounds (US\$1,385).

Before he could be released, the authorities sent Khaled back to the National Security office on the fourth floor of the security directorate. Officers there asked Khaled what he would do when he was released. He told them he had no business with anyone. The officers asked Khaled to describe life in Borg al-Arab Prison and how the Muslim

⁷⁴ Human Rights Watch interview with “Khaled,” Cairo, February 12, 2017 and Human Rights Watch text message correspondence with a human rights lawyer in Alexandria, July 5, 2017.

Brotherhood worked inside the prison. He said he did not know. As they questioned him, they began to shock him with an electric stun gun.

The National Security officer in charge of Khaled's case added his name to a second case and transferred him to a police station. By bribing officers, Khaled said, he obtained a release order, but the same National Security officer then placed his name in a third case, preventing his release. Khaled repeated the bribe, but this time, the National Security officer wrote a referral to military prosecutors in Cairo, accusing Khaled in a fourth case involving an alleged crime that had occurred while Khaled was held in Borg al-Arab Prison.

"So I told him, 'I've spent more than 15 months in Alexandria and ... the crime was committed while I was in prison,'" Khaled said.

"We do unreasonable things here," the officer sarcastically responded.

The police transferred Khaled to Cairo, where he was presented before a military prosecutor who saw that Khaled had been imprisoned at the time of the alleged crime. He ordered Khaled returned to Alexandria. There, the National Security officer in charge of his case finally agreed to release him.

"I'm going to let you out, but we're going to keep an eye on you," he said.

They ordered Khaled to report to his local police station at the end of each month to prove he had not fled from the cases in which he remained accused, which involved blocking roads and protesting illegally. Fearing he would be arrested again, Khaled did not show up and decided to stop living at his mother's home. Police have since come looking for him, he said.

Abd al-Rahman Mohamed Abd al-Galil

Abd al-Rahman Mohamed Abd al-Galil, 20, fled from Cairo to Aswan, in far southern Egypt, after his friend told him that he had named him to National Security officers in Cairo under torture. Mohamed, then a high school student, was arrested by police in Aswan and sent to

a National Security office in Sheikh Zayed, in Giza governorate, on October 2, 2015, 17 days after his arrest.⁷⁵

During his detention in Aswan, he had been held in the Security Directorate, where National Security officers tortured him severely for six days by beating him, shocking him with electricity, and hanging him in stress positions in order to make him confess to crimes. At one point, they threatened to drive him into the desert and kill him. The torture caused Mohamed severe mental anguish, he told Human Rights Watch, since he believed his parents would think he was dead.

Around his 45th day in custody, after Mohamed was returned to Cairo, National Security officers from the Sheikh Zayed office drove him to a courthouse. At the prosecutor's office inside, he bribed a policeman to use his phone and called his mother for the first time since his arrest. Afterward, Mohamed appeared before a prosecutor named Mohamed al-Tamawi. A lawyer sent by Mohamed's mother attended the session, but al-Tamawi did not allow him to speak. Al-Tamawi accused Mohamed of planting bombs inside a court, a police station, and the Badrasheen Club. Mohamed told al-Tamawi that police had arrested him on September 15, more than a month earlier, and that he had been tortured in custody, showing him marks of the electric shocks on his hand and explaining the other torture methods they used. Al-Tamawi ignored him and wrote in his notes that Mohamed been arrested on October 25, the day before. Al-Tamawi did not record Mohamed's version of events and relied only on the National Security notes he had received.

"It's none of my business what happened to you," al-Tamawi said, according to Mohamed. "What's important is what's written in front of me."

Al-Tamawi ordered Mohamed detained for 15 days pending investigation, and prosecutors renewed this detention order 11 times. The authorities then sent Mohamed before Judge Moataz Hafagi, who presided over a special court circuit inside Tora Prison in Cairo meant to handle terrorism cases. Hafagi ordered Mohamed detained for another 45 days. When Mohamed returned for another renewal hearing, Hafagi ordered him released on bail.

⁷⁵ Human Rights Watch interview with Abd al-Rahman Mohamed Abd al-Galil, Cairo, April 26, 2017.

Mohamed said he has learned from his lawyers that National Security officers have included his name in a case known as Cell 18. Since he believed police were hoping to arrest him again, he stopped attending school.

“Karim”

On December 8, 2015, after nearly two months in detention following his arrest after a protest, officers sent Karim (not his real name) back to al-Badrasheen Police Station and held him overnight. Before dawn the following day, they took him to the office of the head prosecutor in al-Badrasheen, Rami Mansour. When Karim entered, accompanied by a lawyer, Mansour set aside a laptop and began questioning him. The paperwork he relied on, which had been prepared by National Security officers, stated that Karim had been arrested the day before. Karim told Mansour that he had spent weeks in detention, and Mansour asked if he had proof. Karim pointed to his beard, hair, and fingernails, which had all grown longer in detention, as well as to his soiled clothes. He scratched himself to show how dirty his skin was.⁷⁶

“You might have done this to yourself,” Mansour responded.

He asked Karim what proof there was that he had been arrested in October. Karim’s lawyer stated that he had filed complaints to the Interior Ministry and prosecutor general during Karim’s disappearance in an attempt to find out where he was.

When Karim told Mansour that he had been tortured, Mansour wrote it in his notes but said nothing. As far as Karim knew, Mansour took no further action to investigate the allegation.

Mansour asked Karim his name, age, and address, and if he had been arrested before. He told Karim that he was charging him with destroying state property, killing a police officer, protesting illegally, and belonging to a banned group. He renewed Karim’s 15-day detention four times, after which Karim went before a judge on around February 11, 2016. The judge issued release orders for Karim and around 180 other detainees presented as a group before him, ordering Karim to pay a bail of 5,000 pounds (US\$273).

⁷⁶ Human Rights Watch interview with “Karim,” Cairo, April 26, 2016.

Instead of being released, Karim was returned to al-Badrasheen Police Station, and National Security officers put his name in the case known as Cell 18, which involved around 50 people. He accused Karim of blocking roads, blocking the Badrasheen train tracks, destroying electricity towers, and conducting surveillance on police in several neighborhoods of Giza as part of a plot to kill them. Prosecutors renewed Karim's 15-day detention orders three times in this case before he was presented before another judge in Giza, who ordered him released again on March 16, 2016. Four days later, police released Karim, who still faced charges in both cases.

"I live my life as it is. I go to university, I stay at home, I hang out with friends, and if anything happens, I will be in the streets [protesting] again," Karim said.

"Ammar"

On January 5, 2015, Ammar, the Quran reciter from Alexandria, had spent eight days in detention. That day, National Security officers put him and the seven other detainees whom they had filmed with him in transport trucks and drove them to be presented before a prosecutor. The men had not been allowed to contact lawyers. A court-appointed lawyer who was present "wasn't good for anything," Ammar said.

Ammar and others told the prosecutor that they had been detained by the police for a week and tortured.⁷⁷

"Our families don't know anything about us, so we just want to call them," a detainee said.

The prosecutor allowed one man who lived nearby to call his brother, who came to the courthouse and made a brief call to each detainee's family to let them know where their relative was being held.

For the rest of the day, four separate prosecutors interrogated the men about four different cases: joining a banned terrorist group, burning a court, burning an electricity tower, and conducting surveillance on the police.

⁷⁷ Human Rights Watch interview with "Ammar," Cairo, February 12, 2017.

The interrogations lasted until about 3am. Near the end, Ammar told a prosecutor, “Pasha, you see how we look and how our bodies are. We didn’t do any of this. What are you going to do with us?”

The prosecutor told him that he would write down whatever he said, “but you’re going to have your detention renewed for 15 days.”

Ammar said he told him about the torture, and the prosecutor wrote the allegation in his notes. Ammar asked for a medical examination but was not granted one.

After the interrogation with the prosecutor, the police returned the men to the security directorate.

Fifteen days later, during a session to renew their detention, the lawyers again asked for the men to receive a medical examination but were denied.

After around a month in the security directorate, the authorities transferred them to Borg al-Arab Prison. Ammar was detained in the prison for around 11 months, until a judge acquitted him. Police released him on November 22, 2015.

Around a month later, on December 31, Ammar was walking to work when four armed men emerged from a parked car and arrested him.

“It’s nothing, we’ll just check if you’re wanted or not,” the men assured him.

They drove him at around 3 am to Montaza Police Station in eastern Alexandria, where police administered the collective beating known as a “welcoming party.” They brought him to the station’s chief of investigations, who noted that Ammar had been released from custody just a month earlier.

“Yes, you’re the one who took me from my house,” Ammar said. “I was inside for more than a year.”

“Don’t worry, you’ll go home,” the officer said. “Aren’t you going to quiet down a bit?”

“I didn’t do anything, I was taken from in front of my house,” Ammar responded.

“We have a small protesting case for you,” the officer said, and ordered Ammar taken to a different room. After two or three hours, Ammar began yelling to the guards that the chief of investigations had promised he would go home. The men took Ammar to the officer, who told him that National Security wanted to see him and that he would go home after meeting them.

Later that morning, the police blindfolded Ammar and drove him to a National Security office in Abees, a neighborhood on the southeastern outskirts of Alexandria. The officers there administered another small “welcoming party” and took him upstairs. Someone told him: “Just so you know, we’ll bring you any time we want to.”

At night, they put Ammar in a car, took off his blindfold and drove him to Cairo. Before they arrived at their destination in Cairo, they put his blindfold back on.

The men took Ammar inside a building, took his fingerprints, and put him in a room. An officer asked a lower-ranking man, “Why did they bring him again? They just released him and took him, and there’s nothing on him.”

“Should I return him, pasha?” the man asked.

“No, just throw him anywhere,” the officer responded.

Ammar thought that this meant the police were going to kill him and dump his body. Instead, they took him out of the building, drove him to a street corner in Cairo, took off his blindfold, and left him there. Ammar borrowed a phone from a man on the street and called his family. He waited at al-Azhar Mosque until they could pick him up.

According to his lawyer, Ammar said, he faced charges in two cases, both of which allege that he helped burn electricity towers. Ammar said he changes his phone number and does not live at his old address to avoid arrest. Police have come to his old home multiple times looking for him, especially on major anniversaries or other dates when they expect protests to occur.

“Kamal,” “Hassan,” and “Ahmad”

On November 26, 2014, around two days after the arrests of Kamal, Ahmad, and Hassan, the three students in the town of Hosh Eissa, prosecutors visited them in the Central Security Forces camp in Damanhour where they were being held.⁷⁸

During Hassan’s interrogation, he said, the prosecutor made the same accusations against him as the security officers who had tortured him, saying he had participated in illegal protests, joined ISIS, burned police cars, and participated in attacks on the police. The prosecutor was repeating the allegations made by National Security without providing evidence, Hassan said.

Hassan remained blindfolded during the interrogation. He told the prosecutor he had been tortured and asked the prosecutor to note that he had marks of beatings and electrocution on his body. The prosecutor told Hassan that he was lying.

“Is there any torture in 2014?” the prosecutor asked. “It’s normal, it happens anywhere.”

At the end of the interrogation, the prosecutor asked Hassan if he had anything more to say.

“I know you take your orders from up there, and I know that you’re not going to release me,” Hassan said.

“Since you know, may God protect you,” the prosecutor responded. He ordered Hassan detained for 15 days pending investigation.

According to Kamal, the visit involved a lead prosecutor, Ehab Abu Eita, and three assistant prosecutors. Kamal said an assistant prosecutor asked him pro forma questions and did not wait for him to answer. After reading out each allegation, the prosecutor wrote that Kamal had denied it. “Don’t answer anything, I’ll take care of you,” he said. When Kamal told the prosecutor that police had beaten and tortured him, and that there were signs of torture on his body, the prosecutor said: “Don’t say that happened, for your own sake.”

⁷⁸ Human Rights Watch interview with “Kamal,” “Ahmad,” and “Hassan,” Cairo, February 7, 2016. Human Rights Watch interviewed “Kamal,” “Ahmad” and “Hassan” separately.

Afterward, Kamal said, he was taken to meet Abu Eita, who berated him, calling him a “thug” who beat up cops and burned their vehicles and protested to bring Morsy back to power.

“I dare you to come and meet me when you finish your studies,” he said.

Ahmad said that prosecutors interrogated him without his blindfold in the same room where he had been tortured. When he told the prosecutor that he had been tortured, the prosecutor cursed him. He asked Ahmad why he and his fellow detainees were “ruining the country,” Ahmad said. The prosecutor brought out large brown bags and removed a rifle, knife, pamphlets, and other alleged evidence from it. Ahmad told him that he had never seen the items before.

“The police do not lie,” the prosecutor said.

He brought in a government-appointed lawyer to represent Ahmad and witness the proceedings in order to continue the interrogation. When Ahmad tried to decline the lawyer, the prosecutor insisted. The interrogation ended at around 11pm.

Afterward, the police took Hassan, Kamal, Ahmad, and seven other detainees into a room and photographed them next to a table on which they had arranged firearms, Molotov cocktails, a computer, paint cans, drums typically used at protests, books by Muslim Brotherhood founder Hassan al-Banna, and Muslim Brotherhood flyers supporting former President Morsy. Muslim Brotherhood and ISIS flags were hung behind the table. Hassan said the paint on the supposed ISIS flag had been applied so recently that it was still sticky.

The officers forced the men to confess to their alleged crimes and describe their support for the Brotherhood and street protests, Hassan said. During the filming, they shocked the detainees with electricity whenever they spoke incorrectly and then filmed the video again, he said. The process took around six hours.

The photograph of the scene taken by the police appeared online later that day in media outlets.⁷⁹ The Interior Ministry also published a video on YouTube the same day

⁷⁹ Anas al-Basyouni, “Arrest of a Brotherhood cell in Hosh Eissa calling for chaos on November 28,” *Egypt News*, November 26, 2014, <https://goo.gl/gbtggk>, (accessed May 31, 2017).

summarizing the arrests of three “terrorist cells,” including the group from Hosh Eissa.⁸⁰ The video included footage of the ten detainees next to the table of weapons and one of the men’s alleged confessions.

Around 15 days after Hassan met the prosecutor, officers took him back to the same office and allowed him to meet with a lawyer. Hassan told the lawyer about how he had been tortured, and the authorities allowed a doctor in the Central Security Forces camp to examine him, but by that time, the marks of torture had faded, and the doctor denied that Hassan showed any bruising. In the prosecutor’s notes that Hassan later saw, neither the prosecutor nor the doctor recorded any mention of torture.

Around 22 days after his arrest, officers allowed Hassan to receive his first visit from his family.

“It was a visit in the Central Security Forces camp, five minutes,” Hassan said. “My mother was crying. I felt broken.”

After around two months in the camp, Hassan, Kamal, Ahmad, and the other detainees were transferred to Abadiya Prison in Damanshour. Later, they were presented before a judge at the Itay al-Baroud Criminal Court in Beheira to face accusations of belonging to an ISIS cell in Hosh Eissa. Hassan estimated that this first court appearance occurred 150 days after he was arrested. When Hassan told the judge he had been tortured, the judge accused him of lying to frame a police officer. He ordered the men held pending trial, and the authorities transferred them back to Abadiya Prison.

Ahmad’s lawyer presented paperwork, certified by Egypt’s Doctors’ Syndicate, indicating that Ahmad had spent a week in the hospital prior to his arrest and was not able to walk without crutches at the time he was accused of participating in the killing of a policeman. Nevertheless, a judge renewed his detention repeatedly until July 2015, around eight months after his arrest, when he ordered Ahmad released.

⁸⁰ Egyptian Interior Ministry, “Arrest of a terrorist cell in Beheira and another in Beni Suef and arrest of the perpetrators who set fire to the post office in Beni Suef,” November 26, 2014, <https://www.youtube.com/watch?v=q9-mBFjxKj4>, (accessed May 31, 2017).

Hassan remained in Abadiya Prison until August 12, 2015. That day, he and other detainees were brought before a judge for a standard detention renewal hearing. The judge said that they had been treated unjustly and had spent significant time in custody, Hassan said. The detainees presented papers denying the charges against them, which the judge said he believed. He warned them not to go to protests and promised that he would not release them if they were arrested again, Hassan said. The hearing lasted for roughly six minutes, after which the judge ordered their release.

Around a month after Hassan's release, police came to his home in Hosh Eissa to re-arrest him. Hassan, who had moved to different place to avoid the police, heard about the visit from his mother. His father, a Muslim Brotherhood member who was sentenced in absentia to 25 years in prison for allegedly burning the Hosh Eissa Police Station, had fled Egypt. Because of Hassan's arrest, his university expelled him and he has had to enroll at another university, he said.

After spending seven months in Abadiya Prison, Ahmad went before a judge for a hearing in his case and argued in his own defense that his leg injury, which he said was proved by medical forms, would have prevented him from engaging in the crimes of which he was accused. The judge did not reply, but after Ahmad left the court, his lawyer told him that he had been released.

Ahmad's father and uncle are currently serving 10-year prison sentences, and his brother is serving a five-year sentence. Police have accused Ahmad in at least four other cases, including a case that has been referred to military prosecutors. At least two of the cases concern events alleged to have occurred on July 12, 2015, while he was still in custody.

III. Legal Analysis

Under the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, torture is defined as:

[A]ny act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.⁸¹

According to article 93 of Egypt's constitution, international treaties to which Egypt is a party become an "integral part" of national legislation.⁸² Egypt signed the Convention against Torture in 1986.

The convention forbids the use of evidence obtained by torture and requires states to prosecute alleged perpetrators of torture on their territory.⁸³ The Committee against Torture, in its General Comment Number Two on the convention, stated that "it is essential to investigate and establish the responsibility of persons in the chain of command as well as that of the direct perpetrator(s)," noting that command responsibility was sometimes unaddressed in national legislation, creating "potential loopholes for impunity."⁸⁴

⁸¹ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), adopted December 10, 1984, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987.

⁸² Constitution of the Arab Republic of Egypt, article 93, <http://www.sis.gov.eg/Newvr/Dustor-en001.pdf>.

⁸³ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), adopted December 10, 1984, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987. Articles 15 and 7.

⁸⁴ Committee against Torture, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment General Comment No. 2, CAT/C/GC/2, January 24, 2008, paragraph 9.

Under international law, torture can be considered a crime against humanity, prosecutable at the International Criminal Court, if it is “committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.”⁸⁵ A key element of what constitutes a crime against humanity is that there was a state or organizational policy to commit the crime in question.

As the Committee against Torture recalled in its 1996 summary account of its confidential article 20 inquiry into Egypt, “torture is practiced systematically when it is apparent that the torture cases reported have not occurred fortuitously in a particular place or at a particular time, but are seen to be habitual, widespread and deliberate in at least a considerable part of the territory of the country in question.”⁸⁶

Human Rights Watch believes the torture epidemic in Egypt likely constitutes a crime against humanity, due to its widespread and systematic practice across Egypt.

During the March 2015 meeting of the UN Human Rights Council, Egypt accepted pro forma recommendations from a handful of states, made during the previous year’s Universal Periodic Review, to protect detainees from torture and punish perpetrators.⁸⁷ But Egypt continues to deny that torture takes place on a widespread or systematic basis and has taken no steps to implement these recommendations. Egypt’s delegation also accepted recommendations from Slovenia and Australia to bring the penal code’s definition of torture in line with the definition of the Convention against Torture, as Egypt’s constitution requires.⁸⁸ The delegation stated that Egypt’s government had in fact prepared a bill in 2010 to do so, but that subsequent political unrest had interfered.⁸⁹ Egypt’s current parliament, which began work in January 2016, has not proposed such legislation, nor has its human rights committee investigated torture.

⁸⁵ Rome Statute of the International Criminal Court, A/CONF.183/9, July 17, 1998, article 7.

⁸⁶ United Nations General Assembly, Report of the Committee against Torture, A/51/44, July 9, 1996, p. 35.

⁸⁷ Universal Periodic Review of Egypt, Responses to Recommendations and Voluntary Pledges, March 2015, https://www.upr-info.org/sites/default/files/document/egypt/session_20_-_october_2014/recommendations_and_pledges_egypt_2014.pdf, (accessed July 11, 2017).

⁸⁸ Ibid. (accessed July 11, 2017).

⁸⁹ United Nations Human Rights Council Working Group on the Universal Periodic Review, National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, A/HRC/WG.6/20/EGY/1, July 22, 2014, https://www.upr-info.org/sites/default/files/document/egypt/session_20_-_october_2014/a_hrc_wg.6_20_egy_1_e.pdf, (accessed July 11, 2017).

In response to several communications regarding torture cases in Egypt issued by the UN Office of the High Commissioner for Human Rights, Egypt has repeated its long-standing denials.⁹⁰ During the Universal Periodic Review’s interactive dialogue, Egypt’s delegation stated that “all allegations of torture and ill-treatment are investigated, and perpetrators are brought to justice.”⁹¹ In Egypt’s presentation ahead of the review, its delegation stated that “the Office of the Public Prosecutor investigates all cases brought to its attention on claims of torture or harsh treatment.”⁹²

The evidence of decades worth of reports by Human Rights Watch and other NGOs shows that these statements are not true.

Inadequate Domestic Framework

Egypt’s constitution addresses torture twice. Article 52 states that torture “in all forms and types is a crime” with no statute of limitations. Article 55 states that detainees “may not be tortured, intimidated, coerced, or physically or morally harmed” and that “violating any of the aforementioned is a crime punished by law.”

Egypt’s penal code defines torture in article 126, which states:

Any public servant or official who orders, or participates in, the torture of an accused person to induce them to confess shall be punished by imprisonment for between 3 to 10 years. If the victim dies, the penalty will be that prescribed for premeditated murder.⁹³

This definition, which falls short of the Convention against Torture, inappropriately limits the definition of torture to victims who are “accused,” potentially excluding individuals who are detained without charge, does not include psychological harm, and requires that

⁹⁰ For example: UN Commission on Human Rights Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Urgent appeal concerning Mahmoud Mohamed Hussein, HRC/NONE/2016/24 and Urgent appeal concerning Hassan Mahmoud Ragab El Kabany, HRC/NONE/2015/172.

⁹¹ United Nations Human Rights Council Working Group on the Universal Periodic Review, Draft report of the Working Group on the Universal Periodic Review—Egypt, A/HRC/WG.6/20/L.13, November 7, 2014, https://www.upr-info.org/sites/default/files/document/egypt/session_20_-_october_2014/a_hrc_wg.6_20_l.13.pdf, (accessed July 11, 2017).

⁹² Ibid.

⁹³ Egyptian Penal Code, Law Number 58 of 1937, article 126, available at: http://www.abonaf-law.com/download/GalleryServices/35_law%201.pdf.

torture have been used to obtain a confession, ignoring torture that might have been used to obtain information or punish.

Such an inadequate legal framework has helped police and National Security officers evade accountability, since it is difficult for victims' lawyers to prove that officers inflicted pain or suffering specifically to force confessions, and especially because of prosecutors' reluctance to respond promptly to lawyers' requests that victims be examined by Justice Ministry's Forensic Medical Authority.⁹⁴

Egypt's criminal procedure code gives prosecutors the exclusive prerogative to investigate allegations against public officials and law enforcement personnel.⁹⁵ Prosecutors also have full discretion to decide whether to take a case to court or to close an investigation.⁹⁶

The *Instructions to the Public Prosecution*, issued by the prosecutor general to staff nationwide, lays out how prosecutors are supposed to conduct investigations against police officers. These instructions state that junior members of the prosecution can only proceed with their investigations after obtaining permissions from their seniors, such as the chief prosecutor of a local district.⁹⁷ Moreover, the prosecution has to inform the accused officer's supervisors before the interrogation, raising the possibility that officers will proceed to intimidate victims or witnesses.⁹⁸ Only the prosecutor general's office can make the final decision to refer a case against a public official or law enforcement officer to trial, and he can decide instead to send the case for internal ministry discipline.⁹⁹ Human Rights Watch's research for this and earlier reports suggests that prosecutors almost never exercise the prerogative to launch torture investigations on their own.¹⁰⁰

⁹⁴ "Egypt flouts its ratification of international agreements," *Al-Masress*, March 7, 2012, <http://www.masress.com/alahaly/8688>, (accessed May 30, 2017).

⁹⁵ Egyptian Code of Criminal Procedure, Articles 63 and 232 (2)

⁹⁶ Instructions to the Public Prosecution, <http://www.aladalacenter.com/index.php/legal-encyclopedia/166-2009-11-13-22-00-30>, (accessed May 31, 2017).

⁹⁷ Instructions to the Public Prosecution, article 558 <http://www.aladalacenter.com/index.php/legal-encyclopedia/166-2009-11-13-22-00-30>, (accessed May 31, 2017).

⁹⁸ Youssef Shaaban, "Family of the al-Atareen slain man: Officers from four police departments attended the funeral and we refused them, 'Since when does the government deal with people this way,'" *Al-Bedaya*, February 18, 2017, <http://albedayah.com/news/2017/02/18/130787>, (accessed May 31, 2017).

⁹⁹ Instructions to the Public Prosecution, article 568 bis, <http://www.aladalacenter.com/index.php/legal-encyclopedia/166-2009-11-13-22-00-30>, (accessed May 31, 2017).

¹⁰⁰ Human Rights Watch, *Work On Him Until He Confesses: Impunity for Torture in Egypt*, January 2011, p. 49.

When prosecutors open cases based on complaints, they often allow officers to be released pending investigations, though the criminal procedure code states that one reason why a suspect should be placed in pretrial detention is the risk that they may affect the evidence, such as by intimidating a witness.¹⁰¹ Egyptian lawyers told Human Rights Watch that officers accused in torture cases have been known to intimidate or coerce victims' families.¹⁰²

Prosecutors sometimes use other penal code articles to weaken even the limited accountability provided in article 126. In multiple cases since the 2011 uprising, they have charged officers who killed detainees with the crime of "beating until death," which is punishable under article 236 of the penal code with a prison sentence of three to seven years unless it is premeditated, in which case the sentence could be up to 15 years.¹⁰³ Because this article does not acknowledge that torture occurred, officers avoid the provision in article 126 that requires the death penalty if a detainee dies from torture. Moreover, article 236 does not state that the sentence should be different whether the perpetrator is a law enforcement official or a civilian, failing to provide for punishment proportionate to the abuse of power.

Police and National Security agents can also escape punishment commensurate with the crime of torture when prosecutors charge them with violating article 129 of the penal code, which criminalizes "cruel treatment" but provides only for punishment of "up to one year's imprisonment or a fine of up to 200 pounds [US\$11]." A judge who served as a prosecutor for 10 years told Human Rights Watch in 2011 that prosecutors referred most cases of police torture to court under article 129.¹⁰⁴

Article 282 provides for a sentence of three to 15 years "in all cases, [for] anyone who unlawfully arrests a person and threatens to kill him or subject him to physical torture."

¹⁰¹ Egyptian Criminal Procedure Code, Article 134.

¹⁰² Human Rights Watch telephone interviews with two Egyptian human rights lawyers (names withheld) in Cairo, May 29, 2017.

¹⁰³ Mohamed Rushdi, "The charge of 'beating until death' directed at the officer accused of killing Magdy Makeen," Tahrir News, December 17, 2016, <https://goo.gl/eiQJ7H> and Mohamed Mahmoud Radwan, "The charges of beating until death and entering a facility without judicial permission directed against 'the Ismailiya officer,'" al-Masry al-Youm, November 29, 2015, <http://www.almasryalyoum.com/news/details/851174>, (accessed July 27, 2017).

¹⁰⁴ Human Rights Watch interview with judge and former prosecutor, name withheld, Cairo, July 14, 2010. Cited in 104 Human Rights Watch, *Work On Him Until He Confesses: Impunity for Torture in Egypt*, January 2011.

Human Rights Watch was not aware of any case where prosecutors successfully used this article against law enforcement personnel.¹⁰⁵

Detention in National Security offices, which are not recognized places of detention covered by Egypt's prison laws, is illegal but widely practiced. The number of National Security offices is not known and their locations often concealed, unlike the 320 police stations established by decrees published in the country's Official Gazette.¹⁰⁶ Prosecutors have the legal power to visit all places of detention, formal and informal, but in practice know that making unannounced inspections of offices of the National Security Agency will probably lead to repercussions from their superiors, such as reassignment or dismissal, according to one Egyptian human rights lawyer in Cairo.¹⁰⁷ In some ways, National Security officers hold power even over prosecutors, such as by writing annual reports assessing their performance.¹⁰⁸

Problematic Internal Regulations

The Egyptian police force is regulated by Law 109 of 1971 for the Police Authority.¹⁰⁹ Its disciplinary provisions depend almost entirely on decisions of the interior minister or his aide, shielding criminal behavior by the police, including torture, from judicial oversight.¹¹⁰ Until 2016, the police law did not contain any provision requiring the Interior Ministry to report officers involved in crimes to prosecutors.

According to article 48, the disciplinary measures that can be imposed on police officers include a warning, a temporary deduction of wages, suspension for up to six months at half salary, and dismissal.¹¹¹ Articles 53 and 54 allow for the temporary suspension of police officers for up to three months if they are being investigated or tried for a criminal

¹⁰⁵ Human Rights Watch telephone interviews with (names withheld), two Egyptian human rights lawyers in Cairo, May 29, 2017.

¹⁰⁶ "Prisons and the headquarters of the secret detention in Egypt," *Human Rights Monitor*, <http://humanrights-monitor.org/Posts/ViewLocale/21341#.V6D9LPkrLIU> and "There is room for everyone ... Prisons of Egypt before and after the January revolution," Arabic Network for Human Rights Information, September 5, 2016, <http://anhri.net/?p=173465> (accessed May 31, 2017).

¹⁰⁷ Email from (name withheld), human rights lawyer, May 2017.

¹⁰⁸ Mohamed al-Ansary, "The Role of the Public Prosecution in Egypt's Repression," *Project on Middle East Democracy*, July 2017, <http://pomed.org/wp-content/uploads/2016/11/POMEDAnsaryEgyptReport.pdf> (accessed July 27, 2017).

¹⁰⁹ Law 109 of 1971 for the Police Authority, Official Gazette, volume 45, November 11, 1971.

¹¹⁰ Human Rights Watch telephone interview with an Egyptian human rights lawyer (name withheld) in Cairo, May 29, 2017. The lawyer said that internal police disciplinary measures impede their efforts to hold torturers accountable.

¹¹¹ Law 109 of 1971 for the Police Authority, Official Gazette, volume 45, November 11, 1971.

offense. The suspension can only be extended if a disciplinary council appointed by the interior minister approves.¹¹² Disciplined officers have the right to appeal decisions before a disciplinary appeals council, also appointed by the interior minister, if the relevant assistant interior minister approves. There is no outside judicial review of these decisions.

Article 67 gives the interior minister the power to transfer any officer to the ministry's "reserves" without going through disciplinary mechanisms unless the officer was appointed by the president, when doing so is in the "public interest," and after the minister consults the Supreme Police Council, which the minister appoints and consists of his senior assistants and other ministry employees and works by simple majority.¹¹³ Egyptian human rights lawyers said they did not know if this procedure had ever been used to punish officers accused of torture because the Interior Ministry is not required to publicize such decisions.¹¹⁴ An officer sent to the reserves continues to receive his wages, sometimes with a small deduction. The reserve period counts as part of employee's service years for the purposes of pensions or promotions, and a reserve period cannot exceed two years, after which an officer can resume his work, unless the Supreme Police Council extends it.¹¹⁵

In response to public pressure after several incidents of torture and deaths in custody, the government proposed amendments to the police law, which the parliament approved in August 2016. The amendments attached a new provision to article 77, which applies to *afrod al-shorta*, police below the rank of lieutenant, and requires supervisors to immediately inform prosecutors if one of these low-ranking officers is accused of a crime and to keep the individual in reserve for 24 hours until presented to the prosecution.¹¹⁶

The rest of the amendments are vague, requiring police officers to "respect the constitution and laws, and human rights standards" and to "protect rights and liberties." They included a new article that prohibits officers from abusing their power by mistreating

¹¹² Ibid. Articles 53 and 54.

¹¹³ Ibid. Article 67.

¹¹⁴ Human Rights Watch telephone interviews with two Egyptian human rights lawyers (names withheld) in Cairo, May 29, 2017.

¹¹⁵ Law 48 of 1971 for the Police Authority, Official Gazette, Article 67, <https://goo.gl/xrQ8Q9>, (accessed May 4, 2017).

¹¹⁶ Law Number 64 of 2016 for the Amendment of Some Provisions of the Police Authority Law, Official Gazette, Volume 32, August 15, 2016.

citizens in a way that violates the law and constitution but do not provide enforcement mechanisms or specify punishments.¹¹⁷

The pro-government *Al-Bawaba* news website reported that the ministry sent 20 officers to the reserves in the first half of 2016.¹¹⁸ Interior ministry officials quoted in the article referred to efforts by the Inspection and Oversight Agency to “purify” the ministry but did not mention any cases in which prosecutors investigated the serious crimes that led the ministry to send those officers to the reserves, which included corruption, drug trafficking, and assault.

Article 54 states that officers who are suspended from work and detained during trial can only be dismissed from service if a court issues a final felony conviction and if the offense is punishable by a custodial sentence and undermines the “honesty and honor” of the officer. Article 71 makes dismissal optional in cases of a suspended sentence, and a 1998 amendment allows officers to return to service after imprisonment as long as “the crime did not erode his credibility.”¹¹⁹

In one infamous 2007 case, a court sentenced investigative officer Islam Nabih and policeman Reda Fathy each to three years in prison for torturing a driver, Emad al-Kebeer, by inserting a wooden stick in his anus. The court, in its reasoning, said it had given the two officers the minimum sentence and did not order their dismissal from service “because of their young age and little experience.”¹²⁰ In 2009, Nabih returned to his job. An administrative court rejected a 2010 lawsuit by human rights lawyers asking then-Interior Minister Habib al-Adly to dismiss him.¹²¹

¹¹⁷ “Police Law Amendments: Limited and Without Operational Mechanisms,” *Egyptian Initiative for Personal Rights* press release, March 12, 2016, <https://goo.gl/aUKo7b>, (accessed May 4, 2017).

¹¹⁸ Ahmad Yehya and Mohamed al-Disti, “The Interior Ministry purifies itself: 20 officers and non-commissioned police sent to reserves,” *Al-Bawaba*, June 1, 2016, <http://www.albawabhnews.com/1961875>, (accessed May 4, 2017).

¹¹⁹ Law 48 of 1971 for the Police Authority, Official Gazette, Article 71, <https://goo.gl/xrQ8Q9> (accessed May 4, 2017).

¹²⁰ Ahmad Shalabi, “A security source confirms the return of Islam Nabih to the police after the conclusion of his sentence and rules out his return to Bulaq Police Station,” *Al Masry al-Youm*, March 28, 2009, <http://today.almasryalyoum.com/article2.aspx?ArticleID=204626>, (accessed May 4, 2017).

¹²¹ Sahar Talaat, “The administrative judiciary refuses to prevent officer Islam Nabih from work,” *Al Youm al-Sabaa*, January 26, 2010, <https://goo.gl/W6R734>, (accessed May 4, 2017).

Acknowledgments

Human Rights Watch wishes to thank the Egyptian researchers, lawyers, and activists who assisted in the creation of this report by finding victims, arranging interviews, and providing information about the context of torture in Egypt. Without them, it could not have been written. They cannot be named to protect their safety, but their work is as invaluable as it is brave.

A Human Rights Watch researcher wrote this report after conducting interviews with the assistance of an Egyptian consultant. A Human Rights Watch assistant researcher provided research on the legal framework criminalizing torture and governing police accountability in Egypt.

Joe Stork, deputy director of the Middle East and North Africa division, edited this report. Clive Baldwin, senior legal advisor, provided legal vetting. Tom Porteous, deputy director for programs, provided final review. Pierre Bairin, multimedia director, director of publications and information design, produced the drawings and diagrams for this report. An associate in the Middle East and North Africa division provided production assistance.

HUMAN RIGHTS WATCH

350 Fifth Avenue, 34th Floor
New York, NY 10118-3299
Tel: 212-290-4700
Fax: 212-736-1300

MIDDLE EAST AND NORTH AFRICA DIVISION

Sarah Leah Whitson, *Executive Director*
Lama Fakih, *Deputy Director*
Eric Goldstein, *Deputy Director*
Joe Stork, *Deputy Director*
Ahmed Benchemsi, *Advocacy and Communications
Director*

ADVISORY COMMITTEE

Asli Bali, *Co-Chair*
Kathleen Peratis, *Co-Chair*
Bruce Rabb, *Vice-Chair*
Gary G. Sick, *Vice-Chair*
Fouad Abdelmoumni
Gamal M. Abouali
Yasser Akkaoui
Hala Al-Dossari
Salah Al Hejailan
Abdul-Ghani Al-Iryani
Ahmed Al-Mukhaini
Ghanim Al-Najjar
Lisa Anderson
Shaul Bakhash
David Bernstein
Robert L. Bernstein
Nathan Brown
Paul Chevigny
Hanaa Edwar
Bahey El Din Hassan
Hassan Elmasry
Mansour Farhang
Loubna Freih Georges
Aeyal Gross
Amr Hamzawy
Asos Hardi
Shawan Jabarin
Marina Pinto Kaufman
Youssef Khlaf
Ahmed Mansoor
Stephen P. Marks
Abdelaziz Nouaydi
Nabeel Rajab
Vicki Riskin
Charles Shamas
Sid Sheinberg
Sussan Tahmasebi
Mustapha Tlili

HUMAN RIGHTS WATCH

Kenneth Roth, *Executive Director*
Michele Alexander, *Deputy Executive Director,
Development and Global Initiatives*
Nicholas Dawes, *Deputy Executive Director,
Communications*
Iain Levine, *Deputy Executive Director, Program*
Chuck Lustig, *Deputy Executive Director, Operations*
Walid Ayoub, *Information Technology Director*
Emma Daly, *Communications Director*
Barbara Guglielmo, *Finance and Administration
Director*
Babatunde Olujobi, *Deputy Program Director*
Dinah PoKempner, *General Counsel*
Tom Porteous, *Deputy Program Director*
James Ross, *Legal and Policy Director*
Joe Saunders, *Deputy Program Director*
Frances Sinha, *Human Resources Director*

HUMAN
RIGHTS
WATCH

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.

HUMAN RIGHTS WATCH

350 Fifth Avenue, 34th Floor
New York, NY 10118-3299
Tel: 212-290-4700
Fax: 212-736-1300

MIDDLE EAST AND NORTH AFRICA DIVISION

Sarah Leah Whitson, *Executive Director*
Lama Fakih, *Deputy Director*
Eric Goldstein, *Deputy Director*
Joe Stork, *Deputy Director*
Ahmed Benchemsi, *Advocacy and Communications
Director*

ADVISORY COMMITTEE

Asli Bali, *Co-Chair*
Kathleen Peratis, *Co-Chair*
Bruce Rabb, *Vice-Chair*
Gary G. Sick, *Vice-Chair*
Fouad Abdelmoumni
Gamal M. Abouali
Yasser Akkaoui
Hala Al-Dossari
Salah Al Hejailan
Abdul-Ghani Al-Iryani
Ahmed Al-Mukhaini
Ghanim Al-Najjar
Lisa Anderson
Shaul Bakhash
David Bernstein
Robert L. Bernstein
Nathan Brown
Paul Chevigny
Hanaa Edwar
Bahey El Din Hassan
Hassan Elmasry
Mansour Farhang
Loubna Freih Georges
Aeyal Gross
Amr Hamzawy
Asos Hardi
Shawan Jabarin
Marina Pinto Kaufman
Youssef Khlaf
Ahmed Mansoor
Stephen P. Marks
Abdelaziz Nouaydi
Nabeel Rajab
Vicki Riskin
Charles Shamas
Sid Sheinberg
Sussan Tahmasebi
Mustapha Tlili

HUMAN RIGHTS WATCH

Kenneth Roth, *Executive Director*
Michele Alexander, *Deputy Executive Director,
Development and Global Initiatives*
Nicholas Dawes, *Deputy Executive Director,
Communications*
Iain Levine, *Deputy Executive Director, Program*
Chuck Lustig, *Deputy Executive Director, Operations*
Walid Ayoub, *Information Technology Director*
Emma Daly, *Communications Director*
Barbara Guglielmo, *Finance and Administration
Director*
Babatunde Oluwole, *Deputy Program Director*
Dinah PoKempner, *General Counsel*
Tom Porteous, *Deputy Program Director*
James Ross, *Legal and Policy Director*
Joe Saunders, *Deputy Program Director*
Frances Sinha, *Human Resources Director*

HUMAN
RIGHTS
WATCH

Appendix II: Letter to Prosecutor General Nabil Sadek

www.hrw.org

May 23, 2017

Nabil Sadek
Prosecutor General
Arab Republic of Egypt

Your Excellency,

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 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

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.

“We Do Unreasonable Things Here”

Torture and National Security in al-Sisi’s Egypt

Torture has long been endemic in Egypt’s law enforcement system. Since 2013, when Egypt’s military removed the country’s former president, Mohamed Morsy, the Interior Ministry’s regular police and National Security Agency have used torture on a systematic and widespread basis against perceived dissidents to force them to confess or divulge information or to punish them.

“We Do Unreasonable Things Here”: *Torture and National Security in al-Sisi’s Egypt*, is based on interviews with former detainees tortured between 2014 and 2016. The report shows how police and National Security officers use nearly identical methods of torture in different parts of the country.

In an environment defined by emergency rule, law enforcement officers in Egypt appear to enjoy a free hand to torture and mistreat detainees as they wish. Their actions are almost never questioned by the judges and prosecutors who should be checking such behavior. The report reiterates the conclusion reached by many previous reports by Human Rights Watch and other organizations, going back several decades, that the legal framework criminalizing torture in Egypt remains inadequate and falls far short of Egypt’s basic obligations under international law, allowing abusive officers to escape justice.

The report recommends that Egypt urgently establish a special prosecutor or inspector general’s office to investigate and prosecute those responsible for torture. Absent credible national efforts to confront the torture epidemic, United Nations member states should investigate and, if appropriate, charge Egyptian officers and officials responsible for torture under the principle of universal jurisdiction.



Members of security forces keep watch in Tahrir Square during the fifth anniversary of the uprising that ended the 30-year reign of Hosni Mubarak in Cairo, Egypt, January 25, 2016.

© 2016 Mohamed Abd El Ghany/Reuters