

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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Events of 2005

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Many aspects of Egypt's poor human rights record came in for unprecedented public criticism in 2005 as Egyptian democracy activists challenged President Hosni Mubarak's quarter century of authoritarian rule and the U.S. administration pressed the Egyptian leader to promote basic political rights such as freedom of expression and freedom of assembly. President Mubarak easily won a fifth presidential term in the country's first-ever contested presidential election in early September, which took place largely without incident, but the first rounds of nationwide parliamentary elections in November were marked by extensive irregularities and, in some cases, violence by pro-government forces. Serious issues like routine torture remain unaddressed. Emergency rule continued to provide the basis for arbitrary detention and trials before military and state security courts. Approximately fifteen thousand people remain in prolonged detention without charge under the terms of the Emergency Law, according to the Cairo-based Human Rights Association for Assistance to Prisoners. Several car bomb attacks on tourist sites since October 2004 led to additional mass arrests, arbitrary detentions, and credible allegations of torture.

#### ***Emergency Rule***

The government last renewed the Emergency Law (Law No. 162 of 1958) in February 2003, and must do so again by May 2006 or allow it to expire. The law, with its prohibition on demonstrations and public rallies, remained in effect during the presidential election campaign, but the government did not interfere with opposition rallies linked to the campaign. President Mubarak indicated he would suspend the law or allow it to expire, but only after instituting what he termed a firm and decisive law that eliminates terrorism and uproots its threats. Egyptian human rights defenders fear that such legislation would perpetuate many objectionable features of Law 162/1958.

#### ***Political Violence and Internal Security***

A large car bomb explosion on October 7, 2004, at the Taba Hilton hotel, on the border with Israel, killed more than thirty persons and wounded more than a hundred. The government announced on October 25 that it had identified nine persons responsible, of whom five were in custody, two were killed carrying out the attack, and two remained at large. Nevertheless, over the following months the State Security Investigation (SSI) arm of the Ministry of Interior carried out mass arbitrary arrests in and around al-'Arish, the North Sinai commercial and administrative center, detaining an estimated 2,500-3,000 persons. In April 2005 the government-appointed National Council for Human Rights (NCHR), in its first annual report, stated that at least two thousand persons remained in detention without charge.

On July 23, 2005 three suicide car bombers struck a hotel and tourist markets at Sharm al-Shaikh, at the southern tip of the Sinai Peninsula, killing sixty-seven persons. Three previously unknown groups claimed responsibility. Although security forces arrested several suspects in the days following the attack, in late August they detained an estimated 500-600 persons in a sweep of the mountainous Jabal Halal area of northern Sinai. As of late October 2005 the government had not provided information about whether any of the hundreds arrested had been released or charged in connection with the attack.

In April, three separate shooting and small explosives attacks in Cairo resulted in the deaths of three tourists, as well as the attackers, and injured more than a dozen persons, mostly Egyptian.

The U.S. military command in Iraq said in October that 78 Egyptians, the largest number from any single country, were among the 312

foreign fighters captured thus far while allegedly taking part in the insurgency there.

### ***Torture***

Security forces and police routinely torture and mistreat detainees, particularly during interrogations. Torture in the past was used primarily against political dissidents, but in recent years it has been rife in police stations as well, affecting ordinary citizens. In 2004 the Egyptian Organization for Human Rights (EOHR) reported 292 known torture cases between January 1993 and April 2004, 120 of which resulted in the death of the suspect or prisoner. According to EOHR, there were at least seventeen additional cases of deaths in police or security force custody between May 2004 and July 2005. Human Rights Watch and Egyptian human rights organizations documented credible allegations of torture during interrogation from many persons detained following the Taba bombing (see above). A high-level Ministry of Interior official confirmed to Human Rights Watch in February 2005 that the government had not conducted a single criminal investigation of SSI officials for torture or ill-treatment in the past nineteen years, or imposed any disciplinary measures, despite numerous credible allegations of serious abuse in SSI custody.

### **Restrictions on Freedom of Association and Freedom of Expression**

Egypt's law governing associations, Law 84/2002, severely compromises the right to freedom of association, giving the government unwarranted control over the governance and operations of nongovernmental organizations (NGOs). The law provides criminal penalties for unauthorized activities, including engaging in political or union activities, reserved for political parties and syndicates, as well as for carrying out activities prior to an NGO's official authorization and for receiving donations without prior approval from the Ministry of Social Affairs.

Egypt maintains strict controls over political associations as well. In July 2005, the parliament passed government-sponsored revisions to the Political Parties Law (Law 40/1956) providing that new parties be legally registered automatically unless the Political Parties Affairs Committee (PPC), headed by the chair of the National Democratic Party (NDP), rejects the application. The revised law also empowers the PPC to suspend an existing party's activities if it judges this to be in the national interest and to refer alleged breaches of the law to the Prosecutor General.

The government also revised the Law on Political Rights (Law 73/1956), introducing criminal penalties for journalists and publications convicted of publishing false information intended to affect election results. The government took no steps to follow through on President Mubarak's public commitment of February 2004 to revise the 1996 Press Law to eliminate, among other things, criminal penalties for offences such as libel and defamation. According to Egyptian human rights monitors, the Prosecutor General in the first eight months of 2005 summoned 22 journalists and writers for questioning on alleged defamation charges after they wrote articles critical of public officials.

### ***Ill-treatment of Street Children***

The government periodically conducts arrest campaigns of homeless or truant street children who have committed no crime. In custody many face beatings, sexual abuse, and extortion by police and adult suspects, and police deny them access to food, bedding, and medical care. The authorities do not routinely monitor conditions of detention for children, investigate cases of arbitrary arrest or abuse in custody, or discipline those responsible. In many cases, the police detain children illegally for days before taking them to the public prosecutor on charges of being vulnerable to delinquency.

### ***Womens Rights***

Despite recent reforms of Egypt's family and nationality laws, additional steps are needed to amend laws that discriminate against women and girls, to prosecute gender-based violence, and to grant women and girls equal citizenship rights. Discriminatory personal status laws governing marriage, divorce, custody, and inheritance have institutionalized the second class status of women in the private realm and undermined their legal standing. The penal code does not effectively deter or punish domestic violence, and police are routinely unsympathetic to the concerns of battered women and girls.

### **Religious Intolerance and Discrimination against Religious Minorities**

Although Egypt's constitution provides for equal rights without regard to religion, discrimination against Egyptian Christians and intolerance of Bahais and unorthodox Muslim sects remains a problem. Egyptian law recognizes conversions to Islam, but not from Islam to other religions. Muslims who convert to Christianity face difficulties in getting new identity papers and some have been arrested for allegedly forging such documents. Bahai institutions and community activities are prohibited by law.

### ***Key International Actors***

The U.S. has long been Egypt's largest provider of foreign military and economic assistance, amounting to U.S.\$1.3 billion in military aid and U.S.\$535 million in economic assistance in 2005. Early in 2005 Deputy Secretary of State Robert Zoellick reportedly warned visiting Egyptian officials that U.S.\$200 million of the annual assistance would be withheld until opposition leader Ayman Nour was released from jail. In September Egypt hosted the six-week Bright Star joint military exercise involving 8,600 U.S. troops as well as some 8,000 troops from ten other countries.

President George Bush said in May 2005 that he embraced President Mubarak's decision to allow for a contested presidential elections, and he criticized the widely-publicized May 25 beatings of dissidents by ruling party vigilantes. Secretary of State Condoleezza Rice cancelled a planned February visit to Egypt to protest Ayman Nour's jailing. When she visited Cairo in June she expressed concern that in Egypt peaceful supporters of democracy are not free from violence. The day must come when the rule of law replaces emergency decrees. Both Bush and Rice endorsed publicly the need for international election monitors, but the Egyptian government remained opposed to their presence during the September voting.

The Association Agreement between Egypt and the European Union, which came into force in June 2004, is premised on respect for human rights and democratic principles, but Egypt's human rights violations do not seem to have disturbed its operation. In late 2005 Egypt and the European Commission commenced negotiations on an Action Plan under the European Neighbourhood Policy, but progress was uncertain as Egypt reportedly resisted inclusion of numerous human rights-related commitments.

In September, the United Kingdom quietly began efforts to deport three Egyptian Islamists, trying to secure Egyptian diplomatic assurances that the three would not be mistreated if returned to Egypt, even though efforts to get such assurances from Cairo in 1999 regarding one of the men, Hani al-Seba'i, had failed. The British Embassy approached the government-appointed NCHR to play a monitoring role, but the NCHR declined. As of November 2005 there were credible reports that the U.K. was seeking to conclude a memorandum of understanding with Egypt containing a blanket undertaking that people deported there from the U.K. would not be tortured or ill-treated.

Egypt failed to respond to a request from the U.N. special rapporteur on torture for an invitation to visit the country, a request that has been outstanding since 1996. The U.N. Committee against Torture, in a May 2005 ruling that Sweden had violated the absolute prohibition on torture by expelling terrorism suspect Ahmed Agiza to Egypt in 2001, noted that Egypt had a well-documented history of torture abuses, especially when dealing with terrorism suspects (for further details see European Union chapter).

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