

## Egypt:

### Security Forces Abuse of Anti-War Demonstrators

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*"I was caught by five or six men and thrown on the street. They took two wooden chairs and broke them on me while I lay on the ground. I was lying on my right side. They said, "Turn him over on the other side." I decided this was going to last too long so I pretended to lose consciousness, but when they picked me up by my arms and legs the pain from the fracture caused me to scream, so they saw I was not unconscious and started beating me again with the chair legs.<sup>1</sup>*

Human Rights Watch interview, Cairo,  
March 29, 2003

*[T]wo [security officials] took me away again, this time to a room on an upper floor and started beating me again. They were calling me all kinds of obscene names. They pressed a truncheon on my anus—I had my clothes on, but the sexual threat was clear. They said they would get me to stop my political activities. This beating concentrated on my back, near the base of my spine and the backs of my legs. They broke the skin on the back of my right thigh.*

Human Rights Watch interview, Cairo,  
March 29, 2003

## **I. Summary**

This report documents serious human rights violations by Egyptian security officials during and following large demonstrations in Cairo on March 20 and 21, 2003 against the U.S.-led war in Iraq. These violations included: excessive use of force in disbursing demonstrators and bystanders on March 21 in violation of the right to freedom of assembly; arbitrary arrest and detention, including of children; beatings and mistreatment of persons in detention, in some cases amounting to torture; and failure to provide medical care to seriously injured detainees.

On Thursday, March 20, following the start of United States military action against Iraq the night before, more than ten thousand demonstrators took over Cairo's al-Tahrir (Liberation) Square. The demonstration, which lasted approximately twelve hours, took place without major violent incidents. The next day, Friday, uniformed riot police and plainclothes men armed with pipes and clubs assaulted persons trying to converge again on al-Tahrir Square, as well as bystanders in the area, beating and injuring many. A similar assault occurred later that day outside the Egyptian Bar Association building, about ten blocks from al-Tahrir Square. Some of those who were beaten appear to have been targeted in reprisal for their participation in earlier demonstrations. The effective

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<sup>1</sup> Human Rights Watch interview, Cairo, March 29, 2003.

prohibition of public assembly and the use of excessive force against demonstrators and bystanders were in violation of international human rights standards and Egyptian law.

The authorities arrested approximately 800 persons on March 21, at least sixty-one of whom were ordered held for further investigation and charged with destroying public property, inciting unrest, and failing to disperse when ordered to do so. Many were held at sites not recognized in Egyptian law as legal places of detention, including the headquarters of the State Security Investigations (SSI). Almost all of those charged were ordered released on March 30, but at this writing they still face possible criminal prosecution. Other persons, including two members of parliament, were arrested over the following several days for their alleged roles in organizing or participating in the demonstrations. Most of these detentions appear to have been based on the detainees' known or alleged affiliations with organizations critical of government policies rather than on evidence supporting the criminal charges eventually brought against them. Arrests carried out in the days following the demonstrations were without judicial warrants, in violation of Egyptian law.

Some of those held and charged said that they were beaten while in custody, in some cases to the point of torture, and denied medical attention for injuries they sustained. Further arrests relating to the demonstrations were also made in early and mid-April 2003. Most of those persons were held for days or weeks, and in some cases longer, before being released without charge. Some of those arrested in April also have made credible allegations that they were tortured or otherwise mistreated while in detention in violation of Egypt's obligations under law.

At least six children were arrested on March 21, 2003 and detained with unrelated adults in conditions of severe overcrowding and at risk of abuse, in violation of international standards. One boy of sixteen said that he and other children had been subjected to torture.

Human Rights Watch requested meetings in early April 2003 with Egyptian officials, including Minister of Interior Habib al-`Adli and Prosecutor General Maher `Abd al-Wahed to discuss its concerns but received no response to the requests. Human Rights Watch also received no response to its earlier letters of March 25, 2003, to Interior Minister al-`Adli and Prosecutor General `Abd al-Wahed expressing concern about reports of torture, ill-treatment, and denial of medical care to those in detention. On March 29, 2003, Nabil Osman, the director of Egypt's State Information Service,

dismissed allegations of torture made public by Human Rights Watch as “hearsay...mere claims made to further the interests of anti-government political factions.”<sup>2</sup>

Human Rights Watch met with Egypt’s ambassador to the United States, Nabil Fahmy, on April 4, 2003. Ambassador Fahmy told Human Rights Watch that the government responds positively to most requests to hold demonstrations. He indicated that in the prevailing political climate there would be no independent inquiry into the behavior of the security forces on March 20-21. He said that he did not find allegations of deliberate torture by state officials to be credible, and that complaints of torture should be directed to the ombudsman in the Office of the Prosecutor General. Such complaints were made by various arrested persons when they were interrogated by the Office of the Prosecutor General prior to their release, or were filed immediately following their release, in late March and early April; as of October 27, 2003, they were still reportedly under consideration at the highest level of the Prosecutor General’s office. Ambassador Fahmy suggested that the most constructive response to the confrontations of March and April would be better training for security forces dealing with demonstrations. Egyptian police and security forces would indeed benefit from professional training, in particular with reference to the United Nations Code of Conduct for Law Enforcement Officials and the U.N. Basic Principles on the Use of Force and Firearms. Human Rights Watch believes that the government also has an obligation under international law to conduct a prompt, impartial inquiry into serious allegations of excessive use of force, arbitrary detention, and torture and ill-treatment of detainees in connection with the antiwar demonstrations in March and April 2003.

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<sup>2</sup> Charles A. Radin, “In Egypt, political statements are made without the politics,” *Boston Globe*, March 30, 2003.

## **II. Recommendations to the Government of Egypt**

- Conduct a full and impartial inquiry into allegations of misconduct by security forces during clashes with anti-war demonstrators during protest that began March 20, 2003, and during arrests and detentions of alleged participants and organizers of these protests. This inquiry should include the following allegations:
  - excessive use of force by security forces in controlling and/or dispersing demonstrators and in making arrests;
  - arbitrary detention of demonstrators, alleged protest organizers and bystanders, including arrest for peaceful assembly and expression, and detention in places not designated as legal places of detention under Egyptian law;
  - torture and ill-treatment of detainees in the Khalifa and Giza police stations and at State Security Investigations offices in Lazoghli and Giza;
  - the failure of Ministry of Interior and Ministry of Health officials to provide urgently needed medical assistance in a timely fashion to injured persons in detention;
  - torture and ill-treatment of children, and detention of children with adults.
- Make the results of such an inquiry public in a timely fashion, including any disciplinary measures taken as a result of the inquiry and the names of those disciplined.
- Investigate and bring criminal charges against security personnel where there are credible allegations that they ordered, conducted, or condoned torture or ill-treatment of demonstrators and other persons detained by security forces. Bring such persons to trial in a timely fashion and in proceedings that meet international fair trial standards.
- Make public the names of officials in the chain of command of plainclothes security forces deployed for the purpose of dispersing demonstrators in and around al-Tahrir Square on March 21 and conducting the raid on the premises of the Egyptian Bar Association on the evening of March 21.
- Promptly bring to trial or dismiss charges against persons charged with destruction of property, incitement, assaulting security forces, and other charges in connection with antiwar demonstrations that began on March 20, 2003; and against persons charged with attempting to disrupt public security, or with possession of publications intended for incitement.

- Release and dismiss all charges against persons held in violation of their right to be free from arbitrary arrest and detention, including those detained solely for participating in an assembly of more than five persons in connection with the attempted demonstration in al-Sayyida `Aisha neighborhood on April 4, 2003, and those detained in connection with demonstrations protesting policies of the United States and Egyptian governments.
- Take all necessary steps to ensure that persons in Egypt are not prevented from exercising their right to peaceful assembly and are protected from assault and arbitrary arrest by security forces for attempting to exercise that right, which is guaranteed under Egyptian and international law.
- Ensure that Egyptian police and security forces receive appropriate professional training for carrying out their public security responsibilities, including the international law enforcement standards of the U.N. Code of Conduct for Law Enforcement Officials and the U.N. Basic Principles on the Use of Force and Firearms.

### III. Background

On Thursday and Friday, March 20-21, 2003, Cairo witnessed two days of massive street demonstrations. The protests were sparked by the United States air attack on Iraq that commenced in the early hours of March 20, but demonstrators also raised chants and slogans criticizing Egyptian government policies. Many participants and spectators told Human Rights Watch that these protests were easily the largest since a wave of student demonstrations rocked the country in 1972.

On Thursday, March 20, more than ten thousand protestors turned out and eventually took over al-Tahrir Square, a major Cairo downtown traffic hub flanked by Egyptian government ministries, the Arab League headquarters, the Egyptian Museum, and the American University in Cairo. One reporter characterized the demonstration as “ecumenical,” involving leftists and nationalists as well as Muslim Brothers, seasoned activists, students, and businesspeople.<sup>3</sup>

What might have been a typical demonstration involving several hundred protestors cordoned and outnumbered by riot police with shields and batons grew as groupings of other demonstrators pushed their way into the square. Chants and slogans also criticized the government of President Hosni Mubarak. Some confrontations between security forces and demonstrators occurred, particularly when police blocked efforts by some protestors to march to the nearby United States and United Kingdom embassies, but for the most part demonstrators and security forces alike reportedly behaved with restraint and acted to prevent any escalation of violent confrontation. For about twelve hours al-Tahrir Square belonged to the demonstrators.<sup>4</sup>

The next day, Friday, was a different story, characterized by sharp clashes between security forces and demonstrators and violent government tactics to disperse and arrest demonstrators. Activists from civil rights, Palestinian solidarity, anti-Iraq war, and anti-globalization groups had called for a march to begin at al-Azhar mosque following midday prayers and to end at al-Tahrir Square and the United States and United Kingdom embassies. The confrontations began at al-Azhar, as the security forces blocked exits out of the mosque. Eventually those inside made it out and were joined by worshippers from other mosques until a crowd of several thousand started the long walk toward downtown and al-Tahrir Square. Security forces periodically dispersed the marchers, but by around 3 p.m. several crowds reportedly totaling between ten and

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<sup>3</sup> Paul Schemm, “A Loss of Control,” *Cairo Times*, March 27-April 2, 2003, pp. 8-9.

<sup>4</sup> See accounts in the Cairo-based English-language *Al-Ahram Weekly*, March 27-April 2, 2003, and *Cairo Times*, March 27–April 2, 2003.

twenty thousand people converged on `Abd al-Mun'im Riyad Square, on the periphery of the larger al-Tahrir Square area, which was cordoned off by a large force of Central Security police. Groups of protestors pushed through the police lines into al-Tahrir Square. At one point a fire truck on hand to reload police water cannons was set ablaze, and some private automobiles were reportedly damaged.<sup>5</sup> Demonstrators reportedly tore down a large poster at the nearby headquarters of the ruling National Democratic Party, and burned flags lining the street in front of the Nile Hilton hotel. Over the next several hours security forces brought in substantial reinforcements and by 5 p.m. al-Tahrir Square area was cleared of demonstrators and in the full control of security forces. Hundreds of demonstrators and bystanders had been arrested. Scores were beaten by uniformed riot police or, in many cases, by plainclothes men armed with clubs and pipes. Those in plainclothes carrying out these assaults did so without interference by uniformed officers and themselves placed detainees in police vans, making it apparent that they were working for the government.

Several hours after al-Tahrir Square had been cleared, plainclothes men armed with sticks and truncheons attacked a peaceful sit-in demonstration in front of the Egyptian Bar Association building at the intersection of Ramsis Street and `Abd al-Khalik Tharwat Street, about ten blocks from al-Tahrir Square. The demonstrators did not obstruct traffic. The plainclothes men barred the building's only open entrance and exit, went inside, and, in the process of conducting arrests, beat several lawyers well known as the legal counsel for persons arrested on political charges and whom the authorities apparently regarded as protest leaders. Uniformed police had cordoned off the building but took no steps to halt the beatings by those in plainclothes. Two members of parliament, Hamdeen Sabahi and Muhammad Farid Hassanein, were also badly beaten on this occasion. They were arrested two days later and investigated by the State Security Prosecution office.

The authorities have not made public the number and names of those detained in connection with the March 21 demonstrations, but most accounts cited an informal estimate by Egyptian officials that the number was in the vicinity of 800.<sup>6</sup> Most of those arrested were detained in a Central Security training camp and barracks at al-Darassa, north of the city, while others were held in several police stations. Most appear to have been released within twenty-four hours.

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<sup>5</sup> Security forces say that protestors set the fire truck ablaze, and this was among the charges lodged against thirty-five of the sixty-eight individuals charged in connection with the demonstrations. A reporter who covered the demonstration told Human Rights Watch that demonstrators in the vicinity of the incident consistently told her that the truck had not been a target of the demonstrators and that they did not know how the blaze had started. Human Rights Watch interview, name withheld on request, Cairo, April 2, 2003.

<sup>6</sup> `Atif al-Shahat, a defense lawyer, told Human Rights Watch that a prosecutor in the Khalifa district police station had given him this number, but as a personal rather than an official estimate. Interview, Cairo, April 2, 2003.



On March 21, the day the attempted demonstration in al-Tahrir Square had been disrupted violently by police, the Ministry of Interior said in an official statement that the country's "political leadership" appreciated the "nationalist need to protect freedom of expression" and so would "allow pre-approved demonstrations to take place" but that "no other gatherings, processions, or demonstrations will be tolerated as they obstruct traffic, interfere with the well-being of the citizenry, and obstruct the conduct of government business," adding that this "is the norm worldwide."<sup>7</sup>

At least sixty-one persons arrested on March 21 were ordered held for investigation, most on charges that included destroying public property,<sup>8</sup> inciting public unrest,<sup>9</sup> and participating in gatherings of more than five persons when ordered to disperse.<sup>10</sup> Three Cairo University students were arrested by SSI officers in connection with the demonstrations and were charged with forming an illegal organization. Those who were seriously injured by the police during arrest or while in custody were not provided access to adequate medical attention while in detention. Seven other persons were detained on similar charges over the following several days and interrogated in the SSI offices, including SSI headquarters in Lazoghli, in Cairo.

On March 30 the Office of the Prosecutor-General ordered the release of those still in detention in connection with the antiwar demonstrations of March 21.<sup>11</sup> Over the following days, all these individuals had been released on bail, but were still at least nominally under investigation on the charges lodged against them. According to press reports, Prosecutor-General Maher 'Abd al-Wahed "urge[d] the public in this uncertain

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<sup>7</sup> "Interior allows for peaceful demonstrations to express popular rejection," *Al-Ahram* [Arabic], March 22, 2003.

<sup>8</sup> Fourteen detainees (the al-Gamaliyya Public Prosecution Office group, case file number 2676/2003) were charged with deliberate destruction of public property and promoting disorder (Penal Code Article 90); thirty-five detainees (the Qasr al-Nil Public Prosecution office group, case file number 2327/2003) were charged with setting fire to state-owned public property, namely a fire engine in al-Tahrir Square, and destroying police motorcycles; the seven persons detained at SSI headquarters were also charged with participating in the burning down of the fire engine and destroying police motorcycles, as well as destroying a billboard advertisement of the ruling National Democratic Party and the gate of the Nile Hilton Hotel. For the names of the individuals, see Human Rights Watch, "Names of detainees known to have appeared before prosecution offices," at <http://hrw.org/press/2003/03/egypt-detainees.htm> (retrieved October 27, 2003).

<sup>9</sup> Twelve detainees (the al-Azbakiyya Public Prosecution office group, case file number 1686/2003) were charged with transmission of inciting propaganda that could disturb public safety (Penal Code article 102 bis). For the names of the individuals, see Human Rights Watch. "Names of detainees known to have appeared before prosecution offices," at <http://hrw.org/press/2003/03/egypt-detainees.htm> (retrieved October 27, 2003).

<sup>10</sup> All were charged under the Illegal Assembly Law of 1914, which deals with gatherings of five or more persons "that threaten the public peace" and sets penalties for failure to obey orders to disperse. See "Egypt: Eighty-four demonstrators detained and information about the detention of 800," *Al-Hayat* [Arabic], March 24, 2003.

<sup>11</sup> Gamal Essam El-Din, "Palliating popular anger," *Al-Ahram Weekly Online*, April 3-9, 2003, at <http://weekly.ahram.org.eg/2003/632/eg6.htm> (retrieved May 19, 2003).

period to practice self-restraint and be aware of the fact that every Egyptian citizen is responsible for maintaining internal peace during this difficult time.”<sup>12</sup>

Several of those who alleged that they had been beaten by police during arrest or in custody filed formal complaints naming some of the officials they alleged to be responsible and requesting that the Prosecutor-General investigate the charges.

On the following Friday, March 28, the ruling National Democratic Party, in an apparently informal arrangement with the outlawed Muslim Brotherhood, sponsored a rally at al-Azhar mosque that was broadcast on state-run television. According to one press report, “there were no arrests, no violence, and, significantly, no whiff of domestic politics.”<sup>13</sup> In the weeks after the crackdown on the Cairo protests large demonstrations occurred in Alexandria and other cities but were confined to university campuses.

The groups whose leaders had been targeted in the arrests that began on March 21 called for another demonstration for April 4 that would begin at al-Sayyida `Aisha Square and proceed to al-Tahrir Square, insisting that an administrative court ruling of February 4, 2003 affirmed the right of citizens to hold public demonstrations without permits.<sup>14</sup> On that day police cordoned off the assembly point and arrested between fifty-five and sixty-five of the persons attempting to gather there, most as they attempted to enter the square.<sup>15</sup> Most were released within twenty-four hours but eleven persons were ordered held for fifteen days for investigation on charges of illegal assembly aimed at damaging public property; possession and dissemination of materials aimed at disturbing public order; blocking traffic; and chanting slogans against the government.<sup>16</sup>

Egyptian security services made further arrests of alleged antiwar activists and protest organizers in mid-April 2003. On Saturday, April 12, security forces apprehended

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<sup>12</sup> Ibid.

<sup>13</sup> Charles A. Radin, “Controlled Dissent: In Egypt, political statements are made without the politics,” *Boston Globe* (March 30, 2003), p.32.

<sup>14</sup> The administrative court ruled that it accepted “in principle” the contention of Dr. `Abd al-Muhsin Hamuda that Constitution articles 48 (protecting freedom of the media) and 54 (on the right to private and public assembly) protected the right of “the Egyptian people [to] express their opinion on a matter of crucial importance for the Arab people” (Case no. 7741/judicial year 57 [2003], Administrative Court, First Circuit). The court stated that the Cairo Security Directorate should rescind its order barring an antiwar demonstration and undertake necessary expenditures to ensure public safety. The court also forwarded the petition to the State High Commission for a definitive legal ruling because article 54 of the Constitution protects private assembly without prior permission but states that public assembly is permitted only “within the limits of the law.” On April 3, *Al-Ahram* reported that the Ministry of Interior had relayed a statement saying that press stories that the demonstration called for April 4 was permitted were false, and that the issue was “still being considered by the judiciary.” Dr. Hamuda, the plaintiff in the February case, was among those arrested on April 4.

<sup>15</sup> A Human Rights Watch researcher present at the time saw four persons hustled to a police van by at least twenty uniformed officers.

<sup>16</sup> Case number 2481/2003, Khalifa district.

students `Amr Muhammad `Abd al-Latif, age 21, Mahmud Hassan, in his early twenties, and Walid `Abd al-Razzaq Fu`ad, also in his early twenties, as they were about to attend a demonstration at the Journalists' Syndicate building in Cairo. Another student, Ramiz Gihad Fathi, age 25, was picked up that night from a café in the Bab al-Luq neighborhood. On Sunday, April 13, Wa'il Tawfiq, a journalist in his early thirties, went missing and was later seen in custody at SSI headquarters. Marwan Hamdi, an activist in his early thirties, and Ibrahim al-Sahari, a journalist in his mid-thirties who writes for the Egyptian daily *Al-`Alam al-Yom*, were taken from their homes in the early hours of April 14 to an unknown location.

Several days later, on April 17, security forces raided the home of Ashraf Ibrahim Marzuq, an engineer and political activist and confiscated a computer, video equipment, and scanner, as well as books and papers. Ibrahim, who was not home at the time, turned himself in to SSI authorities on April 19 and was held without charge for three and a half months in Tora prison before being charged, on August 7, with being on the steering committee of a "revolutionary socialist group," "holding and possessing publications disseminating advocacy and propaganda for the group's purposes," and "sending false information to foreign bodies—foreign human rights organizations—which include, contrary to the truth, violations of human rights within the country, the content of which weakened the position of the state."<sup>17</sup> Four other individuals not in custody were also charged with holding leadership positions in the group (Nasr Faruq al-Bahiri and Yahya Fikri Amin Sahra) or joining the group (Mustafa Muhammad al-Basiuni and Remon Edward Gindi Morgan).

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<sup>17</sup> Order dated August 7, 2003, from the General Prosecution Office, Office of the Prosecutor General, signed by the Higher State Security Prosecution Office Attorney General Osama `Abd al-Mun`im `Ali.

## **IV. Excessive Use of Force Against Demonstrators**

Egyptian plainclothes and uniformed security forces on March 21 physically assaulted demonstrators and passers-by who had gathered in and around al-Tahrir Square and the Bar Association building. Uniformed security forces also failed to intervene to protect demonstrators and passers-by from the improper use of force by their colleagues.

### ***Al-Tahrir Square***

The police violence against demonstrators in al-Tahrir Square on March 21 began prior to the arrival of demonstrators walking from the vicinity of al-Azhar. Manal Khalid, a 32-year-old television director and antiwar activist, told Human Rights Watch that she had gone to al-Tahrir Square at about noon and that only a few people had started to gather there. "I decided to get some food and come back around 1 p.m.," she said.

I heard someone shout, "There's Manal." I tried to run but about fifteen plainclothes security cornered me near the Hardee's restaurant. They tried to drag me to a black jeep [across the street] close to the AUC [American University in Cairo] gate. Some passersby stopped when they saw me resisting and being beaten, and tried to interfere, including two girls who were arrested with me when they refused to leave. Then a senior state security officer [whom I recognized] joined the others and started punching me in the face and different parts of my body, and insulting me with filthy language. He handcuffed and dragged me into the jeep and then blindfolded me. He said he was going to strip off my clothes and frame me in a prostitution case.

They were after some people in particular, and I was one of them. I had seen [this officer] at earlier demonstrations and the day before this, on Thursday [March 20], he pushed me when I tried to start a mini-demonstration outside the police cordon. I asked about him, and people told me his name. I filed a complaint against him in the prosecution report. After I was released he called and wanted to meet with me but I refused.<sup>18</sup>

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<sup>18</sup> Human Rights Watch interview, Cairo, April 1, 2003. The prosecutor-general is obliged under law to open a separate investigation into allegations of torture when a complaint is lodged. In this case, Manal Khalid made such a complaint when she was brought before the prosecutor general for interrogation on March 22.

Other victims of police beatings appear to have been chosen at random. Mona Mo`in Mina, a 45-year-old pediatrician, told Human Rights Watch that she arrived at al-Tahrir Square at about 2:30 p.m. that afternoon. “There was a huge security presence,” she said, “and I could not get inside to the demonstration.” She was near the Hardee’s restaurant, on the southern perimeter of the square, and saw four or five men, not in uniforms, beating a woman in her fifties.

We have a rule in demonstrations: we don’t ignore someone being beaten. I and several others tried to intervene, but I was the only one who kept at it. They punched us and dragged us to a police van on a side street. There were about thirty of us in the van, eight of us women. They were pretty brutal with the women, especially the young ones, dragging them by their clothes, ripping the veil off one. It was not painful but very humiliating. They took us to several police stations but there was no room. We ended up at Dahir station in central Cairo. When they brought us in they slapped the first boy in the line. They told us to shut up and that anyone who spoke would be ripped to pieces and buried there. Later we were taken out and driven around to many police stations, finally ending up at the Central Security camp at al-Darassa. We were not mistreated there, but they did not let us sleep. They kept calling us upstairs to ask us again our name, occupation, you know. The next morning they started releasing the young girls—they were in their late teens. They kept five of us [women]. They seemed to be releasing those who had never been arrested before. This was not my first arrest, but it was my first night in prison.<sup>19</sup>

Hoda, a Cairo resident who did not want to give her real name, told Human Rights Watch that she had been walking through al-Tahrir Square that Friday morning, unaware that demonstrations were expected. “Suddenly two guys tried to grab me,” she said. “They held me and took my name and address and tried to shove me into a police van. By coincidence a reporter nearby was taking notes and asked the plainclothesmen what they were doing with me. They let me out.”<sup>20</sup> Hoda said that later in the morning she saw six or seven other people beaten and arrested in the street near al-Tahrir.

Mirvat, an Egyptian journalist who did not want her real name used, told Human Rights Watch that she had been at al-Azhar mosque in the early afternoon but couldn’t see much because of the heavy security. Police and the demonstrators were throwing stones at each other, she said, but she couldn’t tell who had started it. She went home, she said,

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<sup>19</sup> Human Rights Watch interview, Mona Mo`in Mina, Heliopolis, March 31, 2003.

<sup>20</sup> Human Rights Watch interview, name withheld on request, Cairo, March 22, 2003.

but headed for al-Tahrir Square after seeing the violent encounters there on al-Jazeera television. She said she arrived at `Abd al-Mun`im Riyad Square, just to the north of al-Tahrir, where Gala' and Ramsis streets end at the Nile corniche, at about 4:45 p.m.

There were no cars moving or people in al-Tahrir, only police, thousands of them, countless [armored vehicles] and police vans from where I was all the way across to the AUC gate. I saw ponds of blue water, from the police water cannons. And there were dozens of men in plainclothes, with their truncheons. They looked like they were furious. As I approached I saw them attacking a group of ten or fifteen youths, swinging their truncheons, I didn't see how that started, but from what I could see these youths were no threat to anyone. The police just stood by as the plainclothes security attacked them. This was very violent. I had never seen anything like it. Then I saw several cars try to drive out of the cordoned area. The thugs attacked the cars with their sticks, and in one case smashed the rear window.

This reporter was told by security personnel that she could not walk across al-Tahrir Square, and instead walked along Mahmud Bassiuni Street toward Tal`at Harb Square.

At two places along Mahmud Bassiouni Street I saw sixty or so of these plainclothes thugs with truncheons, just sitting on low walls, and another hundred or so around Tal`at Harb Square. I recognized one of them—he parks cars in the area around my office. He was carrying a metal pipe. I was surprised to see him there and asked him what he was doing. He said he also worked for the mabahith [*Mabahith Amn al-Dawla*, or State Security Investigations]. There were many police dogs and riot police as well as the thugs. I backtracked down Mahmud Bassiuni Street and headed to al-Tahrir by some side streets. They let me walk through their lines. “You’ve been beating people today?” I asked. “Yes, believe me,” one said, a low-ranking officer in his 20s. They all looked exhausted. Many were sitting. The thugs ranged in age from mid-20s to early 40s.<sup>21</sup>

### **Bar Association**

The Bar Association, also known as the Lawyers' Syndicate, is less than a kilometer from al-Tahrir Square and adjacent to the Journalists' Syndicate. By late afternoon lawyers had gathered at the Bar Association to discuss steps to take on behalf of arrested demonstrators. Activists and members of some opposition parties, including several members of parliament, also gathered in the front of the Bar Association building.

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<sup>21</sup> Human Rights Watch interview, name withheld on request, Cairo, April 2, 2003.

Mirvat, the Egyptian reporter, told Human Rights Watch that she arrived there around 6:30 p.m.:

There were uniformed police surrounding the building and about two or three hundred persons sitting on the pavement in front of the entrance. Some of them I recognized as activists involved in calling for the demonstrations. They were chanting slogans demanding the release of those who had been arrested. Until then I hadn't heard of the mass arrests in al-Tahrir. The scene at the Bar Association was pretty boring, actually, and I had no problem joining the group sitting in front and getting the run-down on what had happened. But people were saying that they expected trouble. They were worried because there was no television media there. They asked me to call some friends in TV. I called a friend at al-Jazeera.<sup>22</sup>

Sayyid `Abd al-Ghani, a Bar Association member, told Human Rights Watch that at around 6:30 p.m. plainclothes security officers attacked demonstrators with clubs. "Some of the protestors tried to find refuge behind our gates," he said. "The Bar Association is considered a place of refuge." Security officers also attacked some lawyers who had gone out to try to protect the demonstrators, he said. "Then a group of security officers and police entered the [Lawyers'] Syndicate and barred the gates, locking everyone inside."<sup>23</sup>

Muhammad Raghieb, a 25-year-old journalist for the newspaper of the left-nationalist Tagammu` Party, told Human Rights Watch that he had been at the Bar Association sit-in since about 6 p.m. "We were sitting there with our arms linked together," he said.

The police around the building were in uniforms and carrying shields. It was not particularly tense. But then some other police, maybe fifteen of them, not in uniform, came and barred the entrance. They said nothing. No announcement to disperse. All of a sudden they came in and started beating people. They were after certain individuals, and then they would also beat the others trying to defend them until it became a general melee. I couldn't tell who was in charge. They made no attempt to arrest people before attacking them. I was arrested too, but I was one of the random ones.<sup>24</sup>

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<sup>22</sup> Human Rights Watch interview, Cairo, April 2, 2003.

<sup>23</sup> Human Rights Watch interview, Sayyid `Abd al-Ghani, Cairo, March 22, 2003.

<sup>24</sup> Human Rights Watch interview, Cairo, April 2, 2003.

Hoda, the Cairo resident who asked that her real name not be used, said that she had also gone from al-Tahrir Square to the Bar Association. “A group of us were standing in front of the building,” she said.

The uniformed police made a circle around us. Plainclothes police inside the circle with us started picking people—if they didn’t like your looks they would drag you out of the circle to a police van. They picked a friend of ours. Four of us followed, shouting, “If you take him, take us.” They started hitting us. They hit us with sticks and one girl they took her by the hair and dragged her along, kicking her. They touched her all over—they touched women all over, feeling their breasts.

The journalist Mirvat said that prior to this she had walked into the Bar Association premises and around to the back where there was an outdoor tea garden. She said there were maybe a dozen people in the garden, and she saw about 200 people on `Abd al-Khaliq Tharwat Street, which runs along the southwest perimeter of the Bar Association and is separated from the garden by a short wall.

I couldn’t tell who they were but then a bunch of them ran around front to where the sit-in was and I went back to the front myself. Two men were barring the gate shut with long boards. Most of the demonstrators were on the outside, and no one could get in or out. “Get down or we’ll arrest you,” one shouted. Then I heard screaming from the garden. Someone was shouting that they were beating Hamdeen Sabahi [a member of parliament] so I ran back there. I saw him [Sabahi] sitting in a chair in `Abd al-Khaliq Tharwat Street, blood streaming down his face. He looked semi-conscious. A man was lying in the garden bleeding profusely. My friend from al-Jazeera came over the wall into the garden. She said the thugs had run at her and snatched her bag and took the videocamera from her cameraman.<sup>25</sup>

Mirvat told Human Rights Watch that, as she pieced together what happened, the plainclothes police were beating the man whom she had found in the garden, 40-year-old Tariq `Abd al-Fattah. The member of parliament, Hamdeen Sabahi, 49, had come out of an adjacent building, the Journalists’ Syndicate, on hearing the clash and tried to intervene to protect `Abd al-Fattah when he was himself attacked.

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<sup>25</sup> Human Rights Watch interview, Cairo, April 2, 2003.



Muhammad Zaki, a lawyer in his early thirties, told Human Rights Watch that when Sabahi tried to intervene to stop the beating of `Abd al-Fattah, officers pulled him across the street by his legs. When Zaki tried to intervene, he said, police beat him as well, fracturing his clavicle.

I was caught by five or six men and thrown on the street. They took two wooden chairs and broke them on me while I lay on the ground. I was lying on my right side. They said, "Turn him over on the other side." I decided this was going to last too long so I pretended to lose consciousness, but when they picked me up by my arms and legs the pain from the fracture caused me to scream, so they saw I was not unconscious and started beating me again with the chair legs.<sup>26</sup>

MP Mohamed Farid Hassanein, 63, was also beaten that day near the Bar Association. Yahya Fikri, an engineer, was also at the Bar Association that day and told Human Rights Watch that he saw four or five officers drag Hassanein across the street while others beat him with batons.<sup>27</sup> Both Hassanein and Sabahi were arrested two days later—Hassanein at Misr International Hospital, according to his daughter, and Sabahi at his home.<sup>28</sup>

Gamal `Eid, 39, was one of several lawyers beaten and arrested at the Bar Association. `Eid is a member of the Bar Association's Freedoms Committee and had served as a defense lawyer for demonstrators arrested in earlier protests.<sup>29</sup>

I was in the Bar Association, a group of us [lawyers] were meeting to assess the information we were getting about who was arrested and where they were taken. We heard the disturbance outside and went to the front. I saw the plainclothes police beating the demonstrators and I tried to help [protect them]. And I saw security go in the [Bar Association] cafeteria [garden]. Ahmad al-`Azazi [one of the plainclothes officers] pointed out certain people to go after. Three or four of them grabbed me. At first I didn't know I was being arrested. Some of them who were holding others let go and came over to join those beating us.

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<sup>26</sup> Human Rights Watch interview, Cairo, March 29, 2003.

<sup>27</sup> Human Rights Watch interview, Cairo, March 29, 2003.

<sup>28</sup> Written communication from Nadia Farid, April 5, 2003; Human Rights Watch interview with Ayman Nour, member of parliament, Cairo, March 30, 2003.

<sup>29</sup> `Eid has also worked as a consultant for Human Rights Watch.

ʿEid said that security forces who beat him then shoved him into a canvas-covered police truck on ʿAbd al-Khaliq Tharwat Street. “From there we saw the beatings and arrests continue,” he said.<sup>30</sup>

Yasir Farag, another lawyer in his early thirties, told Human Rights Watch that plainclothes officers jumped over the wall into the garden area and after barring the door started beating people randomly. “I tried to break away but seven of them grabbed me and beat me and were pushing me toward a police van,” he said. “Then Ahmad al-ʿAzazi told them to wait and he hit me in the head with his walkie-talkie. He said he was beating me because of ‘all this.’”<sup>31</sup>

Ziyad al-ʿUlaimi, a 23-year-old lawyer, told Human Rights Watch that he had been in the garden with Gamal ʿEid and Yasir Farag collecting the names of those who had been arrested earlier in the day. Four policemen charged in and pulled them out. “They tried to force Gamal into a van,” he said, “and when they hit him I intervened. Someone came at me from behind and used his truncheon on my head and shoulder, forearm, and leg. That’s when they broke my arm.”<sup>32</sup>

ʿAmr Muhammad ʿAbd al-Latif and Walid ʿAbd al-Razzaq Fuʿad, the students who were arrested on April 12 and released on April 15 (see above), were also beaten while being taken into detention. One of them told Human Rights Watch that he and his companions had been beaten at the time of arrest.

It was Saturday at about noon. We were walking over to the Journalists’ Syndicate to go to the demonstration and eight or nine plainclothes men grabbed us and dragged us over to the police wagon. They hit us on our backs and in our faces and then handcuffed us and threw us inside. They didn’t identify themselves or say anything to us when they took us.<sup>33</sup>

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<sup>30</sup> Human Rights Watch interview, Cairo, March 29, 2003.

<sup>31</sup> Human Rights Watch interview, Cairo, March 29, 2003.

<sup>32</sup> Human Rights Watch interview, Cairo, March 29, 2003.

<sup>33</sup> Human Rights Watch interview, Cairo, April 16, 2003. The student who spoke with Human Rights Watch did not wish to be identified.

## ***Use of Excessive Force Under International Law***

Egyptian security officers and plainclothes agents used force against demonstrators on March 21 and in subsequent arrests in connection with the demonstrations that was contrary to international law enforcement standards and Egyptian law. The U.N. Code of Conduct for Law Enforcement Officials (Code of Conduct) enjoins those who exercise police powers to protect “all persons against illegal acts” and, in performance of their duty, to “respect and protect human dignity and maintain and uphold the human rights of all persons.”<sup>34</sup> According to article 3 of the Code of Conduct, “law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.”<sup>35</sup> The Code of Conduct also states that “no law enforcement official may inflict, instigate or tolerate any act of torture or any other cruel, inhuman or degrading treatment or punishment” and that “law enforcement officials shall ensure the full protection of the health of persons in their custody and in particular, shall take immediate action to secure medical attention whenever required.”<sup>36</sup>

The U.N. Basic Principles on the Use of Force and Firearms provide that “[l]aw enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force” and may use force “only if other means remain ineffective or without any promise of achieving the intended result.”<sup>37</sup> When the use of force is unavoidable, law enforcement officials must “(a) exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved; (b) minimize damage and injury...; and (c) ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment.”<sup>38</sup> “In the dispersal of assemblies that are unlawful but non-violent,” the Basic Principles state, “law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent

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<sup>34</sup> “U.N. Code of Conduct for Law Enforcement Officials (Code of Conduct),” G.A. res. 34/169, annex, 34 U.N. GAOR Supp. (No. 46) at 186, U.N. Doc. A/34/46 (1979) at [http://www.unhchr.ch/html/menu3/b/h\\_comp42.htm](http://www.unhchr.ch/html/menu3/b/h_comp42.htm), (retrieved Sept. 20, 2003).

<sup>35</sup> Ibid. The official commentary published as part of the Code of Conduct notes that “national law ordinarily restricts the use of force by law enforcement officials in accordance with a principle of proportionality” and stresses that while law enforcement officials may authorize use of force “as is reasonably necessary under the circumstances for the prevention of crime or in effecting or assisting in the lawful arrest of offenders or suspected offenders, no force going beyond that may be used.” Article 3.

<sup>36</sup> Ibid. Article 3 (a).

<sup>37</sup> “U.N. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials,” Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990, U.N. Doc. A/CONF.144/28/Rev.1 at 112 (1990), principle 4 at [www.unhchr.ch/html/menu3/b/h\\_comp43.htm](http://www.unhchr.ch/html/menu3/b/h_comp43.htm), (retrieved Sept. 20, 2003).

<sup>38</sup> Ibid., principle 5.

necessary.”<sup>39</sup> According to the Basic Principles, “Governments shall ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under their law.”<sup>40</sup>

Egyptian security forces, in attempting to prevent demonstrators from assembling at al-Tahrir Square on March 21 and subsequently attacking persons gathered outside the Bar Association building, failed to follow applicable Egyptian law enforcement regulations, namely Ministerial Order 193/1955. This regulation, “pertaining to public gatherings and demonstrations in public thoroughfares,” requires that the authorities audibly warn persons who have gathered, specifying a reasonable time to disperse from the scene and directions and roads to be used to leave.<sup>41</sup> This order states that if those who have gathered do not disperse, a second warning “has to be given” which warns that the security forces may use tear gas and truncheons to implement the order to disperse.<sup>42</sup> However, this regulation itself appears to be at variance with international law enforcement standards by also authorizing the use of light firearms “aimed at the legs” if the crowd “refuses to disperse.”<sup>43</sup>

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<sup>39</sup> Ibid., principle 13.

<sup>40</sup> Ibid., principle 7.

<sup>41</sup> Ministerial Order 193/1955, article 2, para. 3, *Egyptian Proceedings*, June 6, 1955, issue number 44, translated by Human Rights Watch.

<sup>42</sup> Ibid., para. 4.

<sup>43</sup> Ibid., para. 5-7.

## V. Arbitrary Arrest and Detention

Many of the arrests and detentions by security forces on March 21 and afterwards in connection with antiwar protests appear to have been without cause or were conducted in an unlawful manner. The majority of the hundreds of people detained on March 21 were reportedly released within twenty-four hours. Most of the sixty-one persons arrested that day and ordered held for further investigation appear to have been detained because of their known or alleged affiliations with organizations critical of government policies rather than because police had evidence of their participation in the destruction of property or other crimes.

Manal Khalid, for instance, told Human Rights Watch that she was going to get some lunch at al-Tahrir Square at about noon on March 21, prior to the arrival of most demonstrators, when plainclothes security officers apparently recognized her from the demonstration the previous day, called out her name, and grabbed her. When she resisted being dragged to a police vehicle, they beat her.<sup>44</sup>

Sayyid, a student activist who did not want his real name used, told Human Rights Watch that he arrived at al-Tahrir Square around 2:30 p.m. on March 21. Security forces were “everywhere” and “arresting everyone they could grab hold of,” he said. “Because there were a lot of people, they concentrated on the youth.” Sayyid said he was stopped by uniformed police who demanded his ID.<sup>45</sup> “Then a plainclothes officer came over and said, ‘You don’t have to ask for his ID, it’s obvious he is a demonstrator.’ When I asked how he knew anything about me, three of them surrounded me and punched me and hit me with their batons.” Before he was released the next morning, Sayyid said, security officers told him that his name was on a list of activist students at Cairo University and for that reason he should report to SSI’s Giza headquarters.<sup>46</sup>

Hossam al-Hamalawy, a journalist with the weekly *Cairo Times* and a stringer for the *Los Angeles Times*, was arrested by four plainclothes security officers while leaving a restaurant around noontime in al-Tahrir Square on March 22, the day following the protest confrontations. Al-Hamalawy had attended the antiwar protests in al-Tahrir on March 20, two days earlier, and reportedly had been beaten by security officials. On March 22

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<sup>44</sup> Human Rights Watch interview, Cairo, April 1, 2003.

<sup>45</sup> All Egyptians sixteen or older are required to have an identification card stating name, date of birth, and place of residence, and to carry it with them at all times. Upon marrying men acquire a family identification in place of the individual identification.

<sup>46</sup> Human Rights Watch interview, Cairo, April 5, 2003.

he was taken to al-Gamaliyya police station, along with other youths arrested that day.<sup>47</sup> The officers who seized him on March 22 told two of his friends at the scene, “He is known to us to be a dangerous man.”<sup>48</sup> He was released later that day, reportedly following the intervention of *Los Angeles Times* officials.

Approximately fifteen persons were arrested at or in the vicinity of the Bar Association building on the evening of March 21 (see above testimonies of Gamal ‘Eid, Muhammad Zaki, et al). At the time of their arrest they were not violating or accused of violating any law or ordinance or committing any crime, and no warrant or judicial order was produced demanding their surrender for any alleged earlier violations. In some cases, they had intervened to protect demonstrators and bystanders from violent attacks by security forces.

Two of those arrested in the days following the March 21 protests, Hamdeen Sabahi, 49, and Farid Hassanein, 63, are members of parliament. Sabahi, who had been beaten in the March 21 protest as described above, was arrested on Sunday evening, March 23, as he was leaving his home. Hassanein was arrested the same night at Misr International Hospital, where he was recovering from injuries sustained from beatings by security officers near the Bar Association building two days earlier, and shortly before he was to travel to Vienna for treatment for a heart condition. As members of parliament both enjoy immunity from arrest except in circumstances where they are apprehended committing a crime.<sup>49</sup> In this case, some forty-eight hours had passed from the time of the demonstrations and the alleged offences. In a March 23 communication to the speaker of the parliament, responding to parliamentary criticism of the arrests, Minister of Justice Faruq Sayf al-Nasr alleged that Sabahi and Hassanein had incited demonstrators to “attack police, chant anti-government slogans, and commit acts of sabotage” and that “the offences were even photographed and recorded on video.”<sup>50</sup>

According to Hala Darrugh, SSI agents came to her house in the early hours of April 14, 2003, and arrested her husband, journalist and writer Ibrahim al-Sahari, without any warrant or judicial order.<sup>51</sup> Al-Sahari was detained without charge for eleven days before being released. He was held at the Gabir ibn Hayyan police station the first night and then at SSI headquarters in Lazoghli. He told Egyptian human rights defender ‘Aida Seif

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<sup>47</sup> Reporters without Borders, “Several journalists covering anti-war demonstrations attacked by the police,” March 24, 2003 at [http://www.rsf.org/article.php3?id\\_article=5316](http://www.rsf.org/article.php3?id_article=5316), (retrieved October 27, 2003).

<sup>48</sup> Human Rights Watch interview with Paul Schemm, editor of the *Cairo Times*, Cairo, March 22, 2003.

<sup>49</sup> Article 99 of the Egyptian constitution states that no member of parliament can be subject to criminal prosecution without the permission of the People’s Assembly or in cases of *in flagrante delicto*.

<sup>50</sup> Gamal Essam el-Din, “Parliamentary rage,” *Al-Ahram Weekly*, March 27 -April 2, 2003, p. 5.

<sup>51</sup> “Message from an Egyptian wife separated from her husband by emergency laws,” e-mail received from Egyptian human rights defender ‘Aida Seif al-Dawla, April 19, 2003.

al-Dawla that for a period of several hours he was beaten and kicked by three officers upset by his “slogans against the president.”<sup>52</sup>

In addition, many detainees were held at sites not recognized in the Code of Criminal Procedure and the Prisons Law as legal places of detention. Large numbers of persons arrested on March 21 were detained that night and the next day at the Central Security training camp at al-Darassa and others at a Central Security camp at Madinat Nasr. Those arrested by SSI officers in the days after March 21 were initially detained at SSI headquarters in Lazoghli or at other SSI offices. The four students who were arrested on Saturday, April 14—`Amr Muhammad `Abd al-Latif, Walid `Abd al-Razzaq Fu`ad, Mahmud Hassan, and Ramiz Gihad—were detained for at least three days at SSI headquarters in Lazoghli before being released or transferred to regular jails.

### ***Arbitrary Arrest and Freedom of Assembly Under International and Egyptian Law***

The International Covenant on Civil and Political Rights (ICCPR), to which Egypt is a state party, guarantees the right to be free from arbitrary arrest and detention.<sup>53</sup> An arrest is arbitrary under the ICCPR when it is not in accordance with the law or when the law itself is arbitrary; thus arrests of persons for the exercise of their fundamental rights is considered arbitrary and in violation of international law.

Article 21 of the ICCPR guarantees the right to peaceful assembly.<sup>54</sup> As one noted commentator has said, “[T]he focus of freedom of assembly is clearly on its *democratic function* in the process of forming, expressing and implementing political opinions....The democratic function of freedom of assembly means that States are under a stronger duty to ensure the right with positive measures than with civil rights, which are exclusively exercised for private interests.”<sup>55</sup> States should “make available public thoroughfares or other areas, possibly re-route traffic, and ... not discriminate or act arbitrarily in denying access to public buildings for the holding of assemblies.”<sup>56</sup> The state must also act to prevent the provocation or use of force by the security forces or private actors that would encourage violence.<sup>57</sup>

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<sup>52</sup> Written communication from `Aida Seif al-Dawla to Human Rights Watch, May 18, 2003.

<sup>53</sup> ICCPR, art. 9.

<sup>54</sup> ICCPR, art. 21.

<sup>55</sup> Manfred Novak, *U.N. Covenant on Civil and Political Rights: CCPR Commentary* (Kehl am Rhein: N.P. Engel, 1993), p. 370-71 (emphasis in original).

<sup>56</sup> Novak, pp. 375-76.

<sup>57</sup> Novak, p. 379.

The only restrictions that may be placed on freedom of assembly are “those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security, or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.”<sup>58</sup> Any restrictions must be limited to what is necessary and proportionate—the manner and intensity of state interference must be necessary to attain a legitimate purpose, and the prohibition or forceful breaking up of an assembly may only be considered when milder means have failed.<sup>59</sup>

According to article 54 of Egypt’s Constitution, “Citizens shall have the right to peaceable and unarmed private assembly without the need for prior notice.... Public meetings, processions and gatherings are allowed within the limits of the law.”<sup>60</sup>

Those demonstrators arrested on or immediately after March 21 were, as noted above, charged with violating the Illegal Assembly Law of 1914. This statute requires any gathering, defined as five or more persons, to disperse if so ordered by the authorities on the ground that the gathering poses a threat to public order.<sup>61</sup> It does not require prior permission for public assemblies. Citizens can lodge an appeal against a ban with the

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<sup>58</sup> ICCPR, art. 21.

<sup>59</sup> Novak, p. 379.

<sup>60</sup> Translation by Middle East Library for Economic Services, November 1998, at [www.meles.com](http://www.meles.com) (retrieved August 24, 2003)

<sup>61</sup> The Illegal Assembly Law of 1914 (Law 10/1914), promulgated under British rule, states in its preamble that it was decreed “out of the necessity to create harsher punishments for crimes committed through assembly, punishments that will be more effective than those currently in place.” Law 10/14 refers to assemblies of more than five persons “that threaten the public peace,” and establishes penalties of a jail sentence not to exceed six months or a fine not to exceed L.E. 20 (currently \$3.26) for failing to disperse upon the order of relevant authorities. It contains no provision for requesting permission to hold a public gathering.

In its periodic report submitted in November 2001 to the Human Rights Committee, which monitors the compliance of states parties with the ICCPR, the government did not mention Law 10/1914 but stated that exercise of the right of assembly was regulated by Public Assembly Act No. 14 of 1923 (Law 14/1923). Law 14/1923 stipulates that “security authorities must be given three days’ prior notice of public gatherings, demonstrations and processions,” and that these can be banned if the local governor or police “feel that they will lead to disturbance of public order or public security due to their underlying purpose, their timing or location or any other significant reason.” U.N. International Covenant on Civil and Political Rights, “Consideration of Reports submitted by States Parties under Article 40 of the Covenant: Addendum: EGYPT,” CCPR/C/EGY/2001/3, April 15, 2002 [Arabic original November 13, 2001], p. 94. Law 14/1923 establishes penalties (a prison sentence and/or fine) for planning or participating in an unannounced or unapproved demonstration. The only reference in this statute to Law 10/1914 is in article 11, which states that “this law does not prevent the application of a harsher punishment as indicated in the criminal code or Law 10/1914 concerning gatherings or any other law that may be applicable.” [Translations of the Arabic by Human Rights Watch.]



Minister of Interior, or may challenge it in a petition to an administrative court.<sup>62</sup> None of those charged in connection with the demonstrations on March 20 and 21 were charged under a different law, the Public Assembly Act No. 14 of 1923, which requires that persons wishing to hold a public demonstration must notify the authorities at least three days in advance and sets penalties for those who plan, organize, or participate in an unannounced or unapproved demonstration. Human Rights Watch considers both the 1914 and 1923 laws to be contrary to current international legal norms.

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<sup>62</sup> U.N. Human Rights Committee, "Consideration of Reports submitted by States Parties under Article 40 of the Covenant: Addendum: EGYPT," CCPR/C/EGY/2001/3, April 15, 2002 [Arabic original November 13, 2001], pp. 94-95.

## VI. Torture and Other Mistreatment in Detention

Egyptian security personnel tortured or otherwise mistreated a number of persons, including at least three children, detained in connection with the antiwar demonstrations that began on March 20.

Gamal `Eid, Ziyad al-`Ulaimi, and Muhammad Zaki were among those whom the government ordered held pending investigation of charges stemming from the protests and confrontations between security forces and protestors that day. The three were part of a group of twelve detainees presented to al-Azbakiyya Public Prosecution Office on Saturday, March 22, 2003. The prosecutor ordered them held for investigation for four days, and they spent the night in detention at al-Azbakiyya police station. The next afternoon, Sunday, March 23, they were moved to al-Khalifa police station.

“We arrived at al-Khalifa at about 2 p.m.,” Gamal `Eid told Human Rights Watch:

I couldn't carry my belongings or anything because I was handcuffed so I entered [al-Khalifa] first. I could just feel that there would be a “reception” waiting for us. The head of the station [*ma'mur al-tarhila*], who was also the officer in charge of transporting us, was standing in the corridor. He told me to stand aside and wait for the others. When I lit a cigarette, he told me to put it out and he called me a son of a whore. I put out the cigarette but told him to watch his tongue. Some officers then held me and the station head started beating me on my back, neck and arm. The commotion brought other police. Three of them held me while four of them, including the station head, beat me. They also beat the others who tried to protect me. They beat the women with us too, and the female guards joined in. They hit us with sticks—like a broomstick or a chair leg. A captain—I don't know his name but I would recognize him—took off his belt and was whipping us. This went on a long time—maybe an hour. The station head was shouting that we would have to confess to setting fire to the truck in al-Tahrir, though this was not one of the charges against me. The broomstick finally broke on my arm. I thought my arm was broken. My glasses broke when they fell off. After the beating they forced us to kneel. I said I would file a complaint of torture [with the public prosecutor]. When the station head found out we were lawyers he said we had burned and looted on Friday.

Then they put us in cells, but they took me out by myself. “It seems you are the leader,” they said. “We make people here forget their names and the name of their mother. You are worthless.” Then they beat me again for about ten minutes, this time with their fists.<sup>63</sup>

Ziyad al-`Ulaimi, who was also beaten on this occasion at al-Khalifa police station, told Human Rights Watch:

The station head, `Ala’ Salem, swore at Gamal and when Gamal told him not to they beat him with sticks and belts and fists. Yasir [Farang] and I tried to protect him. They beat us all on the head. When I complained about my arm that had been broken in the beating on Friday they kicked me in the stomach and the broken arm.”<sup>64</sup>

Gamal `Eid named `Ala’ Salem in the torture complaint he filed on March 30 with the office of the Prosecutor General.

Muhammad Zaki said he was among those beaten in al-Khalifa police station, “but not like Gamal was.”<sup>65</sup>

Manal Khalid (see above) was also among the group of detainees transferred to al-Khalifa station that day. She told Human Rights Watch that they were brought inside handcuffed to each other in pairs. When they got out of the police truck at al-Khalifa some relatives were there outside the station. “I don’t know how they knew we were going there,” she said, “but we started chanting slogans for Iraq and Palestine.” When they were inside the station, she said, they saw the station head and a female guard. “They started roughing us up and insulting us with the filthiest language. When I talked back to [the guard] she started slapping me and beating me, she and one of the male guards, on different parts of my body, and on my face, around my eye, which was already very bruised and swollen.”<sup>66</sup>

Gamal `Abd al-Fattah, 54, is active in some of the groups that participated in the March 20-21 demonstrations. He owns and manages a 24-hour pharmacy near his home in Cairo’s al-Ma`adi al-Gadida neighborhood. He told Human Rights Watch that he was returning home from the pharmacy with his wife at about 3 a.m. on Monday, March 23. They saw a Central Security van and about a dozen police and SSI officers outside their

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<sup>63</sup> Human Rights Watch interview, Cairo, March 29, 2003.

<sup>64</sup> Human Rights Watch interview, Cairo, March 29, 2003.

<sup>65</sup> Human Rights Watch interview, Cairo, March 29, 2003.

<sup>66</sup> Human Rights Watch interview, Cairo, April 1, 2003.

apartment building. “I knew this had to do with the demonstrations,” he said. “We passed by without stopping and thought of going elsewhere, but my wife was afraid they would then break into the apartment and the pharmacy and wreck everything, so I gave myself up.”<sup>67</sup> `Abd al-Fattah was taken to SSI headquarters in Lazoghli and held there for investigation on charges connected with the March 21 demonstration at al-Tahrir Square, including alleged destruction of property. He told Human Rights Watch that much of his interrogation by prosecutors concerned his political opinions about Egyptian government policies.

According to `Abd al-Fattah, his detention passed uneventfully until his release order came the following Monday, March 31. “They took four of us from Tora prison back to Lazoghli at about 2 p.m.,” he said.

They sat us on the floor of a corridor on the ground floor of the building for about an hour. Then they blindfolded me and took me off alone to a room on the same floor. I don’t know who it was [who took me]; there were three distinct voices. They started cursing me, saying “We don’t want to see you here ever again” and hitting and kicking me. This went on for about twenty minutes. Then they brought me back to the corridor for maybe ten minutes before two of the same guys took me away again, this time to a room on an upper floor and started beating me again. They were calling me all kinds of obscene names. They pressed a truncheon on my anus—I had my clothes on, but the sexual threat was clear. They said they would get me to stop my political activities. This beating concentrated on my back, near the base of my spine and the backs of my legs. They broke the skin on the back of my right thigh.

I recognized by voice one of those attacking me—a senior SSI officer. He usually shows up at all the demonstrations but he dropped out of sight when the Iraq war demonstrations started. I filed a complaint against him with the prosecutor general.<sup>68</sup>

Some of those arrested on April 12 (see above) were also severely beaten and tortured while in custody. One of the students arrested on April 13 and detained in SSI

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<sup>67</sup> Human Rights Watch interview, Cairo, April 1, 2003.

<sup>68</sup> Human Rights Watch interview, Cairo, April 1, 2003. `Abd al-Fattah’s description of his beating was consistent with a report from a medical examination conducted at Qasr al-`Aini University Hospital following his release. The SSI officer he named to Human Rights Watch, Lt.Col. Walid Dissuqi, was also named in a torture complaint filed by Wa’il Tawfiq (see below).

headquarters before being released on April 15, who asked that his name not be used, told Human Rights Watch about his treatment during interrogation:

I was called in for interrogation first. They asked me to strip to the waist, so I did. They started to ask me questions and beat me at the same time. When I say “they” I don’t know how many because I was still blindfolded, but there were a lot judging by the voices. They asked, “Why were you going to the [Journalists’] Syndicate? Who told you to go there?” They asked about my two friends. One of them had his Tagammu` party membership card with him when he was arrested, so they asked me who had recruited him.<sup>69</sup>

When he told them he did not know the answers to their questions, he said, they continued to beat him:

One of them was holding my arm behind my back so I couldn’t protect myself. One hit me in the groin and testicles, one hit me in the stomach, one on my chest and one around the thighs. I couldn’t tell you exactly how long this went on, but perhaps half an hour. Then they took me outside [the interrogation room] and made me kneel in front of an air conditioner blasting very cold air.<sup>70</sup>

The student said that one of the students arrested with him “went through more or less the same as I had” but that the other one had been interrogated for a longer period and that “they put him down and stomped with their feet on his abdomen.”<sup>71</sup> He told Human Rights Watch that he was himself beaten a second time in custody, immediately prior to his release:

It was yesterday afternoon, Tuesday, just after 3 p.m. They called me in, blindfolded me, and took me upstairs. They beat me on the back and neck with fists and sticks while I was climbing the stairs. They took me into a different room than the first time. There were only two officers this time, and I recognized the voice of one from the previous interrogation. They started to ask me personal questions. How did you become an activist? Who do you know on the Popular Committee to Support the Intifada? They accused me of being an atheist. They asked

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<sup>69</sup> The Tagammu` is an officially recognized and legally functioning left-nationalist party.

<sup>70</sup> Human Rights Watch interview, Cairo, April 16, 2003.

<sup>71</sup> Human Rights Watch interview, Cairo, April 16, 2003.

me about other people. They were beating me on the back and neck while they asked these questions. One officer put his foot on my abdomen and my scrotum. He was pressing. He accused me of being an unbeliever and a womanizer and having sex with many girls, that I got into politics to have sex with these girls. And he told me he would make me unable to have sex after he got finished with my testicles. I knew he was saying this to scare me but I have to say that he succeeded.

I didn't give in. He told me that political activists are spies and took money from outside [the country]. He advised me to keep away from them. The advice became fatherly. He asked me to tell him about my friends. He gave me his phone number and asked me to contact him. I took it, only to get out of there. He returned my things and then asked the guard to take me out and remove my blindfold and allow me to leave.<sup>72</sup>

The Cairo-based Nadim Center for the Treatment and Rehabilitation of Victims of Violence examined this student and "confirmed testicular congestion, contusions and bruises in the back muscles and the muscles on the front of the left thigh."<sup>73</sup>

The released student told Human Rights Watch that Ramiz Gihad, who had been arrested separately on that Saturday night, April 12, was put in the same cell with them around mid-day on Sunday, April 13. "During those two days [Sunday and Monday] they were focusing on him," the student said.

They took him out [of the cell] two or three times during the day. He told us that he was tortured by electricity as well as beatings, but he didn't have to tell us that, you could tell by his condition when they carried him back and we saw the burn marks. He stayed a long time upstairs, three or four hours at a time. He was nearly comatose when they carried him in, only semi-conscious. His face was extremely swollen and bruised, especially the nose. He was shaking. There were burn marks on his hand and elbows, and feet and toes. Sometime Monday they took him off to solitary confinement.<sup>74</sup>

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<sup>72</sup> Human Rights Watch interview, Cairo, April 16, 2003.

<sup>73</sup> "They stomp the bodies of detainees in State Security Intelligence in Lazoghli," Nadeem Center electronic mail communiqué received April 16, 2003.

<sup>74</sup> Human Rights Watch interview, Cairo, April 16, 2003.

A week later, on the night of April 22-23, in the wake of a rumor that Ramiz Gihad had died in detention, attorney Gamal `Eid received a call on his mobile phone from Gihad. `Eid told Human Rights Watch that Gihad had said, "I'm Ramiz. I'm at al-Khalifa [police station] and I'll go to State Security next." But no originating phone number appeared on the mobile phone, indicating that call originated from a State Security Investigations office. `Eid told Human Rights Watch that he is certain the call was from Gihad himself, and that SSI officials had pressured him to make the call in order to put to rest the rumors of his death.<sup>75</sup> Ramiz Gihad, Muhammad Hassan, and Wa'il Tawfiq were subsequently transferred to Borg al-`Arab prison in Alexandria and held without charge under Egypt's emergency law provisions until June 6, 2003.<sup>76</sup> They were reportedly not allowed visits by lawyers or family. `Eid told Human Rights Watch that when he met with Ramiz Gihad in mid-August 2003, Gihad still bore physical signs of the electroshock torture inflicted by officers at the SSI headquarters. Gihad said that he was tortured as a result of a "vendetta" by an officer with whom he had an altercation during an earlier antiwar demonstration in February, and also because Gihad had refused to implicate others while under interrogation.<sup>77</sup>

### ***Torture and Ill-Treatment Under International and Egyptian Law***

Many of the instances of abuse by Egyptian security officials documented in this report constitute cruel, inhuman or degrading treatment, and in some cases this ill-treatment rose to the level of torture. The use of torture and other forms of mistreatment are widely prohibited by international treaty law and standards, including the International Covenant on Civilian and Political Rights<sup>78</sup> and the Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment.<sup>79</sup> Article 1 of the Convention against Torture defines torture as any act by which severe pain or suffering is

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<sup>75</sup> The Egyptian mobile telephone system usually displays the phone number of incoming calls. On previous occasions SSI officers had called `Eid on his mobile phone to warn him to stop his human rights activities, and each time the number of the originating telephone was not displayed. Gamal `Eid communication to Human Rights Watch, April 23, 2003. .

<sup>76</sup> Human Rights Watch telephone interview with Gamal `Eid in Cairo, June 9, 2003. Law 162/1958, Egypt's Emergency Law, article 3 (1), permits the state to restrict freedom of assembly, movement, and residence; hold and detain persons "suspected of being a threat to security and public order"; and conduct searches of individuals and places without abiding by Criminal Procedure Code."

<sup>77</sup> Human Rights Watch telephone interview with Gamal `Eid, Cairo, August 26, 2003.

<sup>78</sup> ICCPR, art. 7.

<sup>79</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), 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. Egypt ratified the Convention against Torture in 1986.

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.

Article 2 of the convention obliges states parties to take “effective legislative, administrative, judicial or other measures to prevent acts of torture.” Article 16 requires that states parties must “prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture.”

The government of Egypt, in its October 1998 supplementary report to the Committee Against Torture (CAT), stated that “the Convention is a law of the country, all of its provisions are directly and immediately applicable and enforceable before all State authorities,”<sup>80</sup> and noted that the Egyptian Constitution “prohibits the subjection of individuals to physical or mental harm.”<sup>81</sup> The country’s Penal Code and Code of Criminal Procedure also include provisions forbidding torture and establishing penalties against those guilty of committing acts of torture. Article 126 of the Penal Code establishes penalties of imprisonment and hard labor for “any public servant or official who orders, or participates in, the torture of an accused person with a view to inducing the said person to make a confession,” and article 282 specifies a sentence of hard labor “in all cases, [for] anyone who unlawfully arrests a person and threatens to kill him or subject him to physical torture.”<sup>82</sup> According to the government, the “judicial application” of these penal provisions, “in accordance with the jurisprudence of the Supreme Court,” “punishes torture carried out by a member of a public authority or by an individual whether during the arrest, confinement or imprisonment of a person in the legally prescribed circumstances or otherwise.”<sup>83</sup>

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<sup>80</sup> U.N. Committee Against Torture, “Supplementary reports of States parties due in 1996: Egypt 28/01/99.” CAT/C/34/Add. 11, para. 12.

<sup>81</sup> Article 42 of the Constitution states: “Any citizen who is arrested or imprisoned or whose freedom is restricted in any way must be treated in a manner conducive to the preservation of his human dignity. No physical or mental harm shall be inflicted on him.... Any statement which is established to have been made under the influence or threat of anything of the above-mentioned nature shall be considered null and void.” (Cited in *Ibid.*, para. 121).

<sup>82</sup> *Ibid.*, para. 44. The most recent government report to the CAT, in February 2001, refers to but does not provide the texts of these provisions. See U.N. Committee Against Torture, “Consideration of Reports Submitted by States Parties under Article 19 of the Convention, Fourth periodic reports due in 2000, Addendum: Egypt” [CAT/C/55/Add.6, 18 October 2001].

<sup>83</sup> 1999 report to the CAT, para. 47.



The government's 1998 report to the CAT also cites Penal Code articles 126, 129 and 240 to 243 as among the legislative measures employed to combat torture, but does not provide the texts of those articles. Article 126 pertains to beatings inflicted by public officials.<sup>84</sup> Article 129 designates as criminal offences "acts involving coercion and ill-treatment by public officials...as they constitute acts of infringement on and harm against others, with intent to induce confession."<sup>85</sup> The offense occurs "whenever a public official or servant relies on his position to use force in a manner that is detrimental to an individual's dignity or which causes him bodily pain"<sup>86</sup> and the element of crime "obtains with any material act that is likely to cause the victim bodily pain, however slight, even if the act causes no apparent injuries."<sup>87</sup> "[A]ll individuals," the report states, "whatever their capacity, enjoy the protection prescribed by this article whether they are under arrest, in detention or in other circumstances."<sup>88</sup> Articles 240 to 243 cover assault and battery offenses.<sup>89</sup> According to the government's report to the CAT, "Any person who knows that an offence has occurred is under obligation to report it, an obligation which applies to public officials pursuant to articles 25 and 26 of the Code of Criminal Procedure."<sup>90</sup>

Under Egyptian law, the Inspection Unit of the Ministry of Interior and the Department of Public Prosecution (*al-Niyyaba al-'Ama*) under the Ministry of Justice are responsible for investigating allegations of torture and ill-treatment. Both offices have strong professional and personal ties with security officials and police under their supervision, and historically have not provided effective recourse for victims of torture.

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<sup>84</sup> Ibid., para. 132.

<sup>85</sup> Ibid., para. 53.

<sup>86</sup> Ibid., para. 171.

<sup>87</sup> Ibid., para. 173.

<sup>88</sup> Ibid., para. 128.

<sup>89</sup> Ibid., para.s 54 and 132.

<sup>90</sup> Ibid., para. 97(a).

## VII. Failure to Provide Adequate Medical Treatment

Four individuals who suffered serious injuries from beatings during arrest and while in custody—Manal Khalid, Ziyad al-`Ulaimi, Muhammad Zaki, and Gamal `Eid—told Human Rights Watch that the authorities failed to provide access while in custody to medical treatment for their injuries.

Manal Khalid, who was beaten around the head by security officers and sustained serious injuries to her right eye (see above), said she had first been taken to what she later learned was the `Abdin police station, where she was handcuffed to a staircase railing and blindfolded for four hours. “The area round my right eye was bruised and swollen,” she said, “and my mouth and nose were bleeding. A woman who knew me who was also arrested was brought in and saw me and screamed when she saw the shape I was in.” Over the course of the next twenty-four hours she was moved to several different areas of detention, and during her interrogation she described the beating to the prosecutor. “On Sunday they sent Ziyad, Muhammad Zaki and myself to the local health inspectorate. The doctor there examined us and took a report.” (Detainees are routinely examined by prison medical personnel for the purpose of recording their condition upon entry into custody.) She said that it was three days later, on Wednesday, when she was examined by a doctor but for the purpose of documenting injuries rather than providing treatment. Khalid told Human Rights Watch that this examination in any case was not very thorough. “She spent more time trying to talk us out of our politics than inspecting our wounds,” she said. “She tried to intimidate us by telling us about other cases referred to her from State Security with much more serious injuries.” Neither doctor offered any treatment, she said, though the health inspector did provide a painkiller.<sup>91</sup>

Muhammad Zaki, whose injury was eventually diagnosed as a fractured clavicle (see above), also said that the group had been examined on Sunday, March 23, at the health inspectorate but received no treatment. This was prior to their transfer to al-Khalifa police station, where they were subjected to further beatings (see above). He said that he got some ointments for bruises and a painkiller at the Tora prison clinic, but was not X-rayed until he saw a doctor on Wednesday for the purpose of documenting his injuries. “They told me not to move my arm,” he said, “but did not give me any bandage [to immobilize it].”<sup>92</sup>

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<sup>91</sup> Human Rights Watch interview, Cairo, April 1, 2003.

<sup>92</sup> Human Rights Watch interview, Cairo, March 29, 2003.

Ziyad al-`Ulaimi told Human Rights Watch that the group of detainees did not request treatment at the health inspectorate on Sunday, March 23, because of constant pressure by the transfer officer to hurry so that he could return them to prison. This was the same officer [the station head] who subsequently that afternoon instigated and oversaw the beatings of these prisoners at al-Khalifa police station. Like Muhammad Zaki, al-`Ulaimi was not X-rayed until Wednesday, at the time of the medical forensic examination. "They didn't give us any painkillers," he said. "Getting medicines required bribes."<sup>93</sup>

Gamal `Eid told Human Rights Watch that aside from some ointments and painkillers he received at the prison clinic, he received no medical treatment for injuries he sustained during the beatings at al-Khalifa police station on Sunday (see above), although the clinic staff did record his injuries in the prison clinic files. When he finally appeared before a judge on Tuesday, March 25, 2003, he requested that a forensic doctor document his injuries but the judge ignored his request.<sup>94</sup> He did not see a forensic doctor until after his release, and then only after he filed a separate, formal torture complaint with the prosecution office. According to `Eid, the medical report found evidence of contusions on his head, back, and left arm seven days after the beating.<sup>95</sup>

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<sup>93</sup> Human Rights Watch interview, Cairo, March 29, 2003.

<sup>94</sup> Human Rights Watch interview, Cairo, March 29, 2003.

<sup>95</sup> HRW telephone interview, October 24, 2003.

## **VIII. Torture and Ill-treatment of Children and Detention of Children with Adults**

At least six children and perhaps several times that number were among those arrested on March 21, 2003. Human Rights Watch attended the detention renewal hearing of one child, and interviewed adult detainees, lawyers, and activists who spoke with other detained children. Based on these interviews, we believe that Egyptian state security personnel and police tortured at least three children, and subjected several more to beatings, ill-treatment, and detention in unsafe circumstances. Human Rights Watch has previously documented a pattern of police torture and ill-treatment of children as young as nine in Egypt.<sup>96</sup>

While some children may have been participating in demonstrations at the time of their arrests, at least two children were targeted for beatings or arrest simply because they stopped to watch. Gamal `Eid told Human Rights Watch that when he was held at al-Darassa,

a young boy came to me and said, "Please, make them send me home. I didn't do anything. I was only going to get a Mothers' Day gift." He was about thirteen years old. After that we were sitting around talking about our arrests and another boy came and said, "I was on the 6<sup>th</sup> of October Bridge [which overlooks the Bar Association and al-Tahrir Square] watching [the demonstration] when a police officer came and started hitting the kids who were watching. We ran away, but when we saw that he was alone we [came back and] threw bricks at him. Then a lot of other police and officers came and arrested us and brought us here." I asked him how old he was and he said he was fourteen. There was also a third boy, who looked about twelve or thirteen, but he was sleeping so I didn't talk to him.<sup>97</sup>

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<sup>96</sup> Egyptian authorities routinely detain children with adults, exposing them to serious human rights violations at the hands of adult criminal detainees and police, including sexual abuse and violence, police beatings, and violence by other detainees. Extremely poor conditions in adult police lockups, including overcrowding and the denial of basic necessities such as food, medical care, and bedding, often are so severe as to endanger children's health and well-being and in many cases directly contribute to the likelihood that children will be subjected to extortion, exploitation, and violence by police or other detainees. See Human Rights Watch, "Charged with Being Children: Egyptian Police Abuse of Children in Need of Protection," A Human Rights Watch Report, vol. 15, no. 1(E), February 2003.

<sup>97</sup> Human Rights Watch interview with Gamal `Abd al-`Aziz `Eid, May 17, 2003.

Gamal `Eid told Human Rights Watch that on Sunday, March 23, 2003 he shared an overcrowded cell at al-Khalifa police station with two boys who said they had been tortured by state security officers on the ground floor at the SSI headquarters in Lazoghli.

They heard I was a lawyer and wanted legal advice. One was a sixteen-year-old. He said at Lazoghli the officers hit him while telling him, “You are the one who burned the vehicle, just say you did it.” When he didn’t confess, they shocked him with electricity. He showed me the marks on his hands, red marks with a slight swelling. He said they tortured him for a day and a half, and he said there were other kids with him, younger kids, who were also beaten and shocked, but his torture was the worst. One of those other boys was with us, also in the cell, a boy about fourteen or fifteen. He was very scared. He said the state security officers kept saying, “Who was with you? Say who was with you,” and so in the end he gave them names of three boys from his neighborhood that he didn’t like, just so that the torture would stop.<sup>98</sup>

`Eid and Manal Khalid told Human Rights Watch that they each saw police curse and beat a sixteen-year-old girl who seemed to them psychologically unbalanced. `Eid described the girl’s arrest on March 21:

While we were [being held in the back of a police truck outside the Bar Association] plainclothes police dragged over a girl and picked her up and threw her into the back of the pickup with us. They were cursing her with filthy language, calling her “whore” and “bastard”. She kept begging them to give her back one of her shoes that had fallen off, but they just kept telling her to shut up. I spoke to her to calm her down, and realized that she was young, maybe sixteen, and told the police, “This is a minor.” Ziyad [al-`Ulaimi] told them the same thing, but they didn’t listen, and the girl didn’t understand that it was important. She seemed to not understand anything about what was happening. She just wanted to know where the police were going to take her, but the police wouldn’t say.<sup>99</sup>

Despite evidence that the girl was a juvenile who should not be detained with adults, she was held with women detainees, first at al-Darassa and then at al-Khalifa and al-Azbakiyya police stations. At al-Khalifa she was beaten along with other detainees, and

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<sup>98</sup> Human Rights Watch interview with Gamal `Abd al-`Aziz `Eid, May 17, 2003.

<sup>99</sup> Human Rights Watch interview with Gamal `Abd al-`Aziz `Eid, May 17, 2003.

at al-Azbakiyya she was beaten and subjected to sexual abuse. Manal Khalid, who was detained with her from March 21 to March 23, told Human Rights Watch.

At first they treated her like the rest of us, and beat her when they beat us at al-Khalifa police station. When the police found out that she wasn't one of the protestors they began treating her like a criminal prisoner. At al-Azbakiyya police lockup an officer [name withheld] called her out because she had given a false name at the beginning. She had said she was a law student, although it was clear that she was a girl from a simple family. When they brought her back she was crying. She said that an officer [name withheld] molested her—that he used bad language and slapped her and kicked her and touched her [sexually]. It was hard to get information from her because she was clearly unbalanced. After that they charged her with giving false information and moved her to the juvenile section of al-Azbakiyya police station.<sup>100</sup>

In each case involving a child that Human Rights Watch investigated, the child was held with unrelated adults, in situations that placed them at extreme risk of abuse. Such detention is prohibited under the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights.<sup>101</sup>

Gamal `Eid described the conditions for children held in severely crowded cells with other adults at al-Darassa Central Security Camp on March 21 and the al-Khalifa police station on March 23.

At al-Khalifa the cell was only about four meters by two and one half meters. We were about thirty-four detainees, including the two boys, so it was crowded, with not enough space to lie down. There was one toilet without a door in the cell, and almost no ventilation. At al-Darassa we were in a room about four or five meters by nine meters with only two or three small, mesh covered windows that opened onto a wall and didn't give enough air. We were about seventy-two people there, including three boys all under fifteen. I was at al-Darassa from

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<sup>100</sup> Human Rights Watch interview with Manal Khalid, April 1, 2003, and telephone interview, May 21, 2003. Human Rights Watch has on file the officers named by Manal Khalid.

<sup>101</sup> The Convention on the Rights of the Child requires children deprived of their liberty to be separated from adults "unless it is in the child's best interest not to do so"; the ICCPR prohibition has no such exception. See Convention on the Rights of the Child, adopted November 20, 1989, G.A. Res. 44/25, U.N. Doc. A/RES/44/25 (entered into force September 2, 1990), article 37(c); and the International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 999 U.N.T.S. 171 (entered into force March 23, 1976), article 10(b).

about 8 or 9 p.m. until about 6 a.m. During that time a guard came and said, “If you want to eat you have to pay,” and was trying to sell us eggs, *ta`miya*, and cheese. I told the others not to pay because it is our right as detainees to be fed, but everyone was hungry so some people with money paid anyway. I complained to the guard and later an officer came and spoke to me, and then the guard returned with bread, cheese, and *halawa*. It wasn’t enough for the number of people, but because some had already paid for food it was enough for everyone to eat something.<sup>102</sup>

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<sup>102</sup> Human Rights Watch interview with Gamal `Abd al-`Aziz `Eid, May 17, 2003.

## **IX. Acknowledgements**

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