

HUMAN RIGHTS WATCH

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Annex II: Human Rights Watch Letter Sent to Prosecutor General Hamada al- Sawy on April 27 and May 11, 2021

April 27, 2021

Counsel Hamada al-Sawy
Prosecutor General

CC: The National Council for Human Rights
CC: The State Information Service
CC: Spokesperson of the Egyptian Cabinet

Dear Sirs,

I am writing on behalf of Human Rights Watch to request information about incidents in many governorates that the Interior Ministry has described as “shootouts,” in which the ministry’s security forces said they have killed members of violent armed groups.

The Interior Ministry has issued dozens of press statements announcing the killing of hundreds of armed terrorism suspects since 2015, alleging that in most of these incidents those killed belonged to the Muslim Brotherhood or other groups such as Hasm or Lewa’ al-Thawra, which the ministry considers armed affiliates of the Brotherhood.

Human Rights Watch is an international, non-governmental organization working on human rights issues in more than 90 countries around the world, including Egypt. We are now working on a report about those incidents involving killings in shootouts. It is important for us to hear from you to ensure that we reflect the government’s opinions accurately and fairly. We would appreciate the response of your office to the following questions:

- How many shootout incidents since 2015, in which armed militants or suspected “terrorists” were killed, has your office investigated or been referred for investigation?
- Did your investigations determine why it was not possible to take the armed militants into custody alive?
- Were any bystanders injured or killed in any of these shootout incidents? How many and in what circumstances?
- The Interior Ministry’s statements about shootout incidents usually end with this sentence: “The State Security Prosecution is handling the investigation.” Has the Office of the Prosecutor General issued any follow-up statements on any of those incidents?
- What are the measures followed by the Office of the Prosecutor General to investigate these incidents? How do you ensure that security forces have used firearms lawfully and proportionately?
- In several of these incidents, families of those killed alleged that their relatives were peaceful activists, or that they had been forcibly disappeared or otherwise in government custody when they were killed. Has your office or members of the general prosecution investigated such claims? What were the results of such investigations?
- International law requires governments to investigate suspicious killings in custody proactively, even if they do not receive complaints. As such, what are the measures your office has taken to ensure proactive investigations into killings in custody?
- What are the measures followed concerning the identification of those killed and providing information to their families? What are the measures followed to deliver their bodies to their families?
- Have the Office of the Prosecutor General or other branches or the prosecution summoned any officers involved for their accounts about alleged shootouts? How many officers did you summon and in which incidents?
- What measures do members of the prosecution take to secure the crime scene and by whom? Are the security forces involved in the shootout responsible for this? For example, who is responsible for preserving fingerprints and seizing the firearms at the crime scene?

- What measures are taken by the prosecution to maintain the “chain of custody” so that any potential evidence is secured and protected from modification or damage by any party?
- What measures are in place to identify and gather testimonies of potential witnesses, including security forces, family members of those killed, and bystanders or neighbors at the crime scene? In how many shootout incidents did the prosecution gather such testimonies?
- What protocols are in place to assign independent firearms, forensic, and other experts in conducting these investigations? What guarantees are in place for their independence?
- Has the general prosecution determined that any shootout incidents involving Ministry of Interior security forces involved the unlawful use of lethal force? Please indicate which incidents. What measures has your office taken regarding the involved officers? How many officers were investigated and how many referred to criminal trial? How many were found guilty and what was their sentence?

Human Rights Watch would be extremely grateful for any responses to these questions and any other information your office feels we should take into account in our public reporting.

We will reflect any response received by **May 22** in our report. Responses received after this date will be noted on our website. Please inform us as well of the best means to send you a copy of the report once released.

You may send replies to us via email: [REDACTED]@hrw.org or via fax: [REDACTED].

Respectfully,
Adam Coogle
Deputy Director
Middle East and North Africa
Human Rights Watch