

Torture

Acceded: 25 June 1986.

Egypt's third periodic report was due 25 June 1996.

Rights of the Child

Signed: 5 February 1990; ratified: 10 July 1990.

Egypt's second periodic report was due 1 September 1997.

Reservations and Declarations: Articles 20 and 21.

THEMATIC REPORTS***Mechanisms of the Commission on Human Rights***

Arbitrary detention, Working Group on: (E/CN.4/1997/4, Section I.A, paras 6, 14, 15; E/CN.4/1997/4/Add.1, Decision 45)

The decision by the Working Group (WG) involved 12 people arrested and detained between January 1989 and February 1994. The facts of the cases, as transmitted by the WG, were not disputed by the government. All of the cases involved detention without charge or trial. In seven of them, judicial decisions ordering release had been handed down and, in all seven cases, the authorities had refused to comply, each time issuing new detention orders. In one case there had been 25 judicial decisions ordering release and the same number of detention orders issued; in other, eight judicial decisions ordering release had been rendered and authorities had countered with the same number of detention orders. The WG also noted that all of the individuals had been regularly transferred from one prison to another during their detention period, and that some of them were allegedly tortured or brutally beaten. In the WG's view, there was no doubt that there were grave violations of the right to a fair trial and the provisions of articles 9, 10, and 11 of the Universal Declaration and articles 9 (2) and (3) and 14 (1), (2) and (3) of the ICCPR and that, as a consequence, the detentions of the 12 men were arbitrary. The WG also decided to refer information alleging torture to the Special Rapporteur on the question of torture. The government informed the WG that one of the persons detained had been released.

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 132–136)

The Working Group (WG) transmitted two new cases of disappearance to the government, one of which was reported to have occurred in 1996. The cases concern a trader and a doctor; in both cases, officers of the State Security Investigations Office are alleged to be responsible for the disappearance.

There remain 15 outstanding cases of disappearance to be clarified, the majority of which allegedly occurred between 1988 and 1994. The victims included alleged sympathizers of Islamic militant groups, students and three Libyan citizens. The report notes that the renewal of the state of emergency during this period, which apparently gave free rein to security forces without supervision or accountability, is said to have been an aggravating factor in the disappearances.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras. 15, 16, 17, 18, 19, 28, 32, 33, 68, 83; E/CN.4/1997/60/Add.1, paras. 150–159)

The Special Rapporteur cites information indicating that, between January and September 1995, more than 20

detainees, most of them suspected members of banned Islamic groups, died in custody. Torture and ill-treatment, poor hygiene conditions and overcrowding are reported to have contributed to these deaths. The report notes that, in

most cases, the families of those who died were not given copies of autopsy reports or death certificates and were not told the cause of death. The information received also indicated that investigations into death in custody and their findings are rarely made public.

The report refers to concerns related to: criminal proceedings before military courts, which lead to the imposition of the death penalty and fall short of international fair trial standards; the process of appeal of verdicts by criminal courts, which may include the death penalty, and the provision that appeal may only be made before the Court of Cassation if it can be proved that procedural irregularities were committed during the trial; and, the impartiality and independence of military tribunals given that military judges are serving military officers appointed by the Minister of Defence for a two-year term which is renewable for additional terms of two years at the Minister's discretion.

The report also notes deficiencies in fair trial standards in cases that go before the (Emergency) Supreme State Security Court. In contrast to procedures in ordinary criminal courts, there is no right to appeal before a higher tribunal. Based on the State of Emergency Act No. 162 of 1958, sentences passed by the (Emergency) Supreme State Security Court can only be reviewed by the President or a person mandated by the President.

The report comments on restrictions on the independence of the judiciary arising from the involvement of the President at three levels: deciding which case is to be heard by the military courts; presiding over the Military Appeals Bureau; and considering appeals for pardon or commutation of a death sentence. The SR called on the government to review the appeal procedure and to bring it into line with international standards. With regard to deaths in custody, the SR called on the authorities to strengthen safeguards regarding the interrogation of suspects, to ensure that police do not use force to extract information from detainees, to enforce police accountability for human rights violations, and to provide adequate compensation to the families of the victims.

Freedom of opinion and expression, Special Rapporteur on: (E/CN.4/1997/31, Section II)

The report notes that the Special Rapporteur has requested an invitation to visit Egypt.

Religious intolerance, Special Rapporteur on: (E/CN.4/1997/91, paras. 9, 10, 12–15, 17, 20, 66)

The report summarizes the case of Professor Nasr Hamed Abu Zeid of Cairo University, who was declared an apostate by the Egyptian courts, following a petition by Islamic plaintiffs who argued that his writings on the interpretation of the Koran were anti-Islamic. As a result of being declared an apostate, the professor was unable to remain married to his Muslim wife.

On the basis of the government's reply to the Special Rapporteur, the report states that the judicial authorities are independent of official political authorities, and that efforts