

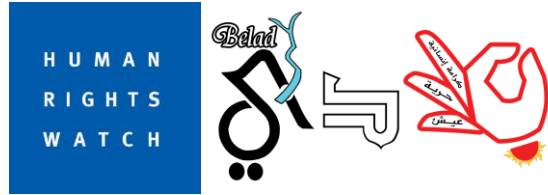
An illustration of a young man with dark hair and a somber expression, looking through vertical metal bars. He is wearing handcuffs on his wrists, which are pressed against the bars. The background is a dark, textured brown.

# “NO ONE CARED HE WAS A CHILD”

Egyptian Security Forces’ Abuse of Children in Detention

HUMAN  
RIGHTS  
WATCH





## **“No One Cared He Was A Child”**

**Egyptian Security Forces’ Abuse of Children in Detention**

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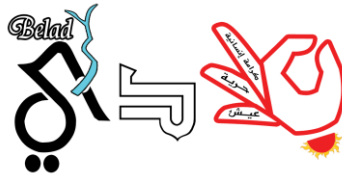
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# “No One Cared He Was A Child”

## Egyptian Security Forces Abuse of Children in Detention

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## Summary

Since the Egyptian army forcibly removed Egypt's first elected president, Mohamed Morsy, in 2013, the government of President Abdel Fattah al-Sisi has greenlighted a nationwide crackdown on protesters, dissidents, political opponents, independent journalists, and human rights defenders. Egypt's security apparatus has arbitrarily arrested and prosecuted tens of thousands of persons. Human Rights Watch has found that torture crimes against detainees in Egypt are systematic, widespread and likely constitute crimes against humanity. The United Nations Committee against Torture found in June 2017 that that the facts "lead to the inescapable conclusion that torture is a systematic practice in Egypt."

As an integral part of this crackdown, police and officers of the Interior Ministry's National Security Agency have arbitrarily arrested, mistreated and tortured hundreds of children. Prosecutors and judges have exacerbated these abuses through due process violations and unfair trials.

Karim Hamida Ali is just one child victim of the government's crackdown which has weakened the rule of law in Egypt to the point of extinction. International law and Egypt's Child Law prohibit the use of the death penalty for children. But Egyptian judicial authorities provisionally sentenced Karim to death in April 2019 for crimes allegedly committed when he was 17 years old, during a protest that damaged the façade of a hotel but caused no injuries or deaths. National Security Agency officers detained Karim for more than a month in secret, leaving his family with no idea of his whereabouts, and tortured the boy until he confessed, his family told us. In October 2019, after a public outcry, the judge in the case cancelled Karim's death penalty, claiming he had not known the defendant was a child, but sentenced him to 10 years in prison. The court did not order any meaningful investigation into Karim's alleged torture, as required by Egyptian and international law, and used his confession as the basis for his conviction. "No one cared he was a child," a relative of Karim's said.

This report, a collaboration between Human Rights Watch and Belady: An Island for Humanity (hereafter: Belady), documents human rights abuses by Egyptian security officials against 20 child detainees, including Karim, who were all arrested or prosecuted

for allegedly participating in protests or politically-motivated violence. Authorities detained the children in locations across Egypt, including the Alexandria, Cairo, Damietta, Giza, Ismailia, Mansoura, North Sinai, Qalubiya, and Sharqiya governorates. In the North Sinai case, security officers forcibly disappeared 12-year-old Abdullah Boumadian for six months, waterboarded and electrocuted him, then placed him in solitary confinement for about 100 days, apparently because his older brother had joined the Islamic-State local affiliate *Wilayat Sina'* (Sinai Province). Human Rights Watch previously documented that security forces in North Sinai subjected other children to arbitrary arrest, enforced disappearance, and extra-judicial execution.

Two of the other children in this report were only 13 years old when they were arrested, including one girl, Nadeen N. All of the children were arrested arbitrarily, without warrants, and at least nine were detained with adults, which Egyptian law prohibits.

The cases documented in this report represent a fraction of the hundreds of cases of abuse by Egyptian security forces against children and other detainees – including children investigated on suspicion of homosexual conduct – that Belady, Human Rights Watch, other rights organizations and news media have reported since 2014. All available information indicates that arbitrary detention and abuse of detainees, including children, under al-Sisi's government have been widespread and systematic.

## **Torture and Ill-Treatment**

Fourteen of the children whose cases are documented in this report said they were tortured in pre-trial detention, usually during interrogation. In two additional cases, one child was verbally threatened into confessing to crimes, and another was badly beaten by prison guards.

One boy said his interrogators tied him to a chair for three days. Seven children said security officers electrocuted them during interrogation, including two children who said officers subjected them to shocks in the face with Taser-type stun guns, and two who said officers electrocuted them on their genitals. A boy whom authorities forcibly disappeared and tortured at age 16 told a relative that he was worried he might “never marry or be able to have children” because of what security officers had done to him during interrogations.

Two other children, ages 14 and 17, detained in separate cases, said after authorities forcibly disappeared them security officials suspended them from their arms and dislocated their shoulders. The 14-year-old said that another prisoner who happened to be a doctor was able to re-set his joints in their prison cell. The 17-year-old said that during one interrogation, an officer forced his mouth open and spat in it. After a week of being tortured in detention, he confessed to destroying public property.

In other cases, security officials inflicted torture or cruel, humiliating, and degrading treatment on children. Two children said security officers denied them blankets or warm clothing for days in unheated cells or corridors in security facilities during winter. Three children were placed in solitary confinement, and at least three have been denied any family visits during years in detention. A security officer forced Hamza H. to “stand on his toes with sharp nails placed under his [bare] heels” for hours, after prison officials overheard the boy speaking to another detainee in his cell, which they had prohibited, a relative said. It was his birthday, “and he hates his birthday now, he does not want to celebrate it again.” Sharif S., who was suffering from serious burns at the time of his arrest said that when he asked police for medical care they “replied by beating me, hard,” and that when he refused to cooperate with police instructions to help them arrest another suspect, “the gates of hell were opened,” and officers beat and electrocuted him for four hours.

## **Arbitrary Detention and Enforced Disappearances**

None of the children whose cases are documented in this report was arrested on the basis of a judicial warrant, as required by both Egyptian and international law, except arrests during an ongoing crime. All but one of the 20 children were subjected to enforced disappearance by security forces, in one case for more than a year, and detained at National Security Agency offices, Central Security Forces training camps, and other locations that are not official detention facilities under Egyptian law. Security forces disavowed any knowledge of the children’s whereabouts to their families until the children were finally brought before the prosecution, usually weeks or months later. Egyptian law requires authorities to present all detainees before a prosecutor within 24 hours, but in 19 cases, security officials broke this law with impunity. The prosecution falsely reported the date of the child’s arrest as occurring the day before or the same day they were presented to the prosecution.



Enforced disappearance, under international law, is a crime involving the arrest or detention of a person by state officials, agents of the state, or persons acting with the authorization, support or acquiescence of the state, followed by a refusal to acknowledge the arrest or to reveal the person's fate or whereabouts.

## **Due Process Violations and Unfair Trials**

Prosecutors accused the children of over-broad, vague charges, or charges that violated their freedom of expression and assembly. A court convicted one girl, 14, of planning to participate in an illegal protest which had, in fact, been cancelled. A judge later commuted her two-year jail sentence. A boy, 14, was tortured, subjected to a month-long enforced disappearance, and held in pre-trial detention for three years on charges relating to what authorities described as “spreading a pessimistic atmosphere” as part of an alleged conspiracy to disseminate “false news” harmful to Egypt.

Of the nine children documented here whose cases went to trial, none was given a meaningful opportunity to prepare a defense. Authorities are prosecuting one boy, arrested at age 16, in a case with 300 other suspects, mostly adults, who are being tried simultaneously in mass hearings without any real chance to speak to or even meet their lawyers.

Five of the nine children have been tried before military courts, which have expansive jurisdiction over national security issues, attacks against the military, and alleged attacks against public property. Children should not be tried before ordinary criminal courts with adults in the first place, and no civilians, let alone children, should be subject to trials before military courts, which limit due process and fair trial rights. Human Rights Watch previously documented that a military court sentenced a 3-year-old boy to life imprisonment in a February 2016 mass trial of 116 defendants over alleged protests. The military later acknowledged that they had intended to prosecute a 16-year-old fugitive with the same name.

Other children appear to be victims of bogus, abusive prosecutions. Police arrested Tarek T., then 16, during a raid on the home of a family friend, a supporter of the Muslim Brotherhood, whom he was visiting, and prosecuted Tarek for joining a banned

organization. Police detained Tarek in a local police station with other children, some of whom “tried to block their cell door” due to fears of being transferred to a distant child detention facility that would be far from their families and where they thought conditions would be worse, his father said. Authorities then charged all the children, including Tarek, with rioting, and a court sentenced them to two years in prison. When Tarek had served his sentence and was due to be released, prosecutors put him on trial before a military court for attacking a National Security Agency facility, even though he was in the child detention facility at the time of the alleged attack.

## **Lack of Alternatives to Detention**

Because of the lasting harm that any amount of time in detention can cause children, under international law they should be detained only as a matter of last resort and for the shortest appropriate period. Egypt’s Child Law prohibits placing children under 15 years old in detention, and detaining children with adults.

Of the 20 cases documented in this report, Egyptian authorities allowed an alternative to detention for one boy, who must now report twice a week to a police station, but this was only after they detained him for 11 months, including nearly 5 months in a police station cell so crowded that inmates, mostly adults, slept in 6-hour shifts.

## **Poor Conditions of Detention and Denial of Education**

Children whom authorities held incommunicado in unofficial detention facilities, as well as children who were held in official places of detention, described overcrowded cells, being detained with adults, and denied adequate food in detention. Amr A., 17, said National Security forces forcibly disappeared and tortured him before transferring him to a child detention facility where his mother was finally able to see him three months later. At first, she did not recognize her son: “The boy had become a skeleton,” she said. Another boy said that he would “go into interrogations while hungry” after being given nothing to eat all day, and that he and other detainees divided the scraps of police officers’ left-over food.

Several children were denied the chance to study while in detention, as is their right under Egyptian law. One boy, detained in a police station where he was unable to study or take his school examinations, went on hunger strike to demand a transfer to a prison where it

would be possible for him to continue his education. In another case, a boy was forcibly disappeared for 13 months during which it was impossible for him to study because he was not officially in detention – as is the case for all persons while they are forcibly disappeared. Another boy’s relatives said they had been unable to re-enroll him in school for months after his release.

## Ways Out

A May 2019 study found that Egyptian courts have sentenced 11 children to death since 2013, not including Karim Hamida Ali. Those children have since been acquitted or sentenced to lesser punishments. The government of Egypt should immediately commute any death sentences against children. The government should amend the military jurisdiction law so that no child may be prosecuted before a military court regardless of the alleged crime. And it should hold security officials to account for abuses, including alleged torture of children.

Egypt’s 1996 Child Law established special courts and protections for children in conflict with the law, such as alternatives to detention and penalties for detaining children with adults. However, authorities apparently flouted these and other key provisions with impunity in all of the cases documented in this report. Part of the problem is an exception in the Child Law that allows the Public Prosecution or State Security Prosecution to send children accused of crimes with an adult accomplice to criminal courts. Egypt should revoke this exception. It should end the widespread practice of detaining children, often on illegitimate political grounds rather than for reasons of law enforcement and public safety.

Egypt’s security forces, with the support of the Public Prosecution, the State Security Prosecution, military prosecutors, and judges, have a record of impunity that has become more flagrant under the current government. The government should invite UN and African experts on torture, arbitrary detention and enforced disappearances to conduct visits, commit to protect their missions against reprisals, and carry out their recommendations.

Foreign governments should suspend arms sales to Egypt’s government until it ends the widespread and systematic serious abuses of detainees including children by the police and National Security Agency. Following the mass killings of protesters in Egypt in August

2013, EU member states agreed to review their security assistance and suspend arms exports that could be used in internal repression. Yet at least 12 European countries ignored this agreement, including the Czech Republic, a main supplier of small arms to the Egyptian police, and France, which supplies Renault MIDS and Sherpa vehicles that the police have used extensively, including to suppress peaceful protesters in September 2019.<sup>1</sup> The US provides around \$3 million annually in funding to Egypt's police and National Security forces for anti-terrorism work and \$2 million for police training and "respect for human rights in law enforcement."<sup>2</sup>

Foreign governments providing aid to Egypt's government should publicly press for accountability for gross abuses of children's rights. The Egyptian government has received more than €100 million in EU grants each year since 2014.<sup>3</sup> The US administration invoked national security to waive congressional conditions on part of the \$1.3 billion in US military aid to Egypt for fiscal 2019 that would have required Egypt to release political prisoners, investigate enforced disappearances, and hold accountable security forces and officers who violated human rights.

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<sup>1</sup> "Exporting Violations: An Outlook on the Status of Exporting Light Weapons from the Czech Republic to Egypt," The Egyptian Front for Human Rights, October 24, 2019, <https://egyptianfront.org/research/analytical-reports/exporting-violations-an-outlook-on-the-status-of-exporting-light-weapons-from-the-czech-republic-to-egypt/> (accessed December 9, 2019); "Egypt: How French Arms Were Used To Crush Dissent," Amnesty International, October 16, 2018, <https://www.amnesty.org/en/documents/eur21/9038/2018/en/> (accessed December 9, 2019).

<sup>2</sup> *Egypt: Background and U.S. Relations*, Congressional Research Service, March 12, 2019, p. 24, <https://fas.org/sgp/crs/mideast/RL33003.pdf> (accessed September 3, 2019).

<sup>3</sup> "European Neighborhood Policy and Enlargement Negotiations: Egypt," European Commission, January 10, 2020, [https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries/egypt\\_en](https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries/egypt_en); "Egypt: Key Milestones," European Commission, September 1, 2016, [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/near\\_factograph\\_egypt.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/near_factograph_egypt.pdf) (accessed January 16, 2020).

## Recommendations

### To the Government of Egypt:

- Urgently review and commute all cases where children have been sentenced to death.
- Investigate and ensure accountability for torture, enforced disappearances, and other ill-treatment of children by Egyptian National Security Agency, police or military officials.
- End the routine detention of children and enforce the use of alternatives to detention.
- Ensure all children in custody on suspicion of a crime are promptly presented to judicial officials and are represented by a lawyer, in accordance with Egypt's Child Law.
- Publicly prohibit any military court prosecution of children, and immediately refer any child currently being prosecuted before military courts to civil prosecution or release him or her.
- Suspend the enforcement of, and repeal any laws, including article 122 of the Child Law, that allow for the prosecution of children along with adults, such as if the child is accused in a criminal case with adults.
- Issue a standing invitation to the UN Special Rapporteur on Torture, the UN Working Group on Forced or Involuntary Disappearances, the UN Working Group on Arbitrary Detention, and the African Commission on Human and Peoples' Rights, and commit to full protection and cooperation with their missions, including access to children in detention in police stations and National Security facilities as well as prisons.
- Allow international human rights treaty bodies to receive individual complaints from children about torture, enforced disappearances, or other serious abuses, including by ratifying the first Optional Protocol to the Covenant on Civil and Political Rights and the third Optional Protocol to the Convention on the Rights of the Child, and making a declaration under Article 22 of the Convention Against Torture.
- Ratify the International Convention for the Protection of All Persons from Enforced Disappearances.

- Ensure no children are detained with adults and that children’s detention facilities meet international standards.
- Ensure all children in detention have easy access to textbooks, study materials, instruction, places to study, and can take examinations.

**To the European Commission, EU member states, the US, and other states supporting Egypt’s government and security forces:**

- Suspend assistance to all Egyptian government forces including the military, police, and National Security Agency, responsible for widespread and systemic serious human rights violations including the unlawful arrest, detention and abuse of children, pending meaningful accountability measures for officers credibly alleged to have abused human rights, and reforms to abuses against detainees.
- Publicly press the Egyptian government on meaningful steps to end human rights abuses by security forces, including ending and ensuring accountability for enforced disappearances, torture, ill-treatment, detention with adults, due process violations and unfair trials of detainees including children.

**To the member states of the UN Human Rights Council:**

- Condemn abuses in detentions in Egypt, including abuses against children.
- Call on third parties to condition support to Egypt’s security forces and government on ending and ensuring accountability for enforced disappearances, torture, ill-treatment, detention with adults, due process violations and unfair trials of detainees including children.

## **Methodology**

This report is based on interviews conducted with five former child detainees who had been released, and with relatives of 15 children currently in detention, by researchers with Belady and Human Rights Watch. The children’s ages at the time of arrest and detention range from 12 to 17. The children and their families provided informed consent to the interviews. The alleged offenses that those children were arrested for occurred between 2014 and 2019.

In cases where children were already convicted and sentenced, families and the lawyers representing the children had access to copies of court documents, which they shared. In some cases, families or lawyers were able to provide case numbers and details about the courts trying the children, which researchers could corroborate through media reports. The organizations reviewed other corroborating evidence such as letters from family members to prison officials requesting medical care or permission to take school examinations, or posts on social media. In some cases, lawyers who represented the children also witnessed abuse against them by officials.

Names have been changed to pseudonyms unless otherwise noted, and identifying details, such as locations and precise dates, have been obscured, in order to protect the detainees and their families from retribution by Egyptian authorities.

## I. Security Forces' Abuse of Children

Human Rights Watch and the US-based rights organization Belady-IH documented the cases of 20 children who had been abused by security forces in detention, in governorates across Egypt. According to the children and their families, all were subjected to arbitrary arrest. Security officials are required by law to bring detainees before prosecutors, who are part of Egypt's judicial branch, within 24 hours of their arrest, but met that deadline in only one of the cases documented in this report. The other 19 children were forcibly disappeared for periods lasting from 5 days to 13 months. At least 13 of the children were physically tortured during interrogation, another was verbally threatened to confess to crimes, and at least one more child was badly beaten by prison officials.

In no case in this report did prosecutors or courts effectively investigate the abuses or coerced confessions the children alleged. In one case, the child said the prosecutor explicitly threatened to "send me back to the officer" responsible for torturing him if he did not confess to his alleged crime. In addition to complicity in abuses by security forces, prosecutors compounded the harm to children by ordering their pre-trial detention for extended periods; one boy was in pre-trial detention for 30 months despite a 2-year maximum in Egyptian law. In at least nine cases, children were detained with adults, in violation of Egyptian law and despite the oversight of prosecutors and the courts. At least nine of the children described being subjected to poor conditions of detention including overcrowded and unsanitary cells, lack of adequate nutritious food, and denial of access to medication, adequate medical care, and education. In all cases where children were sent to trial, they were tried by regular civilian and military courts, rather than the specialized children's courts provided for by Egypt's Child Law.

### **Karim Hamida Ali, 17**

A group of plainclothes and uniformed men who identified themselves as National Security officers arrested Karim Hamida Ali, at home in January 2016, in al-Omraniya, Giza. At the time of his arrest, he was 17 years old. More than three years later, a court convicted Karim and sentenced him to death on charges of possessing explosives and damaging public facilities under anti-terrorism laws in Case 45 of 2016. The judge later reduced his sentence to 10 years in prison when it was pointed out that Karim was a child at the time of his alleged offense.



The case, which involves 26 defendants including 11 other children, is based on a 2016 protest in which demonstrators set off fireworks and damaged the façade of the Three Pyramids Hotel in the Haram district of Giza, but did not cause any deaths or injuries, according to Interior Ministry accounts of the incident.<sup>4</sup> National Security officials arrested and allegedly subjected Karim and at least one other child in the case -- Hamza H., whose case is described below -- to enforced disappearance and torture.

Karim's family was unaware of his whereabouts until he appeared at the State Security Prosecution on February 9, more than a month after his arrest, which was also the first time he was able to contact a lawyer. His family said they eventually learned that National Security officers had detained and tortured Karim, including with electricity, at the al-Omraniya police station, then transferred him to a National Security facility in 6<sup>th</sup> of October City. Karim's family were able to contact him when he was transferred to another police station, in the Haram neighborhood, lost contact again after he was sent to prison, but are currently able to visit him in detention, according to the family.

Karim stated to the prosecutor he had been tortured to confess, but according to his family and the lawyer, the prosecutor did not investigate his claim, as required by Egyptian law. Eventually, he falsely confessed to crimes including joining an illegal group, possessing explosives and damaging public facilities. "No one cared he was a child, the court even sentenced him to death despite his age," a relative of Karim's said.

The Egyptian Front for Human Rights, an independent rights group, identified 11 of the 26 defendants in the case, with ages ranging from 15 to 17, of whom 9 are in detention.<sup>5</sup> The rights group reported that 21 of the 26 defendants tried in the case were forcibly disappeared from periods of 2 weeks to 3 months, and 19 did not have access to a lawyer during their first interrogation by a prosecutor. Thirteen defendants alleged they were

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<sup>4</sup> "سياسة: داعش يتبنى استهداف فندق الأهرام والسلطات المصرية تكذيبه," Al Hayat, <http://www.alhayat.com/article/721916/%D8%B3%D9%8A%D8%A7%D8%B3%D8%A9/-/%D8%AF%D8%A7%D8%B9%D8%B4-%D9%8A%D8%AA%D8%A8%D9%86%D9%89-%D8%A7%D8%B3%D8%AA%D9%87%D8%AF%D8%A7%D9%81-%D9%81%D9%86%D8%AF%D9%82-%D8%A7%D9%84%D8%A3%D9%87%D8%B1%D8%A7%D9%85-%D9%88%D8%A7%D9%84%D8%B3%D9%84%D8%B7%D8%A7%D8%AA-%D8%A7%D9%84%D9%85%D8%B5%D8%B1%D9%8A%D8%A9-%D8%AA%D9%83%D8%B0%D8%A8%D9%87> (accessed January 12, 2020)

<sup>5</sup> "No Casualties, But the Decision is Execution," The Egyptian Front for Human Rights, October 13, 2019, pp. 8, 18, <https://egyptianfront.org/ar/wp-content/uploads/2019/10/%D8%A8%D9%84%D8%A7-%D8%AE%D8%B3%D8%A7%D8%A6%D8%B1.pdf> (accessed January 16, 2020).

tortured, but prosecutors referred only four for forensic examinations, and court records lack any reference to the examinations.<sup>6</sup>

Article 111 of Egypt’s Child Law stipulates that “no accused person shall be sentenced to death, life imprisonment, or forced labor” if he was under 18 years old at the time of the crime. Nonetheless, on April 6, 2019, Judge Nagy Shehata of the Giza Criminal Court sentenced Karim to death, along with six adult co-defendants.<sup>7</sup> The ruling came under public criticism due to Karim’s status as a child, after Judge Shehata sent the verdicts to the Grand Mufti, Egypt’s top religious authority, for his opinion, as provided in Egyptian law.<sup>8</sup> The judge then argued that “the indictment list and court documents did not indicate Karim was a child,” and reduced Karim’s punishment to ten years in prison.<sup>9</sup> Karim can appeal his decade-long prison sentence.<sup>10</sup>

Karim completed secondary school in prison, and is now in his second year as a commerce student at Helwan University, studying from prison.

According to Reprieve, an international rights organization, Egyptian courts have sentenced at least 12 other children to death since 2011, including 10 preliminary death sentences handed down for alleged crimes during al-Sisi’s tenure.<sup>11</sup> Courts confirmed five of those preliminary sentences.<sup>12</sup> As of March 2020, all of these children had either been acquitted or were sentenced to lesser penalties.<sup>13</sup>

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<sup>6</sup> Ibid.

<sup>7</sup> Judge Nagy Shehata has convicted thousands of defendants and issued hundreds of provisional and final death sentences in mass trials since he was appointed in 2014 to the bench that oversees “terrorism” cases. “Social media users rally to ‘stop’ infamous Judge Nagy Shehata,” January 18, 2016, Mada Masr, <https://madasr.com/en/2016/01/18/news/u/social-media-users-rally-to-stop-infamous-judge-nagy-shehata/> (accessed December 3, 2019).

<sup>8</sup> The Grand Mufti may issue a non-binding opinion approving or disapproving the death penalty, for the judge’s review, before the court issues a final verdict that confirms or reduces death sentences.

<sup>9</sup> Ibid.; and see “Stop Sentencing Children to Death,” Belady et. al., June 22, 2019, [https://beladyrf.org/ar/node/56?fbclid=IwARo3JyztKHd1xQofnk1V5p83xkFgKzF2KrmW8uBl1-Q6ojzpz8tW\\_6Hr7zo](https://beladyrf.org/ar/node/56?fbclid=IwARo3JyztKHd1xQofnk1V5p83xkFgKzF2KrmW8uBl1-Q6ojzpz8tW_6Hr7zo) (accessed December 3, 2019)

<sup>10</sup> Khadiga Afifi, “The Judges’ Statement [Verbatim] in the Three Pyramids Hotel Case,” *Akhbar el-Youm*, October 12, 2019, <https://akhbarelyom.com/news/newdetails/2927041/1/%D9%86%D9%86%D8%B4%D8%B1-%D9%83%D9%84%D9%85%D8%A9-%D8%A7%D9%84%D9%82%D8%A7%D8%B6%D9%8A-%D9%82%D8%A8%D9%84-%D8%A7%D9%84%D8%AD%D9%83%D9%85-%D8%B9%D9%84%D9%89-%D9%85%D9%86%D9%81%D8%B0%D9%8A-%D9%87%D8%AC%D9%88%D9%85-%D9%81%D9%86%D8%AF%D9%82-%D8%A7%D9%84%D8%A3%D9%87%D8%B1%D8%A7%D9%85%D8%A7%D8%AA-%D8%A7%D9%84%D8%AB%D9%84%D8%A7%D8%AB%D8%A9> (accessed December 3, 2019).

<sup>11</sup> “Mass Injustice: Statistical Findings On The Death Penalty In Egypt,” Reprieve, May 27, 2019, p. 25, <https://reprieve.org.uk/press/scale-of-egypts-death-penalty-crisis-revealed/> (accessed December 9, 2019).

<sup>12</sup> Ibid.

<sup>13</sup> [Email correspondence with Reprieve researcher, March 11, 2020.](#)

### **Abdullah Boumadian Nasreddin Okasha, 12**

Abdullah Boumadian was asleep at his mother's home in the city of al-Arish, in North Sinai, when military forces raided it and arrested him on the night of December 31, 2017. The boy was 12 years old at the time. Military forces had earlier arrested Abdallah's father, Boumadian Nasreddin, on December 5, 2017, and forcibly disappeared him. Family members suspect the two arrests were related to Abdullah's older brother, Abdelrahman, then 21, who had called the family days before their father's arrest to say that he had joined the Sinai Province, the local ISIS affiliate.

Security officials forcibly disappeared Abdullah for more than six months. When he surfaced in Cairo's Azbakeya police station in July 2018, he told a lawyer that he had been detained in several detention centers in North Sinai including at the National Security building in al-Arish, and at the Military Battalion 101 base, and that officials had subjected him to harrowing torture -- beatings, electrocution, and waterboarding. They had handcuffed and painfully suspended him by his right hand, which had a physical disability, he said. Interrogators lit a fire under an iron bedframe and forced Abdullah to lie on the hot metal. Security officials deprived the boy of adequate food and the chance to bathe. At one point, while he was detained in a police station in North Sinai, Abdullah told his lawyers, he heard continuous screams of women apparently being tortured, and officers threatened that his mother would endure the same fate if he did not disclose information about his brother.

During the early part of his detention, in the National Security building in Arish, Abdullah said, he saw but could not communicate with his father as officers stripped his father's clothes off and tortured him. The family does not know whether or not the father is still alive.

Abdullah was first heard of after his arrest when he was transferred to the Azbakeya police station in Cairo in July 2018. From the police station State Security Prosecution officers took the boy to Cairo's Fifth Settlement branch, where on July 2 they interrogated him without a lawyer, in violation of Egyptian law. The prosecution charged him with joining a terrorist group, helping to plant explosives, and endangering national security, and added his name to State Security case 570 of 2018. His brother Abdelrahman was charged in the same case. Pro-government newspapers have reported that at least 12 defendants in the case are "relatives" of deceased or convicted men in terrorism cases.

Officers at the Azbakeya police station put Abdullah in solitary confinement in the station's juvenile detention section for the next 100 days, according to his lawyer. During this period, police denied the boy family visits, medical care, and the chance to bathe, which caused boils on his skin, according to his lawyer. International law prohibits imposing prolonged solitary confinement on children. The police gave the boy the same food all other prisoners received, a piece of bread and a piece of cheese each day. Over time, Abdullah's treatment improved slightly, as police allowed his lawyer to bring him fresh clothes and to bring him more food, soap, and sanitary supplies.

Abdullah's health deteriorated in detention due to lack of adequate medical treatment for his chronic respiratory allergy, and the lack of physical therapy needed to treat the physical disability in his right hand, according to a joint statement by seven Egyptian human rights organizations in October 2018. On October 11, 2018, Abdullah's lawyer filed urgent complaints with the Public Prosecutor and with the child hotline of the National Center for Childhood and Motherhood (NCCM). Six days later, the NCCM informed the lawyer that it had contacted the Interior Ministry's internal human rights bureau about Abdullah's case. The authorities did not contact Abdullah.

Abdullah was in seventh grade at the time of his arrest and was unable to continue his education during his disappearance and detention, according to his lawyer.

Egyptian authorities have ignored court orders and broken their own promises to release Abdullah to his family. On December 27, 2018, the Court of Juvenile Appeals ordered Abdullah's release and the transfer of custody to his guardians. Fourteen days after the order, authorities transferred the boy to the second police station in al-Arish. On January 18, 2019, a police officer at the station told Abdullah's older sister to sign a document confirming that she had taken receipt of her brother, and promised to transfer him to her custody the following day. When she returned to receive him, officers denied knowledge of his whereabouts. The family lost access to him again.

On April 12, 2019, Abdullah's brother Abdelrahman was killed in an attack in al-Arish city, according to his family. Human Rights Watch reviewed an August 2019 court order to the Ministry of Interior to reveal Abdullah's whereabouts. As of February 2020, the ministry has not complied, according to his lawyer. The boy's sister last saw him in al-Arish police

station on January 18, 2019, according to several telegrams, seen by Human Rights Watch, that the family sent to judicial and security authorities.

#### **Hamza H., 14**

National Security forces arrested Hamza, then aged 14, at home late at night in early 2016 for participating in a demonstration outside the Three Pyramids Hotel in Giza, the same protest that led to the arrest of Karim Hamida Ali.<sup>14</sup> The State Security Prosecution charged him with joining an unlawful organization and planning attacks targeting state institutions.<sup>15</sup> The judge in the case, Nagy Shehata, sentenced Hamza to ten years in jail.<sup>16</sup>

According to a source close to the family,

Hamza was asleep, there was a school exam in the morning. They woke him up and asked him for his ID, but he told him that he didn't get one yet [children apply for national ID cards at age 16]. The officer made many phone calls to tell [other officials] he is a child, but in the end he decided to take him. [His] father tried to go with them, but they threatened him, and they refused to tell us which police station they were going to.

For more than a month, Hamza's family was unable to obtain any information about his whereabouts: none of the five police stations they visited acknowledged holding him, and they received no replies to their written requests for information from the attorney general and public prosecutor. At the hearing before the State Security Prosecution, he found a sympathetic soldier and "asked him to call us," a relative said. Through the soldier, Hamza informed them that he was being sent to a Central Security Forces camp in Cairo.

When relatives went to the camp, officials denied holding the boy, but acknowledged detaining him when the family returned five days later, his relative said. After nine days, officials permitted family members to visit Hamza, who told them some of what he had experienced, according to his relative:

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<sup>14</sup> Interview with a source close to the family, October 2018.

<sup>15</sup> After the popular uprising against Egypt's former ruler, Hosni Mubarak, the government changed the name of the State Security Agency to the National Security Agency, which is part of the Interior Ministry. However, the State Security prosecution, which is part of the Ministry of Justice, retained its name, النيابة أمن الدولة.

<sup>16</sup> Khadiga Afifi, "The Judges' Statement [Verbatim] in the Three Pyramids Hotel's Case," *ibid.*

When he was arrested, they took him to a police station. The next morning, he was moved to a National Security facility. During the first two days of his interrogation, officers used electric shocks on his genitals, head, and tongue. On the third day he was suspended by his arms, which dislocated both his shoulders. He was left in a corridor for three days. It was winter, and he was on the floor with no covers. Then he recalls going many floors underground to a cell. Another detainee in his cell happened to be a doctor. Soldiers agreed to bring an antibiotic and medicine, and the doctor fixed his shoulders.

About three weeks after his arrest, an officer entered Hamza's cell in the National Security facility while he was talking to another detainee, which was prohibited. The officer brought him out of the cell and forced him to stand on his toes with sharp nails placed under his heels. He stayed like this for hours, he told his relative.

Over the next two months, the State Security Prosecution repeatedly renewed Hamza's detention. He was not able to talk to a lawyer until his second hearing, some 48 days after his arrest. The prosecution file, which Belady and Human Rights Watch reviewed, contained a false date of arrest: the same date that Hamza was first presented to the prosecution, rather than the date some six weeks earlier when he was arrested and forcibly disappeared.<sup>17</sup> Human Rights Watch and Belady have documented the use of false arrest dates in other cases of enforced disappearance. The prosecution then referred his case to the terrorism branch of the Cairo Criminal Court.

Hamza's family visited him at the Central Security Forces' camp once per week, for about five minutes. They expect him to be transferred to prison after his 18<sup>th</sup> birthday, along with three other children who had been detained with him in the camp. He was detained with adults, a relative said.

While in detention, Hamza was permitted to take school exams, "and in the 11<sup>th</sup> grade he came second in his school," because political prisoners who were detained with him had

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<sup>17</sup> Amnesty International, "Egypt: State Security prosecution operating as a 'sinister tool of repression'," November 27, 2019, <https://www.amnesty.org/en/latest/news/2019/11/egypt-state-security-prosecution-operating-as-a-sinister-tool-of-repression/>

helped him study, a relative said. However, he delayed his final year in secondary school “because he has no one to help him, so he can’t study.”

### **Wesam W., 17**

Wesam was arbitrarily arrested in December 2017. He was 17 years old at the time. Security authorities detained him for more than a year before his release. The reason for his arrest is not known, although at the time of his arrest he was on his way a protest in Cairo against the US decision to recognize Jerusalem as the capital of Israel. A plainclothes security officer ordered him to hand over his ID and mobile phone and transferred him to the custody of a group of police. They took Wesam to a police station with four other people he did not know, including, according to Wesam, “a guy [who] was walking with his girlfriend and he asked the patrol how to reach a place in the area, so they arrested him.”<sup>18</sup>

Two days later, police sent Wesam to the State Security Prosecution, where he said officials threatened him: “If you speak we will let you free. If you do not speak we will imprison you.” After being interrogated continuously for six hours, until 3 a.m., without being allowed to see a lawyer, he confessed to participating in the protest. He was subjected to continued interrogations over the course of several days, during which time “we had nothing to eat but the leftovers of the soldiers’ and guards’ meals,” he said. “We would go to interrogation while hungry.” The State Security prosecutor ordered Wesam detained for 15 days, when he still had no access to a lawyer, and charged him with joining a terrorist group.

Wesam’s parents searched for him at hospitals and a security directorate, but his family and friends were unable to find out where he was for three days, until he was taken from the prosecution building back to the police station, where he was detained for almost five additional months. His cell measured 3 by 3 meters and held from 15 to 18 detainees, including adults. Wesam said his cell was so tightly-packed that inmates “slept on a shift schedule: a group of us sleeps for six hours, and another group wakes up.” The lack of adequate sleep exacerbated a pre-existing chronic neurological illness, he said. It took several weeks before a prison doctor approved his family’s request to send Wesam his medication. Family visits were allowed but lasted just five minutes, he said.

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<sup>18</sup> Interview with Wesam W., December 2018.

Wesam was later transferred to a Cairo prison where his cell was larger, he was able to sleep at night, and he was allowed outdoors. Instead of access to education, “I learned beading at the prison,” he said. Authorities released him in 2019 on condition that he check in daily at a police station but are continuing the criminal investigation against him.

### **Badr B., 16**

Security officers at Cairo Airport arrested Badr, who was 16 at the time, in 2017 while he was trying to travel to attend school abroad, according to his relative, Susan B., who had gone with him to see him off.<sup>19</sup> “Security officers at the airport took him to a private office and said the procedures would end soon. He did not appear after that. A few hours later a National Security officer said that Badr had been transferred to National Security, and then he disappeared,” without explaining which branch or city, Susan said.

Security officers presented him before a public prosecutor in Cairo several days later, but only after “he had been heavily tortured,” his family said. Authorities alleged that Badr had planned to travel to Syria and join Ahrar al-Sham, an anti-government armed group there.

Badr was unable to contact a lawyer or his family for several months, despite having been presented before the prosecutor. After his initial detention at an unknown National Security facility, officers transferred him to a police station where he was detained with adults, and then to a Central Security Forces camp. Prison officials beat him and injured his back during an inspection by the prison administration, “but the prison administration refused to treat him until his condition became critical and he could not stand on his feet,” a relative said.

The month after his arrest, National Security officials called one of Badr’s relatives and said she could meet him at a National Security facility. Instead officers arrested her on arrival and accused her in relation to the same case. “She would appear in court handcuffed to [him],” another relative said. Authorities arbitrarily detained Badr and his relative for several weeks after a judge had ordered their release in 2018.

Susan said that while Badr was in detention, his family had unsuccessfully appealed to the Ministry of Education to allow him to continue his studies. Authorities released Badr

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<sup>19</sup> Telephone interview with a relative of Badr B., March 2018.



without trial after more than 19 months in detention. His family had also been unable to “complete the procedures so he can resume his studies,” but had been “redirected from one office to another because of his political situation,” a relative said.

### **Maged M., 14 at time of alleged crime**

Security forces in armored vehicles arrested Maged in early 2017 when he was at a relative’s home. He was 17 at the time of his arrest. According to a relative, earlier that day, when he was at school, a teacher had asked him his name and then picked up the phone, and said, ‘Maged is with me’, suggesting that security services had told the teacher to notify them of the boy’s whereabouts. His family repeatedly contacted the authorities but was unable to learn where he was being detained for more than four months.

His family first learned of his whereabouts when he appeared before the prosecution more than four months after his arrest.<sup>20</sup> Maged described abuse in detention at that time that his relatives believed amounted to torture. In detention, he said, “I was humiliated, so many things happened to me,” according to a relative. He resisted sharing details, but worried that as a result of his torture, “if I am to be released I might never marry or be able to have children.”

Following his arbitrary arrest and incommunicado detention, authorities transferred Maged’s case to a military court in late 2017. He is charged with killing police officers, incitement to murder, illegally possessing weapons, membership in the Hasm movement -- a banned armed group – and the attempted murder of the assistant prosecutor general. The alleged crimes occurred in 2014 and 2015, when Maged was only 14.

He was one of more than 300 defendants, 25 of whom were children at the time of the alleged crimes that comprise the case, known as Military Case 64 of 2017, before the Military Criminal Court.<sup>21</sup> Maged and several other children in the case could have faced the death penalty, but were acquitted by a military court on March 9, 2020.

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<sup>20</sup> Interviews with Maged M.’s relatives, July 2018.

<sup>21</sup> “Default Situation is Violation: Abuses against Defendants in military Case 64 of 2017,” Belady, July 2, 2018, <https://beladyrf.org/en/node/25> (accessed December 6, 2019); “Urgent Appeal to Egypt: UN experts call for release of four minors facing death penalty,” UN Working Group on Arbitrary Detentions, March 6, 2020, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25676&LangID=e> (accessed March 9, 2020).

According to an analysis by Belady and the Egyptian Front for Human Rights of the prosecution documents of 130 defendants in Military Case 64, 120 defendants said they were forcibly disappeared and 77 said they were subjected to physical or psychological torture.<sup>22</sup> The UN expert Working Group on Arbitrary Detention reviewed the treatment of four children in the case and called for their immediate release from arbitrary detention, noting among other abuses that they were not informed of the charges against them for between 56 to 95 days, and were detained without being presented before a judge for between 339 to 439 days.<sup>23</sup>

Security officials had denied or evaded questions before the military court about the date of Maged’s arrest, which would have proven his enforced disappearance, a relative said. “I attended one trial hearing and the judge was asking a National Security officer, when did you arrest him, the officer said, ‘I don’t remember, I don’t recall’.”

Authorities transferred Maged to a high-security prison in 2017, where he is subject to severe restrictions that violate his right to receive visits from his family or lawyer and to prepare a legal defense, according to his family. “He has not been able to see his own lawyer until today. The lawyer is not allowed to visit him in prison, and prison visits are also forbidden for the family,” a relative said. “When you are before the military, it means you are in hell.” Human Rights Watch and Belady reviewed letters the family wrote to the prison authority, asking to be allowed to visit Maged, but without result. Maged has not even been allowed to call his family, they said. “We do not know a single word about his treatment in detention. We know nothing about any specific reasons for his arrests. We always ask why, but we get no answer.”

His family can only see him “in a sound-proof glass box” for the accused during trial hearings, but the room is extremely crowded due to the large number of defendants, a relative said. “Every time we see him it’s from a distance of 12 or 13 meters, separated by glass then a metal wire, and then another layer of glass. All exchanges between us are through signs.” At the hearings, the boy was able to communicate items that he needed in

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<sup>22</sup> Ibid.

<sup>23</sup> Opinion No. 65/2019, UN Working Group on Arbitrary Detention, A/HRC/WGAD/2019/65, paragraph 47, January 23, 2020, [https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session86/A\\_HRC\\_WGAD\\_2019\\_65\\_AdvanceEditedVersion.pdf](https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session86/A_HRC_WGAD_2019_65_AdvanceEditedVersion.pdf) (accessed March 4, 2020).

detention, which his family would leave for him in a “safety box” at the prison each month, “things like a t-shirt or a pair of pants, or medications or vitamins to replace sunlight.”

Maged was in his final year of secondary school at the time of his arrest. He was unable to complete the school year due to his prolonged disappearance. Once he was transferred to prison the following year, Maged was allowed to sit for his final exams in two courses, but prison officials “didn't allow us to give him any books in prison,” a relative said. Human Rights Watch and Belady reviewed faxes that Maged’s family sent to different prison officials over the course of his detention, requesting that he be allowed to take examinations. Maged failed the exams for which he was prevented from studying. His family approached the secondary school administration, who said that due to university rules against repeating secondary school exams more than twice, he would have only one more chance to sit for his exam. “So we decided to delay [the exam], praying to God to help him.”

#### **Amr A., 16 at time of alleged crime**

Amr is also detained in Military Case 64 of 2017, for alleged crimes that occurred in 2015, when he was 16 years old. Security officials in street clothes arrested him without presenting a warrant in August 2016 as he was on his way to study with a private tutor in his home town in the Nile Delta, according to his family. He was 17 at the time of his arrest. They blindfolded him and took him to a police station for one night, and then detained him for almost three months at a National Security facility. According to family members and another source, security officers tortured Amr, detained him with adults, and failed to present him before judicial authorities. His family had no information as to his whereabouts during this time. Instead, they received taunting anonymous phone calls, a relative said. “More than once we received calls saying, ‘Come take his corpse from Cairo,’ and once, ‘Come to the hospital.’ One call would claim he is alive, another would claim he is dead. We didn’t know who was calling.”<sup>24</sup>

More than three months later, in November 2016, his family received word that Amr had been brought before the State Security Prosecution in Cairo. He was then transferred from National Security detention to a child detention facility. His relative said:

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<sup>24</sup> Interview with relative of Amr A., July 2018.

He arrived there at 2 a.m. The social counselor allowed him to speak to me on the phone. He told me, “All the food that is nutritious, please bring it. I have not eaten for three months,” so we brought him food, clothes, toothpaste, creams for lesions and wounds he had been suffering from lack of hygiene. He had lost too much weight. When I saw him I was not sure, is this my child or not? ... He had been in the same clothes for three months, no shower, no water, nothing. He refused to tell me what had happened to him [in National Security custody] to avoid making me sad, but what I know from him is that they did not present him to the prosecution until the torture marks were gone.

Amr’s family visited the juvenile detention facility every week – driving five hours in total, waiting for about an hour, and seeing Amr for 30 or 45 minutes. He was detained in a cell with 10 or so other children, allowed outside for two hours a day and permitted to exercise, and began to recover from illness his family believed he had developed due to the poor hygiene of his earlier detention. In 2017, the State Security Prosecution transferred his case to the military prosecutor as part of Military Case 64, a family member said.

When he turned 18, Amr was transferred from the children’s facility to another police station, where he was detained for more than a month. He was only allowed out of his cell during family visits, when he told his relatives that the cell was so overcrowded that he was often unable to sleep. According to Amr’s relatives, police either stole or never delivered food, medicine or other items they brought for him. When they would give Amr a bar of soap, “we used to break it in two parts because if it was not broken, [guards] would take it and sell it to the prisoners inside.”

He joined a hunger strike to demand better conditions, but authorities at the police station transferred him to al-Aqrab (Scorpion) maximum-security prison in Cairo.<sup>25</sup> A family member said that another prisoner detained there with Amr had managed to send a letter to his mother, which said that detainees were being denied sufficient food or water as a punishment for their hunger strike.

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<sup>25</sup> “We Are in Tombs”: Abuses in Egypt’s Scorpion Prison, Human Rights Watch, September 28, 2016 <https://www.hrw.org/report/2016/09/28/we-are-tombs/abuses-egypts-scorpion-prison>.

At the prison, relatives are permitted to send money for detainees to use at the prison's canteen, but only about 60 percent of the cash reaches the detainee, Amr's relative said. After thoroughly searching their cells, prison officials once stripped Amr and other prisoners of their possessions other than "the clothes [they were] wearing, and one blanket," according to messages sent by the different prisoners to their relatives.

Since Amr's detention, his family has been able to see him only during court hearings. A family member said that during the hearings, they were separated from Amr by about 10 meters, and "there is a line of policemen standing beside the cage [of the detainee], and [relatives] are on the far side, there is a window with wires in front of it, and no hearing. We were both signaling to each other but not understanding anything." Amr, along with several other children in the case, faced the death penalty, but was acquitted by a military court on March 9, 2020.

#### **Ziad Z., 15**

Security forces arrested Ziad, then age 15, in early 2015 at a protest in Cairo while he was escorting an injured person to al-Zaitoun hospital, according to his family. A relative told Human Rights Watch:

We spent three days without knowing where he was, anything, we searched the hospitals, he was a child so he did not have an [ID] card or anything. They said there were cases of unidentified deaths at hospitals. After three days someone called us and told us, "Your son is at the [police] station."<sup>26</sup>

Security officers beat, electrocuted, and threatened Ziad during three days of interrogation and torture before they presented him to the Public Prosecution, his relative said. A document reviewed by Belady and Human Rights Watch showed that Ziad requested medical care at the police station where, according to his relative, the boy said officers had suspended him by his arms off the floor as a form of torture, in an upstairs room that detainees referred to as "the fridge" [التلاجة]. The relative described Ziad's appearance when she saw him afterwards:

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<sup>26</sup> Interviews with a relative of Ziad Z., March 2018.

His whole body was swollen as a result of heavy beating. His legs were damaged, and scars remain on the arch of his foot, and swelling. The top of his feet, may God preserve your good health, their color turned black, with a large lesion. He had a fever and felt tired all the time. No doctor would agree to enter the [police] station and see him, so we went to the mosque [and found] a military doctor who agreed to go.

After police presented Ziad to the Public Prosecutor's office, he was interrogated without access to a lawyer. The prosecution did not present him to the Child Court, but ordered him detained with adults and tried in the same case as 30 adults, a relative said.

Judges twice ordered Ziad's release, but then ruled in favor of prosecution appeals to continue his detention. A Cairo criminal court for major offences sentenced Ziad to 10 years in prison on charges of participating in unlawful protests, violence, joining a terrorist organization, and vandalism of private and public properties.

Ziad was detained for two years at one police station, another year in another police station, and was then transferred back to the first. Conditions in detention could be extremely overcrowded. For 12 days during his third year in detention, he was unable to sit down or sleep properly in his cell at all. "There were 150 people [in the cell at that time], they slept in shifts," his relative said.

#### **Firas F., 14**

Firas, a student, was 14 when police first arrested him, in 2014, at home in Cairo for wearing a t-shirt deemed critical of the government.<sup>27</sup> A relative described how security forces violently raided their building, making "noise as if there was an earthquake."<sup>28</sup> "I told them to take me and leave him, but they took me downstairs and then pushed me and took Firas," the relative said.

Firas's family members followed the police car to the station. Although they were prohibited from speaking to him, a police officer relayed messages between them and allowed the family to provide the boy with some toiletries and food. Police arrested several

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<sup>27</sup> Telephone interviews with a relative of Firas F., May 2018.

<sup>28</sup> Telephone interview with another relative of Firas F., December 2014.

other children in the same case, his family said, because they had worn “Ultras Nahdawy” t-shirts, a group supportive of the banned Muslim Brotherhood, and also t-shirts supportive of Amr Hussein, a member of the Zamalek football club Ultras killed by security forces in 2013. Later, authorities sent Firas to a Central Security Forces camp where he was unable to see his family for weeks and was detained with adults. A lawyer representing Firas and other child detainees told Human Rights Watch at the time that there were up to 160 children detained in that camp.<sup>29</sup> After four months in detention, authorities released Firas without charge.

Security forces arrested Firas again in late 2016 on accusations of joining a terrorist organization and disseminating false information “with the purpose of spreading pessimism” and disrupting the peace. Men in civilian clothes arrived before dawn at his home in armored vehicles, damaged furniture, stole money, and confiscated mobile phones. According to a relative who was present they “threatened to kill him if we ever speak up” about these abuses during the raid. Firas’s family was unable to discover his whereabouts for a month, until they learned that he would be presented before the prosecution in a city north of Cairo. When they met him there, he said he had been detained at a National Security facility, where officers beat him and tortured him with electrocution.

Authorities then sent him to a police station, where he had access to a phone and his family was “able to contact him in the evening, only after sunset,” a relative said. Authorities at the police station detained him with adults, and transferred him to a prison “as soon as he turned 18,” his family said.

Court records do not contain any indication that Firas confessed, despite the torture. Authorities held him for more than three years in pre-trial detention in violation of Egyptian law, which permits only up to two years in detention without trial. He was unable to attend his mother’s funeral when she passed away in January 2018, a relative said. He was conditionally released by court order in the second half of 2019.

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<sup>29</sup> Telephone interview with a lawyer for Firas F., December 2014.

### Yusef Y., 13

Yusef was a 13-year-old student at the lower secondary school level when he was arrested at home by military and police forces (قوات من الجيش والشرطة) in early 2015. A resident of the building who witnessed the arrest said that “the forces seemed hesitant after they saw that he was a child,” and that he overheard security officers asking for confirmation of the arrest on their radio handsets, “until I heard one say, ‘Bring him’.”<sup>30</sup>

A relative said that the family believed security forces took Yusef to the General Security Directorate, but when the family went there to ask, officials said he had already been transferred to a prison. He was then taken to a military base, the family later learned. The first time the boy was able to see his family was 13 months after his arrest, in 2016, a few days after he appeared before the State Security Prosecution. Until then, officials responded to his family’s questions by “denying he even existed,” a relative said. A former detainee who saw Yusef in secret detention in al-Azoly Prison, inside al-Galaa Military Base in Ismailiya, said that the boy “was treated badly” there.<sup>31</sup>

Yusef is listed as a defendant in State Security Prosecution Case 502 of 2015, for alleged crimes that include plotting and carrying out 27 attacks, including assassination attempts against President al-Sisi and former Saudi crown prince Mohamed Bin Nayef, as part of the Sinai Province, an armed group affiliated with Islamic State.<sup>32</sup> Many of these crimes allegedly occurred while Yusef was in state custody during his 13-month disappearance. According to a family member and a lawyer, prosecution documents falsely state that Yusef was arrested in 2016, shortly before he was presented to the prosecutor, apparently in order to pretend that his detention was consistent with the constitutional requirement that detainees be presented before the prosecutor within 24 hours of arrest.<sup>33</sup>

Case 502 of 2015 included more than 290 defendants, including at least 10 children. On June 21, 2015, the State Security Prosecution referred Case 502 to the military

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<sup>30</sup> Telephone interview with a family member of Yusef Y., April 2018.

<sup>31</sup> Telephone interview with a former al-Azoly detainee, May 2016.

<sup>32</sup> Ahmed Mostafa, "Investigations in Sinai Province Case Reveals Suspects of the President's Assassination Plan," Mobtada website, January 23, 2018, <https://www.mobtada.com/details/691616> (accessed December 6, 2019).

<sup>33</sup> Telephone interviews with a relative, April 2018 and February 2019. Constitution of Egypt, Art. 54. The Code of Criminal Procedure, Art. 36, requires police to present anyone detained to the Prosecutor within 24 hours, and requires the presence of a lawyer.



prosecution.<sup>34</sup> In August 2017, the military court decided to drop the 10 children, including Yusef, from the case, and referred them back to the State Security Prosecution.<sup>35</sup> “We were waiting for them to be released, but we were surprised when we found they were brought back into [the State Security] case,” a relative of Yusef said about the children in the case.

In 2016, authorities transferred Yusef, then age 15, to al-Mostaqbal Prison in Ismailiya where he was detained with adults. “He considers the [new] prison a five-star hotel, because he has seen and been through a lot,” a relative said.

He said [the former prison] is one of the worst. After he came out, he was trying to calm us down and telling us, “as long as I still have my mind, I am okay. As long as I am out of [the former prison], consider me at home.” He would get anxiety attacks and convulsions but thank God they have gradually disappeared.

Although Yusef had neurological symptoms, prison officials initially refused his family’s requests that he be seen by a neurologist, despite a doctor’s referral. More than 14 months after he was transferred to al-Mostaqbal prison, a military prosecutor approved the request. The prison doctor sees him once a month but only prescribes painkillers, his family said. They are able to visit him once a week.

Even though education is compulsory in Egypt until age 15, authorities denied Yusef all access to education and he was unable to take his examinations for his first two years in detention, his family said, despite written requests they submitted to prison officials. He was unable to take his exams during his first year in detention “because he wasn’t officially there,” as he was detained illegally. After he was transferred to al-Mostaqbal Prison, his family followed a lengthy procedure, which took another year: they obtained a notice that he had been arrested, confirmation from his school that he was a student there, and an affidavit that he needs to take his exams. He completed the educational year and exams for the ninth year of basic education while in detention.

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<sup>34</sup> Military Case 357 of 2016.

<sup>35</sup> Marwa Heikal, “10 Children Dropped from the Sinai Province Case,” *al-Fagr*, August 2, 2017, <https://www.elfagr.com/2697430> (accessed December 6, 2019).

In 2018, the State Security Prosecution ordered the conditional release of the children in Case 502, including Yusuf; after the case was brought to trial in 2019, a court cancelled the conditions and ordered the children’s full release, according to Egyptian news reports.<sup>36</sup>

### Tarek T., 16

Tarek has faced charges in three different cases, apparently intended to keep him in detention since he was arrested at age 16 in January 2014. In the most recent case, authorities held him in pre-trial detention for more than 30 months, in violation of Egyptian law that limits pre-trial detention to two years.<sup>37</sup>

In January 2014, a few months after police arrested his father, a lawyer who defended political prisoners, Tarek accompanied a relative visiting a private home when the police raided it, in a city in northern Egypt. “They knew he was a child, and were asking, ‘Where’s his father,’ but when they found out who the father was, they took him to jail” along with four adults, another relative said. Tarek, whose family is supportive of the Muslim Brotherhood, was charged with joining a banned group, along with dozens of other children and young men.

Almost a year later, a judge acquitted Tarek and ordered his release, but in the meantime prosecutors issued new charges stemming from his earlier January 2014 detention. He was held along with dozens of other children in a children’s detention facility, according to a relative and court documents. “The children learned authorities were going to transfer them to another children’s facility in Cairo. Some of them closed the door to their cell and tried to prevent police officers from entering,” Tarek’s relative said. Police beat them and

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<sup>36</sup> “إخلاء سبيل و متهمين ”قصر“ بقضية ولاية سيناء الثانية بتدابير احترازية “ 36, Youm7, April 19, 2018, <https://www.youm7.com/story/2018/4/19/%D8%A5%D8%AE%D9%84%D8%A7%D8%A1-%D8%B3%D8%A8%D9%8A%D9%84-%D9%85%D8%AA%D9%87%D9%85%D9%8A%D9%86-%D9%82%D8%B5%D8%B1-%D8%A8%D9%82%D8%B6%D9%8A%D8%A9-%D9%88%D9%84%D8%A7%D9%8A%D8%A9-%D8%B3%D9%8A%D9%86%D8%A7%D8%A1-%D8%A7%D9%84%D8%AB%D8%A7%D9%86%D9%8A%D8%A9-%D8%A8%D8%AA%D8%AF%D8%A7%D8%A8%D9%8A%D8%B1/3754843> (accessed February 2, 2020; “إخلاء سبيل 11 طفلا متهما في قضية ”ولاية سيناء“”, Masrawy, April 19, 2018, [https://www.masrawy.com/news/news\\_cases/details/2018/4/19/1328837/%D8%A5%D8%AE%D9%84%D8%A7%D8%A1-%D8%B3%D8%A8%D9%8A%D9%84-11-%D8%B7%D9%81%D9%84%D8%A7-%D9%85%D8%AA%D9%87%D9%85%D8%A7-%D9%81%D9%8A-%D9%82%D8%B6%D9%8A%D8%A9-%D9%88%D9%84%D8%A7%D9%8A%D8%A9-%D8%B3%D9%8A%D9%86%D8%A7%D8%A1](https://www.masrawy.com/news/news_cases/details/2018/4/19/1328837/%D8%A5%D8%AE%D9%84%D8%A7%D8%A1-%D8%B3%D8%A8%D9%8A%D9%84-11-%D8%B7%D9%81%D9%84%D8%A7-%D9%85%D8%AA%D9%87%D9%85%D8%A7-%D9%81%D9%8A-%D9%82%D8%B6%D9%8A%D8%A9-%D9%88%D9%84%D8%A7%D9%8A%D8%A9-%D8%B3%D9%8A%D9%86%D8%A7%D8%A1) (accessed February 2, 2020).

<sup>37</sup> The Criminal Procedure Code stipulates that pretrial detention cannot be extended for more than six months for misdemeanors, 18 months for felonies, and two years for crimes punishable by death or life imprisonment. Criminal Procedure Code of the Arab Republic of Egypt, Law No. 150 of 1950 as amended, Art. 134, available at: <http://helmylawyers.blogspot.com/2010/07/001.html> (Arabic).

used a single, badly-overcrowded vehicle to transfer them to the detention facility.<sup>38</sup> Tarek, like the other children in the case, was sentenced to two years in prison for inciting a riot and attacking police officers, according to news media reports and prosecution documents that the family provided to Human Rights Watch. Tarek began serving the sentence at the children’s detention facility.

A secondary-school student at the time of his arrest, Tarek applied unsuccessfully to the Ministry of Education to instruct the children’s detention facility to allow him to take his school exams. When he turned 18, authorities transferred him from the children’s facility to a prison, where his family succeeded in obtaining textbooks for him, but study was difficult, a relative said. “There were no teachers or tutors. The cell was only four by four meters, with a toilet in the corner, and there were 25 guys in there, or at worst, up to 40. There was no room to study in.” Tarek was in the midst of taking his secondary school exams when he completed his second prison sentence, according to a relative and court records that the family provided to Human Rights Watch, but prison authorities transferred him to another facility for five days, preventing him from finishing all his exams that year.

Tarek should have been released in 2017, but a prosecutor accused him of new, even more serious criminal offenses: participating in a protest that damaged a government building. The alleged offense took place in 2016, when Tarek was detained in the children’s facility. He was transferred to a maximum-security prison and tried before a military court. “The only witness [against him] was a single police officer who doesn’t show up” for hearings, a relative of Tarek’s said at the time. The military court ruled it was not competent to investigate the case and transferred it back to the State Security Prosecution, which began hearings in 2019 and ordered Tarek’s continued pre-trial detention. He is studying commerce while in detention through correspondence with a private university.

### **Mahmoud M., 16**

National Security officers arrested and forcibly disappeared Mahmoud M. in 2017, a few months after security forces had clashed with residents in his town in Damietta governorate. He was 16 years old at the time. “He disappeared for about three weeks until someone called us and told us, ‘Mahmoud is at the prosecution’,” a relative said.<sup>39</sup> He was

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<sup>38</sup> Prosecution charge document, on file with Human Rights Watch and Belady.

<sup>39</sup> Telephone interview with a relative, April 2019.

arrested at home, but the prosecution falsely stated that police arrested him at a meeting held to plan protests and incite violence, the relative said. The Public Prosecution charged Mahmoud with joining a terrorist organization and unlawful possession of weapons.

National Security officers “spent three days torturing him using all kinds of torture, electrification, beating with metal rods, and they would hang him upside down by his legs,” his relative said. “For three days, he did not see any light.” He was then transferred to a camp run by Central Security forces, where according to his relative he was denied adequate food, placed in solitary confinement, denied access to the bathroom, and repeatedly hit and insulted.

Authorities then transferred him to a police station near his town. Three months after his arrest, all charges were dropped and he was released, but his relative said that because he had been targeted once by security forces, his family feared for his future.

#### **Belal B., 17**

Belal B. was arrested in 2018 by men who said they were National Security officers and claimed they wanted to question him at a police station. He was 17 years old at the time. For the next four days, Belal, a secondary-school student, was held in solitary confinement and cut off from the outside world. “I knew nothing about my parents and they knew nothing about me,” he said. Belal was not able to contact a lawyer or informed of the charges against him. Authorities then transferred him from the police station to a National Security facility, both in Cairo. Belal said that at the National Security facility, “they tied me to a chair for three days,” causing severe pain. “Every few hours a person would enter, ask me some questions, insult me, and leave,” he said. He asked that no further information be published about his case. “I am afraid. They threatened me to never speak up.”

#### **Sharif S., 16**

Sharif S. was 16 when police arrested him in 2015, after he had filmed a protest in the greater Cairo area.<sup>40</sup> He told Human Rights Watch he was burned on his head and hands when participants at the protest threw Molotov cocktails at a company storefront.

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<sup>40</sup> Telephone interview with Sharif S., July 2019.

Sharif fled the scene but dropped his mobile phone, which police found and tracked him to his home, arrested him and put him in an unmarked microbus. They drove Sharif, who was heavily bandaged due to his burns, to a police station where another officer hit him on the head with a truncheon.

The head of the investigation unit at the police station where Sharif was held told the boy he would be released if he called another suspect and lured him to be arrested, but when Sharif called the suspect, he warned him by saying that he was calling from the police station. Because of his disobedience, “the gates of hell were opened,” the boy said. “They started around 11 p.m., and they kept at it until 3 a.m. They were hitting me on my burns and electrocuting me [using Tasers].” When the boy asked for medical care, police “replied by beating me, hard,” he said.

Sharif described in detail how he was tortured for four days and denied medical care and a change of bandages, to force him to confess. He fainted repeatedly due to pain. On the fourth day he lost consciousness after a man who police at the station identified as a National Security officer handcuffed his wrists together behind his back, then his ankles, and bent him backwards, using a third set of handcuffs to attach his arms and legs. Police then threatened him to make him confess, in a video-recorded statement, that he was paid to film videos and take photographs as a member of a Muslim Brotherhood group that intended to burn down important buildings and institutions.

When the police finally presented Sharif to a prosecutor, days after his arrest, another National Security officer beat him in the prosecutor’s presence, he said. The prosecution repeatedly renewed his detention for 15-day periods, then 45-day periods.

Sharif told Human Rights Watch police detained him for four months in an overcrowded police station cell with adult criminal suspects before transferring him to a police camp used as a jail. “I finished my high school exams in prison,” as did five other people detained with him who were arrested as children, he said.

A court ordered Sharif’s conditional release in August 2016, on bail of 5,000 Egyptian pounds (US \$321), he said. After his release, he obtained a university scholarship abroad and was able to flee Egypt. A ruling in the case is expected in March 2020.

In addition, a military prosecutor subsequently added Sharif's name to a military case that accused scores of defendants of alleged membership in a terrorist group that attacked and damaged a bank office and an ATM in early 2015, shortly before the other attack of which Sharif was accused. The three witness statements against Sharif in his military court file, reviewed by Human Rights Watch, do not identify him, or any other defendants, but state that a crowd of roughly 500 unidentifiable, masked protestors broke into the building and damaged the bank and ATM with Molotov cocktails. There is no reference to these attacks in the civilian court charges against Sharif or his coerced confession. The military prosecution did not claim the attacks wounded security forces or civilians. In 2017, the military court convicted Sharif in absentia and sentenced him to 10 years in prison.

In 2019, Sharif said his lawyer in Egypt had informed him that a court had added his name to a "terrorist list," but that he had no further information. Egyptian courts have designated thousands of people as "terrorists" without prior notification or the opportunity to contest the designation in court, subjecting them to asset freezes, travel bans and the cancellation of their passports.<sup>41</sup>

Sharif had to interrupt his university studies abroad when national authorities there required him to produce an Egyptian police report showing that he had no criminal record, he said. He left and is now seeking asylum in a third country.

### **Yahia Y., 17**

In 2015, shortly after his 17<sup>th</sup> birthday, Yahia was buying an ice cream in a town in the Nile Delta when three plainclothes police grabbed him off the street and threw him into a van. Police were responding to a nearby protest, but Yahia was not participating and "didn't even realize what was happening until someone [in the van] hit me very hard on the back of my head and told me to sit with my hands behind my head," he said.<sup>42</sup>

At a police station, officers dragged Yahia upstairs by his hair, blindfolded him, beat him on the head with a leather truncheon "60 or 70 times," cuffed his arms behind his back and pulled them up to suspend him off the floor, dislocating his shoulders. Police accused

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<sup>41</sup> "Egypt: Court Names 1,500 to Terrorist List," Human Rights Watch, January 24, 2017, <https://www.hrw.org/news/2017/01/24/egypt-court-names-1500-terrorist-list>.

<sup>42</sup> Interview with Yahia Y., May 2019.

him of damaging public property and electrocuted him “on my head, ears, toes, hands, genitals and anus” repeatedly. One officer forced his mouth open, “and he spat in my mouth and forced me to swallow it.”

Yahia said he was initially detained in a small room at a police station with eight men, all handcuffed to one another. It was mid-winter but police officials “made us sleep [in an unheated room] with the windows open,” and “an old man chained to me urinated on himself because of the cold.” After seven days, Yahia made a false confession on video, and admitted that he knew other suspects, but in reality, “I only knew [some] of them.” A police officer staged photographs of Yahia and other detainees along with a machine gun and chemical materials.

Five days later, he was brought before the prosecutor, where he was not represented by a lawyer. “I had blood on my clothes, my shoulders were dislocated and I couldn’t walk properly,” Yahia said. He said he told the prosecutor police had tortured him into confessing. The prosecutor responded dismissively to his detailed account of how he was tortured: “You watch a lot of action movies, don’t you?” The prosecutor threatened to “send me back to the officer” who tortured him, Yahia said, unless he confessed to charges of joining a terrorist organization, participating in an attack, and “spreading a pessimistic atmosphere” in the country.

Yahia spent the next 30 days in the police station detention cell which held 80 people, mostly adults, and became ill. Police sent him to a hospital emergency room but refused a doctor’s referral to an endocrinologist. He was transferred to a children’s detention facility, where he remained until he was sent to another police station after turning 18.

Yahia then asked to be sent to an actual prison facility because “I was studying [for secondary school examinations] and I needed some place to be in, not just the [police] station.” When police officers refused, he went on an 11-day hunger strike, and was transferred to a prison, but his case was then taken over by a military court that was a 12-hour journey away. Yahia said he and others were transported to and from the hearings in an overcrowded truck that lacked ventilation, and that prison officials sometimes punished him by sending him to court in the truck even when he had no hearings. In late

2016, after nearly two years in detention, he was sentenced to three years in jail, including time served, and has since been released.<sup>43</sup>

### **Nadeen N., 13**

Nadeen said she has been arrested five times, the first when she was 13 years old, in 2013, in Cairo. She said she did not know why police took her and two friends to a police station, where they hit, cuffed, and questioned them in vague terms about “who are you and what did you do and where have you been,” she said.<sup>44</sup> When her parents arrived at the station, police prevented them from seeing her. She was released after 2 a.m.

The following year, when she was in the equivalent of the eighth year of basic education, Nadeen and a group of friends were walking after school in another Cairo neighborhood when male plainclothes police officers arrested them, apparently in response to a public protest nearby but which the girls had not joined. “They dragged us by our hair and sent us to the police station, where they beat us when we entered.” The police cuffed the girls and told them to stand in a corridor all night, without food or water, allowing them to go to the bathroom only once. At around 7 a.m., Nadeen said, an officer blindfolded her and took her to a room where another officer Tasered her. “You were at the protest,” he said and I told him no, I was in a class. Of course, he did not believe me.” She was questioned for about 10 minutes. At 9 a.m., police took her to the prosecutor at the New Cairo/Fifth Settlement State Security Prosecution. There she was allowed a lawyer and questioned, held in a detention area, and returned to the police station in an overcrowded truck, which forced her to miss her school examinations that day. The following day police brought her back to the prosecution, where she was charged with “protesting, resisting the authorities, and joining a terrorist group,” she said.

At the police station where she was detained the cell was so overcrowded that the girls and women “could not manage to sit down.” She described how male detainees harassed her and other female detainees while they walked to the shower or the bathroom: “the hallway is full of [male] detainees, and the window of our cell can be opened [by men] easily. The cell had some ventilation but a pregnant detainee fainted due to cigarette smoke from the men’s area,” Nadeen said. Family visits only lasted for a few minutes. She

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<sup>43</sup> Court documents on file with Human Rights Watch and Belady.

<sup>44</sup> Interviews with Nadeen N., December 2018 and January 2020.



was released without charge after four days' detention following an appeal of the prosecutor's decision.

In 2014, a court convicted Nadeen in absentia and sentenced her to two years in jail for participating in an unlicensed protest, but her family appealed and her sentence was commuted to community service, according to a review of the case by Belady.

Later in 2014, during Ramadan, police arrested Nadeen at home and detained her along with several other girls for planning to participate in another protest, which in fact had been cancelled and not held, she claimed. Police first detained the girls in a police station and then transferred them to a National Security facility in the same Cairo neighborhood. Officers blindfolded her, required her to unlock her mobile phone, which contained anti-government messages, and interrogated her. After five days' detention in the police station, the prosecution questioned her "for about 15 minutes" and released her.

In January 2016, when she was 16 years old, police arrested Nadeen again, shortly after detaining some family members suspected of supporting the Muslim Brotherhood, apparently due to her family relationship to her detained relatives rather than any suspicion of individual criminal activity. They took her to a police station where she saw one of the family members. "They took off my headscarf and cuffed my hands," but later released her without charge, she said.

## **Arbitrary arrests and disappearances of children during and after**

### **September 2019 protests**

Following anti-government protests in cities across Egypt in September 2019, authorities arrested over 4,400 people including protesters, politicians, lawyers, bystanders, and children. Belady documented the names and other information of about 100 of the estimated 180 children who were arrested between September 20 and September 28. Human Rights Watch interviewed three of those children for this report.

Two boys, ages 16 and 17, and a girl, age 17, said they were forcibly disappeared for seven to nine days before appearing before the prosecution. Prosecutors added the children, who were arrested on different dates and in different places, to the same criminal case, on

similar accusations of “unlawfully protesting” or “misusing social media,” and “supporting a terrorist organization.”

Farida F., a 17-year-old student in grade 12, was arrested at around 5 p.m. on September 22 in downtown Cairo, after a police officer stopped her. According to a person in contact with Farida that day, the officer took her phone, “opened her WhatsApp and saw her texts with her friends about politics. So, he arrested her.”<sup>45</sup> When Farida stopped responding on her phone and did not return home, her family went looking for her, at around midnight. For the next seven days, “we couldn’t get any information about her,” a relative said, until Farida appeared before the prosecution and a lawyer contacted the family. They learned she was being detained in a police station and sent her a change of clothes and some food, but have not been able to meet or speak with her. As with other defendants in the case, prosecutors accused the girl of misusing social media platforms and supporting a terrorist organization, and twice ordered her pre-trial detention for 15 days, according to her relative.

Police arrested Marwan M., a 17-year-old high school student, along with another family member on the evening of September 20 while they were driving through Cairo’s Tahrir Square, a witness said.<sup>46</sup> According to the witness, a police officer stopped the car because he saw Marwan holding up his smartphone and, believing he was recording a video, ordered him to hand over the phone. Marwan then “disappeared for nine days,” during which time he was detained at a Central Security Forces’ camp, until authorities presented Marwan before a prosecutor and he was able to see a lawyer, who notified his family. Marwan has been transferred to a police station where his family was able to send him food, but not to visit or speak to him. The prosecution added Marwan to the same criminal case as Farida F., and accused him of protesting and supporting a terrorist organization.

Police arrested Zeid Z., 17, a grade 11 student in al-Gharbeya governorate, on September 20 while he was watching a football match on television at a café, a family member said.<sup>47</sup> He managed to send a message to some relatives, saying that he had been “arrested by

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<sup>45</sup> Telephone interview with a relative of Farida F., October 2019.

<sup>46</sup> Telephone interview with a relative of Marwan M., October 2019.

<sup>47</sup> Telephone interview with a relative of Zeid Z., October 2019.

one man and was in a police car,” but “then his phone got shut off and we couldn’t reach him for ten days,” a relative said. The family sent messages requesting information to security officials and prosecutors in three governorates, as well as to the interior minister and the presidency, without response. In early October, a lawyer notified the family that Zeid had appeared at a prosecution office and was issued a 15-day pretrial detention order. His family was able to see him “for two minutes” the following week, when he was being transferred to a different detention facility, “along with seven other children of the same age,” the relative said. Zeid told his family that the prosecutor had “just asked me three questions and I answered,” but there was no time to discuss his case.

On October 23, Prosecutor General Hamada al-Sawy said in a statement that he ordered the release of “children, women and older people” arrested following the September 20 protests as an act of “clemency.” The prosecutor general also said that the parents of the children released should “rise up to their responsibilities” in raising their children to become “useful for the society.”<sup>48</sup> Authorities released Farida and Zeid after a few months of pretrial detention. However, several weeks after the statement Human Rights Watch and Belady learned that there were scores of children still in custody in the case.

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<sup>48</sup> “The Prosecutor General Orders the Release of Children, Students, Women and Older People, in the September 20 Protests’ Case,; *al-Shorouk* Newspaper, October 23, 2019, <https://www.shorouknews.com/news/view.aspx?cdate=23102019&id=5477b33c-4ecc-4f04-8571-54e649423acb> (accessed December 9, 2019).

## II. Violations of International and Egyptian law

The abuses by police and National Security Agency officials as well as judicial officials against children that this report documents occurred in different detention facilities, neighborhoods, cities, and governorates over a period of several years, and no officers have been disciplined or otherwise held responsible.<sup>49</sup> These abuses violate basic tenets of international law and key provisions of Egypt’s Constitution, Penal Code, Code of Criminal Procedure, and Child Law.

Egypt ratified the African Charter on the Rights and Welfare of the Child in 2001, and the Convention on the Rights of the Child (CRC) in 1990.<sup>50</sup> Like other international human rights treaties, the Convention and Charter prohibit torture and the death penalty for crimes committed while a child, and reaffirm children’s rights to freedom of expression, assembly, and belief, but Egyptian authorities have effectively criminalized and punished many peaceful acts that should be protected on these grounds since July 2013.<sup>51</sup> These treaties oblige states to guarantee children’s due process and fair trial rights, such as the right to be informed of the reason for arrest and to be represented by a lawyer, to be held separately from adults, and to have access to education, health care, adequate food, and other conditions. Under international law, states may detain children only as a measure of last resort and for the shortest appropriate period of time and must ensure they can communicate with their families. The Charter states that the “essential aim of treatment of every child during the trial and also if found guilty of infringing the penal law shall be his or her reformation, re-integration into his or her family and social rehabilitation.”<sup>52</sup>

Egypt’s National Council on Childhood and Motherhood, established in 1988, helps oversee the CRC’s implementation.<sup>53</sup> Egypt was last reviewed by the Committee on the Rights of the Child in 2011, which noted its “deep regret” at continued torture and ill-

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<sup>49</sup> “We Do Unreasonable Things Here”: *Torture and National Security in al-Sisi’s Egypt*, Human Rights Watch, 2017.

<sup>50</sup> African Charter on the Rights and Welfare of the Child, July 1990, CAB/LEG/153/Rev. 2, [https://www.acerwc.africa/wp-content/uploads/2018/06/African\\_Children\\_Charter\\_Website\\_Version\\_English\\_2015.pdf](https://www.acerwc.africa/wp-content/uploads/2018/06/African_Children_Charter_Website_Version_English_2015.pdf); UN Convention on the Rights of the Child, <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

<sup>51</sup> “Egypt: Events of 2018,” Human Rights Watch, <https://www.hrw.org/world-report/2019/country-chapters/egypt>.

<sup>52</sup> African Charter on the Rights and Welfare of the Child, July 1990, article 18(3).

<sup>53</sup> Egypt National Council on Childhood and Motherhood, [http://www.nccm-egypt.org/e3/index\\_eng.html](http://www.nccm-egypt.org/e3/index_eng.html), accessed September 22, 2019.

treatment of children.<sup>54</sup> Egypt has cooperated with the United Nations Universal Periodic Review process, most recently in 2019.<sup>55</sup> In the 2019 review, Egypt’s National Center for Human Rights stated that it had received 484 complaints of enforced disappearance, and multiple human rights groups noted that torture is widespread and systematic.<sup>56</sup>

Egyptian criminal law provides punishments of 3 to 10 years imprisonment for security officials who torture detainees in order to extract a confession.<sup>57</sup> To the knowledge of Human Rights Watch and Belady-IH, Egyptian authorities have opened no investigations and or held to account any security officers in the 13 cases of alleged torture documented in this report. This is consistent with a broader culture of impunity for abuses by security services.<sup>58</sup>

Egypt’s Constitution requires “a reasoned judicial order” in all cases of arrest, search, or deprivation of liberty, and that anyone arrested be notified in writing of the reason for the arrest and allowed to contact a lawyer and their family.<sup>59</sup> The Code of Criminal Procedure prohibits the arrest and detention of any person without a judicial order except where the person is “caught in the act.”<sup>60</sup> Under these laws, police must present any detainee before the prosecuting authority within 24 hours of arrest, and the detainee has the right to a lawyer during questioning by the prosecutor.<sup>61</sup> Egyptian criminal law provides punishments including fines and up to two years imprisonment for unlawful arrest and detention, and up to life imprisonment with hard labor for kidnapping a child.<sup>62</sup> In none of the cases documented in this report did security officers show children, their families, or lawyers a judicial warrant for the child’s arrest.

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<sup>54</sup> “Concluding Observations: Egypt,” 2011, Committee on the Rights of the Child, CRC/C/EGY/CO/3-4, paragraph 48, July 15, 2011, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/EGY/CO/3-4&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/EGY/CO/3-4&Lang=En) (accessed January 16, 2020). Egypt has not submitted its next reports, which were due in March 2016.

<sup>55</sup> Egypt’s submission stated it has prosecuted security officials for torture in 30 cases. “National report,” Egypt, A/HRC/WG.6/34/EGY/1, August 21, 2019, para. 26, <https://undocs.org/A/HRC/WG.6/34/EGY/1> (accessed January 20, 2020).

<sup>56</sup> “Summary of Stakeholders’ Submissions on Egypt,” UN General Assembly, A/HRC/WG.6/34/EGY/3, August 14, 2019, paragraphs 6, 31, <https://undocs.org/A/HRC/WG.6/34/EGY/3> (accessed January 20, 2020).

<sup>57</sup> Penal Code, Art. 126. The international definition of torture, unlike Egypt’s, is not limited to abuse of an accused person for the purpose of extracting a confession. *The Road Ahead: A Human Rights Agenda for Egypt’s New Parliament*, Human Rights Watch, January 2012, p. 41, <https://www.hrw.org/sites/default/files/reports/egypto112webwcover.pdf>.

<sup>58</sup> Human Rights Watch, “*We Do Unreasonable Things Here’: Torture and National Security in al-Sisi’s Egypt*.”

<sup>59</sup> Constitution of Egypt, Art. 54.

<sup>60</sup> Code of Criminal Procedure, Article 139.

<sup>61</sup> Constitution of Egypt, Art. 54; Code of Criminal Procedure, Art. 36.

<sup>62</sup> Constitution of Egypt, Art. 54; Code of Criminal Procedure, Art. 36.

Egyptian law prohibits holding children in police stations with adults during their pretrial detention.<sup>63</sup> However, in nine of the cases documented in this report, children were held in police stations with adults, often after they had been forcibly disappeared and detained elsewhere than in official detention facilities. All children whose cases are documented in the report described conditions of detention that appeared to be inhuman and degrading.

Egypt's 1996 Child Law, extensively amended in 2008, prohibits sentencing a child – defined as anyone under 18 years old – to death or life imprisonment.<sup>64</sup> The law prohibits detaining or placing children in custody alongside adults, and requires that they be segregated according to their ages, gender, and the nature of the crime.<sup>65</sup> If a child under 15 is convicted of a crime, the law outlines a series of alternatives to imprisonment as penalties.<sup>66</sup> However, for children ages 15 or older, the law provides for prison terms of up to 3 years for minor offenses (misdemeanors) and 15 years for major offenses (felonies), though a judge can also opt to place children in a juvenile facility for 5 years for misdemeanors and 10 years for felonies.<sup>67</sup> Egypt's Child Law allows children to be held in pretrial detention for up to two years, the same time-limit as for adults in the Criminal Procedural Code, subject to “weekly” judicial review.<sup>68</sup> In cases documented in this report, prosecutors often routinely renewed the pretrial detention, not judges, in violation of the Child Law.

The Child Law stipulates that officials appointed by the justice minister shall have arrest powers with regards to crimes committed by children and that specialized Child Courts and Child Prosecution offices should be established to oversee cases of crimes committed by children. However, in all the cases documented in this report, children were detained by police or National Security Agency officers, and prosecuted and tried by ordinary as well as special security or military prosecutors and courts.<sup>69</sup> This is because another provision of the Child Law permits the prosecution and trial of a child along with adults if at least one

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<sup>63</sup> Penal Code, Art. 280 - 290.

<sup>64</sup> Law No. 12 of 1996 Promulgating the Child Law, Amended by Law No. 126 of 2008, Articles 2, 111, available at [http://www.nccm-egypt.org/e7/e2498/e2691/infoboxContent2692/ChildLawno126english\\_eng.pdf](http://www.nccm-egypt.org/e7/e2498/e2691/infoboxContent2692/ChildLawno126english_eng.pdf) (accessed August 30, 2019).

<sup>65</sup> Ibid. Article 112

<sup>66</sup> Ibid., Article 101.

<sup>67</sup> Ibid., Article 111.

<sup>68</sup> Ibid., Article 119.

<sup>69</sup> Ibid., Articles 117 and 120.

adult was involved in the alleged crime – a critical loophole in children’s rights protections which authorities have used to try scores of children, alongside adults, before criminal and terrorism courts.<sup>70</sup>

Moreover, the military justice system may prosecute children in the cases that fall within its jurisdiction, which it has the sole authority to determine, under Egypt’s 1966 Code of Military Justice.<sup>71</sup> Since 2014, authorities have referred over 15,500 civilians, including over 150 children, to military prosecution.<sup>72</sup> The Committee on the Rights of the Child, the independent expert body that oversees interpretation of the Convention on the Rights of the Child, has endorsed the view “that trials of civilians by military tribunals and State security courts contravene the non-derogable right to a fair trial by a competent, independent and impartial court,” noting that “this is an even more concerning breach of rights for children, who should always be dealt with in specialized child justice systems.”<sup>73</sup>

In four cases documented in this report, children said that prison authorities prevented them from access to education or the ability to take examinations, in violation of international and Egyptian law.<sup>74</sup>

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<sup>70</sup> Article 122 of the Child Law provides that “The Child Court shall exclusively deal with issues concerning the child when accused of a crime ... [except], the Criminal Court or the Supreme State Security Court ... shall have jurisdiction over criminal cases where the accused - at the time of committing the crime - is a child above fifteen (15) years of age while the accomplice is not a child and the case necessitated bringing the criminal action against the accomplice jointly with the child.” *Id.* See also Mahmoud al-Wakea, “Innocence behind bars: the fate of Egypt’s minors at the mercy of criminal and military courts,” *Mada Masr*, December 8, 2017, <https://madasr.com/en/2017/12/08/feature/politics/innocence-behind-bars-the-fate-of-egypts-minors-at-the-mercy-of-criminal-and-military-courts/> (accessed September 3, 2019).

<sup>71</sup> As amended in 2012, the Code of Military Justice, Article 8 (bis) (1) allows military tribunals to try juveniles when accompanied by an adult who is subject to military jurisdiction, while Article 48 gives the military justice system sole competence to determine its jurisdiction. Human Rights Watch, “Egypt: New Law Keeps Military Trials of Civilians,” May 7, 2012, <https://www.hrw.org/news/2012/05/07/egypt-new-law-keeps-military-trials-civilians>

<sup>72</sup> Human Rights Watch, “Egypt: Events of 2017,” <https://www.hrw.org/world-report/2018/country-chapters/egypt>.

<sup>73</sup> Committee on the Rights of the Child, General Comment No. 24 on juvenile justice, paragraph 96, 2019.

<sup>74</sup> Convention on the Rights of the Child, Art. 28. Egyptian law 396 of 1956, article 28, and article 15 of the Minister of the Interior decision 79 of 1961, provide that education should be made available to all prisoners, according to their age, sentence, and previous level of education, under the authority of the Director General of the central prison administration and the Minister of the Interior. Mustafa El-Augi, “The El-Katta Open Prison Project in Egypt,” p. 139, *Basic Education in Prisons*, 1995, United Nations Office at Vienna, Crime Prevention and Justice Branch, <https://unesdoc.unesco.org/ark:/48223/pf0000111871> (accessed December 12, 2019).

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## “NO ONE CARED HE WAS A CHILD”

### Egyptian Security Forces' Abuse of Children in Detention

Egyptian police, National Security Agency and military officials have arbitrarily arrested, forcibly disappeared, ill-treated and tortured children to obtain confessions, while prosecutors and judges covered up these and other abuses that are crimes under Egyptian law, including detaining children with adults.

*“No One Cared He Was A Child”*: *Egyptian Security Forces' Abuse of Children in Detention*, a joint report by Human Rights Watch and Belady: An Island For Humanity, documents abuses by National Security Agency officials, police and military officers against 20 children, who were 12 to 17 years old when they were arrested. The abuses, in locations across Egypt, are part of a pattern of widespread violations by Egypt's security forces that have become flagrant under the government of President Abdel Fattah al-Sisi.

Children were subjected to forcible disappearance for as long as 13 months, and tortured by security officials, usually during pre-trial interrogation while held incommunicado. None of the children was shown a warrant or otherwise lawfully arrested. The report corroborates statements from children, their families, and defense lawyers using court documents, medical records, videos and other documentation.

The report calls on Egypt to open up its child detention system to international monitoring, and urges key foreign actors including the United States as well as France and other European Union countries to halt support to Egyptian security forces until Egypt takes measurable steps to end the abuses and hold accountable those responsible.

*(above)* Children's cases should always be dealt with in specialized justice systems, but Egypt's military justice system may prosecute children in cases it determines are within its jurisdiction.

*(front cover)* “Tarek” was arrested during a police raid on his home at age 16, held in pre-trial detention for 30 months, and tried before a military court for attacking a government building, even though he was in detention at the time of the attack.

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