

**Monitoring Report on the Trial of the
Officer Convicted in the Torture Case
of Mounir Yousry**

**Case No. 657 of 2019 – Helwan
Criminal Court**

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Introduction

Case No. 657 of 2019, Helwan Criminal Court, serves as a model illustrating how Egyptian detention centers, the Public Prosecution, and the judiciary handle crimes such as torture and other forms of inhumane treatment systematically and continuously perpetrated by police officers across Egypt. These violations occur both inside detention facilities and as a means of retaliation against anyone who dares to uphold their dignity and constitutional and human rights while dealing with police officers. Such actions persist without any regard for criminal accountability or the potential for deterrent punishment, even if these crimes ever make it to the courts.

This report monitors the trial of the torture incident involving the victim, *Mounir Yousri*, at the hands of *Officer Sherif Safi El-Din*, at the 15th of May Central Prison. The incident occurred during the officer's inspection of the victim's detention while the latter was serving a judicial sentence at the 15th of May prison.

Undoubtedly, this case represents a continuation of the systemic violation of victims' rights in torture cases in Egypt. It reveals the justice apparatus—comprising the police, prosecution, and judiciary—colluding against victims to ensure more perpetrators from the police force evade fair and equitable trials that would restore victims' rights and bring solace to their families through deterrent penalties. Crimes of torture often result in permanent disabilities and severe injuries, as is the case here, or, in many instances, the victim's death due to excessive torture. This has been the fate of numerous torture victims in Egypt, from *Khaled Said*, whose death helped ignite the January 25th Revolution, to *Ayman Hadhoud*, an economic researcher and member of the Reform and Development Party. Hadhoud was reportedly arrested and forcibly disappeared by security forces in February of the previous year. His family was informed of his death in April at Abbasiya Mental Health Hospital. Subsequent investigations revealed he had actually died in March, and security forces had concealed this information. The Public Prosecution later issued a statement on its official *Facebook* page claiming that Hadhoud's death was natural and without any criminal suspicion—a claim his family disputes after observing clear signs of torture on his body¹.

What entrenches the culture of impunity for judicial officers involved in torture crimes is the legislative inadequacy in defining torture under the Egyptian Penal Code. To constitute a crime of torture under Egyptian law, specific complex material and moral elements must be met, which rarely align with the reality of most torture crimes in Egypt. This inconsistency clashes with the global definition of torture as outlined in the *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*². The Convention adopts a broader concept of torture that includes any act causing physical or mental suffering to victims, whether the perpetrator's intent was to extract a confession, punish, threaten, intimidate, or for any other reason. The act may be committed directly by the perpetrator or instigated by them. However, Egyptian legislators stubbornly refuse to incorporate this definition into national laws, making it difficult for victims' defense teams and civil rights claimants to prove the crime under the legal framework of torture in the Penal Code. Consequently, perpetrators are often prosecuted for the lesser crime of "use of

¹ For more details regarding the death of economic researcher Ayman Hadhoud, check the following link: <https://cutt.us/pNBJF>

² Egypt signed the convention by a presidential decree.

excessive force," which carries significantly lighter penalties compared to torture. While torture is punishable by rigorous imprisonment or imprisonment ranging from three to ten years, if the victim dies, the punishment is equivalent to that for premeditated murder.

Executive Summary

The trial of Officer *Sherif Safi El-Din*, convicted of using excessive force against the victim *Mounir Yousri*, mirrors numerous other trials with similar circumstances where judicial officers abuse citizens, whether detainees or others. These officers exploit their power and authority to inflict harm on their victims, resulting in lenient sentences that fail to achieve general deterrence or provide solace to the victims and their families.

This report aims to address the public and those interested in such issues, including non-lawyers and individuals who have not had direct encounters with such cases. We have endeavored to convey, as accurately as possible, the reality within prisons and detention centers, highlighting the widespread violations and infractions committed therein. Furthermore, the report sheds light on the collusion between security agencies, judicial authorities, and lawmakers, which often leads to the systematic denial of victims' rights and preferential treatment for police officers, enabling them to evade accountability.

The stages of this trial were characterized by a significant lack of safeguards guaranteed by the Constitution and the law for those deprived of liberty within detention facilities. This shortfall undermines their constitutional entitlements and compromises the guarantees of a fair trial, which aim to ensure victims' rights and deliver justice.

Additionally, we observed several deliberate violations committed by public officials within the *15th of May Prison* against the victim, intended to threaten and intimidate him, assist the defendant in evading justice, and protect him from accountability. For instance, medical care was not provided to the victim immediately after his injury from the torture inflicted by the officer, leading to the loss of vision in his left eye. Furthermore, the responsible officials failed to notify the Public Prosecution about the victim's injury or refer the officer to disciplinary trial.

The Public Prosecution also failed in its duty to protect the victim and witnesses. It did not issue a pretrial detention order for the defendant, despite the presence of one of the justifications for such detention: preventing interference with the investigation and safeguarding the evidence from tampering. Additionally, pretrial detention would have protected the victim and witnesses from potential threats and intimidation by the accused officer, especially since both the officer and the victim were consistently present at the *15th of May Prison* due to the officer's position and the victim's imprisonment following a previous criminal sentence.

The report also addresses the ruling issued by the *Cairo Criminal Court*, sentencing the officer to six months in prison for using excessive force against the victim, resulting in permanent disability. This sentence is remarkably lenient given the severity of the criminal act and the resulting harm. The frequent use by judges of their discretionary powers, as permitted by law, to show leniency in rulings against offenders is highlighted, with examples provided. This leniency contrasts sharply

with the severe and harsh prison sentences imposed in other cases, such as those related to protest-related offenses, even when the resulting harm is far less severe.

Methodology of the Report

This study primarily relied on documenting its facts and clarifying the constitutional and legal violations involved in its stages through the case documents themselves, as well as the testimonies of the Egyptian Commission for Rights and Freedoms' lawyers. These lawyers became engaged with the case from its early stages by providing legal support to the victim's mother, who authorized them to file a complaint with the Public Prosecution after learning about the torture her son endured inside his detention at the 15th May Central Prison. Subsequently, they undertook several significant legal procedures that led to the case reaching the Cairo Criminal Court and a verdict being issued. Despite the court's ruling being lenient and disproportionate to the gravity of the crime, the fact that such a violation committed by a police officer against a detainee reached the judiciary is not a simple achievement in the Egyptian reality. Many instances of torture occur in detention facilities without ever reaching the courts or even being investigated by the prosecution.

We have divided this report into two main sections. The first section documents the pre-trial phase, comprising two sub-sections: the first discusses the violations suffered by the victim from the moment he was tortured, including deliberate medical neglect, coercion to waive his rights against the accused, and the violations committed by public officials at the 15th May Prison to support their colleague and help him escape prosecution. The second sub-section examines the irregularities during the Public Prosecution's investigation of the case and the shortcomings in the investigation process.

The second section addresses the trial phase itself, starting from the Public Prosecution's referral of the case documents to the criminal court and ending with the issuance of the verdict.

Additionally, we did not overlook addressing the international conventions and treaties to which Egypt is obligated through ratification and accession, such as the International Covenant on Civil and Political Rights, or even through mere signing, such as the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as other important treaties containing provisions that oppose the crime of torture, limit its occurrence, and outline the rights of prisoners in detention facilities.

Facts of the Case

The events of the case date back to August 26, 2017, at the 15th May Central Prison. While Mr. Mounir Yousry was serving a five-year prison sentence in case no. 5571 of 2016, Shubra Felonies, one of the officers, Captain Sherif Safi El-Din, tortured the victim in the detention ward where he was held. This followed an altercation between the two, which began when the officer conducted a routine inspection of the victim's cell while verbally insulting and hurling obscene language at the inmates, provoking the victim. The officer then searched him and found nothing in his possession. The officer ordered him to turn toward the wall, and when the victim asked for the reason, the officer further demanded that he lie on his back. The victim felt humiliated by this and refused,

which enraged the officer. The officer then proceeded to beat the victim severely with an iron pipe, causing bruises. After the pipe broke from the intensity of the beating, the officer directed a forceful blow with it towards the victim's left eye, causing it to rupture and leading to permanent blindness in that eye³.

After this brutal assault, the victim was left in the detention room for two days without receiving any first aid. He was then coerced into signing an official report stating that his injury resulted from a plastic bag falling on his head, under the promise that he would receive medical attention. Under duress and severe pain, the victim signed the report and was subsequently examined by the prison doctor, who recommended his immediate transfer to a properly equipped hospital⁴.

The victim was transferred to Helwan General Hospital. According to the hospital report dated September 5, 2017, the victim was diagnosed with: *"a laceration in the lower eyelid of the left eye, conjunctival hemorrhage, bleeding in the anterior chamber of the same eye, unresponsive pupil, and complete loss of vision in the left eye, while the visual acuity in the right eye was 6/6."*

Mounir Yousry was then transferred to Shubra Police Station, and after repeated pleas from his mother and at her own expense, he was taken to the National Eye Surgery and Medicine Center in Rod El-Farag. The medical report dated September 6, 2017, stated: *"Upon examination, the patient was found to have no vision in the left eye, corneal opacity, hemorrhage in the anterior chamber, complicated cataract, conjunctival hemorrhage, and a ruptured sclera in the left eye."*

Subsequently, he was transferred to Qasr Al-Aini Hospital – Cairo University – for surgery on his left eye. Medical records from Qasr Al-Aini dated September 18, 2017, stated: *"The victim suffers from a rupture of the sclera in the left eye."* Another report dated November 16, 2017, confirmed: *"The left eye is atrophied, has a rupture that was repaired, and no light perception."*

On October 6, 2017, Mounir Yousry's mother received a call from Shubra Police Station informing her that her son had been transferred to Qasr Al-Aini Hospital. She rushed to the hospital and learned that her son was undergoing surgery on his left eye. After he regained consciousness, he told her that Captain Sherif Safi El-Din had struck him with an iron pipe, leading to his injury, following a verbal altercation⁵.

On September 17, 2017, lawyers from the Egyptian Commission for Rights and Freedoms, based on the authorization granted to them by Mrs. Atiyat Abdullah, the victim's mother, filed a complaint with the Public Prosecutor to investigate the torture incident. The case was referred to the Rod El-Farag Prosecution, which dismissed it on October 11, 2017, citing a lack of jurisdiction. The lawyers then filed another complaint with the competent authority, the Helwan Prosecution, on October 12, 2017, but this complaint was also dismissed on November 2, 2017. Following an appeal against the dismissal decision, the investigation was reopened on November 3, 2017⁶.

³ Testimony of the Victim, Monir Yousry, as Recorded in the Public Prosecution Investigation Report Dated 17/12/2017

⁴ Testimony of the Victim, Monir Yousry, as Recorded in the Public Prosecution Investigation Report Dated 17/12/2017

⁵ Testimony of the Victim's Mother as Recorded in the Public Prosecution Investigation Report Dated 14/12/2017

⁶ Testimony of One of the Lawyers from the Egyptian Commission for Rights and Freedoms and Legal Representative of the Victim's Mother

On December 14, 2017, the Public Prosecution summoned the victim's mother to hear her testimony and issued a decision on December 17, 2017, to summon Mounir Yousry from prison to give his statement.

After completing investigations, gathering evidence, questioning the accused about the charges, and hearing witnesses' testimonies, the Public Prosecution referred Captain Sherif Safi El-Din, the officer at the 15th May Prison, to the criminal court. On March 5, 2019, the Cairo Criminal Court sentenced the accused to six months in prison and ordered him to pay the legal expenses.

Forensic Report Findings

Despite the fabricated narrative presented by the administration of the 15th May Central Prison, attempting to falsely claim that the injury sustained by Mounir Yousry resulted from a plastic bag falling from the wall of the detention room — a narrative he was coerced into signing as part of a bargain to receive medical treatment and first aid — the forensic medical report dismissed this account as false.

The forensic report instead supported the victim's testimony, concluding that the nature of the injury was blunt-force trauma caused by impact with one or more solid objects, irrespective of their specific type. Furthermore, the report confirmed that there was no reason to rule out the possibility that the injury occurred in the manner described in the prosecution's memorandum and during the timeframe corresponding to the incident.

The report further established that the injury resulted in a permanent disability, specifically the loss of functional vision in the left eye, while visual acuity in the right eye was 6/6. This permanent disability was estimated at approximately 35%.

Section One: Pre-Trial Phase

The pre-trial phase refers to the period preceding the referral of the case by the Public Prosecution to the trial court. It begins from the moment the crime occurs, during which the Public Prosecution is responsible for gathering evidence, collecting accusations, and investigating the facts of the case. The law grants the prosecution specific powers to enable it to perform its functions effectively.

Through our examination of the case files and inquiries made with the victim's lawyers, we observed several violations committed against the victim after the torture incident and before the victim's mother filed a complaint with the Public Prosecution and the prosecution began its investigation. These violations include the failure to immediately transfer the victim to a well-equipped hospital after being subjected to torture, which resulted in the rupture of his left eye, the failure to open an investigation into the crime, the lack of referral of the accused to the Public Prosecution, the failure to detain him, and the absence of any criminal or disciplinary accountability, among other legal measures that should have been promptly undertaken following the crime.

In the following sections, we will detail these violations across two subsections:

1. **Violations Committed Against the Victim Following the Crime**
2. **Violations Committed During the Public Prosecution's Investigation Phase**

Both subsections will be analyzed in light of Egyptian law as well as international human rights instruments.

Subsection One: Violations Committed Against the Victim Following the Torture Incident

First: Delay in Referring the Victim to the Prison Doctor and Subsequently to a Properly Equipped Hospital

According to the victim, Monir Yousri, when questioned by the Public Prosecution about his injury, he stated that after being assaulted by Officer Sherif Safi El-Din, who caused injury to his left eye along with bruises and injuries to his arm, he was not provided with any first aid or medical assistance. Instead, he remained in detention for two days without medical intervention. The Egyptian Commission for Rights and Freedoms' lawyer confirmed that the prison administration deliberately withheld medical assistance from the victim until he was coerced into signing an incident report at 15 May Prison, falsely acknowledging that his injury resulted from a plastic bag falling from the detention room wall onto his face. Only after signing this fabricated report was he presented to the prison doctor. Approximately ten days later, he was transferred to Helwan General Hospital, whose medical report is dated September 5, 2017, while the injury occurred on August 26, 2017.

This negligence blatantly violates the constitutional rights guaranteed to detainees in places of detention, national and international laws, and even the minimum humanitarian standards expected from public officials responsible for individuals deprived of their liberty, whose families are unaware of their conditions.

The Egyptian Constitution prohibits any act that undermines human dignity or endangers the health of prisoners, emphasizing prisons as places of rehabilitation and reform, subject to judicial oversight as per Article 56⁷. Additionally, Article 55 specifies the rights of detainees, including the protection of their health, making violations a criminal offense subject to legal accountability⁸.

Furthermore, Article 33 of the Prisons Organization Law⁹ ensures the presence of one or more doctors in prisons responsible for health care and administering first aid to prisoners in cases of

⁷ **Article 56 of the Egyptian Constitution of 2014** states: "Prison is a house for correction and rehabilitation. Prisons and detention centers are subject to judicial oversight, and anything that violates human dignity or endangers health is prohibited therein. The law regulates the provisions for the correction and rehabilitation of convicts and facilitates their reintegration into society and access to a dignified life after their release."

⁸ **Article 55 of the Egyptian Constitution of 2014** states: "Anyone who is arrested, detained, or has their freedom restricted must be treated in a way that preserves their dignity. They must not be tortured, intimidated, coerced, or physically or mentally harmed. Their detention or imprisonment shall only occur in designated, humane, and healthy facilities, and the state must ensure accessibility for persons with disabilities. Any violation of these provisions constitutes a crime punishable by law. The accused has the right to remain silent. Any statement proven to have been made by a detainee under duress, intimidation, or threat is void and inadmissible."

⁹ **Article 33 of the Prison Regulation Law** states: "Each public correction and rehabilitation center must have one or more physicians, at least one of whom must be a resident, tasked with performing healthcare duties as specified by the

injury. However, Monir Yousri was not presented to a doctor immediately after his injury but was instead left to suffer in pain until he was coerced into signing the fabricated report by the prison officer.

The Internal Regulations of Penal Institutions—prior to their recent amendments—mandated that prison doctors provide regular health checkups for prisoners at least twice weekly, attend to medical needs as they arise, and ensure injured prisoners are transferred to a properly equipped hospital if adequate facilities are not available within the prison. These requirements, outlined in Articles 21, 22, 23, 24, and 28¹⁰, were clearly violated, as medical assistance was delayed for two days following the injury.

On an international level, various agreements, conventions, and recommendations emphasize the necessity of providing health care and medical assistance to detainees, particularly in cases of injuries sustained in detention facilities.

The Code of Conduct for Law Enforcement Officials, specifically Clause 6, stipulates: "*Law enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate measures to provide medical care whenever necessary.*"

The Nelson Mandela Rules (United Nations Standard Minimum Rules for the Treatment of Prisoners)¹¹, specifically Rule 27/1, state: "*All prisons shall ensure prompt access to medical care in urgent cases. Prisoners requiring specialized treatment or surgery shall be transferred to specialized institutions or civil hospitals. Where prison medical services include hospital facilities, they must be adequately staffed and equipped to provide appropriate treatment and care to referred prisoners.*"

Second: Failure of Public Officials at the 15th May Prison to Report the Torture Crime to the Public Prosecution and Concealment of the Perpetrator

The officials at the 15 May Prison failed to report the injuries and torture inflicted on the victim to the Public Prosecution, despite Article 26 of the Code of Criminal Procedure mandating that public officials must immediately notify the Public Prosecution if they become aware of a crime while

internal regulations. Each geographical correction center must have a physician, and if none is appointed, a government physician must be assigned to carry out the duties of the correction center's physician."

¹⁰ **Article 21 of the Internal Regulations for Geographical Correction Centers** states: "*Each correction center must have a physician responsible for healthcare duties. If no physician is appointed, a government physician must be assigned to perform the responsibilities of the correction center physician.*"

Article 22 of the Internal Regulations states: "*The correction center physician is responsible for implementing health measures to ensure the well-being of inmates, particularly protecting them from epidemic diseases, monitoring the safety and adequacy of food, clothing, and bedding, and ensuring the cleanliness of the prison.*"

Article 23 of the Internal Regulations states: "*The correction center physician must inspect inmates at least twice a week and may be called whenever necessary.*"

Article 24 of the Internal Regulations states: "*During their inspection visits, the physician must examine new inmates and personally record information about their age, health condition, injuries, disabilities, illnesses, and any measures deemed necessary regarding their health.*"

Article 28 of the Internal Regulations states: "*If adequate treatment for an inmate is unavailable within the correction center and the physician deems their condition requires transfer to an external hospital, the inmate must be transferred to the nearest government hospital with the necessary treatment facilities.*"

¹¹ To access the United Nations Standard Minimum Rules for the Treatment of Prisoners, see:

https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf

performing their duties. The article states: *"Every public official or person entrusted with a public service who, during or because of their work, becomes aware of a crime that the Public Prosecution can pursue without a complaint or request, must immediately report it to the Public Prosecution or the nearest judicial police officer."*

Not only did the prison officials fail to report the crime, but they also coerced the victim into signing the 15 May Prison incident report—as previously mentioned—which was fabricated by prison officials. The report falsely stated that the injury resulted from a plastic bag, loaded with prisoners' belongings, falling from the walls of the detention room onto the victim's face, causing the injury. This version was contradicted by the forensic medical report, which confirmed that the injury resulted from an impact with a solid object or objects and caused a permanent disability estimated at 35%.

Thus, all public officials at the 15 May Prison colluded to shield the convicted officer, Sherif Safi El-Din, from accountability. They failed to notify the Public Prosecution about the torture crime and actively attempted to falsify the cause of the injury, violating constitutional rights guaranteed to prisoners as well as both local and international laws.

The officials on the 15 May Central Prison were obligated to comply with the law and allow the victim to file an official complaint with the Public Prosecution, inform him of his rights, and guide him through the legal procedures he should undertake against the perpetrator. Article 43 of the Code of Criminal Procedure stipulates: *"Every detainee has the right to submit, at any time, a written or verbal complaint to the Director of the Correction and Rehabilitation Center and request that it be forwarded to the Public Prosecution. The Director must accept the complaint, immediately record it in a dedicated register at the correctional facility, and promptly forward it to the Public Prosecution."*

Additionally, Article 8 of the Prisons Organization Law¹² requires that prisoners be informed upon entering detention facilities of their rights, duties, potential penalties for violating prison regulations, and the procedures for filing complaints if their rights are violated. Furthermore, Article 73 grants prisoners the right to meet with members of the Public Prosecution and assistants to the Minister of Interior authorized to inspect and monitor prisons, and to submit complaints for

¹² Article 8 of the Prisons Regulation Law states: *"The inmate shall be informed, upon entering the correctional facility, of their rights and duties, the prohibited actions, and the penalties imposed for violating laws and regulations. They shall also be informed of the procedures for submitting complaints and the actions taken regarding them..."*

investigation¹³. Article 80 obligates the Director of the Correction Center to receive prisoners' complaints and forward them to the Public Prosecution¹⁴.

However, in the present case, the prison administration failed to comply with these legal provisions. They did not enable the victim to file a complaint documenting the torture he endured, which resulted in the explosion of his left eye. More egregiously, the victim was coerced and blackmailed into signing the falsified incident report, facilitating the officer's escape from accountability.

At the international level, the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment states in Article 12 that: *"Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction."*

Article 13 of the same convention stipulates: *"Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given."*

Additionally, the Code of Conduct for Law Enforcement Officials states in Article 2: *"In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons."*

The Code of Conduct for Law Enforcement Officials clarifies that the term *"law enforcement officials"* includes all officials responsible for enforcing the law and exercising police powers, especially powers of arrest or detention, whether appointed or elected.

Furthermore, Article 5 of the same code asserts: *"No law enforcement official may inflict, instigate, or tolerate any act of torture or other cruel, inhuman, or degrading treatment or punishment, nor may any law enforcement official invoke superior orders or exceptional circumstances such as a state of war or a threat of war, a threat to national security, internal political instability, or any other public emergency as a justification for torture or other cruel, inhuman, or degrading treatment or punishment."*

The Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, in Article 5, emphasizes: *"Judicial and administrative mechanisms should be established and strengthened where necessary to enable victims to obtain redress through formal or informal procedures that are*

¹³ **Article 73 of the Prisons Regulation Law** states: *"Without prejudice to the competencies of the Public Prosecution, the Assistant Minister for the Social Protection Sector shall have the authority to supervise and inspect correctional facilities at any time. Every prisoner has the right to meet with the inspector and submit any complaint freely and in complete confidentiality. The Assistant Minister, or their delegate, shall investigate the submitted complaint, take the necessary measures to prevent its legitimate causes, and submit a report on significant cases to the Minister of Interior and the competent Public Prosecution.*

Members of the National Council for Human Rights are also allowed to visit prisons after obtaining the approval of the Public Prosecutor, receive complaints from prisoners, prepare reports, and submit them to the Assistant Minister for the Social Protection Sector and the competent Public Prosecution, in accordance with the procedures and regulations stipulated by the internal bylaws."

¹⁴ **Article 80 of the Prisons Regulation Law** states: *"The Director of the Correctional and Rehabilitation Centre must accept any serious complaint from a prisoner, whether verbal or written, and forward it to the Public Prosecution or the competent authority after recording it in the register prepared for complaints."*

expeditious, fair, inexpensive, and accessible. Victims should be informed of their rights to seek redress through these mechanisms."

Subsection Two: Violations Committed During the Public Prosecution's Investigation of the Case

First: Deficiencies in the Public Prosecution's Inspection Report of the Crime Scene as an Investigative Procedure, as well as Deficiencies in the General Investigation Department's Inquiries

Inspection is one of the forms of preliminary investigation and an evidence-gathering procedure available to the investigative authority to establish the occurrence of a crime and facilitate the investigation of the case's facts. Egyptian law does not mandate the Public Prosecution to conduct an inspection of the crime scene, as clarified in Article 90 of the Code of Criminal Procedure¹⁵, meaning that the Public Prosecution has discretionary authority to decide whether or not to carry out an inspection. However, it is standard practice in criminal cases for the Public Prosecution to visit the crime scene due to the immense importance of this procedure in determining how the crime occurred, hearing witnesses to the incident, and identifying individuals and evidence linked to the crime¹⁶.

In the present case, the Public Prosecution visited the 15th May Prison to inspect the crime scene on January 10, 2018, as recorded in the inspection report attached to the case file. However, this report does not clearly specify the crime, nor does it document the statements of any witnesses. Although the Prosecution noted that it entered the detainee's room and found several prisoners there, and further stated that it verbally questioned one of them who acknowledged knowledge of the incident, strangely, the Prosecution did not clarify this witness's testimony.

There are two conflicting narratives of the incident: the first aligns with the statements of the victim's mother, the victim himself during the investigation records, the testimonies of prosecution witnesses, and the forensic medical report, all of which confirm that the injury occurred as a result of the officer Sherif Safi Al-Din assaulting the victim. The second narrative corresponds to the convicted officer's claim that he did not assault the victim and that he was not present at the crime scene during the injury because it was his official day off—a claim relied upon by his defense during the trial. Consequently, the inspection report should have included the testimony of the witness whom the Prosecution verbally questioned, as indicated in the inspection record.

Additionally, the inspection report noted that the 15th May Prison detention rooms had plastic bags fixed to the walls containing food and some inmates' belongings. This observation suggests that the Public Prosecution considered the officer's version of events, as well as the coerced testimony recorded in the incident report, where the victim was forced to state that the injury occurred due to a falling plastic bag.

¹⁵ **Article 90 of the Criminal Procedures Law** states: "*The investigating judge shall move to any place whenever he deems it necessary to document the state of locations, objects, and individuals, the material existence of the crime, and all that is required to establish its circumstances.*"

¹⁶ Dr. Samah Gad, Explanation of the Criminal Procedures Law, p. 261.

Therefore, it was essential to clarify the testimony of the witness questioned by the Prosecution in the inspection record and provide detailed information about the incident to ensure the inspection fulfilled its purpose of collecting evidence and verifying the facts.

The same applies to the investigations conducted by the General Department of Criminal Investigations affiliated with the Ministry of Interior. Despite the importance of investigations as an evidence-gathering procedure aimed at identifying perpetrators of crimes and collecting relevant information, in accordance with Articles 21 and 24 of the Code of Criminal Procedure¹⁷, the investigation report attached to the case file, dated April 19, 2018, was also deficient. It lacked any information that could assist in uncovering the facts of the crime, as the investigation results stated that it was unable to determine how the injury occurred to the victim Monir Yousri, nor whether Officer Sherif Safi Al-Din had assaulted the victim.

Second: The Release of the Defendant Despite the Availability of One of the Grounds for Preventive Detention, Namely Influencing the Course of Investigations and Tampering with Evidence

After charging Officer Sherif Safi Al-Din with torturing the victim Monir Yousri, the Public Prosecution did not issue a decision for his preventive detention; instead, he was released and remained free pending investigation.

Article 134 of the Code of Criminal Procedure¹⁸ outlines the justifications for preventive detention, allowing an investigating judge to issue an order for preventive detention in four specific cases. One of these justifications, which applies to the present case, is the third scenario: *"Fear of harm to the investigation, whether by influencing the victim or witnesses, tampering with evidence or material clues, or making agreements with other perpetrators to alter the truth or obscure its features."*

Preventive detention, as an investigative measure, ensures the preservation of crime evidence from tampering or concealment, prevents influence or threats against witnesses, and avoids the possibility of the defendant committing further crimes to cover up their offense. Consequently, in

¹⁷ **Article 21 of the Criminal Procedures Law** states: *"The judicial police officer is responsible for investigating crimes, identifying their perpetrators, and collecting the necessary evidence for investigation and prosecution."*

Article 24 of the Criminal Procedures Law states: *"Judicial police officers must accept reports and complaints regarding crimes and immediately forward them to the Public Prosecution. They and their subordinates must gather all necessary clarifications and conduct the required inspections to facilitate the investigation of reported or otherwise discovered incidents. They must take all necessary precautionary measures to preserve evidence of the crime. All actions taken by judicial police officers must be recorded in official reports signed by them, indicating the time and place of the procedures. These reports must also include the signatures of witnesses and experts who were heard, along with any related documents and seized items, which must be forwarded to the Public Prosecution."*

¹⁸ **Article 134 of the Criminal Procedures Law No. 150 of 1950** states:

"The investigating judge may, after interrogating the accused or in the event of their escape, if the offense is a felony or a misdemeanor punishable by imprisonment for no less than one year and if there is sufficient evidence, issue an order for the pretrial detention of the accused if one of the following conditions or circumstances is met:

- 1. If the crime is caught in flagrante delicto, and the sentence must be executed immediately upon issuance.*
- 2. If there is a risk of the accused fleeing.*
- 3. If there is a risk of compromising the investigation, whether by influencing the victim or witnesses, tampering with evidence or material clues, or coordinating with other perpetrators to alter the truth or erase evidence.*
- 4. To prevent a severe breach of public security and order that might result from the gravity of the crime.*

Nevertheless, the accused may be held in pretrial detention if they do not have a fixed known residence in Egypt and if the crime is a felony or a misdemeanor punishable by imprisonment."

such cases, preventive detention becomes a mandatory decision that the investigative authority must issue to confidently proceed with the investigation until the case is referred to a criminal court with reliable evidence¹⁹.

This principle was affirmed in Article 381 of the Public Prosecution's Instructions, which states that *"Preventive detention is an investigative measure aimed at ensuring the integrity of the preliminary investigation by placing the defendant at the investigator's disposal, facilitating their questioning and confrontation whenever the investigation requires, and preventing them from escaping, tampering with case evidence, or influencing witnesses or threatening the victim. It also serves to protect the defendant from retaliation and calm public outrage due to the gravity of the crime."*

In the present case, the defendant serves as an officer at the 15th May Prison, where the victim Monir Yousri was serving his sentence, and where the crime occurred. This situation makes it easy for the defendant to obstruct the investigation, not only by influencing the victim but also by harming, intimidating, or retaliating against him and the witnesses. This could happen directly or through the defendant's colleagues and associates.

It would have been more appropriate and justifiable in this scenario to detain the defendant preventively, especially considering that preventive detention in Egypt has become the norm rather than an exceptional measure. It is often applied in cases less severe than the present one, such as opinion-related cases and politically motivated charges, where defendants remain in detention for years despite the lack of substantial justifications for preventive detention. In contrast, this case represents the true intent behind the preventive detention law: safeguarding investigations and ensuring the integrity of justice without interference or harm to the victim.

It is evident that Egypt's justice system consistently applies discriminatory standards between police officers and ordinary citizens, which constitutes a clear violation of the Constitution, which guarantees equality before the law. No group should receive preferential treatment, especially police officers, who are entrusted with upholding and enforcing the law and are expected to be the most aware of the consequences of criminal behavior. Without a doubt, torturing a detainee with a metal pipe, resulting in the loss of one of his eyes, is an act that the officer knew constitutes a criminal offense punishable by law.

It is also apparent from the recurring crimes of torture that the police force operates with systematic brutality against those they interact with, whether defendants or individuals who are unfortunate enough to deal with them. The Public Prosecution and judiciary must apply the law strictly without leniency in such cases to achieve general deterrence. However, police officers accused of such crimes often receive the minimum punishment, are not suspended from duty during their trials, and are not subjected to preventive detention. Their authority and influence inevitably obstruct investigations and disrupt the course of justice. This leniency serves as a green light for further violence and torture, sometimes culminating in the victim's death, making the authorities and justice system complicit in these crimes.

On the international level, regarding the necessity of preventive detention for perpetrators of torture, the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or

¹⁹ "Legislation and Pretrial Detention" – Ahmed Seif El-Islam Hamad, p.20.

Punishment stipulates in Article 6(1) that *"Upon being satisfied, after an examination of information available to it, that the circumstances so warrant, any State Party in whose territory a person alleged to have committed any offense referred to in Article 4 is present shall take them into custody or take other legal measures to ensure his presence²⁰. The custody and other legal measures shall be in accordance with the laws of that State but may be continued only for such time as is necessary to enable any criminal or extradition proceedings to be instituted."*

Furthermore, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power²¹ states in Article 6(d) that *"Measures should be taken to minimize inconvenience to victims, protect their privacy when necessary, and ensure their safety and that of their families and witnesses on their behalf from intimidation and retaliation."*

How the Decision of the Investigative Authority to Release the Defendant and Try Him While Free Negatively Impacted the Case

According to the case documents, specifically the defense statements made during the session held on Tuesday, March 5, 2019, the defense denied the occurrence of the incident and argued the absence of the material element of the crime that caused permanent disability to the victim, Monir Yousri. The defense also argued the absence of criminal intent, claiming that the defendant was not present at his workplace, the 15th May Prison, on the day of the incident — a claim contrary to the truth. Consequently, the defense denied the occurrence of the altercation between the defendant and the victim, as well as the subsequent torture. Furthermore, the defense pointed out that official documents from the 15th May Prison indicate that the defendant was officially on leave on the day of the crime and the following day.

The existence of such an official document, according to the defense's statements recorded in the case files, demonstrates how the defendant's release enabled him to exploit his influence as a prison officer and fabricate such a document to establish an alibi.

Additionally, despite the presence of eyewitnesses who testified about Officer Sherif Safi Al-Din's torture of the victim, the findings of the General Directorate of Criminal Investigations, as recorded in the report dated April 29, 2018, claimed that the investigation did not uncover how the victim was injured or whether Officer Sherif Safi Al-Din assaulted the victim.

Furthermore, the Prosecution's inspection report of the crime scene dated January 10, 2018, was devoid of any evidence condemning the officer. It did not even clarify whether the testimonies of the prisoners who witnessed the incident were officially recorded. For instance, the inspection report stated that one of the prisoners was questioned about the incident and affirmed knowledge of it, but the report failed to detail this testimony.

This oversight is particularly significant given the existence of two conflicting narratives: the first, supported by the victim's testimony, eyewitness accounts, and the forensic medical report, states

²⁰ **Article 4 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment** states: "1. Each State Party shall ensure that all acts of torture are offenses under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.
2. Each State Party shall make these offenses punishable by appropriate penalties which take into account their grave nature."

²¹ Adopted and proclaimed by United Nations General Assembly resolution 40/34 of 29 November 1985.

that the victim's injury resulted from severe physical assault by Officer Sherif Safi Al-Din. The second narrative, claimed by the officer and reinforced by the coerced incident report signed by the victim under duress, suggests that the injury occurred when a plastic bag fell on the victim's face while he was lying down.

Moreover, the inspection report itself noted that plastic bags containing prisoners' belongings were affixed to the walls of the detention room approximately one meter above the prisoners' bedding, indirectly lending credence to the officer's version of events.

Third: The Failure to Suspend the Accused Officer from Duty by the Ministry of Interior Despite His Referral by the Public Prosecution to the Criminal Court, and the Public Prosecutor's Failure to Exercise Their Authority to Refer the Officer to Disciplinary Court

From the time of the torture incident committed by the convicted officer Sherif Safi Al-Din on August 26, 2017, until the Cairo Criminal Court issued its verdict on March 5, 2019, and throughout the nearly three-year investigation period, Captain Sherif Safi Al-Din remained free and continued to perform his duties at the 15th May Prison, despite being accused of using excessive force and causing permanent disability to the victim, Monir Yousri.

According to the statements of lawyers from the Egyptian Commission for Rights and Freedoms, the convicted officer was never suspended from duty and continued to work regularly at the 15th May Prison, which violates the Police Authority Law and its executive regulations. These regulations mandate the suspension of officers under investigation for felonies or misdemeanors involving dishonor or breach of trust.

Article 52 of the Police Authority Law No. 109 of 1971 stipulates: *"The Minister, the Assistant Minister, or the Head of the Department, each within their jurisdiction, may suspend officers from duty if it is deemed necessary for the interest of the investigation. Officers holding the rank of Major General or above may only be suspended by a decision from the Minister or Assistant Minister. The suspension period may not exceed one month, except in cases where the officer is accused of a felony or a misdemeanor involving dishonor or breach of trust. In such cases, the suspension period may not exceed three months and may only be extended by a decision from the Disciplinary Council for a specified period. Suspension results in halting half of the officer's salary starting from the date of suspension. The matter must be referred to the Disciplinary Council to decide whether the withheld salary should continue or be reinstated. If this referral does not occur within ten days of the suspension, the full salary must be paid until the Council makes its decision. The Council must issue its decision within twenty days of receiving the matter. If the officer is acquitted, if the investigation is closed, or if they are punished with a warning or a salary deduction not exceeding five days, the withheld salary must be reimbursed. If a harsher penalty is imposed, the authority that issued the punishment will decide on the withheld salary. The officer must return to duty immediately after the suspension period ends."*

Additionally, Article 53 of the same law specifies that an officer under preventive detention or sentenced to imprisonment by a criminal court is considered suspended from duty by law²². However, in the present case, despite charging Captain Sherif Safi Al-Din with using excessive force and causing permanent disability to the victim, the Public Prosecution did not order his preventive detention.

Furthermore, the law grants the Public Prosecutor authority over all law enforcement officers²³, including prison officers, and empowers him to request from the relevant authority — in this case, the Ministry of Interior — to refer any officer who violates their duties or falls short in their responsibilities to disciplinary court.

Article 22 of the Code of Criminal Procedure states: *"Law enforcement officers are subordinate to the Public Prosecutor and subject to his supervision regarding their job duties. The Public Prosecutor may request the relevant authority to review the conduct of any officer who violates their duties or falls short in their responsibilities. He may also request that disciplinary proceedings be initiated against them. This does not preclude criminal prosecution."*

However, the Public Prosecution failed to enforce this provision and neglected to exercise its authority. This inaction almost undermined the victim's rights and allowed the officer to escape accountability.

²² **Article 53 of the Police Authority Law No. 109 of 1971** states: *"Any officer who is held in pretrial detention or in execution of a criminal sentence shall be suspended by law from their work for the duration of their imprisonment. Half of their salary shall be withheld in the case of pretrial detention or execution of a non-final criminal sentence. They shall be deprived of their full salary in the event of imprisonment in execution of a final criminal sentence. Upon their return to work, their case shall be referred to the competent Assistant Minister to decide on the officer's disciplinary responsibility. If it is determined that the officer bears no responsibility, the withheld salary shall be paid retroactively. However, if disciplinary responsibility is established, the authority imposing the disciplinary penalty shall decide on the withheld salary."*

²³ **Article 23 of the Criminal Procedure Code** defines Judicial Officers, stating:

(a) Within their jurisdictions, the following are considered Judicial Officers:

- 1. Members of the Public Prosecution and their assistants.*
- 2. Police officers, police sergeants, constables, and assistants.*
- 3. Police station chiefs.*
- 4. Village mayors and sheikhs of guards.*
- 5. Superintendents and deputies of government railway stations.*

Provincial Security Directors and inspectors of the General Inspection Department at the Ministry of Interior may perform the duties of Judicial Officers within their jurisdictions.

(b) The following are considered Judicial Officers across the entire country:

- 1. The Director and Officers of the General Intelligence Administration at the Ministry of Interior and its branches in Security Directorates.*
- 2. Directors of departments and sections, heads of offices, inspectors, officers, police sergeants, constables, assistants, and police researchers working in the General Security Directorate and in Criminal Investigation Divisions within Security Directorates.*
- 3. Officers of the Prison Authority.*
- 4. The Director-General of Railway Police and Transportation Security, and the officers of this administration.*
- 5. The Commander and Officers of Police Camel Corps.*
- 6. Inspectors of the Ministry of Tourism.*

A decree may be issued by the Minister of Justice in agreement with the competent minister to grant certain employees the status of Judicial Officers concerning crimes committed within their jurisdiction and related to their official duties.

The provisions contained in other laws, decrees, and regulations regarding the granting of some employees the capacity of Judicial Officers shall be considered as decisions issued by the Minister of Justice in agreement with the competent minister.

Had it not been for the persistence of the victim's mother, who filed multiple complaints with the Prison Authority and the Public Prosecutor and relentlessly insisted on securing her son's rights, the case might not have been taken seriously or properly investigated.

Fourth: The Public Prosecution's Exclusion of the Charge of Torture Against the Accused Under Article 126 of the Penal Code, Relying on the Legislative Deficiency of the Article

Although the complaint filed by Mrs. Atiyat Abdullah, the mother of the victim, with the assistance of lawyers from the Egyptian Commission for Rights and Freedoms, led to the referral of Officer Sherif Safi Al-Din to investigation and subsequently to trial, the Public Prosecution excluded the charge of torture under Article 126 of the Penal Code and instead charged him under Article 129 concerning the use of cruelty, despite the fact that what the accused did constitutes clear torture. Striking the victim with an iron pipe across his body and then directly targeting his eye, resulting in the explosion of his left eye and subsequent loss of vision, is an act of greater severity than the crime of using cruelty. Naturally, the punishment prescribed for torture is more appropriate for such a crime.

The root cause of this inconsistency lies in the Penal Code itself, which establishes specific criteria for the crime of torture, limiting its application to cases where the accused had the criminal intent to extract a confession from the victim. Consequently, any act outside this specific intent, even if it results in the victim's death, is legally considered mere use of cruelty. This distinction has been widely condemned by legal professionals and human rights organizations, as maintaining this narrow legal definition serves as a loophole for perpetrators to evade the prescribed punishment for torture and effectively provides state-sanctioned impunity for such crimes, both within detention facilities and beyond.

Article 126 of the Penal Code states: *"Any public official or servant who orders or engages in the torture of an accused person to force a confession shall be punished with rigorous imprisonment or imprisonment ranging from three to ten years. If the victim dies, the punishment prescribed for deliberate murder shall be applied."*

This means that the requirement of obtaining a confession from the victim constitutes the material and moral elements of the crime of torture. Only then does the punishment escalate to rigorous imprisonment or imprisonment ranging from three to ten years, or even the death penalty if the victim dies as a result of torture.

This narrow interpretation of Article 126 contradicts the broader international definition of torture outlined in Article 1 of the "Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment", which states: *"For the purposes of this Convention, the term 'torture' means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with*

the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in, or incidental to lawful sanctions."

Thus, the convention encompasses many cases that fall within the scope of the crime of torture, not limited solely to extracting confessions, but also covering all types of violations and practices committed by law enforcement officers against victims for purposes of intimidation, coercion, incitement, or any act intended to inflict physical or psychological harm on the victim. This broader definition aligns with the current practices of public officials in Egypt, and it must be incorporated into national legislation if there is a genuine political will to curb systematic and deliberate violations and torture committed by police officers against Egyptians.

It is worth noting that Egypt acceded to and approved the "Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" by Presidential Decree No. 154 of 1986, issued on April 6, 1986, and published in the Official Gazette on January 7, 1988.

The third provision of the "Code of Conduct for Law Enforcement Officials" stipulates: "Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty."

It is also worth mentioning that most Arab countries have followed Egypt's approach regarding the legal text of the crime of torture, its material and moral elements, and the penalty prescribed for the perpetrator, except for a few countries such as Tunisia and Bahrain, which amended their legal definitions to align with the global definition of torture, especially following political protests and revolutions during 2011.

For example, in Bahrain, Article 208 of Decree-Law No. 15 of 1976 concerning the issuance of the Penal Code was amended on October 11, 2012²⁴.

In Tunisia, a dedicated section for the crime of torture was established under the heading "Exceeding the Limits of Authority and Failing to Fulfill Public Service Duties." Article 101 of the Tunisian Penal Code stipulates: "Torture refers to any act that intentionally inflicts severe physical or mental pain or suffering on a person to obtain information or a confession from them or another person, to punish them for an act they or another person have committed or are suspected of having committed, or to intimidate or coerce them or any other person. Torture also includes causing pain, suffering, intimidation, or coercion for reasons based on racial discrimination. A public official or any equivalent person who orders, incites, approves, or remains silent about torture during or in connection with the performance of their duties is considered a torturer. Pain resulting solely from, inherent in, or incidental to lawful sanctions does not constitute torture."

²⁴ **Article 208 of the Bahraini Penal Code** (as amended) states: "*Any public official or person entrusted with a public service who intentionally inflicts severe pain or suffering, whether physical or mental, on a person under their custody or control for the purpose of obtaining from them or another person information or a confession, punishing them for an act they or another person have committed or are suspected of having committed, intimidating or coercing them or another person, or for any reason based on discrimination of any kind, shall be punished with imprisonment. Any public official or person entrusted with a public service who threatens a person under their custody or control with any of the acts stated in the first paragraph of this article, or if such acts are committed by another party at their instigation, with their consent, or with their approval, shall also be punished with imprisonment. The punishment shall be life imprisonment if the torture results in the death of the victim. This article does not apply to cases of pain or suffering arising from, inherent in, or incidental to lawful procedures or penalties. The statute of limitations does not apply to the crimes of torture stipulated in this article.*"

Additionally, Article 103 states: "A public official or any equivalent person who unlawfully violates another's personal freedom or directly or indirectly engages in ill-treatment of an accused person, witness, or expert to extract a confession or testimony shall be punished with imprisonment for five years and a fine of five thousand dinars. If only threats of ill-treatment were made, the punishment is reduced to six months."

It is undeniable that numerous international treaties and conventions emphasize the protection of detainees and prisoners from torture, most notably the "International Covenant on Civil and Political Rights," which Egypt ratified under Presidential Decree No. 536 of 1981, issued on October 1, 1981, and published in the Official Gazette on April 15, 1982. This ratification imposes an international obligation on Egypt to adhere to its provisions, as affirmed by the Constitution and stipulated in Article 93²⁵, which states that treaties and conventions ratified by Egypt shall have the force of law and be treated as national legislation.

Article 7 of the International Covenant on Civil and Political Rights states that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation."

Similarly, Article 5 of the Universal Declaration of Human Rights, adopted by the United Nations General Assembly on December 10, 1948, states that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." Furthermore, Article 12 states that "No one shall be subjected to arbitrary interference with his privacy, family, home, or correspondence... Everyone has the right to the protection of the law against such interference or attacks."

Additionally, Article 8 of the Arab Charter on Human Rights, adopted by the 16th Arab Summit on May 23, 2004, states: "1- No person shall be subjected to physical or psychological torture or to cruel, degrading, humiliating, or inhuman treatment. 2- Every State Party shall protect every individual under its jurisdiction from such practices, shall take effective measures to prevent them, and shall consider such acts or participation in them as crimes that do not fall under the statute of limitations. Each State Party shall also ensure in its legal system redress for victims of torture and their right to rehabilitation and compensation."

Furthermore, the Nelson Mandela Rules (United Nations Standard Minimum Rules for the Treatment of Prisoners) emphasize in Rule 1 that "All prisoners shall be treated with the respect due to their inherent dignity and value as human beings. No prisoner shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment, and all prisoners shall be protected from such practices. No circumstances whatsoever may be invoked as a justification for torture or other cruel, inhuman, or degrading treatment or punishment. The safety and security of prisoners, staff, service providers, and visitors shall be ensured at all times."

It is also noteworthy that Amnesty International, in its 2021/22 annual report, which monitors human rights violations worldwide, stated the following regarding the Egyptian situation under the section on torture and other ill-treatment:

²⁵ **Article 93 of the Constitution states:** *"The state is committed to the international agreements, covenants, and conventions on human rights that Egypt ratifies, and they acquire the force of law after being published in accordance with the established procedures."*

"Security forces subjected detainees to torture and other ill-treatment, including beatings, electric shocks, suspension in painful positions, and indefinite solitary confinement under inhumane conditions. At least 56 detainees died in custody due to medical complications, and four others died following reports of torture. Authorities failed to investigate the causes and circumstances of these deaths. In March, the Public Prosecution failed to investigate allegations regarding the death of Mohamed Abdel Aziz, who reportedly died after being beaten by a police officer at his workplace in Shibin Al-Qanater, Qalyubia Governorate."

"Prison and detention center conditions remained harsh and inhumane, with prisoners reporting overcrowding, poor ventilation, lack of hygiene, insufficient access to sanitation facilities, adequate food, clean drinking water, fresh air, and exercise. Authorities continued to restrict or ban family visits and correspondence and deprived prisoners of adequate healthcare, in some cases deliberately, seemingly as punishment for their opposition."

It is evident from this and from the cases cited by Amnesty International in its report on torture that torture in Egypt is systematic and occurs openly under the watchful eye of the authorities, who seem unwilling to stop it. This perpetuates an environment of fear and intimidation across all sectors of Egyptian society, silencing dissent and suffocating public space.

Fifth: The Public Prosecution's Failure to Initiate Criminal Proceedings in Other Crimes Linked to the Torture Crime, Such as Covering Up the Crime by the Accused's Superiors and Administratively Responsible for the 15th of May Prison

According to the facts of the case, the accused struck the victim in his left eye, causing it to explode and resulting in permanent loss of vision. Despite this grave incident, no action was taken by the administration of the 15th of May Prison. The officer was neither referred for disciplinary action nor was the prosecution notified, and the victim was not examined by the prison doctor until two days after the incident, according to the accused's own testimony recorded in the investigation conducted by the Public Prosecution on December 17, 2017. How could such a serious crime, resulting in severe injury to the victim, occur without the knowledge of the officer's superiors or those responsible for the prison administration? Moreover, as previously detailed in the case facts, the victim was not transferred to a hospital for treatment until he was coerced into signing a report under duress, falsely stating that his injury was caused by a plastic bag falling on his face. This report was later used by the defense of the accused officer to refute the charges against him.

The Public Prosecution should have investigated this crime thoroughly and identified individuals who assisted Officer Sherif Safi El-Din or covered up for him. If the victim's mother had not persistently filed multiple complaints to the prosecution, this crime would never have reached the courts.

The Penal Code has clear provisions to deter such behavior and imposes penalties on anyone who aids a criminal or facilitates their escape from justice. Article 145 of the Penal Code states: "Anyone who learns of a felony or misdemeanor, or has reason to believe one has occurred, and assists the perpetrator in escaping justice in any way—whether by sheltering them, concealing evidence of the

crime, or providing false information about the crime knowing it to be untrue—shall be punished according to the following provisions:

- If the crime is punishable by death, the penalty shall be imprisonment for no more than two years.
- If the crime is punishable by life imprisonment or rigorous imprisonment, the penalty shall be imprisonment for no more than one year.

In all other cases, the penalty shall be imprisonment for no more than six months. In any case, the penalty shall not exceed the maximum penalty for the crime itself.

These provisions do not apply to the spouse, ascendants, or descendants of the perpetrator."

Additionally, Article 26 of the Code of Criminal Procedure states: *"Any public official or public servant who becomes aware of a crime during or because of their duties, where the Public Prosecution has the authority to initiate proceedings without a complaint, must immediately report it to the Public Prosecution or the nearest judicial officer."*

Furthermore, the Prisons Organization Law mandates immediate notification of the Public Prosecution in the event of death or serious injury to any prisoner, or if any assault occurs either by or against a prisoner, as stipulated in Article 78²⁶.

Accordingly, the Public Prosecution should have directed charges against the officer's superiors who concealed the crime from the prosecution. Even more egregious was their role in coercing the victim into signing the fabricated incident report from the 15th of May Prison, as previously mentioned. All these actions constitute crimes closely linked to the primary offense of torture.

The Public Prosecution should have at the very least, addressed the Attorney General to urge the Ministry of Interior to refer all those who participated in covering up the officer's crime to disciplinary prosecution under Article 22 of the Code of Criminal Procedure²⁷. This would have served as a general deterrent, provided there was genuine intent to stop this recurring crime, which daily affects numerous detainees—whether held in pretrial detention or serving sentences—often resulting in the death of torture victims at the hands of police officers.

²⁶ **Article 78 of the Prison Regulation Law states:**

"The director of the correction and rehabilitation center must immediately notify the Public Prosecution and the competent authorities in the event of the sudden death of any prisoner, death resulting from an accident, severe injury, or escape, as well as any felony committed by or against prisoners. He must also notify the Public Prosecution of misdemeanors committed by or against prisoners if they are serious or if the circumstances of the accused make disciplinary punishment insufficient."

²⁷ **Article 22 of the Criminal Procedure Law states:**

"Judicial officers are subordinate to the Public Prosecutor and are subject to his supervision regarding their job duties. The Public Prosecutor may request the competent authority to review the matter of anyone who breaches their duties or shows negligence in their work. He may also request that disciplinary action be taken against them, and this does not preclude the initiation of criminal proceedings."

Section Two: The Trial Phase

The Public Prosecution referred the case to the Cairo Criminal Court on January 5, 2019, under Case No. 657 of 2019, Helwan Felonies. The referral order included the following charges against the convicted officer Sherif Safi El-Din:

1. He inflicted an injury on the victim, Monir Yousri, by striking him with a tool (a metal pipe), delivering a blow to his left eye, causing the injury described in the forensic medical report. This injury resulted in a permanent disability characterized by the loss of useful vision in the left eye, estimated at 35%, as detailed in the investigations (Article 240/1 of the Penal Code)²⁸.
2. He exercised cruelty against the victim, Monir Yousri, relying on the authority of his position by assaulting him and causing the injuries described in the attached forensic medical report (Article 129 of the Penal Code)²⁹.
3. He possessed a tool, specifically a "metal pipe," without legal justification or necessity arising from professional or occupational duty, as detailed in the investigations (Articles 1/1, 25 bis/1, item 7 of the annexed table 1 of the Arms and Ammunition Law No. 394 of 1954)³⁰.

A court session was scheduled for March 5, 2019, which turned out to be the only session held during the trial. During the same session, the court issued its verdict:

"After reviewing the aforementioned legal provisions, the court ruled, in absentia through legal representation, to sentence Sherif Safi El-Din Abdel Monem Abu Zeid to six months of imprisonment with hard labor and obligated him to pay the legal expenses."

There are several observations that must be addressed in this report to assess how the judiciary in Egypt deals with such crimes, especially given that this verdict shares many similarities in

²⁸ **Article 240 of the Penal Code states:** *"Whoever causes an injury or wound to another person, resulting in the amputation or separation of a limb, loss of its function, loss of sight, loss of one eye, or any permanent disability that is incurable, shall be punished by imprisonment for three to five years. If the injury or wound was caused with premeditation, ambush, or stalking, the punishment shall be rigorous imprisonment for three to ten years. The maximum penalties are doubled if the crime was committed for a terrorist purpose."*

²⁹ **Article 129 of the Penal Code states:** *"Any public servant, public employee, or person assigned to public service who uses cruelty against people, relying on his position, in a way that harms their dignity or causes them bodily pain, shall be punished with imprisonment for a period not exceeding one year or with a fine not exceeding two hundred Egyptian pounds."*

³⁰ **Article 1/1 of the Arms and Ammunition Law states:**

"It is prohibited, without a license from the Minister of Interior or his delegate, to possess or carry the firearms specified in Schedule No. 2 and Section One of Schedule No. 3, as well as the bladed weapons specified in Schedule No. 1 attached to the law."

Article 25 bis (1) of the same law states:

"Anyone who possesses or carries, without a license, any of the bladed weapons specified in Schedule No. (1) shall be punished with imprisonment for a period not less than three months and a fine not less than five hundred pounds and not exceeding five thousand pounds."

Item 1, Clause 7 of Schedule 1 attached to the law states:

"Bladed weapons include cleavers, chains, daggers, cutters (katras), blades, personal deterrents, stun batons, nunchucks, and any other tool used for assaulting individuals without a legal justification or a professional or occupational necessity for carrying, possessing, or owning them."

reasoning and outcome with other torture cases involving police personnel. In some of these cases, the victims suffered permanent disabilities, while in others, the victims lost their lives due to torture.

In the following section, we will outline these observations to shed light on the judicial approach to torture cases in which police officers are defendants.

First: The Court's Failure to Exercise Its Authority to Amend the Record and Description Provided by the Public Prosecution and Address the Crime of Obstructing Justice Committed by the Officer and His Superiors to Escape the Torture Charge

A- The Code of Criminal Procedure regulates the powers granted to criminal courts in their pursuit of uncovering the truth about the facts of a case, prosecuting the accused, and verifying the charges brought against them. One of the most significant of these powers is the court's authority not to be bound by the legal description of the act attributed to the accused as provided by the Public Prosecution. The court has the authority to amend the charges, even if they were not included in the referral order, as stipulated in Article 308 of the Code of Criminal Procedure³¹.

Accordingly, we believe that the court could have convicted the defendant under Article 126 of the Penal Code, which specifically addresses torture by a public official, instead of Article 129, which pertains to the use of excessive force. The crime of torture better reflects the gravity of the offense committed against the victim and provides a more appropriate legal framework for addressing the crime. Additionally, the penalty for torture under Article 126 is significantly more severe and proportionate to the gravity of the crime.

Despite the legislative restriction imposed by Article 126, which requires specific intent for the crime of torture to involve coercing the victim into confessing, the court could have adopted a broader interpretation. This would have been consistent with precedents set by the Court of Cassation, which has expanded the definition of an "accused" beyond the investigation stage to include the phase of searching for crimes and gathering evidence necessary for prosecution.

For instance, in previous rulings, the Court of Cassation affirmed that: *"It is established that the accused, as defined under the first paragraph of Article 126 of the Penal Code, refers to anyone against whom an accusation of committing a specific crime has been made, even if this occurs during the preliminary investigation phase conducted by judicial officers when gathering evidence necessary for prosecution. This is in line with Articles 21 and 29 of the Code of Criminal Procedure. If suspicion arises that someone played a role in committing the crime being investigated, there is*

³¹ **Article 308 of the Criminal Procedure Law states:** *"The court may change, in its ruling, the legal description of the act attributed to the accused. It may also amend the charge by adding aggravating circumstances that are established through investigation or during the hearing, even if they were not mentioned in the referral order or the summons. It may also correct any material error or oversight in the phrasing of the charge from the referral order or the summons. The court must notify the accused of this change and grant them time to prepare their defense based on the new description or amendment if they request it."*

no barrier to holding them accountable under Article 126 of the Penal Code if they engage in torture to extract a confession from the accused, regardless of their motives."

The ruling further emphasized that: *"There is no distinction between what an accused person states in an investigation report conducted by an investigative authority and what they state in an evidence-gathering report. The criminal judge is not restricted by any specific type of evidence and has absolute freedom to derive their conviction from any source they deem credible in the case. It is inappropriate to argue that the legislator intended to protect a specific type of confession, as this would constitute an unwarranted restriction of the text's scope and would not align with its broader application"*³².

B) The law also grants the Criminal Court the authority to include defendants not originally named in the case if felonies or misdemeanors related to the presented charge are evident, and therefore the court has the right to initiate criminal proceedings against them and refer them to the Public Prosecution for investigation and taking an action, as stipulated in Article 11 of the Code of Criminal Procedure³³.

It is evident from the documents of the present case that the public officials of the 15th of May Prison, as well as the superiors of the officer accused of the crime of torture or, as described by the Public Prosecution, the use of excessive force, violated the law—particularly Article 25 of the Code of Criminal Procedure, which mandates that public officials must report any crime they become aware of in their workplace to the Public Prosecution. They also violated Article 145 of the Penal Code, which prescribes punishment for those who conceal a defendant or assist them in evading justice. They did not report the crime to the Public Prosecution and instead covered up for the accused, which constitutes a crime for which the law has prescribed deterrent penalties. These crimes are directly linked to the crime being examined by the court. Furthermore, they resulted in falsification and distortion of facts in an attempt to obstruct justice and present false documents, which the defense of the convicted officer relied upon to deny his client's involvement in the crime, which include:

1. The Leave Log of Officers at the 15th of May Prison, which the defense of the accused officer, Sherif Safi Al-Din, cited to claim that the officer was officially on leave on August 26, 2017, the date on which the crime occurred, and on the following day.

³² The Court of Cassation Ruling – Appeal No. 36562 of Judicial Year 73, dated February 17, 2004.

³³ **Article 11 of the Criminal Procedure Code states:** *"If the Criminal Court, in a case brought before it, finds that there are defendants other than those against whom the case was originally filed, or if there are facts other than those attributed to them, or if there is a felony or misdemeanor related to the charge presented to it, the court has the authority to initiate proceedings against those individuals or regarding these facts and refer them to the Public Prosecution for investigation and action in accordance with Chapter Four of Book One of this law. The court may appoint one of its members to carry out the investigation procedures, and in this case, all provisions related to the investigating judge shall apply to the appointed member.*

If the investigation concludes with a decision to refer the case to court, it must be referred to another court, and none of the judges who decided to initiate the proceedings may participate in the ruling.

If the court has not ruled on the original case and it is inseparably linked to the new case, the entire matter must be referred to another court."

2. The Daily Log of the 15th of May Prison, which the victim was coerced into signing under duress. This document falsely states that the injury was caused by a plastic bag falling on the victim's face. This fabricated record was also relied upon by the defense to exonerate the accused officer.

Therefore, the complicity of public officials from the 15th of May Prison in concealing the accused officer and obstructing justice is conclusively established through official documents held at the 15th of May Prison. These documents were explicitly referenced by the defense during the court session on March 5, 2019.

Secondly: Application of the Minimum Penalty and the Use of Judicial Leniency as Provided by the Penal Code

Among the powers granted by the Penal Code to the criminal judiciary is the ability to reduce the penalty imposed on the accused, known as the application of judicial leniency. This power is left to the court's discretion to consider certain circumstances that may warrant leniency based on the situation of the accused. This is explicitly stipulated in Article 17 of the Penal Code, which states:

"In felonies, if the circumstances of the crime for which public prosecution was initiated require judicial leniency, judges may reduce the sentence as follows:

The death penalty may be replaced with life imprisonment or rigorous imprisonment.

Life imprisonment may be replaced with rigorous imprisonment or imprisonment.

Rigorous imprisonment may be replaced with imprisonment or detention for a term not less than six months.

Imprisonment may be replaced with detention for a term not less than three months."

The penalty stipulated in the Penal Code for the crime of excessive use of force is imprisonment for no more than one year and a fine not exceeding two hundred pounds. Additionally, the penalty for causing permanent disability is imprisonment ranging from three to five years. Since the crimes are indivisibly linked, the law requires the imposition of the more severe penalty, which in this case is the penalty for causing permanent disability, according to Article 32 of the Penal Code. However, the court, exercising its right to apply judicial leniency, sentenced the accused to six months' imprisonment and obligated him to pay the criminal expenses.

It is evident that the Egyptian judiciary frequently resorts to leniency in cases of this nature, which often provokes significant public dissatisfaction. The public perceives these lenient sentences as failing to achieve general deterrence, particularly given the increasing number of individuals subjected daily to torture and abuse by police officers—not only in detention centers but also across public spaces throughout Egypt.

The Egyptian judiciary often resorts to leniency in sentencing for this type of crime, a practice that generates significant public outrage. The general sentiment is that such lenient rulings fail to achieve general deterrence, especially given the rising number of individuals subjected daily to torture and abuse by police officers, not only in detention centers but also across the streets and regions of Egypt. Consequently, there are persistent demands, particularly from human rights

organizations and public interest advocates, for harsher and more stringent sentences in such cases. This call is especially relevant given that the law imposes several conditions that make bringing such cases before the courts rare and infrequent.

It is also essential to consider that the crime of torture is often accompanied by other crimes—as in the present case—such as causing permanent disability and, in many cases, death. Therefore, to ensure general deterrence, judicial rulings in such cases must be severe, if only to maintain public confidence in the judiciary, whose verdicts are issued in the name of the people.

Examples of the Egyptian Courts' Approach to Leniency in Cases of Torture Committed by Police Personnel

As previously mentioned, the Egyptian judiciary frequently exercises its discretionary power to apply judicial leniency in cases of torture crimes committed by police personnel against citizens, whether they are detainees or not. In the following lines, we will highlight some examples of other cases that resulted in lenient sentences for police

1- The Case of Torturing Mohamed Abdel Hakim, Known as "Afroto"

The events of Case No. 507 of 2018, Al-Moqattam Felony Court, can be summarized that on January 15, 2018, within the jurisdiction of Al-Moqattam Police Station, citizen Mohamed Abdel Hakim was stopped by two police officers under the pretext that he was suspected of carrying narcotic substances. They proceeded to beat and torture him until he died.

The defendants justified their actions by claiming that the victim was attempting to escape, which prompted them to detain him at Al-Moqattam Police Station and subsequently torture him, leading to his death.

On the other hand, some of the victim's friends stated that the incident was unrelated to drug possession. Instead, they asserted that the torture resulted from a verbal altercation between the victim and one of the defendants while they were passing him on the street. This angered the police officers, leading them to violently assault him until he succumbed to his injuries.

The Public Prosecution referred the case to court, charging the assistant detective officer of Al-Moqattam Police Station and a police sergeant with assault leading to death while excluding the charge of torture due to the legislative shortcomings in Article 126 of the Penal Code, which restricts the crime of torture to acts committed with the intention of extracting a confession from the victim. Additionally, the prosecution excluded the charge of unlawful arrest and detention.

The court issued its verdict sentencing Lieutenant Mohamed Said Abdel Halim, the assistant detective officer of Al-Moqattam Police Station, to three years in prison, and Sergeant Mohamed Ahmed Mohamed Salem to six months in prison for assault leading to death, while excluding the charge of unlawful arrest and detention³⁴.

³⁴ For more information about the case of Mohamed Abdel Hakim, known as *Afroto*, see:

<https://cutt.us/Sk4X6>

<https://cutt.us/FqbTJ>

2- The Case of Torturing Hussein Farghaly Hassan Farghaly to Death

The events of Case No. 4126 of 2016, concerning the torture of citizen Hussein Farghaly Hassan leading to his death, can be summarized that on May 20, 2016, several police officers brutally assaulted the victim, Hussein Farghaly Hassan, resulting in his death.

They delivered violent blows with their hands, feet, and blunt instruments, including batons and the butt of a pistol, in full view of bystanders in the Al-Waily Police District. They also assaulted the victim's wife and son during the incident.

The Public Prosecution referred the case to court, charging nine police officers with assault leading to death, excessive use of force under the authority of their position, and illegal possession of an unlicensed firearm by one of the accused police sergeants.

The court issued its verdict, sentencing one police officer and eight police sergeants from Al-Waily Police Station to three years in prison for assault leading to the death of the victim, Hussein Farghaly Hassan³⁵.

Third: The Defendant Benefiting from the Legislative Amendment to the Criminal Procedures Law Regarding the Non-Obligatory Presence of the Defendant and the Possibility of Attendance by Power Attorney

The convicted officer, Sherif Safi El-Din, did not attend his trial session before the Criminal Court in person. Naturally, he did not hear the verdict being pronounced directly but was instead represented by his legal proxy under a special power of attorney.

This would not have been acceptable before the legislative amendment to Article 384 of the Criminal Procedures Law under Law No. 11 of 2017, as previously, the defendant's attendance at their trial sessions was mandatory before the Criminal Court, and failure to attend would have resulted in the verdict being issued in absentia.

Since the Public Prosecution did not order the pretrial detention of the convicted officer, and he remained free throughout the investigation period, which lasted nearly three years, after the verdict sentencing him to six months in prison was issued, he did not turn himself in to the Public Prosecution to execute the judgment issued against him.

Instead, he filed an appeal before the Court of Cassation under Appeal No. 10360 of 89 Judicial Year, without serving his sentence first. This contradicts the Law on Procedures and Cases of Appeal before the Court of Cassation, which requires, for the acceptance of the appeal, that the convicted individual executes the sentence before the day of the session. Only then can the court consider the appeal on its merits.

³⁵ For more information regarding the case of citizen Hussein Farghaly's torture, see:
<https://cutt.us/MqlOk>
<https://cutt.us/jo0AQ>

This requirement is outlined in Article 41 of the same law, which states: *"The appeal filed by a defendant sentenced to a custodial penalty or a restrictive measure shall be forfeited if the defendant does not present themselves for execution before the session day unless the court, when considering the appeal, decides to suspend the execution until the verdict is rendered or orders their release on bail or otherwise. The court may also order any measures it deems necessary to prevent the appellant from escaping."*

Before the legislative amendment to Article 384 of the Criminal Procedures Law under Law No. 11 of 2017³⁶, it was not possible for a defendant not to attend their trial in person before the Criminal Court for the verdict to be considered in attendance.

While the amendment may streamline judicial procedures and enhance the efficiency of the justice system, it permits the defendant to attend through their legal representative in felony cases, while this is not permitted in misdemeanor cases punishable by imprisonment under Article 237 of the Criminal Procedures Law³⁷.

This discrepancy creates a legal inconsistency, as it places defendants in felony cases in a more favorable legal position than those in misdemeanor cases, despite the greater criminal gravity of felonies. This inconsistency has sparked widespread criticism of the legislative amendment.

It is worth noting that the opinion memorandum of the Public Prosecution of the Court of Cassation regarding the appeal filed by the convicted officer's legal representative recommended in the first point of its conclusion that the appeal should be forfeited if the convicted officer does not present himself for execution before the scheduled session, considering him to be a fugitive from justice, which directly violates the Law on Cases and Procedures of Appeal before the Court of Cassation.

In the second point, if the court does not rule to forfeit the appeal, the memorandum recommended either accepting the appeal and overturning the contested ruling or rejecting it on the merits, as detailed in the memorandum's body.

Conclusion

This report demonstrates how torture in Egypt, whether inside detention facilities or outside, occurs with the blessing of the authorities, who show no intention of ending it. It is used as a

³⁶ **Article 384 of the Code of Criminal Procedure** after the legislative amendment introduced by **Law No. 11 of 2017** states: *"If an order is issued referring an accused person in a felony case to the Criminal Court, and neither the accused nor their legal representative attends on the day of the session after being lawfully notified of the referral order and the summons, the court may issue a judgment in their absence. The court may also adjourn the case and order the re-summoning of the accused. Without prejudice to the court's authority stipulated in Article (380) of this law, the judgment shall be considered attended if the accused or their legal representative is present in the session."*

³⁷ **Article 237 of the Code of Criminal Procedure** states: *"In a misdemeanor punishable by imprisonment, where the law requires the sentence to be executed immediately upon issuance, the accused must attend in person. If the accused, present in such a misdemeanor case, does not have a lawyer, the court must appoint a lawyer to defend them. In other misdemeanors and violations, the accused may delegate an agent to present their defense, without prejudice to the court's right to order their personal attendance."*

means to silence dissent, suffocate public space, and hollow out political life in Egypt. This complicity is reflected in the performance of the legislative authority, which currently has no intention of introducing strict legislative amendments to stop the ongoing cycle of torture and repeated violations. It is also reflected in the behavior of the security apparatus, which continues its brutality and blatant hostility towards citizens, particularly those who oppose the regime's policies.

This situation has a negative impact on the performance of the justice system, represented by the Public Prosecution and the judiciary, which are often shackled by inadequate laws, or paralyzed by inaction and complacency, issuing decisions and judgments that at times appear designed to appease the authorities.

If there is ever a sincere intention on the part of the authorities to end the ongoing scourge of torture, which continues to devastate large segments of the population, it can only be achieved through comprehensive legislative amendments to the Penal Code aimed at addressing loopholes and deficiencies that allow perpetrators to escape accountability. In addition, there must be an establishment of a special investigative committee dedicated exclusively to investigating torture crimes and prosecuting perpetrators. This committee must operate independently to prevent practices and procedures that enable criminals to evade punishment.

Torture crimes often reach the judiciary through complaints filed by victims' families with the Public Prosecution, typically filed in the same jurisdiction where the crime occurred, which is often the same area where the accused officer operates. In practical terms, this creates a network of shared interests and personal relationships between security personnel and members of the Public Prosecution.

These dynamics frequently undermine the neutrality and integrity of investigations and place victims—already the weakest party in this equation—in an even more vulnerable position. Victims are often subjected to intimidation and retaliation, deterring them from filing formal complaints about such violations.

Recommendations

Believing that the cycle of violence and torture must eventually come to an end, we present the following recommendations to decision-makers in Egypt, as well as to the legislative and judicial authorities.

The Legislative Authority:

1. Enact a specific law to combat the crime of torture and other forms of inhumane or cruel treatment, ensuring accountability for perpetrators among public officials. This law should include provisions offering the maximum level of protection for whistleblowers and witnesses involved in reporting such crimes.
2. Amend Article 126 of the Penal Code to align with Egypt's international obligations and expand the definition of torture to encompass any act resulting in physical or mental suffering, inflicted by public officials not only for the purpose of extracting confessions but

also for intimidation, punishment, or any other reason. This would bring the national legislation in line with the definition provided in the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The Judicial Authority:

1. Establish a specialized investigative body to handle crimes committed inside detention facilities, ensuring neutrality and fairness in the investigation and preventing tampering with evidence or obstruction of justice. This body should also have the authority to investigate past torture crimes that were not prosecuted and pursue the criminal accountability of perpetrators, in compliance with constitutional provisions that prohibit the statute of limitations on torture crimes.
2. Ensure that the objectives of punishment are achieved, particularly specific deterrence by imposing the most severe penalties stipulated in the Penal Code on individuals found guilty of committing torture. There must also be a halt to the repeated application of judicial leniency in such cases.

The Ministry of Interior:

1. Fulfill its responsibility to refer police officers suspected of committing torture crimes for disciplinary action and suspend them from duty pending the completion of investigations and judicial proceedings.
2. Hold detention center and prison directors accountable when such crimes are committed under their supervision, ensuring their referral to disciplinary or criminal trials to guarantee general deterrence and reinforce accountability within the security apparatus.