

*(Translated from Arabic)*

## **I. All forms of torture are criminalized under Egyptian law.**

The Egyptian legislature has shown great concern to prevent torture and all forms of degrading and inhuman treatment and, to this end, has promulgated numerous constitutional and legal safeguards. Egypt was also among the first States to address this issue by signing the Convention against Torture under the terms of Presidential Decree No. 154 of 1986 and the Convention thereby became part of the State's domestic legislation and is applicable as such. The State is therefore committed to the provisions of the Convention and its national Constitution and laws clearly stipulate that all acts of torture are punishable offences.

Under the Egyptian Constitution, dignity is a human right that must not be violated; all forms of torture constitute imprescriptible offences; anyone who is arrested, detained or restricted in his liberty must be treated in a manner that preserves his dignity; no one may be tortured, intimidated, coerced or subjected to physical or mental harm; detention and imprisonment are permitted only in facilities that are designated for that purpose and which meet humanitarian and sanitary standards; the human body is inviolable and any assault thereon or disfigurement or mutilation thereof constitutes a legally punishable offence (arts. 51, 52, 55 and 60). These rules and provisions are binding on all the State authorities and must not be infringed.

The Code of Criminal Procedure forms a legal shield under which rights and freedoms enjoy guaranteed protection against any violation. Criminal prosecution in respect of the offences prejudicial to personal freedoms and physical integrity to which reference is made in articles 117, 126, 127, 282, 209 bis and 309 bis (a) thereof, as well as the offences specified in chapter 1, section II, book three of the Penal Code, is not subject to any statute of limitations.

In section VI of the Penal Code, concerning coercion and ill-treatment by public officials, torture is listed among the offences that must not be committed by members of the public authority (arts. 126, 127, 129, 280, 281 and 282).

Article 126 of the Penal Code prohibits the torture of a suspect with a view to the extraction of a confession.

The Children's Act No. 12 of 1996 prohibits the detention or imprisonment of children in the same place as adults. Under article 112 of the Act: "Children may not be held in custody, detained or imprisoned together with adults in the same place. During their detention, children must be separated into categories in accordance with their age and sex and the type of offence committed. Any public official or person assigned to perform a public service who holds in custody, detains or imprisons a child together with one or more adults in the same place shall be liable to a penalty of imprisonment for a term of 3 months to 2 years and/or a fine of 1,000-5,000 Egyptian pounds.

Since the complainant has not filed a protest with the competent State authorities in this regard, the allegations made in the complaint are merely unsubstantiated and unproven hearsay and, as such, must be rejected as inadmissible.

Anyone who has suffered any form of harm has a guaranteed constitutional and legal right to file a substantiated complaint with the competent authorities which will then take the requisite action in this regard in accordance with the above-mentioned laws and regulations in force.

## **II. Guarantees of a fair trial in Egypt, and particularly for children, in conformity with international standards.**

The judicial authority is regulated in chapter 3 of section V of the Egyptian Constitution, articles 184-197 of which make provision for its independence by stipulating that: judges and members of the Public Prosecution shall be independent and not subject to



any authority other than the law; no interference shall be permitted in their work and they shall not be removable from office. The Judicial Authority Act No. 46 of 1972 regulates all matters pertaining to the appointment and functions of judges and members of the Public Prosecution.

### **1. Judges:**

The civil and criminal divisions of the courts adjudicate in civil disputes of all types, and in criminal cases involving legally specified offences, in accordance with the law, within the framework of the disputes brought before them, in the light of the constitutionally established principles and in conformity with the rules and procedures laid down in the Code of Civil Procedure applied by the civil courts or the Code of Criminal Procedure applied by the criminal courts. Each of those Codes regulates the levels and types of courts, the scope of their jurisdiction, the levels of appeal against their judgments, means of legal remedy, the procedures for the hearing of cases, the safeguards enjoyed by the parties concerned, and the right of defence. Any person injured by a criminal offence has a legal right to file a civil claim for damages before the criminal court hearing the case if it involves violations of the rights and freedoms of individuals. The structure of the Egyptian judiciary is based on the principle of two levels of litigation and the courts are divided into summary courts, courts of first instance, appellate courts and the Court of Cassation.

### **2. The Public Prosecution:**

The Judicial Authority Act defines the Public Prosecution as the legal representative of society for purposes of the institution of criminal proceedings and stipulates that it shall consist of the Attorney General, assistant attorneys general, chief solicitors general, solicitors general, public prosecutors and their deputies, assistants and aides.

The Public Prosecution, being one of the principal authorities responsible for the effective enforcement of the rule of law in general and for the protection of human rights in particular, is one of the main means of legal redress available to individuals seeking to safeguard their personal and public rights and freedoms.

In its capacity as an integral part of the judicial authority, the Public Prosecution investigates criminal offences in an impartial and independent manner in which it exercises its combined investigative and prosecutorial functions. It also supervises prisons and the enforcement of criminal judgments. Its investigative function consists in control of all the investigation procedures, including the questioning of suspects, the hearing of witnesses and the collection of evidence so that it can establish the truth in the cases brought before it, regardless of whether this leads to the acquittal or conviction of the suspects.

### **Constitutional and legal guarantees in regard to members of judicial bodies and agencies and the Public Prosecution:**

#### **Constitutional guarantees:**

- The judicial authority shall be independent and its functions shall be exercised by various types and levels of courts which shall deliver their judgments in accordance with the law. The jurisdiction of the courts shall be defined by law and any interference in judicial affairs or cases shall constitute an imprescriptible offence (art. 184).
- Each judicial body or agency shall manage its own affairs and shall have an independent budget, all the components of which shall be discussed by the House of Representatives. Upon its approval, this budget shall be included in the State budget under one budget line. Each judicial body or agency shall be consulted with regard to bills of law regulating its affairs (art. 185).
- Judges shall be independent and irremovable from office and, in their work, shall not be subject to any authority other than the law. They shall have equal rights and obligations and the conditions and procedures for their appointment, secondment, retirement and disciplinary accountability shall be regulated by law (art. 186).

- Court hearings shall be public unless the court decides to conduct them in camera in order to safeguard public order or public morals. In all cases, judgments shall be pronounced publicly (art. 187).
- The judiciary shall have competence to adjudicate in all disputes and offences except those falling within the jurisdiction of other judicial bodies. It shall have sole jurisdiction to settle disputes relating to its own members. Judicial affairs shall be managed by a Supreme Council the structure and jurisdiction of which shall be regulated by law (art. 188).
- The Public Prosecution is an integral part of the judiciary. It shall undertake the investigation and prosecution of criminal cases, except where otherwise provided by law and its other functions shall be regulated by law. It shall be headed by an Attorney General chosen by the Supreme Judicial Council from among the vice-presidents of the Court of Cassation, the presidents of the appellate courts or the assistant attorneys general. He shall be appointed by presidential decree for a four-year term or for any lesser time remaining until he reaches the age of retirement, and he shall be so appointed only once during his period of service (art. 189).

**Legal guarantees:**

The Judicial Authority Act No. 46 of 1972 regulates the guarantees and immunities concerning members of the judiciary and the Public Prosecution as follows:

- Appellate courts and courts of first instance may be established and their respective jurisdictions defined or modified only under the terms of a legislative enactment (art. 10).
- The rules governing the competence of the courts shall be specified in the Code of Civil and Commercial Procedure and the Code of Criminal Procedure and the courts must comply therewith (art. 15).
- Court hearings shall be public unless the court decides to conduct them in camera in order to safeguard public morals or preserve public order. In all cases, judgments shall be pronounced publicly (art. 18).
- The working language of the courts shall be Arabic. However, they may hear the statements of non-Arabic-speaking parties and witnesses through an interpreter after the latter has taken the oath (art. 19).
- The distribution and scheduling of their work, the composition of their divisions, the number of their sessions and all other matters relating to their affairs shall be determined at plenary sessions of the court attended by all the judges serving on its bench (arts. 30 and 31).
- The members of the judiciary shall be appointed by presidential decree after approval by the Supreme Judicial Council and may not be transferred, reassigned or seconded except in the circumstances in which such is permitted by law (arts. 52 and 53).
- Members of the judiciary and the Public Prosecution shall not be removable from office (art. 67).
- The Supreme Judicial Council, consisting of the President of the Court of Cassation, the President of the Cairo Court of Appeal, the Attorney General, the two most senior Vice-Presidents of the Court of Cassation and the two most senior presidents of the other appellate courts, is competent to hear all matters relating to the appointment, promotion, transfer, reassignment, secondment and other affairs of members of the judiciary and the Public Prosecution in the manner prescribed by law.
- Disciplinary action against judges of all grades falls within the jurisdiction of a disciplinary board chaired by the most senior president of the appellate courts who is not a member of the Supreme Judicial Council and comprising the two most senior justices of the Court of Cassation and the two most senior vice-presidents of the appellate courts. Disciplinary proceedings are instituted by the Attorney General, at

his own discretion or on the basis of a recommendation by the Minister of Justice or the president of the court on which the judge is serving, and a judge against whom a decision is delivered has the right to contest it by appeal to the Supreme Disciplinary Board, chaired by the President of the Court of Cassation and comprising the three most senior presidents of the appellate courts and the three youngest vice-presidents of the Court of Cassation (arts. 98, 99 and 107).

- The judiciary and the Public Prosecution have an independent annual budget, which is prepared by the Supreme Judicial Council and included as a single budget line in the State budget, in regard to which the Supreme Judicial Council exercises all the functions vested in the Minister of Finance in accordance with the laws and regulations (art. 77 bis (v)).
- The Supreme Judicial Council must be consulted on bills of law relating to the judiciary and the Public Prosecution (art. 77 bis (ii)).
- The above-mentioned regulatory provisions of the Constitution and Egyptian legislation specify the guarantees and immunities granted under the Egyptian legal system in order to ensure the independence of judges and members of the Public Prosecution and the proper administration of justice through various levels of legally constituted and competent courts the judgments of which can be appealed before a higher judicial body. On the whole, these provisions are consistent with the standards required for the administration of criminal justice as laid down in international human rights instruments and it is clearly evident that there are effective and independent means of judicial remedy in Egypt since anyone whose lawful interests, rights or freedoms have been infringed is entitled to petition the competent judicial bodies, depending on the nature and type of the dispute, to enforce his rights, uphold his claims or award compensation, in accordance with the law, in respect of any harm that he has suffered.

#### **Means of judicial remedy in the Egyptian legal system:**

In its capacity as an intrinsic branch of the judiciary entrusted with law enforcement, investigation, indictment, supervision of the enforcement of judgments, inspection of prisons and the institution and conduct of criminal proceedings, the Public Prosecution is well aware of the importance of human rights and the obligations of the Arab Republic of Egypt under the binding international instruments that State has ratified, as well as its moral obligations under instruments the ratification procedures of which have not yet been completed or under the declarations, rules and guidelines adopted by the United Nations in this regard.

Article 54 of the new Egyptian Constitution promulgated in 2014 stipulates that: “Personal freedom is an inviolable natural right that shall be protected and, except in cases of flagrante delicto, it shall not be permissible to arrest, search, detain or in any way restrict the freedom of any person save on the basis of a substantiated judicial order required for the purposes of an investigation.”

Anyone whose freedom is restricted must be immediately notified of the reasons therefor, must be informed of his/her rights in writing, must be enabled to contact his/her relatives and lawyer and must be brought before the investigating authority within 24 hours from the time at which his/her freedom was restricted. A suspect can be questioned only in the presence of his/her lawyer. A lawyer must be appointed for persons who do not have one and the requisite assistance must be provided, in accordance with the legally prescribed procedures, for persons with disabilities. Every person whose freedom is restricted, or any third party, has the right to file a judicial appeal against that measure. A decision must be taken on such appeal within one week from the date on which it is filed; otherwise the person must be released immediately.

The procedures and grounds for, and the duration of, remand in custody, as well as the circumstances in which the State might be liable for payment of damages in respect of such remand in custody or of any penalty suffered which is subsequently revoked under the terms of a final judgment, are regulated by law.

It is not permissible under any circumstances to prosecute a person accused of an offence punishable by imprisonment unless a lawyer appointed by the accused or by the court is present.

In addition to the above-mentioned article 54, the current Constitution contains the following safeguards:

Article 95: Penalties are personal; there is no crime or punishment except as provided by law; no penalty may be imposed except pursuant to a court judgment and penalties may be imposed only in respect of acts committed subsequent to the entry into force of the legislation under which they were criminalized.

Article 1/1: The Arab Republic of Egypt is a sovereign, united and indivisible State no part of which may be ceded. It has a democratic, republican system based on citizenship and the rule of law.

Article 94: The rule of law is the basis of governance in the State; the State is subject to the law; and the independence, immunity and impartiality of the judiciary are basic guarantees for the protection of rights and freedoms.

Article 184: The judicial authority shall be independent and its functions shall be exercised by various types and levels of courts which shall deliver their judgments in accordance with the law. The jurisdiction of the courts shall be defined by law and any interference in judicial affairs or cases shall constitute an imprescriptible offence.

Article 186: Judges shall be independent and irremovable from office and, in their work, shall not be subject to any authority other than the law. They shall have equal rights and obligations and the conditions and procedures for their appointment, secondment, retirement and disciplinary accountability shall be regulated by law. They may be fully or partly seconded only to the legally designated bodies and for performance of the legally specified functions. The purpose of these provisions is to preserve the independence and impartiality of the judiciary and judges and prevent conflicts of interest. Their guaranteed rights and obligations shall be defined by law.

Egypt's domestic legislation respects all the safeguards for persons deprived of their liberty, as provided for in international instruments and the Egyptian Constitution. It is not permissible to arrest, search, detain or in any way restrict the freedom of any person except on the basis of a judicial order required for the purposes of an investigation and issued by the investigating authority or the competent judge. Article 130 of the Code of Criminal Procedure stipulates that, if a suspect who has been summoned to appear fails to do so without a valid excuse, if he has no known place of residence or if he is apprehended in flagrante delicto, the investigating judge may issue a warrant for the suspect to be arrested and brought before him even in cases in which a suspect's remand in custody is not permitted. Under article 127 of the Code, every warrant issued by the investigating authority must contain the suspect's name, surname, occupation and place of residence as well as the charge against him, the date of the warrant, the signature of the judge who issued it and the official stamp. A summons to appear implies that the suspect has an obligation not only to appear but to do so at a specific time, while a warrant for the suspect to be arrested and brought before a judge implies that the public authorities are required to arrest the suspect and bring him before the judge if he refuses to appear promptly and voluntarily. Under article 40 of the Code, no one may be arrested or detained except by order of the legally competent authorities and any person so arrested or detained must be treated in a manner conducive to the preservation of his human dignity and must not be subjected to physical or mental harm.

Anyone who has been detained in violation of the legally prescribed procedures or in a place other than those legally designated for such purpose, or any person who comes to know of such unlawful detention, may notify a member of the Public Prosecution who must proceed immediately to the place of detention, order the detainee's release and investigate the incident. Under article 43 of the Code of Criminal Procedure, any prisoner has the right to submit a verbal or written complaint to the prison warden at any time and request its transmission to the Public Prosecution; the warden is duty-bound to accept it and transmit it immediately after entering it in the prison's record of complaints; anyone who comes to

know of a person being detained unlawfully or in a place other than those designated for detention must notify a member of the Public Prosecution who, on being so notified, must proceed immediately to the place where the person is being held, conduct an investigation, order the release of the person being detained unlawfully and draw up a report thereon in accordance with article 41 of the Code, which stipulates that “no one may be detained except in the prisons designated for that purpose and no warden may admit any person into a prison except in accordance with an order signed by the competent authority, nor may he retain any person therein after the expiration of the period specified in the said order”. Under article 42 of the Code, any member of the Public Prosecution and any president or vice-president of an appellate court or a court of first instance is authorized to visit district and central prisons located within their respective areas of jurisdiction to ensure that no one is detained unlawfully therein; they are entitled to examine the prison records, as well as arrest and detention orders, take copies thereof and communicate with detainees and hear any complaints that they might wish to make; prison wardens and staff are required to provide them with full assistance to obtain any information that they request.

No one may be detained for more than 24 hours without being brought before the competent investigative authorities. Under article 36 of the Code of Criminal Procedure, the criminal investigation officer is required to listen to the statements of the apprehended suspect without delay and, if such statements fail to exonerate the suspect, must refer him to the competent office of the Public Prosecution within 24 hours.

The Public Prosecution must question the suspect within 24 hours and then order his arrest or release. Under article 131 of the Code, the investigating judge is required to question an arrested suspect immediately and, if this proves impossible, the suspect must be remanded in custody until such time as he can be questioned. The duration of his remand in custody must not exceed 24 hours, after which the prison warden has an obligation to bring him before the Public Prosecution which must immediately request the examining judge to question him. If necessary, it may request the judge of a summary court, the president of a court or any other judge designated by the president of a court to do so; otherwise, it must order the suspect’s release.

At the time of his arrest and before being questioned, the suspect must be informed of the charges against him. Article 123 of the Code of Criminal Procedure stipulates that, when the suspect first appears for questioning, the investigator must establish his identity and then inform him of the offence with which he is charged and record his statements in that regard.

Under the Code of Criminal Procedure, a lawyer must be present with the suspect during the investigation proceedings. In cases involving felonies or misdemeanours punishable by a mandatory term of imprisonment, the investigating authorities must appoint a lawyer to assist any suspect who does not have one. It is not permissible to separate the suspect from his lawyer, who has the right to examine all the papers in the case file. Article 124 of the Code stipulates that, except in cases of flagrante delicto or urgent situations in which the investigator records his substantiated fear that evidence might be lost, persons suspected of committing felonies or misdemeanours punishable by a mandatory term of imprisonment must not be questioned or confronted with other suspects or witnesses without their lawyer being invited to attend. The suspect is required to register the name of his lawyer with the clerk of the court or the prison warden, or to inform the investigator thereof. Alternatively, this may be done by his lawyer in person. If the suspect does not have a lawyer, or if his lawyer fails to attend after being invited to do so, the investigator must appoint a lawyer ex officio and the lawyer may enter in the record any pleas, requests or observations that he might wish to make.

Under article 125 of the Code, the lawyer must be permitted to examine the case file on the day preceding the questioning or confrontation, unless otherwise decided by the judge, and the suspect and the lawyer appearing with him during the investigation must not be separated under any circumstances.

A suspect may be remanded in custody only by order of the competent judge or the investigating authority and after being questioned. The order, which must be substantiated and issued by an official holding a rank not lower than deputy public prosecutor, is

temporary and renewable for a specified period on the expiration of which the suspect must be released. Other alternative non-custodial precautionary measures may be taken against the suspect and the Public Prosecution must release a suspect remanded in custody if, at any time, it deems his release to be appropriate in the light of the case file.

Arrest warrants and remand orders issued by the Public Prosecution cannot be executed more than six months after the date of their issuance unless their extension has been approved. Under article 202 of the Code, if the Public Prosecution wishes to extend a remand order it must submit the case file, not less than four days prior to the expiration of the order, to the judge of a summary court so that he can decide whether to issue the requisite extension after hearing the statements of the Public Prosecution and the suspect.

The judge may extend remand in custody for one or more consecutive periods of not more than 15 days totalling a maximum of 45 days. Under article 203 of the Code, if the investigation has not been completed before the expiration of the period of remand in custody specified in the preceding article, the Public Prosecution must submit the case file to the misdemeanours court of appeal sitting in chambers so that it can issue the order that it deems appropriate. Under article 143 of the Code, if the investigation has not been completed and the judge wishes to extend the period of remand in custody beyond the maximum specified in the preceding article, he must submit the case file, prior to the expiration of the remand order, to the misdemeanours court of appeal sitting in chambers so that, after hearing the statements of the Public Prosecution and the suspect, it can decide whether to extend the order for consecutive periods of not more than 45 days, if so required in the interests of the investigation, or to release the suspect with or without bail. However, if the suspect has already been remanded in custody for three months, the matter must be referred to the Attorney General so that he can take the measures that he deems appropriate to complete the investigation.

The period of remand in custody must not exceed three months unless the suspect has been given prior notice of his referral to the competent court, in which case the Public Prosecution must bring the matter before the court within a maximum of five days from the date of such notice of referral so that action can be taken in accordance with the provisions of article 151, paragraph 1, of the Code, failing which the suspect must be released. If the suspect is charged with a felony, the period of his remand in custody must not exceed five months unless, prior to its expiration, the competent court has ordered its extension for up to 45 days, renewable for one or more similar periods, failing which the suspect must be released.

In all cases, the period of remand in custody during the preliminary investigation stage of the criminal proceedings must not exceed one third of the maximum custodial penalty, i.e. it must not exceed 6 months in the case of misdemeanours, 18 months in the case of felonies and 2 years if the penalty prescribed for the offence is life imprisonment or capital punishment. However, if a penalty of capital punishment has been imposed, the Court of Cassation or the court to which the case is referred for retrial may order the convicted person's remand in custody for a renewable period of 45 days without being limited by the periods specified in the above-mentioned paragraph of that article.

The Code of Criminal Procedure also regulates the manner in which suspects can file appeals against remand orders issued against them. Under article 164, only the Public Prosecution can appeal against an order for the provisional release of a person suspected of committing a felony, while the suspect has the right to appeal against an order for his remand, or the extension of his remand, in custody. Under article 166, the time limit for appeal is set at 10 days from the date of issuance of the order in the case of the Public Prosecution and from the date of its notification in the case of other parties, except in the circumstances specified in paragraph 2 of article 164. Such appeals must be heard within 48 hours from the date on which they are filed. A suspect may file an appeal at any time and, in the event of its rejection, has the right to file a new appeal 30 days after the date on which his initial appeal was rejected.

In all cases, appeals against remand orders, their extension or provisional release of the suspect must be heard within 48 hours from the date on which they are filed, failing which the suspect must be released. One or more divisions of the court of first instance or

the criminal court are competent to hear appeals against such orders for the remand in custody or provisional release of the suspect and the decisions taken in chambers in this regard are final.

Any person who, after being remanded in custody, is subsequently acquitted is entitled to compensation in respect of the period of time spent in custody. Under article 312 bis of the Code, the Public Prosecution is required to publish every final judgment acquitting a person who has been remanded in custody, as well as every decision of non-lieu, in two daily newspapers with a wide circulation at the Government's expense. In both cases, such publication is effected on the basis of a request from the Public Prosecution or from the suspect or any of his heirs, with the approval of the Public Prosecution, in the case of decisions of non-lieu. The State is endeavouring to secure the right to financial compensation in respect of previous remand in custody in both such cases in accordance with rules and procedures to be promulgated in a special legislative enactment.

We believe that the above-mentioned means of judicial remedy are consistent with all the rights recognized in all the relevant international instruments.

### **III. Proceedings instituted against the accused:**

#### **The accused [REDACTED]:**

In case No. 4319 of 2015/Felonies/Suez, recorded as case No. 781 of 2015/Suez/Court of First Instance, the Public Prosecution charged him, in association with others, with wilful damage to a vehicle bearing Suez licence plate No. 9440/Private in the Suez police precinct of the governorate of Suez on 23 February 2015. When the case was brought before the Public Prosecution, it ordered his placement in a surveillance centre in the governorate of Suez from which he was released on 13 May 2015. The case file was referred to the criminal court in Suez which, on 19 January 2016, sentenced him in absentia to a term of 1 year's imprisonment, suspended for a period of 3 years from the date of the judgment, and payment of court costs, on the charge brought against him.

The accused was prosecuted again at a scheduled hearing on 16 April 2015 in which he was sentenced, in his presence, to a penalty of 1 year's imprisonment, suspended for a period of 3 years from the date of the judgment, and payment of court costs, on the charge brought against him.

#### **The accused [REDACTED]:**

He was prosecuted in a number of cases, including:

#### **Case No. 86 of 2016/Juvenile Misdemeanours, recorded as case No. 27 of 2016/Misdemeanours/Suez/Court of Appeal:**

In this case he faced the charge that, while still a child over 15 but under 18 years of age, he was found to be in possession of printed matter prepared for distribution and viewing by others which was likely to disturb public order and harm the public interest. At a hearing held on 24 May 2016, the court acquitted him of that charge but ordered the confiscation of the said printed matter. The Public Prosecution filed an appeal and, at a hearing on 21 June 2016, the appellate court upheld the judgment.

#### **Case No. 347 of 2015/Felonies/Arbaeen, recorded as case No. 18 of 2015/Suez/Court of First Instance:**

In this case, the Public Prosecution brought the following charges against him:

1. In association with others, he organized a public demonstration, which was likely to disturb the peace, with a view to committing criminal acts of aggression against persons and public property and forcefully and violently impeding the public authorities in the discharge of their duties insofar as some of the demonstrators carried firearms and explosive devices and disrupted the flow of vehicular traffic and, when the public authorities ordered them to disperse, they refused to comply with that order.

2. In association with others, he made a show of force against the victim, [REDACTED], with a view to intimidating him by gathering together with members of the Muslim Brotherhood group and its supporters carrying firearms and explosive

devices and driving in a number of vehicles to the place where the victim was located. As soon as they encountered him, they assaulted him with those weapons, putting his life at risk and disturbing public order and tranquillity. In so doing, he committed the following felonies:

- In association with others, he conspired to murder the victim, [REDACTED], by deliberately and purposefully intending to kill anyone who happened to be in the vicinity of their demonstration and, to that end, equipping themselves with the aforesaid firearms and explosive devices and proceeding to the place where he was located. As soon as he came within their sight, an unknown participant in the demonstration fired a shot at him from one of the firearms in their possession with intent to kill him. He suffered the injuries described in the forensic report, but their criminal intent was thwarted insofar as he was able to receive medical treatment;
- In association with others, he used force and violence against a person assigned to perform a public service, namely First Lieutenant [REDACTED], an assistant criminal investigation officer in the Arbaeen police station, by firing gunshots at him with a view to deterring him from performing one of his official duties;
- In association with others, he incited persons, by word of mouth and in writing, to render the provisions of the Constitution and the laws ineffective, prevent State institutions from exercising their functions, violate the personal freedom of citizens and undermine national unity and social harmony;
- In association with others, he took part in a demonstration of which prior notification had not been given and in which participants carried firearms and explosive devices, thereby threatening public order and security, impeding the activities of citizens and putting them at risk;
- He was found to be in possession of printed matter prepared for distribution and viewing by others which was likely to disturb public order and harm the public interest.

The case is still being considered at court hearings.

**Case No. 3883 of 2014/Felonies/Suez, recorded as case No. 525 of 2014/Suez/Court of First Instance:**

In this case he faced the charge that, while still a child over 15 but under 18 years of age, in association with others, he organized a public demonstration with a view to preventing and hampering the application of laws and regulations, using force and threats to impede the public authorities in the discharge of their duties, undermining public order and disrupting the flow of vehicular traffic and, when the public authorities ordered them to disperse, they refused to comply with that order. He thereby committed the following offences:

- In association with others, he made a show of force and used violence to threaten citizens with bodily harm, risk to their lives and safety and damage to their property in such a way as to terrorize passers-by and disturb public peace and security by carrying explosives and other instruments used to commit acts of assault on persons;
- In association with others, he took part in a demonstration of which prior notification had not been given and in which participants carried explosive devices, thereby threatening public order and security, impeding the activities of citizens, putting them at risk and disrupting the flow of vehicular traffic in the manner described in the investigation reports;
- In association with others, he incited persons, by word of mouth and in writing, to render the provisions of the Constitution and the laws ineffective, prevent State institutions from exercising their functions, violate the personal freedom of citizens and undermine national unity and social harmony by chanting slogans calling for the overthrow of State institutions and expressing hostility to the Armed Forces and the police in the manner described in the investigation reports;

- In association with others, he acquired and possessed explosive devices without obtaining a permit therefor;
- He acquired and possessed, in person and through third parties, printed matter prepared for distribution and viewing by others which was likely to disturb public order and harm the public interest. The case file was referred to Suez Criminal Court, which acquitted him at a hearing held in his presence on 20 January 2016. The case file was then sent to the Office of the Public Prosecutor in Ismailia, which returned it on 2 March 2016 after approving the judgment.

**Case No. 587 of 2016/Juvenile Misdemeanours, recorded as case No. 1143 of 2016/Misdemeanours/Suez/Court of Appeal:**

In this case he faced the charge that, in association with others, he possessed written and printed matter prepared for distribution and viewing by others which was likely to disturb public order and harm the public interest.

The case file was presented to the court which, at a hearing on 6 March 2016, sentenced each of the defendants to a non-suspended term of 6 months' penal servitude together with a fine of 200,000 Egyptian pounds, confiscation of the said written and printed matter, and payment of court costs.

He filed an appeal and, at a hearing on 23 March 2016, the appellate court overturned that judgment and ordered a retrial on the ground of the court's lack of formal jurisdiction to hear the case, which fell within the jurisdiction of the juvenile court. Accordingly, the case was referred to the juvenile court which recorded it as case No. 54 of 2016/Juvenile Misdemeanours and, at a hearing on 19 April 2016, acquitted the defendant of the charge brought against him and ordered the confiscation of the items that had been seized.

In the light of the above-mentioned provisions of Egyptian law which are consistent with international standards for the administration of criminal justice, and after reviewing the facts in the cases forming the subject of the complaint, as well as the proceedings conducted in connection with the charges brought against the defendants, it is clearly evident that those facts and the judicial outcomes of those proceedings refute and rebut the allegations made in the complaint.

The facts and proceedings, as detailed above, confirm the invalidity of all the allegations made in the complaint concerning the circumstances in which the said person was arrested, detained and investigated. He was arrested by the police on the basis of warrants issued by the Public Prosecution and was not detained together with any adults at any stage of the investigation. He was held in custody at the juvenile detention facility in Ataqa police station and was tried before the court competent to hear juvenile cases.

The complainant was not found to have been subjected to any act of torture as he failed to present any evidence to substantiate that claim.

The allegations contained in the complaint to the effect that the measures taken against the complainant were arbitrary and unlawful are false, unsubstantiated and refuted by the facts and the proceedings conducted against the defendant, as detailed in the case files. The complaint is therefore inadmissible.

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