REPORT
EXTRADITION CASE 5/2016
Seif Eldin Mustafa Mohammad Imam

(1) My name is Emile George Howard JOFFÉ and I have been asked to comment on matters connected with an application for the extradition of Seif Eldin Mustafa Mohammad Imam from Cyprus to Egypt and with a parallel application he has made for asylum in Cyprus. After rehearsing my professional qualifications, I shall briefly outline the background to the request for Mr Imam’s extradition and to his request for asylum. I shall then discuss the current situation in Egypt insofar as it relates to Mr Imam’s claims before responding to certain specific questions that have been put to me.

Qualifications

(2) My qualifications for the comments that follow arise from the fact that, professionally, I am a commentator on the contemporary affairs of North Africa and the Middle East. I hold a BA Hons (Oxon) degree in Chemistry Parts I and II and an MA (Lond) degree in Area Studies (North Africa) from the School of Oriental and African Studies in London University. Until the end of February 2000, I was the Director of Studies at the Royal Institute of International Affairs and I am now attached to London, Cambridge and Oxford universities. I am currently the academic director of the Centre for the International Relations of the Middle East and North Africa (CIRMENA at the Centre of International Studies, which forms part of the Department of Politics and International Studies in the University of Cambridge. I also hold a research fellowship and lectureship at the Centre for International Studies at Cambridge University where I teach a postgraduate course on contemporary North Africa and the Middle East and supervise PhD and MPhil dissertations on these topics.

(3) I currently hold a professorial fellowship at London Metropolitan University. I have previously been a visiting professor in the Geography Department at King’s College in London University. I have also held a visiting fellowship at the Centre for International Studies in the London School of Economics and Political Science up to October 2001. I am also a professorial fellow of the Royal United Services Institute of Strategic Studies and, in 2002 and 2003, I was a visiting scholar at the Department of History, University of Melbourne in Australia. From 2006 until 2009, I was also a visiting fellow at the Centre of Islamic Studies in Oxford University. I am now a senior member of St Anthony’s College in Oxford University and a research associate at the London Middle East Institute in the School of Oriental and African Studies at London University.

(4) I am also founder and co-editor, with Dr Phillip Naylor of Marquette University in the United States, of the Journal of North African Studies and was, until March 2001, co-editor of Mediterranean Politics with Professor Richard Gillespie of Liverpool University, a journal which I also helped to found. I have specialised in North African affairs for the past thirty years, taking a particular interest in Algeria since 1986. I have published widely on matters connected with Algeria in the media and in academic journals, as well as commenting regularly on them on radio and television in this country and abroad.

(5) Amongst my publications most relevant to this report are the following:


"Relations between the Middle East and the West", *The Middle East Journal*, Spring 1994


“Relations between the Middle East and the West” in Roberson B-A. (1998)(ed), *The modern Middle East*, (Routledge)


“The fateful phoenix: the revival of Al-Qa’ida in Iraq”, *Small Wars & Insurgencies*, 27:1 (January 2016)

“Civil resistance in Libya during the Arab Spring,” in Roberts A. Willis M.J., McCarthy R. and Garton Ash T. (2016), *Civil resistance in the Arab Spring: triumphs and disasters*, OUP (Oxford); 116-140
In preparing this report I have been provided with the following documents:

- A letter of instruction;
- A copy of Mr Imam’s statement; and
- A copy of the extradition request made by the Egyptian government.

I affirm that I recognise that my duty as an expert witness is to the court and that what I shall state below is true, to the best of my belief.

Mr Imam’s asylum claim and the application for extradition

Mr Imam was born in Cairo in late June 1957 and completed his education by attending university in Lebanon in 1976. There he became involved in the Palestinian resistance movement, joining the Democratic Front for the Liberation of Palestine (DFLP). In 1978, in protest at the Sadat presidency’s initiative of rapprochement with Israel, Mr Imam joined the Egyptian communist party and was sent for military training to the Soviet Union. Four years later, after the Israeli invasion of Lebanon which culminated in the expulsion of the Palestinian Liberation Organisation (PLO), with its affiliate organisations, to Tunisia, Mr Imam became part of the clandestine opposition to the Israeli presence in South Lebanon and was injured.

He was evacuated to Austria where it was proposed he should apply for asylum but, before he did so, he sought to visit his family in Egypt. Upon arrival, using a false passport, he was arrested and detained in very poor conditions involving torture for at least two months. He was then released but forbidden to leave Egypt. Shortly afterwards he did leave Egypt using another false passport because he feared being detained and tortured once more. He returned to Lebanon and engaged in the struggle in Tripoli between pro-Arafat and pro-Syrian factions of Fatah – the major nationalist movement within the PLO at the time. Eventually, in 1983, he escaped to Cyprus where he eventually met his future wife.

He briefly returned to Egypt, again using a false passport, to obtain documentation that would allow him to obtain residence in Cyprus. However, the Cypriot authorities concluded that his documentation was false and deported him, providing him with travel documents to allow him to travel to Yemen. His partner by then was pregnant so he returned to Cyprus and travelled with her to Egypt where they were married and he tried to adapt to life working in his father’s shop. The Egyptian security services, however, repeatedly detained him so, in 1985 he returned to Cyprus where he intended to settle down, selling Egyptianana to make a living. Returning to Egypt to purchase goods for sale, however, he was arrested and detained at the port in Alexandria.

Mr Imam was then detained for a year, until 1987, and thereafter began a long period of attempting to escape from Egypt to be with his wife and children and being detained for using false documents. The upshot was that he eventually spent long periods in prison in Egypt while his wife returned to Cyprus to arrange for the education and upbringing of his children. Eventually, after 1994, he lost contact with his wife and
children, spending most of the time from then until 2007 in prison, usually because of his use of false documentation. He argues that he had little choice but to do this since the Egyptian authorities would not allow him to have a passport with which to travel legitimately to Cyprus to be with his family.

(11) Upon release in 2007, he managed to contact his wife in Cyprus, to learn that his daughter, Sophie, had died. He tried, once again unsuccessfully, to travel to Cyprus but was arrested at the airport and returned to prison for three years. Eventually, he was released as a result of the Tahrir revolution in 2011 and joined a new liberal political party, the Egyptian Freedom Party (Hizb al-Massirin al-Ahrar). In March 2013, his travel ban, which had been in place since 1982, was annulled but this was soon followed by the army-backed coup against the Morsi regime. He was arrested again the day after the coup took place and detailed for the next eighteen months. He made two further attempts to escape from Egypt using false documents but was detected on both occasions, spending two months in Lazogli high security prison in Cairo in December and January as a result.

(12) He claims that, as he was being detained in the high security prison, he identified one of his fellow prisoners as Giulio Regeni, a postgraduate research student from the University of Cambridge and later realised that he had been murdered by the security forces, after his body was discovered on the outskirts of Cairo in February 2016. I should declare a personal interest here as Giulio Regeni was a student in my own department in the university, the Department of Politics and International Studies, although I did not know him well, we had met as part of my academic duties. As a result of this realisation, Mr Imam decided that he should make public what he had observed in prison and this was the driver that pushed him to hijack an airliner on an internal flight between Cairo and Alexandria as he had no other way by which he could leave Egypt. I understand that Mr Imam also claims that, for the fifteen months before the hijack, he was involved in an underground organisation dedicated to overthrowing the post-July 2013 political system in Egypt.

(13) His action took place on March 29, 2016 and he was arrested by the Cypriot authorities upon arrival at Larnaca airport. On April 4, 2016, the Egyptian embassy in Nicosia, invoking Article 10 of the bilateral extradition treaty between Egypt and Cyprus, sought his extradition to Egypt on the grounds that he had contravened Articles 14/2, 88 and 88bis of the Egyptian Penal Code, Articles 22 and 24 of the Combating Terrorism Act (94/2015), and Article 168 of the Civil Aviation Act (28/1981). Mr Imam has, meanwhile, also made an application for asylum on the basis that he fears that the Egyptian authorities would ill-treat, torture and even kill him if he were returned to Egypt, given the information that he has revealed relating to Giulio Regeni. To appreciate the basis for his concern, some knowledge of the current situation in Egypt is necessary and this is provided below.

**Recent events in Egypt**

(14) Since 1956 and up to 2011, after Egypt had regained full sovereignty over its national territory, the country has been governed by a series of powerful executive presidencies where the incumbents have all been drawn from the senior ranks of the army. The initial presidency, which was rooted in the 1952 coup overthrowing the *khedivate* (monarchy) and in the 1954 internal coup which removed the original coup leader,
General Neguib, from power, was dominated by a junior officer, Colonel Gamel Abdul Nasser. He adopted a non-aligned stance in terms of Egypt’s external relations and, by mobilising the ideology of Arab nationalism together with a formal endorsement of the Palestinian cause, he was able to transform Egypt into the leading state in the Middle East. He also undertook detailed domestic reforms, in terms of industrialisation and land reform.

(15) President Nasser’s regime, however, was very intolerant of criticism and provided no space for political dissent. It also began the tradition in Egyptian politics of marginalising and victimising the moderate political Islam of the Muslim Brotherhood, a movement which had begun in Egypt in 1928 and which had captured the loyalties of a significant element of the population. His hostility to the movement was, in part, based on evidence that elements within the movement had planned a coup against his regime but the movement overall had, by then, renounced violence as a vehicle for gaining political power. President Nasser’s regime was eventually fatally undermined by its confrontations with Israel, particularly by the collapse of the Egyptian army in the Six-Day War in June 1967, although it lingered on until his death in 1970.

(16) The new presidency under Anwar Sadat opted for a pro-Western set of policies and began to seek ways in which it could accommodate to the reality of Israel in the Middle East. After a brief war against Israeli forces in Sinai and along the Suez Canal in October 1973, undertaken largely to restore national morale, President Sadat four years later took a bold initiative to engage with the Israeli state by addressing the Knesset and subsequently signing a peace treaty, with the support of the Carter presidency in the United States. His regime, however, continued the tradition of repressive intolerance of domestic dissent which, in turn, provoked a violent response from extremist Islamist groups in Egypt which culminated in his assassination in October 1981.

(17) His successor, Hosni Mubarak, was to remain in power until 2011, presiding over a pro-Western regime which slowly recovered Egypt’s reputation and influence in the Arab world. It also presided over a growing domestic socio-economic crisis as the elite engaged in conspicuous consumption and severe inequalities in income distribution worsened. In the 1990s, this resulted in campaign of violent extremism against the regime and the inevitable corresponding blanket repression of dissent. Domestic repression became the prerogative of the security services and the police who earned an evil reputation for torture and brutality as the prison population grew. Thus, in 1992 Egyptian prisons held 35,392 prisoners, a prison population rate of 62/100,000. By 2001, this had grown to 56,587 – a prison population rate of 84/100,000 – and by 2006, the prison population peaked at 64,378 – a prison population rate of 87/100,000. By 2011, the prison population was estimated by the Department of State to have declined to 66,000 – a prison population rate of 84/100,000. After the Tahrir Square revolution in 2011, it declined further to 62,000 – a prison population rate under the Morsi regime of 76/100,000. However, since the army coup against the Morsi regime in early July 2013, it is believed to have exploded, with up to an additional 41,000 persons being arrested, including 29,000 members of the Muslim Brotherhood.

(18) A convenient point at which to begin a review of recent events in Egypt is the army’s coup against the Muslim Brotherhood-dominated government of President Mohamed

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1 Anon (1993), The Human Rights Watch global report on prisons, Human Rights Watch (New York); 160
2 [www.prisonstudies.org/country/egypt](http://www.prisonstudies.org/country/egypt)
Morsi on July 3, 2013. The coup had long been prepared, for the army command in the SCAF – the Supreme Command of the Egyptian armed forces – had decided as early as December 2012 that the Brotherhood was no longer a viable partner in government, after the president had tried to assume wide-ranging powers that outraged the constitution – and, more importantly, threatened the army’s own position within the economy and polity – but he had been forced to rescind them. The movement’s problems in government, which stemmed from its inability to incorporate opposition political parties and movements within the formal political process, had also generated widespread popular resentment, culminating in a new political movement, the Tamarroud (Rebellion) Movement, that claimed to have amassed twenty-two million signatures on a petition demanding the president’s recall. The movement organised a massive demonstration in Cairo on June 30, 2013, calling for the president to step down. Its demands were supported by the Grand Shaykh of the Al-Azhar mosque-university, the head of the Coptic Church and the leader of the secular opposition, Mohammed El-Barada’i, who had previously been head of the International Atomic Energy Authority (IAEA) in Vienna.

The aftermath of the coup

(19) The Brotherhood began to organise its own counter-demonstration, to take place several days after the Tamarroud demonstration, but was confronted with a SCAF ultimatum that it must resolve its disputes with the opposition or face its removal from power. The president suddenly realising his vulnerability and seeing the army as the major threat to his continued role in power, attempted to force General al-Sissi, the head of the SCAF and the defence minister, to resign on June 30, 2013. Instead, four days later, the president and leading members of the Brotherhood and its associated political party were arrested by the army which then appointed a new interim technocratic government to handle the transition from President Morsi’s problematic regime. The president and the Brotherhood rejected what they viewed as a coup against a legitimate, democratically elected government and demanded that the deposed president be reinstated.

(20) The movement chose the Rabaa al-Adawiya mosque in Nasser City in Eastern Cairo and an-Nahda Square in Giza, next to Cairo University, as the bases for its anti-coup demonstrations, refusing to allow its followers to disperse until the president was reinstated. The new army-backed government responded by banning the Muslim Brotherhood and, on August 14, six weeks after the coup and after an attempt by Mohammed el-Barada’i to mediate had failed and he had resigned from the interim vice-presidency, the army dispersed the demonstrators with considerable loss-of-life. According to the Egyptian ministry of health, 638 persons died, 595 of them civilians, and a further 3,994 persons were injured in the army operations. The Brotherhood claimed that at least 2,600 had died at Rabaa al-Adawiya mosque alone.4

(21) In the wake of the clearing operations and further arrests of leading Brotherhood politicians and leaders, resistance to the army-backed government ebbed away and attitudes in Egypt became violently polarised. The new government revised, yet again, the constitution and proposed new presidential and parliamentary elections for early 2014, after the new constitution would have been approved by referendum. A state-of-

4 Ezzat D. “Rabaa al-Adawiya: after the sit-in,” Al-Ahram, September 24, 2013
emergency remained in force from August until mid-November 2013, being lifted only when the courts ordered this and at a time when the Brotherhood and its political arm indicated that they would now accept the new political dispensation in the country on November 16, 2013. By this time, the new government had received widespread support from Gulf states, culminating in July in the initial offer of $12 billion in support of the Egyptian economy. American disapproval of the coup, which resulted in reductions in aid deliveries (soon to be reversed), were countered by a new relationship between Egypt and Russia, with proposals for arms purchases worth $2 billion being made during a visit by a high-ranking Russian delegation to Cairo in mid-November.

(22) There was no doubt that General as-Sissi – soon to become a field marshal – who decided to stand for election as Egyptian president at the end of May 2014, would easily win the election and that he would, as have all presidents before him except for Mohamed Morsi, represent the army’s interests in the state. He duly won the election with 96.1 per cent of the vote on a 47.5 per cent turnout of the electorate on June 3, 2014. It was also expected that Egypt would experience a period of strongly autocratic government and that the numbers of persons detained as hostile to the new army-backed regime would increase beyond the current figure of 20,000 (some sources claimed that the true figure is 41,000). Egypt also received generous financial assistance of up to $16 billion from the Gulf states, including $12 billion from Saudi Arabia alone. It could therefore ignore pressure from Western states to reverse its repressive policies towards the Muslim Brotherhood and other dissident elements of the secularist opposition, such as the April 6th Movement which was banned, with its leadership going to prison.

Human rights

(23) Against this background of accelerated imprisonment, the outlook, in short, for human rights and democratic transition in Egypt is poor. Furthermore, by mid-2015, the United States had resumed its military and political cooperation with Egypt, thereby in effect endorsing President as-Sissi’s seizure of power. The regime, in any case, is determined to ensure that its hold on power was firm, particularly as January 25, the anniversary of the revolution that swept President Mubarak from power five years ago, approached. At the end of December 2015, it shut down a programme that provided free internet services to three million people, so as to impede the organisation of demonstrations.

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5 Guardian (June 6, 2014)
6 The Department of State report on Human Rights in Egypt for 2014 (Bureau of Democracy, Human Rights and Labor (2015), Report on Human Rights Practices 2014 – Egypt, Department of State (Washington DC) stated that the Egyptian security forces admitted to 16,000 arrests between June 30, 2013 and the end of March 2014. It also states that another report covering the period from June 30, 2013 to December 18, 2014 claimed that there had been 12,800 arrests, 1,679 convictions, 3,714 acquittals and 7,389 persons held in pretrial detention. Over one thousand persons were also said to have disappeared over the year and at least 100 persons died in detention, 90 of them in prisons in Cairo and Giza alone. A further 37 Muslim Brotherhood members under arrest, being transported to Abu Zaabad Prison in Cairo died from asphyxiation but the police in charge of the convoy were not punished. According to Human Rights Watch, at least 90 people died in custody in 2014, 35 of them during the first 100 days of the new army-dominated government. See www.hrw.org/news/2015/01/21/egypt-rash-deaths-custody
7 Fahim K., “Egypt officials stop Facebook program for free access to internet,”, New York Times (December 31, 2015)
In a similar fashion an internationally-respected art gallery in Cairo was shut down and a publishing company was raided as part of a new campaign against dissidents.\(^8\)

(24) Nonetheless, in the year after President as-Sissi was elected, Egypt had seen a significant worsening of its human rights picture and a dramatic rise in the oppressiveness of the state. Thus, for example, in mid-February 2015 the Criminal Procedures Law was amended to allow judges to overlook witness testimonies in criminal cases and, five days later, the president approved the Terrorist Entity Act which defines any group advocating the disturbance of public order or endangering public safety or national unity as a terrorist entity, with appropriate legal sanctions against it as a result.\(^9\) A further anti-terrorism law was passed in August 2015, in the wake of the assassination of the prosecutor-general, Hisham Barakat, on June 29, 2015, which effectively, inter alia, criminalises any media reporting that is not consonant with official statements. As Human Rights Watch reported:

The new Law 94 of 2015 for Confronting Terrorism largely maintains the overbroad definition of terrorism in Egypt’s penal code. Under this definition, a “terrorist act” encompasses any “use of force or violence or threat or terrorizing” that aims, among other things, to:

Disrupt general order or endanger the safety, interests or security of society; harm individual liberties or rights; harm national unity, peace, security, the environment or buildings or property; prevent or hinder public authorities, judicial bodies, government facilities, and others from carrying out all or part of their work and activity.

Such a framework far exceeds a definition of terrorism that the United Nations Security Council unanimously adopted in 2004 and that the UN special rapporteur on counterterrorism and human rights subsequently endorsed. That definition says that terrorism is an act committed with the intent to kill, cause serious bodily injury, or take hostages with the aim of intimidating or terrorizing a population or compelling a government or international organization.\(^10\)

(25) The 2015 report on human rights practices in Egypt, published by the Department of State in June 2015 and covering events in 2014 makes it clear that human rights observance in Egypt worsened during 2014. In its preamble, it states:

The most significant human rights problems were excessive use of force by security forces, including unlawful killings and torture; the suppression of civil liberties, including societal and government restrictions on freedoms of expression and the press and the freedom of peaceful assembly and association; and limitations on due process in trials. Domestic and international human rights organizations reported security forces killed demonstrators and police tortured suspects at police stations,


The new law, which was passed in late November 2014 but only approved by the president in early 2015, effectively criminalises the Muslim Brotherhood.

\(^10\) [www.hrw.org/news/2015/08/19/egypt-counterterrorism-law-erodes-basic-rights](http://www.hrw.org/news/2015/08/19/egypt-counterterrorism-law-erodes-basic-rights) This is, of course, one of the laws under which Mr. Imam stands accused in the extradition demand outstanding against him. He faces charges under Articles 22 and 24 of the law.
sometimes resulting in death. The government arrested thousands of citizens engaged in antigovernment protests, including secularist and Islamist activists who violated a restrictive law on demonstrations. Limitations on due process included the use of mass trials in which evidence was not presented on an individual basis, a new law that expanded the jurisdiction of military courts to try civilians, and the increased use of pretrial detention.\textsuperscript{11}

(26) The report also points out that the police now enjoy effective impunity from prosecution, an advantage of which they appear to have made abundant use. Thus, after a demonstration on January 25, 2014 – the third anniversary of the Tahrir Revolution, at least 60 persons were killed during the demonstration and between 450 and 1,000 of those arrested were subsequently tortured. Popular unrest, however, has continued; at the start of February 2015, there were clashes between the police and the ‘ultra’ fans of Zamaleck football club during a match in which 22 persons died and, as a result, all matches were closed to fans – and football is an Egyptian obsession!

(27) The situation in 2015 was no better, according to the Department of State. In its latest report on human rights practices in Egypt, published in March 2016, it reported in the preamble that:

The most significant human rights problems were excessive use of force by security forces, deficiencies in due process, and the suppression of civil liberties. Excessive use of force included unlawful killings and torture. Due process problems included the excessive use of preventative custody and pretrial detention, the use of military courts to try civilians, and trials involving hundreds of defendants in which authorities did not present evidence on an individual basis. Civil liberties problems included societal and government restrictions on freedoms of expression and the press, as well as on the freedoms of assembly and association.

Other human rights problems included disappearances; harsh prison conditions; arbitrary arrests; a judiciary that in some cases appeared to arrive at outcomes not supported by publicly available evidence or that appeared to reflect political motivations; reports of political prisoners and detainees; restrictions on academic freedom; impunity for security forces; harassment of some civil society organizations; limits on religious freedom; official corruption; limits on civil society organizations; violence, harassment, and societal discrimination against women and girls, including female genital mutilation/cutting; child abuse; discrimination against persons with disabilities; trafficking in persons; societal discrimination against religious minorities; discrimination and arrests based on sexual orientation; discrimination against HIV-positive persons; and worker abuse, including child labor.

The government inconsistently punished or prosecuted officials who committed abuses, whether in the security services or elsewhere in government. In most cases either the government did not comprehensively investigate human rights abuses, including most incidents of violence by security forces, or investigations resulted in acquittals, contributing to an environment of impunity.\textsuperscript{12}

Disappearing, prison conditions and torture

(28) Nor is there any doubt that this situation has continued into 2016; indeed the Egyptian president himself has implicitly admitted that this is the case. In comments to an American delegation visiting Egypt, he remarked that human rights and freedoms in Egypt should not be viewed from a “Western perspective.” He went on to remark that “differences in domestic and regional conditions,” in his country made it difficult to apply the same standards and rules with respect to civil liberties. In the same week as he made these remarks, incidentally, 237 human rights protestors were arrested during a peaceful demonstration in Cairo. In reality, this has meant that, since March 2015, with the appointment of Abdel Ghaffar as interior minister, the security services have begun to forcibly abduct and ‘disappear’ individuals without official warrants in order to force false confessions which are then used to convict those subject to the procedure. This was a common practice under the Mubarak regime and, despite official denials, has now been adopted once again. According to Philip Luther of Amnesty International in London:

Enforced disappearance has become a key instrument of state policy in Egypt. Anyone who dares speak out is at risk, with counter-terrorism be used as an excuse to abduct, interrogate and torture people who challenge the authorities.

Amnesty International estimates that over 1,000 individuals suffered this process between March 2015 and April 2016. The Egyptian foreign ministry, incidentally, refused to comment directly on the Amnesty report, stating instead that Amnesty “lacks impartiality and is motivated by a political stance with a special interest in tarnishing Egypt’s image”!

(29) Nor are these criticisms confined simply to human rights organisations or non-governmental organisations which the Egyptian government considers to be generically hostile to it. At the start of July, the National Council for Human Rights in Egypt issued its eleventh annual report in which it indicated that torture within prisons had been one of the most common human rights violations in Egypt over the previous year. The significance of this report is that the National Council for Human Rights was created by a law passed in 2003 – Law 94/2003 – as an official body placed under the control of the Shura Council, Egypt’s upper parliamentary chamber. It is also supported by the UNDP and UNESCO. It cannot, in effect, be accused of bias against the Egyptian state or its institutions. In the press conference at which the report was launched on July 3, 2016, its head, Mohamed Fayek, reported that there had been at least three deaths from torture in prison throughout the previous year and twenty more deaths because of poor health conditions in prison. He also reported on 276 persons who had been forcibly ‘disappeared’ during the year.

(30) The Council had been appropriately conservative in the figures it published, cognisant, no doubt, of its official status. It is, nonetheless, striking that it should have confirmed in essence that torture does take place in detention, that people are ‘disappeared’ as


part of a procedure of security force policy and that prisoners die of medical neglect, thus highlighting the very poor conditions in Egypt’s forty prisons – which are now to be extended by the construction of ten new facilities. Other NGOs have not been so hesitant in reporting on torture in prison; the Al-Nadeem Centre for the Rehabilitation of Victims of Violence reported in January on 137 individuals killed by the security forces in prison and on a further 358 prisoners who suffered from medical ‘negligence’.  

(31) The themes of torture, ‘disappearances’ and prison conditions are also discussed at length in the annual reports of Human Rights Watch and Amnesty International for 2015.  

Thus Human Rights Watch reported that between October 2013 and August 2014, one Egyptian human rights organisation collected details of 465 alleged victims of police torture and filed 163 complaints, of which only seven cases were prosecuted. It also reported on 164 cases of enforced disappearances between April 2014 and June 2015. The organisation reported that the Interior Ministry reported that almost 12,000 people had been arrested on terrorism charges in 2015, in addition to the 22,000 persons arrested up to July 2014 – the total it believed was probably closer to the 41,000 documented cases of arrests between July 2013 and May 2014 reported by the Egyptian Center for Economic and Social Rights. Human Rights Watch also noted that the Egyptian Coordination for Rights and Freedoms had documented 47 deaths in custody between January and June 2015 and that 209 detainees had died from medical negligence since the as-Sisi presidency had begun in June 2014.

(32) Amnesty International summed up its evaluation of the human rights situation as follows:

The human rights situation continued to deteriorate. The authorities arbitrarily restricted the rights to freedom of expression, association and peaceful assembly, enacted a draconian new anti-terrorism law, and arrested and imprisoned government critics and political opposition leaders and activists, subjecting some to enforced disappearance. The security forces used excessive force against protesters, refugees, asylum-seekers and migrants. Detainees faced torture and other ill-treatment. Courts handed down hundreds of death sentences and lengthy prison sentences after grossly unfair mass trials. There was a critical lack of accountability; most human rights violations were committed with impunity.

It went on to point out that, between January 2015 and the end of September 2015, the Egyptian authorities arrested 11,877 members of alleged terrorist groups – a figure which included, it was believed, members of the Muslim Brotherhood. By the end of 2015, at least 700 people had been held in appalling conditions on remand for more than the statutory two years. Detainees, it reported, were habitually tortured in police stations and in prison, whilst detention conditions were extremely poor. Trials were

unfair and at least 3,000 people had been tried in military courts on terrorism charges. Generally, members of the security forces operated with complete impunity. It is interesting to note that the complaints about prison conditions in Egypt today exactly match those reported by Human Rights Watch after it made the first-ever inspection of Egypt’s prisons in 1993. Then it reported on “appalling conditions and practices”, on filthy accommodation and sanitary conditions, tremendous over-crowding, prolonged daily confinement, denial of medical attention and use of unauthorised violence against inmates. Little seems to have changed today.\(^\text{18}\)

(33) The current situation regarding prison conditions is summarised by the 2016 report on human rights practices in Egypt published earlier this year by the Department of State in the United States. It stated that:

Conditions in the prisons and detention centers were harsh and potentially life threatening due to overcrowding, physical abuse, inadequate medical care, poor infrastructure, and poor ventilation.

Physical Conditions: According to domestic and international nongovernmental organization (NGO) observers, prison cells were overcrowded, and prisoners lacked adequate access to medical care, proper sanitation and ventilation, food, and potable water. Tuberculosis was widespread. Provisions for temperature control and lighting generally were inadequate. Reports that guards abused prisoners including juveniles in adult facilities were common. Prison conditions for women were marginally better than those for men. Media reported that some prisoners protested conditions by going on hunger strike, including at Aqrab Prison in December.

The large number of arrests and the use of pretrial detention during the year exacerbated harsh conditions and overcrowding, contributing to the prevalence of death in prisons and detention centers. In June the National Council for Human Rights (NCHR) reported that prison populations reached 160 percent of maximum capacity and police station detention centers reached 300 percent of maximum capacity. Health care in prisons was inadequate, leading to a large number of prisoner deaths due to possibly treatable natural causes. Families of some deceased prisoners claimed that prison authorities deprived the prisoners access to potentially life-saving medical care and, in some cases, denied requests to transfer the prisoners to the hospital. Some family members and political groups claimed authorities denied prisoners access to medicine and health care, leading to deaths in prison.\(^\text{19}\)

(34) Although the judiciary is formally independent of government, the courts have enthusiastically exploited the new security legislation that has been decreed. The courts have repeatedly condemned large numbers of the Brotherhood’s leadership, including the former president, Mohamed Morsi, and rank-and-file members to death or to extremely long terms of imprisonment on flimsy or non-existent evidence, in trials involving hundreds of defendants at the same time. In three trials in 2014, up to 1,400 persons were condemned to death, often in absentia, including 250 death sentences against member of the Brotherhood, and 222 death sentences were subsequently

\(^{18}\) Middle East Watch (1993), *Prison conditions in Egypt*, Human Rights Watch (New York)

confirmed upon appeal. New death sentences were issued in 2015 and both the supreme guide of the Brotherhood, Mohamed Badie, and the former president have been included, Mr Morsi being sentenced to death along with more than 100 other defendants for a prison break in 2011 in May 2015. He had already been sentenced to twenty years in prison the previous April for the alleged arrest and torture of prisoners during his presidency. Mohamed Badie was sentenced to death along with thirteen others on March 16, 2015. In total, by the end of 2015, at least 547 death sentences had been passed for offences connected with political violence since the Morsi government had been overthrown. However, only seven death sentences were actually carried out over the same period – one for political violence and six for membership of a militant cell. Many of those tried, particularly members of the Muslim Brotherhood, were tried before military courts which handled at least 3,164 cases in the first nine months of 2015.

(35) Up to 9,000 members of the Brotherhood remain in prison on remand and up to 40,000 persons have been arrested, according to the Egyptian Organisation for Human Rights. The new government has also enacted repressive legislation against non-governmental organisations, prohibiting them from receiving funding from abroad, and against its Islamist opponents, whether violent or non-violent in nature. Demonstrations have been proscribed and the definition of terrorism has been massively expanded. Perhaps the only encouraging development in this field – and then only because of international pressure – was a presidential pardon for three al-Jazeera journalists who had been imprisoned ostensibly for aiding the Muslim Brotherhood in a spectacularly unfair series of trials in February and September 2015.

Civil liberties and discrimination

(36) Freedom of expression in Egypt was profoundly threatened in 2015 by the passage of the new terrorism law which made it an offense to report news at odds with official sources. Expressions of opinion also faced the threat of being construed as ‘defaming religion’ or ‘offending public morals’. These charges could be very serious – in April 2015, fourteen journalists were sentenced to twenty-five year jail terms for broadcasting ‘false news’. The sentences were eventually set aside by the Court of Cassation but a retrial was ordered so that the original offences may still be endorsed. Although private media outlets are permitted, the state controls the printing and distribution of the majority of publications and the press is subject to censorship. According to most reports, harassment of journalists has increased in recent years and accusations of blasphemy have increased. In fact, the Committee to Protect Journalists has claimed that in 2015, in its survey of press freedom worldwide, Egypt was found to be the world’s second largest jailer of journalists with 23 in prison.

20 Human Rights Watch (2015), Annual report 2015: Egypt, HRW (New York). HRW also criticised Egypt for blatant breaches of human rights in Sinai in September 2015, particularly over operations along the buffer zone with the Gaza Strip where a occupation-free zone, 1.5 km deep, has been cleared along the border without those having been cleared being provided with alternative housing
21 Human Rights Watch, 2016 World Report: Egypt
(37) Freedom of association faced the challenges of the 2002 law on associations (Law 84/2002) which controlled their activities and funding, with the state as the ultimate arbiter. Foreign funding, in particular, attracts official ire if it is not first declared to the authorities and approved by them. The government did threaten to bring in a new law governing non-governmental organisations in November 2014 but it has not yet put its provisions into force. By the end of 2015, the state confirmed that it had closed more than 480 non-governmental organisations because of alleged links to the Muslim Brotherhood. Although freedom of association is guaranteed by law, the state has introduced a series of prohibited activities and licences public gatherings. Failure to observe these restrictions results in security force action to suppress unlicensed gatherings. Students participating in unauthorised demonstrations on campus are expelled from the university and, on the fourth anniversary of the Tahrir Revolution on January 25, 2015; more than 500 persons were arrested for trying to commemorate the event.²⁴

(38) As far as religious freedom is concerned, although Islam is still defined as the official religion of the state in Article 2 of the constitution, non-Muslims, particularly Copts, now, in theory, enjoy full equality before the law and the blasphemy provisions originally in the constitution have been removed, although they still exist in the penal code! In theory, freedom of religion is absolute under the constitution and individuals may freely practice their religious belief.²⁵ However, public expression of atheism is not tolerated and proselytization is strictly forbidden, particularly if it is directed towards Muslims. Furthermore, in practice, the state is reluctant to take action against aggressive Muslim proselytization directed towards Christians.²⁶ In fact, such incidents are usually the subject of ‘customary reconciliation’ a process sponsored by the security services which is often used to coerce non-Muslims into compliance.²⁷ Shi’a Muslims face particular discrimination, despite the provisions of the law and the Imam Hussain mosque in Cairo was shut for several days by the Ministry of Religious Endowments in October 2015 over the Ashura festival, to prevent the dissemination of ‘Shi’a untruths’.²⁸

(39) Women continue to face discrimination under the personal status law which provides for unequal access to divorce proceedings and enjoy inadequate protection against sexual and gender-based violence. Women face the particular danger of honour crime and consequent femicide although the pervasiveness of the practice is not known with any certainty. In 1995, for example – when the last known survey occurred – there were 52 murders out of 819 murders that were honour killings – 79 per cent being perpetrated merely on suspicion of an offence having been committed and 34 per cent being carried out by a father against his daughter and 18 per cent carried out by a brother against a sister. There have been partial surveys since then; thus CWELA (the


²⁷ Human Rights Watch, World Report 2016: Egypt

Association of Legal Aid for Women), according to a report on February 26, 2012, monitored twenty daily newspapers in 2002 and 2003 in order to assess levels of violence against women.

(40) It established that three quarters of the reported attacks were by men against women, with husbands being responsible for 52 per cent of the attacks, fathers and brothers for 10 per cent each and mothers being responsible for 4 per cent. Murder was achieved in 76 per cent of the cases, attempted murder for a further 5 per cent, battering for 18 per cent and kidnapping for 3 per cent. Honour crimes were involved in 42 per cent of the cases. Honour crime is the process whereby a male violently assaults or kills a female, usually a family member, because of a perceived lack of chastity, although it can also include the killing of a man outside the family who may have had sexual relationships with a family member or a person who is an apostate. This process is not sanctioned by the legal code but it does, however, provide for leniency over “crimes of passion” under Article 17 of the Penal Code where the courts have discretion to reduce sentences in such circumstances.

(41) Unconventional sexual orientation or gender identity is not expressly forbidden under the Egyptian penal code. Thus homosexuality – male or female – is not expressly condemned as such. Instead it is treated as debauchery, as far as male homosexuals are concerned, although female homosexuality does not appear to have been subjected to the same sanction. Under law 10/1961, originally issued as law 61/1951 and directed against prostitution, debauchery can face a sentence of up to three years in prison, followed by a similar period of police supervision – which requires the offender to attend on the police station every evening to be confined at night. In religious terms, homosexuality is seen as fornication and thus subject to a had punishment as ordained in shari’a law. There have been several major cases of the arrest of groups of persons alleged to have engaged in homosexuality over the past two decades and there is also evidence that homosexuals are subjected to humiliating anal examination if caught, a process which has been adjudged as amounting to torture.

Extremism and violence

(42) During 2014 and 2015, a wave of extremist violence engulfed Egypt, particularly in Northern Sinai and in Cairo. At the end of the year, in November, the main group responsible, Ansar Bayt Maqdis, pledged allegiance to Da’ish (the Islamic State). Quite apart from attacks on security organisations and one army outposts, foreign-owned institutions have also been targeted. Thus, a French supermarket in Alexandria was bombed on March 8, 2015 with one death and six persons being injured and the Italian consulate in Cairo was attacked on July 11, 2015. The worsening situation in Sinai resulted in a major army operation in September 2015 in which 56 militants were said to have been killed in the first two days. There were similar operations in Egypt’s Western Desert, designed to prevent extremist infiltration from Libya. By error, the army managed to kill 24 Mexican tourists on a safari which had been cleared with the relevant authorities. The incident highlighted the growth in insecurity in all of Egypt’s

http://www.wikislam.neyt/wiki/Honor_Related_Violence_(Egypt)
30 HRW (2004), In a time of torture: the assault on justice in Egypt’s crackdown on homosexual conduct, New York (USA), March 1, 2004.
31 Human Rights Watch, 2016 World Report: Egypt
peripheral regions, as well as the urban violence that has become commonplace. An attempt in June 2015 to attack the archaeological site at Luxor failed, however. In the eighteen months after the overthrow of Mohamed Morsi as president, 2,600 persons were killed in official reactions to extremist violence.

(43) In June 2015, as stated above, the chief state prosecutor, Hisham Barakat, was assassinated and three civilians were killed by an improvised explosive device in Cairo and widespread attacks against military posts developed in Northern Sinai in July, followed by further bombings in Cairo and the beheading of a Croat hostage. In response, the government issued a new counter-terrorism law which was approved by the president on August 16, 2015. This creates new courts, operating in private, for the trial of the offences created under the law and proscribes journalists who question official accounts of terrorist incidents. They can now face a $25,000 fine for contradicting the official account. Leading a proscribed organisation that the authorities consider terrorist means a mandatory death sentence and encouraging terrorist offences means a ten year prison term. In effect, it gives the security forces impunity and immunity from prosecution for their activities under its provisions and joins previous legislation in December 2014 which extended responsibility for terrorist violence to include actual perpetrators and their immediate families. Four days later, a massive bomb blast destroyed the North Cairo security directorate.

(44) The violence continued throughout the last two months of 2015, now being directed against Egypt’s all-important tourist industry. At the start of November, a Russian airliner, travelling from Sharm al-Shaykh to St Petersburg, was destroyed by a bomb twenty minutes after leaving the Egyptian airport which is in a major tourist resort. Although the Egyptian authorities have not confirmed this, there are intense suspicions that a bomb was responsible for the deaths of 224 passengers and crew – there were no survivors – and that the Da’ish affiliate in Sinai was responsible, although its operations are normally confined to Northern Sinai (the movement is based amongst the Northern Sinai tribes).

(45) In early January 2016, three tourists were injured by two attackers bearing knives at a hotel resort at Hurghada, on the Red Sea. One of the assailants was killed by police and the other, seriously wounded, was arrested. Both were said to have arrive from Cairo and to have approached the resort hotel by sea. They were also said to have had firearms and Da’ish once again claimed responsibility. The day before the attack at Hurghada, gunmen in Giza fired on a tourist bus, injuring two persons and two members of the security forces were killed in the vicinity by unknown assailants. At the same time, police fired on Muslim Brotherhood supporters who threw flares at the police outside a Cairo hotel in which Israeli tourists were staying.

33 Jared Malsin, “Cairo citizens caught between ISIS violence and Sisi’s draconian security crackdowns,” The Observer (August 23, 2015)
34 Topham G., “Sinai crash: investigators start to examine Russian airliner’s black boxes,” Guardian (November 3, 2015)
36 Walsh D., “Muslim Brotherhood supporters clash with security forces outside Cairo hotel,” New York Times (January 8, 2016)
International relations

(46) The domestic violence in Egypt also has an external dimension as well. The Egyptian authorities fear the security chaos in neighbouring Libya but are loathe to become enmeshed in Libyan affairs. Thus Egypt welcomed Saudi and Gulf proposals for the creating of a Joint Arab Force to fight terrorism when it was proposed at the end of March 2015 and has participated alongside Saudi and UAE forces in the war in Yemen. Although that proposal has now lapsed, Egypt still hopes for combined Arab operations to bring the crisis in Libya to an end. It has also sought international sanction for attacks on extremist groups in Libya and, now that it occupies one of the non-permanent positions on the United Nations Security Council, can be expected to push for such authority. It has, in the meantime, been prepared to support General Khalifa Haftar, the commander of the Libyan army and also engaged in striking Islamic State sites in Cyrenaica after 21 Egyptian Copts were beheaded close to Sirt in February 2015. In protest at the Egyptian action in bombing Libya, Qatar withdrew its ambassador in Cairo immediately after the bombing.

(47) Egypt did, however, resolve its dispute with Ethiopia and Sudan about the division of the waters of the River Nile, a dispute which arose because of Ethiopia’s construction of the Great Renaissance Dam at the end of March 2015. It has also maintained its peace treaty with Israel, effectively blocking off the Gaza Strip by clearing a 1,500 metre strip of land along the common border, destroying smuggling tunnels and shooting infiltrators from amongst the 25,000 Gazitans seeking to cross legally into Egypt for medical treatment. In 2015, it closed its borders with the Gaza Strip for 339 days in 2015, on the pretext that it suspected that Hamas in Gaza was supporting extremist dissidents in Sinai.37

Economic and political developments

(48) Nonetheless, despite the multiple problems it faces in the security and economic sphere, the as-Sissi regime clearly feels confident of ultimate success, although economic observers do not share its confidence. As it announced at a major economic development conference in Sharm al-Sheikh in mid-March 2015, it has embarked on extremely ambitious development plans, involving a widening of the Suez Canal, completed in August 2015, the proposed construction of a new capital city adjacent to Cairo at a cost of $30 billion, a new conference centre at Sharm al-Sheikh and a vast new irrigated agricultural project close to Aswan.38 Although the International Monetary Fund anticipates that Egypt will face a $20 billion financing gap over the next two years and Egypt is seeking a $5.5 billion loan from it,39 Egyptian confidence is based on the discovery of a vast offshore gas field, containing 30 trillion cubic feet of gas, by ENI in August 2015 which is planned to be on-stream in two years time. This will make Egypt into a major gas exporter and will resolve its domestic energy problems.

(49) On top of that, President as-Sissi can now expect formal parliamentary government, under his control, to resume after the cabinet was changed on September 12, 2015 and parliamentary elections – delayed for two years – began in October 2015. In mid-

38 See Le Monde, October 16, 2015
39 Al-Ahram on-line, October 15, 2015
January 2016, the results of the elections were announced with party-affiliated candidates winning 237 seats, 28 seats being appointed by the president and the balance being filled by independent candidates. The Free Egypt Party won 11.7 per cent of the 40 per cent of the seats taken up by political parties, followed by the Nation’s Future Party with 9.2 per cent, the New Wafd Party with 5.8 per cent and the Nour Party with 2 per cent. The balance of 16 per cent was taken up by the other, smaller parties. The 55 million electors (28.3 per cent of the electorate) had voted in 596 new representatives, out of over 5,000 candidates in two phases, each with its own run-off elections. Amongst its first tasks was to review all legislation issued since June 2012 when its predecessor was dissolved by the Constitutional Court because of procedural irregularities.

(50) It is clear that the as-Sissi regime believes that it has now stabilised the situation after the disruptions caused by the Morsi presidency and its subsequent coup. It also believes that it will eventually be able to suppress the extremist groups in major cities and in Sinai – although this might take far longer than it anticipates. A measure of its confidence is not only the elaborate development plans it has unfurled but also the fact that it has now overturned the judgments against the previous president, Hosni Mubarak. In January 2015, the remaining judgment against him, a three-year sentence passed in May 2013 for embezzlement, was overturned. Shortly afterwards, former-President Mubarak’s son, Gamal, was also released from custody. Despite this confidence, however, the new regime in Egypt is certainly to be intensely repressive towards all those that it considers hostile to it or connected with movements that it has persecuted and banned, such as the Muslim Brotherhood. This will certainly augur ill for Mr Imam, if he is returned to Egypt.

The situation facing the Coptic community

(51) There is little doubt that the Coptic community was mightily relieved when the army coup took place in July 3, 2013, even though the immediate popular response was a dramatic increase in attacks on Copts. The army is now seen as the only bulwark against a rising tide of violence and extremism against the community because of the marginalisation of the Muslim Brotherhood. The new pope, Tawadros II, has been widely praised for having immediately endorsed the coup and for continuing to openly support the as-Sissi regime that has now been put in place. Dissidents amongst the Coptic community who fear the growing authoritarianism of the new regime and the growing isolation of Egypt’s minority communities from the majority, are frequently accused by community members of secretly working for the Brotherhood – a statement of the powerful sense of being beleaguered now explicit inside the Coptic community overall.

(52) Nonetheless, in the last third of 2013 there were 145 separate attacks on Copts and Coptic institutions and there were a further 133 incidents in 2014 and the first half of 2015. Damage to churches in the wave of attacks after the military coup in July 2013 and the subsequent suppression of Muslim Brotherhood demonstrations on August 14, 2013 was estimated at $27 million and 38 churches were destroyed and a further 23

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40 www.egyptembassy.net/media/12.16.15-Egypt-Parliamentary-Elections-Fact-Sheet.pdf
41 http://en.sectarianattacks.com
churches were damaged. In addition, 58 houses, 101 shops and three hotels were severely damaged and looted in the wave of revenge attacks mounted by Brotherhood sympathisers against Coptic institutions. Indeed, now that a military-backed government has forced the Muslim Brotherhood from power, the situation, ironically enough, for Copts has worsened as the banned and fragmented supporters of the Brotherhood have turned on the Copts as the cause of their misfortunes with the new regime.

(53) Although the wave of violence in the aftermath of the suppression of the Muslim Brotherhood in August 2013 died down in 2014 and 2015, there were still 94 separate incidents in the first six months of 2015. Despite government promises of protection, the State Department’s international religious freedom report for Egypt makes it clear that government action was either tardy or non-existent. As the report stated, “The government often failed to prevent societal violence and assaults against Christians and their property despite repeatedly stressing it was committed to protecting national unity and confronting sectarian violence.” Amongst the incidents that occurred in 2015 was an attack on the home of a congregation member who had been beheaded in Libya by supporters of Islamic State, one of 21 Copts who were killed in this manner at Sirt. The attack took place in Al-Our in Minya Province in Upper Egypt at the end of March, after the local congregation had sought to honour the dead man with a mass on the fortieth day after his murder.  

(54) In another case at the end of May 2015, the houses of Christian villagers in the village of Kafr Darwish, just south of Cairo were attacked because one Coptic villager was accused of posting cartoons of the Prophet Muhammad on Facebook, although the accused was illiterate and had no means of access to the internet! On that occasion ten houses were set alight and severely damaged and the family of the offending villager was expelled with the threat that the police would not guarantee their safety if they remained. These incidents led the Coptic bishop of Minya to complain on television in May 2015 that not only were the Egyptian authorities doing nothing to protect the Coptic community but that they were also complicit in the attacks. This also applied to police investigation of incidents involving Copts, particularly kidnappings.

(55) In reality, despite the community’s enthusiasm for the new regime and the government’s promises of improved conditions, little really seems to have changed – only 10 per cent of the churches and related property that were destroyed in 2013, for example, have been rebuilt and kidnapping rackets and extortions, particularly in Upper Egypt, have continued apace. Sectarian and terrorist violence, therefore remain the major threats facing the community. The regime has, nonetheless, gone out of its way to encourage community faith in its protection and concerns; thus, on January 7, 2015, the president himself attended Christmas celebrations in Cairo together with the Coptic

43 Maspero Youth Union figures; the State Department reported that 37 churches had been destroyed
45 http://www.jihadwatch.org/2015/06/egypt-copts-attacked-expelled-because-of-muhammad-cartoon
46 www.copticsolidarity.org/cs-releases/3657-exposed-egypts-institutionalized-persecution-of-coptic-christians
Despite such gestures, however, elements of the community, especially abroad, are beginning to lose their confidence in the regime’s ability to protect it.  

The situation facing Mr Imam

It should now be possible to draw some conclusions as to the situation that might face Mr Imam, were he to be extradited to Egypt. However, before I discuss this issue, there is another matter on which I should comment. Mr Imam stated that, during his last imprisonment, he had identified a Cambridge University research student, Giulio Regeni, amongst his fellow captives. If this is true, this would contradict the official statements by the Egyptian authorities that he had not been arrested by the security services. The basic facts are simply stated; Mr Regeni was engaged in PhD research into the trade union movements in Egypt when he disappeared on January 25, 2016, the fifth anniversary of the 2011 Tahrir Square revolution. On February 3, 2016, his body was discovered alongside a road just outside Cairo and it exhibited signs of torture and stablings.

Although the Egyptian authorities have always asserted that their forces had had nothing to do with what had happened to Mr Regeni and, in late March, claimed that they had identified a gang impersonating police officers in order to rob tourists. The gang had been eliminated in a clash with police, it was reported, and Mr Regeni’s personal effects had been found amongst the gang’s possessions, indicating that it had been responsible for his disappearance and murder. The Italian government – Mr Regeni had been an Italian national – rejected this explanation and, on April 8, 2016, withdrew its ambassador from Egypt in protest.

Just after this occurred, the Reuters news agency published a report which claimed that Mr Regeni had indeed been arrested by homeland security services close to Gamel Abdul Nasser metro station on the evening of January 25 as part of a precautionary security sweep and was subsequently transferred to the Izbakeya police station before being passed on to a National Security Office in Lazoghli Square in Cairo – the same place of detention where Mr Imam claims to have seen him. At that point Mr Regeni disappeared until his body was identified at the start of February. The Reuters report claimed to be based on six anonymous security service and police sources, although the Egyptian authorities rejected it and opened an enquiry into the activities of the Reuters correspondent in Cairo. The Reuters report, although it made no allegation as to what had happened to Mr Regeni after he had been detained in Lazoghli prison, was confirmed by an earlier report in the New York Times in February which made substantially the same accusation of security service involvement in his detention.

The point here is that Mr Imam was released from Lazoghli prison in February 2016; he was therefore in the prison at the same time as Reuters alleges that Regeni was there. That fact does give some plausibility to his claim, although I understand that the claim was only made public in June. However, irrespective of whether Mr Imam actually did

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49 “Sisi loses support of Egyptian Copts,” Middle East Monitor (September 30, 2015)
51 www.reuters.com/article/us-egypt-regeni-exclusive-idUSKCN0XI1YU
or did not see Giulio Regeni, the fact that he has claimed that he did seems likely to prejudice his situation still further, were he to be returned to Egypt. Beyond this consideration, however, it should now be possible to obtain some idea of what Mr Imam might face, were he to be extradited to Egypt. The security forces do seem to act illegally against detainees with impunity, torture does take place in police stations and in prison, the prisons provide very poor conditions of detention with considerable overcrowding which is getting worse, individuals do die in prison from both neglect and physical abuse, the courts are hardly impartial in their treatment of alleged offenders.

(60) In other words, it does seem to me that Mr Imam, whatever his culpability for the hijack he undertook to come to Cyprus, does face very clear dangers if he is returned to Egypt. He does face the real prospect of torture and a realistic prospect that his life could be in danger, either from physical abuse or from simple but deliberate neglect. If that is the case, then it seems to me, although I recognise that this is really a matter for the court, he should be entitled to protection under Article 3 of the European Convention of Human Rights and to benefit from non-refoulement in the light of Egypt’s very poor and worsening record on respect for human rights.\(^{52}\)

E.G.H. Joffé
July 20, 2016

www.echr.coe.int/Documents/Convention_ENG.pdf